

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

CALIFORNIA CODE OF REGULATIONS

TITLE 3. FOOD AND AGRICULTURE

DIVISION 5. LIVESTOCK DRUGS

CHAPTER 1. SALES OF RESTRICTED LIVESTOCK DRUGS

ARTICLE 1. DEFINITIONS

ARTICLE 2. GENERAL PROVISIONS

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PROPOSED REGULATION TEXT

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CHAPTER 1. ~~SALES OF RESTRICTED LIVESTOCK DRUGS~~

ARTICLE 1. DEFINITIONS

§5000. Definitions.

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(g) "Sell" includes offer for sale, expose for sale, possess for sale, exchange, barter, or trade and refers to in-person sales at a physical place of business, including mobile units, and all sales conducted using the internet, electronic mail, telephone, facsimile, mail order, or catalog.

Note: Authority cited: Sections 407 and 14231, Food and Agricultural Code. Reference: Sections 14203, 14205, 14281 and 14321, Food and Agricultural Code.

ARTICLE 2. GENERAL PROVISIONS

§ 5001. ~~Sales of Restricted Livestock Drugs.~~

(a) A restricted livestock drug shall only be sold at retail within or into this state by a restricted livestock drug licensee. ~~This includes:~~

~~(1) In-person sales at a physical place of business, including mobile units, and~~

~~(2) All sales conducted using the internet, electronic mail, telephone, facsimile, mail order, or catalog.~~

(b) A business located outside of the State of California that makes any retail sale of a restricted livestock drug into this state shall obtain a restricted livestock drug license prior to any such sale.

(c) A separate restricted livestock drug license is required for each place of business at which any restricted livestock drug is ~~kept for sale~~ sold, and for each mobile unit in which any such drug is ~~kept for sale~~ sold.

(d) All livestock drugs sold ~~by restricted livestock drug licensees within or into this state~~ must be registered pursuant to Section 14281 of the Food and Agricultural Code.

Note: Authority cited: Sections 407 and 14231, Food and Agricultural Code. Reference: Sections 14281, 14321 and 14326, Food and Agricultural Code.

§ 5001.1. Adulteration.

(a) A livestock drug shall be deemed to be adulterated in the following cases:

(1) It consists in whole or in part of any filthy, putrid, or decomposed substance.

(2) Its contents or container bears or contains any poisonous, deleterious, or nonnutritive substance in amounts which are injurious to the health of animals or humans when used as described or directed on the label.

(3) Its composition differs from, or quality falls below, that which it is purported or is represented to possess by its labeling or does not conform in all respects with its registration.

(4) If the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practices.

(5) If it contains an ingredient for which there is inadequate information to provide reasonable assurance of efficacy or that such ingredient does not present a significant or unreasonable risk of illness or injury.

(6) It is intended for ruminants and contains any material that contains protein derived from prohibited mammalian tissues.

Note: Authority cited: Sections 407 and 14231, Food and Agricultural Code. Reference: Sections 14285, 14288, 14290, 14294, and 14296, Food and Agricultural Code.

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ARTICLE 5. VIOLATIONS AND PENALTIES

§ 5005. Violations.

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(c) It is unlawful for any business to sell a livestock drug within or into this state that is not registered pursuant to Article 4 of Chapter 4 of Division 7 of the Food and Agricultural Code.

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(i) It is unlawful for any business to prevent the entry into and inspection of any premises where ~~restricted~~ livestock drugs are stored or sold.

(j) It is unlawful for any business to sell any ~~restricted~~ livestock drug that is outdated, damaged, misbranded or adulterated.

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Note: Authority cited: Sections 407 and 14231, Food and Agricultural Code. Reference: Sections 14321, 14326, 14327, 14328, 14329, 14351, 14354, 14356, 14357 and 14362, Food and Agricultural Code.