

TITLE 25
ANIMALS

CHAPTER 27
IDAHO COMMERCIAL FEED LAW

25-2701. TITLE. This chapter shall be known as the "Idaho Commercial Feed Law."

[(25-2701) 25-2715, added 1953, ch. 243, sec. 1, p. 366; am. and redesign. 2006, ch. 57, sec. 1, p. 168.]

25-2702. ENFORCING OFFICIAL. This chapter shall be administered by the director of the department of agriculture of the state of Idaho, hereinafter referred to as the "director."

[(25-2702) 25-2716, added 1953, ch. 243, sec. 2, p. 366; am. 1974, ch. 18, sec. 160, p. 364; am. and redesign. 2006, ch. 57, sec. 2, p. 168.]

25-2703. DEFINITIONS. When used in this chapter:

(1) The term "animal remedy" means any drug, combination of drugs, pharmaceutical, proprietary medicine, veterinary biologics, or combination of drugs and other ingredients, other than for food or cosmetic purposes, which is prepared or compounded for any animal use except man, or materials other than food intended to affect the structure or any function of the body of animals other than man. This term does not include medicated feeds.

(2) The term "brand name" means any word, name, symbol or device, or any combination thereof, identifying the commercial feed of a distributor or registrant and distinguishing it from that of others.

(3) The term "commercial feed" means all materials or combination of materials that are distributed or intended for distribution for use as feed, or for mixing in feed, for poultry and animals other than man, except:

(a) Unmixed whole seeds and physically altered entire unmixed seeds, when such whole or physically altered seeds are not chemically changed or are not adulterated within the meaning of section [25-2707](#), Idaho Code, or misbranded within the meaning of section [25-2708](#), Idaho Code.

(b) Seeds mixed and planted as such mixture, grown and harvested as one (1) crop, and processed as one (1) mixture when not adulterated within the meaning of section [25-2707](#), Idaho Code, or misbranded within the meaning of section [25-2708](#), Idaho Code.

(c) All hay, except commercially dehydrated legumes and grasses and when not adulterated within the meaning of section [25-2707](#), Idaho Code, or misbranded within the meaning of section [25-2708](#), Idaho Code.

(d) Whole or ground straw, stover, silage, cobs, husks, hulls, wet or pressed beet pulp, pea screenings and beet discard molasses when not mixed with other materials and when not adulterated within the meaning of section [25-2707](#), Idaho Code, or misbranded within the meaning of section [25-2708](#), Idaho Code.

(e) Live, whole or unprocessed animals when not adulterated within the meaning of section [25-2707](#), Idaho Code, or misbranded within the meaning of section [25-2708](#), Idaho Code.

(f) Animal remedies when not adulterated within the meaning of section [25-2707](#), Idaho Code, or misbranded within the meaning of section [25-2708](#), Idaho Code. Animal remedies for pets, specialty pets, and

equines that include ingredients from industrial hemp as defined in section [22-1703](#), Idaho Code, and as defined in section [37-2705](#) (d) (27), Idaho Code, are not considered adulterated.

(g) Individual mineral substances when not mixed with another material and when not adulterated within the meaning of section [25-2707](#), Idaho Code, or misbranded within the meaning of section [25-2708](#), Idaho Code.

(h) Certain processing byproducts or production waste, identified by the director in rule, without further processing, received by the end user directly from the food processor when not adulterated within the meaning of section [25-2707](#), Idaho Code, or misbranded within the meaning of section [25-2708](#), Idaho Code.

The director, by rule, may exempt from this definition, or from specific provisions of this chapter, commodities and individual chemical compounds or substances when such commodities, compounds or substances are not intermixed with other materials and are not adulterated according to the provisions of section [25-2707](#), Idaho Code, or misbranded within the meaning of section [25-2708](#), Idaho Code.

(4) The term "contract feeder" means a person who as an independent contractor feeds commercial feed to animals pursuant to a contract whereby such commercial feed is supplied, furnished, or otherwise provided to such person and whereby such person's remuneration is determined, all or in part, by feed consumption, mortality, profits, or amount or quality of product.

(5) The term "customer-formula feed" means commercial feed that consists of a mixture of commercial feeds and/or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser, end user or consumer. Customer-formula feed does not include commercial feeds that are used as ingredients in other commercial feed or are offered for retail or further distribution.

(6) The term "department" means the Idaho department of agriculture.

(7) The term "director" means the director of the Idaho department of agriculture or the director's authorized agent.

(8) The term "distribute" means to offer for sale, sell, exchange or barter commercial feeds in or into this state or to supply, furnish, or otherwise provide commercial feed to a contract feeder.

(9) The term "distributor" means any person who distributes.

(10) The term "drug" means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man and articles other than feed intended to affect the structure or any function of the animal body.

(11) The term "feed ingredient" means each of the constituent materials making up a commercial feed.

(12) The term "label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed or on the invoice or delivery slip with which a commercial feed is distributed.

(13) The term "labeling" means all labels and other written, printed, or graphic matter upon a commercial feed or any of its containers or wrapper or accompanying such commercial feed. This includes statements and promotion on company websites or other internet-based customer interfaces.

(14) The term "manufacture" means to grind, mix or blend, or further process a commercial feed for distribution.

(15) The term "medicated feed" means any feed that contains drug ingredients intended or presented for the cure, mitigation, treatment, or preven-

tion of disease in animals other than man or that contains drug ingredients intended to affect the structure or any function of the body of animals other than man.

(16) The term "mineral" means a naturally occurring, homogeneous inorganic solid substance, essential to the nutrition of animals, having a definite chemical composition and characteristic crystalline structure, color and hardness.

(17) The term "mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.

(18) The term "official sample" means a sample of commercial feed taken by the director or an authorized agent in accordance with the provisions of section [25-2709](#), Idaho Code.

(19) The term "percent" or "percentage" means percentage by weight.

(20) The term "person" includes an individual, partnership, corporation, firm, association and agent.

(21) The term "pet" means any domesticated animal normally maintained in or near the household(s) of the owner(s) thereof.

(22) The term "pet food" means any commercial feed prepared and distributed for consumption by dogs and cats.

(23) The term "pharmaceutical" means any product prescribed for the treatment or prevention of disease for veterinary purposes, including vaccines, synthetic and natural hormones, anesthetics, stimulants or depressants.

(24) The term "product name" means the name of the commercial feed that identifies it as to kind, class or specific use.

(25) The term "purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or reissue, gift or any other voluntary transaction creating an interest in property.

(26) The term "purchaser" means a person who takes by purchase.

(27) The term "registrant" means that person, manufacturer, guarantor, or distributor who registers a product or products according to the provisions of section [25-2704](#), Idaho Code.

(28) The term "sell" or "sale" includes exchange.

(29) The term "specialty pet" means any domesticated animal pet normally maintained in a cage or tank, such as but not limited to gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes and turtles.

(30) The term "specialty pet food" means any commercial feed prepared and distributed for consumption by specialty pets.

(31) The term "ton" means a net weight of two thousand (2,000) pounds avoirdupois.

(32) The term "veterinary biologics" means any biologic product used for veterinary purposes, including but not limited to antibiotics, antiparasiticides, growth promotants and bioculture products.

(33) Words importing the singular number may extend and be applied to several persons or things and words importing the plural may include the singular.

[(25-2703) 25-2717, added 1953, ch. 243, sec. 3, p. 366; am. 1957, ch. 100, sec. 1, p. 174; am. 1971, ch. 343, sec. 1, p. 1335; am. 1976, ch. 61, sec. 1, p. 209; am. 1987, ch. 129, sec. 1, p. 260; am. 1993, ch. 12, sec. 1, p. 39; am. and redesig. 2006, ch. 57, sec. 3, p. 168; am. 2012, ch. 89, sec. 1, p. 245; am. 2023, ch. 28, sec. 1, p. 144.]

25-2704. REGISTRATION. (1) Each commercial feed except customer-formula feed shall be registered annually by the person who manufactures or distributes feed into or within the state of Idaho before being offered for sale, sold, or otherwise distributed in or into this state. It is the responsibility of each manufacturer or distributor of a commercial feed to ensure that those commercial feeds being distributed into or within the state of Idaho are properly registered by the manufacturer or distributor prior to distribution.

(2) The application for registration shall be submitted to the director on forms furnished by the department of agriculture, and shall be accompanied by a nonrefundable fee established by the director in rule not to exceed one hundred dollars (\$100).

(3) The application for registration shall also be accompanied by a label describing the product, unless such label has not been altered since the last registration of the product. A label shall continue in effect unless it is canceled or changed by the registrant or unless canceled by the department of agriculture pursuant to subsection (7) of this section. The department may review a label at any time during the registration year, regardless of registration status, for compliance with this act. Should the department find that a label is not in compliance with this act after registration has been issued, the department may cancel registration of the product. Provided however, that no registration shall be canceled until the registrant shall have been given opportunity to amend the label within thirty (30) days of receipt of notice of intent to refuse or cancel registration in order to comply with the requirements of this chapter, or be given notice and opportunity for a hearing pursuant to the provisions of [chapter 52, title 67](#), Idaho Code.

(4) All fees paid to the department of agriculture provided for in this section shall be paid to the state treasury, and placed in the commercial feed and fertilizer fund. Upon approval by the director a copy of the registration shall be furnished to the applicant. All registrations expire on September 30 of each year. If an application for registration renewal provided for in this section is not postmarked before November 1 of any one (1) year, a penalty of ten dollars (\$10.00) per product shall be assessed and added to the original fee and shall be paid by the applicant before the renewal registration is issued.

(5) A distributor shall not be required to register any commercial feed which is already registered under the provisions of this chapter by another person provided the commercial feed is distributed in its original package or container or, if the commercial feed is distributed in bulk, the integrity of the original product is maintained and labeled with the registrant's original label or a copy of the registrant's original label.

(6) Changes in the guarantee of either chemical or ingredient composition of a commercial feed may be permitted provided satisfactory evidence is submitted showing that such changes would not result in a lowering of the feeding value of the product for the purpose for which designed.

(7) The director is empowered to refuse registration of any application not in compliance with all provisions of this chapter and to cancel any registration when it is subsequently found to be in violation of any provision of this chapter or when the director has satisfactory evidence that the registrant has used fraudulent or deceptive practices in attempted evasion of the provisions of this chapter or rules thereunder.

Provided, however, that no registration shall be refused or canceled until the registrant shall have been given opportunity to amend their application within thirty (30) days of receipt of notice of intent to refuse or cancel registration in order to comply with the requirements of this chapter or be given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act, [chapter 52, title 67](#), Idaho Code.

(8) If a product is found being offered for sale, sold, or otherwise distributed into or within Idaho prior to registration, the department is authorized to assess a penalty of twenty-five dollars (\$25.00) on each product in addition to the annual registration fee as provided in this section.

[(25-2704) 25-2718, added 1953, ch. 243, sec. 4, p. 366; am. 1955, ch. 251, sec. 1, p. 559; am. 1971, ch. 343, sec. 2, p. 1335; am. 1974, ch. 50, sec. 1, p. 1103; am. 1993, ch. 12, sec. 2, p. 40; am. and redesig. 2006, ch. 57, sec. 4, p. 171; am. 2012, ch. 89, sec. 2, p. 248.]

25-2705. LABELING. A commercial feed shall be labeled as follows:

(1) A commercial feed, except a customer-formula feed, offered for sale or sold or otherwise distributed in this state in bags, barrels, or other containers shall have placed on or affixed to the container in written or printed form, a label bearing the following information:

(a) A quantity statement specifying the net weight (may be stated parenthetically in metric units in addition to the required avoirdupois), or net volume (liquid or dry). If appropriate, unit count may be used.

(b) The product name and the brand name, if any, under which the commercial feed is distributed.

(c) The guaranteed analysis stated in such terms as the director, by rule, determines is required to advise the user of the composition of the feed or to support claims made in the labeling. In all cases the substances or elements must be determinable by laboratory methods, such as the methods published by the association of official analytical chemists.

(d) The common or usual name of each ingredient used in the manufacture of the commercial feed: provided that the director, by rule, may permit the use of a collective term for a group of ingredients which perform a similar function, or the director may exempt such commercial feeds, or any group thereof, from this requirement of an ingredient statement if the director finds that such statement is not required in the interest of consumers.

(e) The name and principal mailing address of the manufacturer or the person responsible for distributing the commercial feed.

(f) Adequate directions for use for all commercial feeds containing drugs and for such other feeds as the director may require, by rule, as necessary for their safe and effective use.

(g) Such precautionary statements as the director, by rule, determines are necessary for the safe and effective use of the commercial feed.

(2) Product sold in bulk may include the label with shipment of the commercial feed, to be provided to the consumer upon delivery.

(3) A customer-formula feed shall be accompanied by a label invoice, delivery slip, or other shipping document bearing the following information:

(a) Name and address of the manufacturer.

(b) Name and address of the purchaser.

(c) Date of delivery.

(d) The product name and net weight (may be stated parenthetically in metric units in addition to the required avoirdupois), net volume (liquid or dry) of each commercial feed and other ingredients used in the mixture.

(e) Adequate directions for use for all customer-formula feeds containing drugs and for such other feeds as the director may require, by rule, as necessary for their safe and effective use.

(f) The directions for use and precautionary statements as required by rule.

(g) If a drug-containing product is used:

(i) The purpose of the medication (claim statement).

(ii) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with rule.

[(25-2705) 25-2719, added 1953, ch. 243, sec. 5, p. 366; am. 1993, ch. 12, sec. 3, p. 42; am. and redesig. 2006, ch. 57, sec. 5, p. 172; am. 2012, ch. 89, sec. 3, p. 249.]

25-2707. ADULTERATION. No person shall distribute an adulterated commercial feed. A commercial feed shall be deemed to be adulterated:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health, but in case the substance is not an added substance, such commercial feed shall not be considered adulterated under the provisions of this subsection if the quantity of such substance in such commercial feed does not ordinarily render it injurious to health.

(2) If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance which is unsafe within the meaning of section 406 of the federal food, drug, and cosmetic act, as amended, and regulations adopted thereunder other than one which is:

(a) A pesticide chemical in or on a raw agricultural commodity; or

(b) A food additive.

(3) If it is, or it bears or contains any food additive which is unsafe within the meaning of section 409 of the federal food, drug, and cosmetic act, as amended, and regulations adopted thereunder.

(4) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 408(a) of the federal food, drug and cosmetic act, as amended, and regulations adopted thereunder; provided that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under section 408 of the federal food, drug, and cosmetic act, as amended, and regulations adopted thereunder, and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of section 408(a) of the federal food, drug, and cosmetic act, as amended, and regulations adopted thereunder.

(5) If it is, or it bears or contains any color additive which is unsafe within the meaning of section 721 of the federal food, drug and cosmetic act, as amended, and regulations adopted thereunder.

(6) If it is, or it bears or contains any new animal drug which is unsafe within the meaning of section 512 of the federal food, drug and cosmetic act, as amended, and regulations adopted thereunder.

(7) If any valuable constituent has been in whole or part omitted or abstracted therefrom or any less valuable substance substituted therefor.

(8) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

(9) If it contains added hulls, screenings, straw, cobs, or other high fiber material unless the name of each such material is clearly and prominently stated on the label.

(10) If it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing or packaging do not conform to current good manufacturing practice regulations promulgated by the director to assure that the drug meets the requirements of this chapter as to safety. In promulgating such regulations, the director shall adopt the current good manufacturing practice regulations for type A medicated articles and type B and type C medicated feeds established under authority of the federal food, drug, and cosmetic act, as amended, unless the director determines that they are not appropriate to the conditions which exist in this state.

(11) If it contains viable noxious weed seeds or other weed seeds in amounts exceeding the limits which the director shall establish by rule.

(12) If it consists, in whole or in part, of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for feed.

(13) If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

(14) If it is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter which is unsafe within the meaning of section 402(a) (1) or (2) of the federal food, drug, and cosmetic act, as amended, and regulations adopted thereunder.

(15) If its container is composed, in whole or in part, of any poisonous or deleterious substances which may render the contents injurious to health.

(16) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with the regulation or exemption in effect pursuant to section 402 of the federal food, drug, and cosmetic act, as amended, and regulations adopted thereunder.

[(25-2707) 25-2721, added 1953, ch. 243, sec. 7, p. 366; am. 1993, ch. 12, sec. 5, p. 44; am. and redesig. 2006, ch. 57, sec. 7, p. 175; am. 2012, ch. 89, sec. 5, p. 250.]

25-2708. MISBRANDING. No person shall distribute misbranded feed. A commercial feed shall be deemed to be misbranded:

(1) If its labeling or advertisements are false or misleading in any particular.

(2) If it is distributed under the name of another feed.

(3) If its container is not labeled as required in section [25-2705](#), Idaho Code, and in rules prescribed under this chapter.

(4) If it purports to be, or is represented as, a commercial feed, or if it purports to contain or is represented as containing a commercial feed

ingredient, unless such commercial feed or feed ingredient conforms to the definition, if any, prescribed by rule by the director.

(5) If any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(6) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the director determines to be, and by rules prescribes as necessary in order fully to inform purchasers as to its value for such uses.

[(25-2708) 25-2722, added 1953, ch. 243, sec. 8, p. 366; am. 1993, ch. 12, sec. 6, p. 45; am. and redesig. 2006, ch. 57, sec. 8, p. 176.]

25-2709. INSPECTION, SAMPLING, ANALYSIS. (1) For the purpose of enforcement of this chapter, and in order to determine whether its provisions have been complied with, including whether or not any operations may be subject to such provisions, officers or employees duly designated by the director upon presenting appropriate credentials, to the owner, operator, or agent in charge, are authorized:

(a) To enter, during normal business hours, any factory, warehouse, or establishment within the state in which commercial feeds are manufactured, processed, packed, or held for distribution, or to enter any vehicle being used to transport or hold such feeds, and

(b) To inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein.

The inspection may include the verification of only such records, and production and control procedures as may be necessary to determine compliance with the good manufacturing practice regulations established under the provisions of this chapter. Each inspection shall be commenced and completed with reasonable promptness. Upon completion of the inspection, the person in charge of the facility or vehicle shall be so notified.

(2) A separate notice shall be given for each inspection, but a notice shall not be required for each entry made during the period covered by the inspection.

(3) If the office or employee making inspection of a factory, warehouse or other establishment has obtained a sample or samples in the course of the inspection, upon completion of the inspection and prior to leaving the premises, the inspector/sampler shall give to the owner, operator or agent in charge a receipt describing any sample or samples obtained.

(4) Sampling and analysis shall be conducted in accordance with methods published by the association of official analytical chemists, or in accordance with other generally recognized methods.

(5) The director, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided by the official sample as defined in subsection (18) of section [25-2703](#), Idaho Code, and obtained and analyzed as provided for in this section.

(6) If the owner of any factory, warehouse, or establishment described in subsection (1) of this section, or authorized agent, refuses to admit the

director or an authorized agent to inspect in accordance with subsections (1) and (7) of this section, the director is authorized to obtain from any state court of competent jurisdiction a warrant directing such owner or agent to submit the premises described in such warrant to inspection.

(7) For the enforcement of this chapter, the director or a duly authorized agent is authorized to enter upon any public or private premises including any vehicle of transport during regular business hours to have access to, and to obtain samples, and to examine and make copies of records relating to distribution of commercial feeds.

(8) The results of all analyses of official samples shall be forwarded by the director to the registrant and to the purchaser. When the inspection and analysis of an official sample indicate a commercial feed has been adulterated or misbranded and upon request by the registrant or purchaser within thirty (30) days following the receipt of the analysis the director shall furnish to the registrant a portion of the sample concerned.

[(25-2709) 25-2723, added 1953, ch. 243, sec. 9, p. 366; am. 1974, ch. 18, sec. 163, p. 364; am. 1993, ch. 12, sec. 7, p. 46; am. and redesig. 2006, ch. 57, sec. 9, p. 177; am. 2012, ch. 89, sec. 6, p. 251.]

25-2710. RULES, STANDARDS, DEFINITIONS. The director is hereby charged with the enforcement of this chapter, and after due publicity and due public hearing is empowered to promulgate and adopt such reasonable rules as may be necessary to carry into effect the full intent and meaning of this chapter, including the establishment of fees for services. The director is hereby empowered to adopt rules establishing definitions for commercial feeds and such other rules as may be necessary for the enforcement of any provision of this chapter.

[(25-2710) 25-2724, added 1953, ch. 243, sec. 10, p. 366; am. 1974, ch. 18, sec. 164, p. 364; am. and redesig. 2006, ch. 57, sec. 10, p. 178.]

25-2711. "STOP SALE, USE, OR REMOVAL" ORDERS. (1) In the event the department finds that commercial feed is being offered for sale in violation of this chapter or rules promulgated under this chapter, the department may issue and enforce a written or printed "stop sale, use, or removal" order to the distributor, owner or custodian of the commercial feed and hold the commercial feed, or order it held, at a designated place until the law has been complied with and the commercial feed is released in writing by the department, or the violation has been otherwise legally disposed of by written authority. Unless the department grants a written extension, the owner or custodian of any commercial feed that has been issued a "stop sale, use, or removal" order shall remedy the violation within thirty (30) days. The department shall release the commercial feed so withdrawn when the requirements of this chapter have been complied with and all costs and expenses incurred in connection with the withdrawal have been paid.

(2) Any lot of commercial feed not in compliance with the provisions of this chapter, or rules promulgated under this chapter, shall be subject to seizure on complaint of the director to a court of competent jurisdiction in the area in which said commercial feed is located. In the event the court finds the said commercial feed to be in violation of the provisions of this chapter and orders the condemnation of said commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the state: provided, that in no instance shall the disposi-

tion of said commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial feed or for permission to process or relabel said commercial feed to bring it into compliance with the provisions of this chapter.

[(25-2711) 25-2725, added 1953, ch. 243, sec. 11, p. 366; am. 1974, ch. 18, sec. 165, p. 364; am. 1993, ch. 12, sec. 8, p. 47; am. and redesign. 2006, ch. 57, sec. 11, p. 178.]

25-2712. PROHIBITED ACTS. Acts including, but not limited to, the following acts and the causing thereof within the state of Idaho are hereby prohibited:

- (1) The manufacture or distribution of any commercial feed that is adulterated or misbranded.
- (2) The adulteration or misbranding of any commercial feed.
- (3) The distribution of agricultural commodities such as whole seed, hay, straw, stover, silage, cobs, husks, and hulls which are adulterated within the meaning of section [25-2707](#), Idaho Code.
- (4) The failure or refusal to register products in accordance with the provisions of section [25-2704](#), Idaho Code.
- (5) The failure to label products in accordance with the provisions of section [25-2705](#), Idaho Code.
- (6) The failure to pay inspection fees and file reports as required by section [25-2706](#), Idaho Code.
- (7) The reuse of bags or totes used for commercial feeds, including customer formula feeds, that are not appropriately cleaned. A person that intends to reuse bags or totes must document their cleanout procedures.
- (8) The removal or disposal of a commercial feed in violation of an order under section [25-2711](#), Idaho Code.

[25-2712, added 2006, ch. 57, sec. 12, p. 179.]

25-2713. PENALTIES FOR VIOLATIONS. (1) Any person convicted of violating any of the provisions of this chapter, or the rules promulgated under this chapter, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent said director or a duly authorized agent in performance of their duty in connection with the provisions of this chapter, shall be adjudged guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500) for the first violation, and not more than one thousand five hundred dollars (\$1,500) for a subsequent violation. In all prosecutions under the provisions of this chapter involving the composition of a lot of commercial feed, a certified copy of the official analysis signed by the director shall be accepted as prima facie evidence of the composition.

(2) Any person who violates or fails to comply with any of the provisions of this chapter or any rules promulgated under this chapter may be assessed a civil penalty by the department or its duly authorized agent of not more than ten thousand dollars (\$10,000) for each offense and shall be liable for reasonable attorney's fees. Assessment of a civil penalty may be made in conjunction with any other department administrative action. No civil penalty may be assessed unless the person charged was given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act, [chapter 52, title 67](#), Idaho Code. If the director is unable to collect such penalty or if any person fails to pay all or a set portion of the civil penalty as determined by the department, it may recover such amount by action

in the appropriate district court. Any person against whom the director has assessed a civil penalty under the provisions of this section may, within thirty (30) days of the final action by the agency making the assessment, appeal the assessment to the district court of the county in which the violation is alleged by the department to have occurred. Moneys collected for violation of a rule shall be remitted to the feed and fertilizer account.

(3) Nothing in this chapter shall be construed as requiring the director or a duly authorized representative to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the chapter when the director believes that the public interest will be best served by a suitable notice of warning in writing.

(4) It shall be the duty of each prosecuting attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the director reports a violation for such prosecution, an opportunity shall be given the distributor to present his view to the director.

(5) The director is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rules promulgated under this chapter notwithstanding the existence of other remedies at law. Said injunction to be issued without bond.

[(25-2713) 25-2726, added 1953, ch. 243, sec. 12, p. 366; am. 1974, ch. 18, sec. 166, p. 364; am. 1993, ch. 12, sec. 9, p. 48; am. and redesign. 2006, ch. 57, sec. 13, p. 179.]

25-2714. PUBLICATIONS. The director shall publish at least annually, in such forms as he may deem proper, information concerning the sales of commercial feeds, together with such data on their production and use as he may consider advisable, and a report of the results of the analyses of official samples of commercial feeds sold within the state as compared with the analyses guaranteed in the registration and on the label; provided, however, that the information concerning production and use of commercial feeds shall not disclose the operations of any person and the information shall be subject to disclosure according to [chapter 1, title 74](#), Idaho Code.

[(25-2714) 25-2727, added 1953, ch. 243, sec. 13, p. 366; am. 1974, ch. 18, sec. 167, p. 364; am. 1990, ch. 213, sec. 20, p. 502; am. and redesign. 2006, ch. 57, sec. 14, p. 180; am. 2015, ch. 141, sec. 39, p. 412.]

25-2715. COOPERATION WITH OTHER ENTITIES. The director may cooperate with and enter into agreements with governmental agencies of this state, other states, agencies of the federal government, private associations, and commercial feed manufacturers in order to carry out the purpose and provisions of this chapter.

[(25-2715) 25-2728, added 1993, ch. 12, sec. 10, p. 49; am. and redesign. 2006, ch. 57, sec. 15, p. 181.]

25-2716. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason,

such declaration shall not affect the validity of the remaining portions of this act.

[25-2716, added 2006, ch. 57, sec. 16, p. 181.]

25-2717. USE OF FUNDS RECEIVED. All moneys received by the director from the enforcement of this chapter including, but not limited to, registration of feeds or feed ingredients, inspection fees and moneys collected for violation(s) of this chapter or rules promulgated under this chapter, shall be paid into the state treasury and placed in the "commercial feed and fertilizer fund." Moneys in the commercial feed and fertilizer fund are continuously appropriated for the purposes of carrying out the provisions of this chapter.

[25-2717, added 2006, ch. 57, sec. 17, p. 181.]