



SUIP 27 Chews and Bones (ATTACHMENT C)

Pet Food Committee Recommendation:

The PFC agrees with both of the recommendations made by the workgroup and advocates that the MBRC do likewise.

Background

The SUIP 27 Workgroup was charged with considering the possible inclusion of SUIP 27 into Model Bill Pet Food Regulations as PF12(d).

Discussion

After discussion and gathering information from states (see survey results below), the workgroup recommends the policy regarding chews, bones and toys to remain in the Statements for Uniformity Interpretation and Policy section due to the nature of its flexibility to be adopted as policy.

Additionally, we recommend the data captured in the survey also be retained in the record (see attachment) and stay with SUIP 27 due to the variety of ways this SUIP is used. It is also recommended per comments from the survey that SUIP 27 be updated to address (where possible) issues and concerns. We recommend that the PFC send this back to Model Bills and Regulations Committee for that consideration.

Workgroup Recommendations:

1. The Workgroup recommends the policy regarding chews, bones and toys to remain in the Statements for Uniformity Interpretation and Policy (SUIP) section due to the nature of its flexibility to be adopted as policy, and; due to the variety of ways this SUIP is reported to be used, that the data captured in the survey also be retained in the record and stay with SUIP 27; and recommends the MBRC consider likewise.
2. Based upon comments captured as part of the survey conducted by the SUIP 27 Workgroup, the workgroup recommends that SUIP 27 be reviewed to address issues and concerns and, subsequently, updated where possible to address such; and asks that the MBRC consider likewise.



AAFCO

Association of American Feed Control Officials

Please select your state:	1. Does your state adopt by reference to the Official Publication (OP) (e.g., when changes are made to model regulation does this automatically take effect in your state)?	2. Does your state require product registration of chews, bones and toys for pet and specialty pets?	3. Does your state allow the exemptions from registration per SUIP 27 (chews, bones and toys for pet and specialty pets)?	4. Does your state require label submission of such products?	5. Which do you reference?	6. If your state has its own policy how does it differ from the SUIP?	7. Are there issues applying the policy, if so please explain?
North Carolina	No	No	Yes	No	SUIP 27		Our only issue is that our law does not allow for an exemption from registration, only an exemption from the definition of a "Commercial Feed". With that said, we still do the exemption and have received no complaints, but our legal counsel has advised us that we are not in compliance with our own law.
Idaho	No	No	Yes	Yes	State Policy	The SUIP was codified as a stand alone rule so any language changes to the SUIP would put it at odds with Idaho law. Whether it is kept as a SUIP or added to the model bill would make no difference.	
Pennsylvania	No	No	Yes	No	State Policy	Our policy agrees with SUIP27, except we would require man-made items (i.e. No-Hide Chews or other products manufactured from combining food ingredients) to contain a guaranteed analysis and the firm be licensed. Only products made from natural parts of an animal we would exempt. We also exempt plastic/rubber chew toys. This policy is not written anywhere, it's just something that we do.	
Pennsylvania	No	No	Yes	No	SUIP 27		No issues

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Massachusetts	Yes	No	Yes	Yes	Neither	Registration of chews, bones or toys depends. If said products have a ga or a flavor, or provide any nutrition, I would require registration and labels. If it is strictly a chew or toy that the pet just gnaws on, then it would be exempt.	
Wisconsin	No	No	Yes	No	Neither	Technically the exemption is in our state law. Exact language from rule, Wisconsin Administrative Code ATCP 42.28(2)(b): Exemption. Subsection (1) [labeling] does not apply to any of the following:...Pet chews, bones, toys, or exercisers made of rawhide, wood, or man-made material, whether flavored or unflavored, unless the manufacturer or distributor claims that the product is intended for use as a dog or cat food or that it provides anything of nutritional value to a dog or cat. Essentially, chews, bones, etc. are explicitly exempt from LABELING, but not licensing and tonnage (if you read the law literally). That said, if a firm is solely in the business of chews, they are not required to be licensed because chews are not intended for nutritive purpose, therefore those items are not considered commercial feed. If adulterated, Wisconsin would have jurisdiction to investigate, as adulteration law is broader.	n/a
Iowa	Yes	Yes	Yes	Yes	Both		

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North Dakota	No	No	Yes	No	Both		The only issue we have encountered is companies trying to expand the exemption to include multi ingredient products or products not referenced in SUIP #27.
Virginia	No	No	Yes	Yes	Both	Our Law states, "The Commissioner may adopt as a regulation:" thus we do not automatically change our policies if this is included in the model bill. However, we almost always follow AAFCO standards.	Currently, we follow SUIP 27, so it would not be a problem. As long as there are no nutritional claims we exempt the product from registration.
New York	No	No	Yes	Yes	SUIP 27		
South Carolina	No	No	Yes	No	SUIP 27		
New Hampshire	No	No	Yes	No	SUIP 27		At times, there are some products that fall in a gray area. Some companies feel that any "single ingredient" product is exempt for feed regulations. There are some "single ingredient" products that been processed and will be consumed by the dog, therefore could fall under the definition of feed. One example, fish skins that are smoked and 100% edible. Thanks!
Missouri	No	Yes	Yes	No	State Policy	Missouri uses the SUIP exactly as written as our policy (not written into our Law) for Chews Bones and Toys.	We have no provisions in our Law for adoption of anything from AAFCO other than feed terms and ingredient definitions. Our Law automatically adopts CFR unless the director proclaims otherwise.

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Texas	No	No	Yes	No	SUIP 27		
Washington	Yes	Yes	Yes	Yes	State Policy	N/A	The main issues that come up is the companies being unaware that if there is any indication of nutritional intention on the products labeling or website information, that it is no longer exempt. They communicate that they were unaware that "highly digestible" or "Great source of protein" takes away it's exemption, along with items like a Guaranteed Analysis and Calorie Content Statements.
Utah	Yes	No	Yes	No	SUIP 27		
Kansas	Yes	No	Yes	No	SUIP 27		
Kentucky	No	No	Yes	No	State Policy		
Minnesota	No	No	Yes	No	State Policy		There are issues identifying when a product meets the exemption or not. MN has chosen to treat the list identified in the SUIP as an exclusive list, but products frequently come up that that could easily be considered a chew (trachea, feet, tails, etc.) but aren't called out by name in the exemption. It would be helpful to have the language expanded to include more or say it is not limited to those particular products. If the intention IS to limit it to those products, that should be stated explicitly.

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Colorado	No	Yes	No	Yes	State Policy	Colorado registers chews. Chews do not need to have a GA. CO does not register bones or toys.	
Louisiana	No	Yes	No	Yes	Neither	According to Louisiana statute, "Commercial feed means all materials...which are distributed for use as pet food or as feed for livestock..." The British dictionary defines food as "any substance containing nutrients (i.e. protein, fat, fiber) that can be ingested by a living organism and metabolized into energy and body tissue". Therefore, this department registers all materials that contain protein, fat, fiber, minerals, etc. regardless of its intended use as a recreational aid. However, this department exercises regulatory discretion when it comes to the GA label requirements on these items.	