

118TH CONGRESS
2D SESSION

H. R. 7380

To amend the Federal Food, Drug, and Cosmetic Act to clarify and update the authority of the Food and Drug Administration to ensure national uniformity in the regulation of the marketing and labeling of companion animal pet food, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2024

Mr. LATURNER (for himself, Mr. CUELLAR, Mr. WOMACK, Ms. DAVIDS of Kansas, and Mr. HARDER of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to clarify and update the authority of the Food and Drug Administration to ensure national uniformity in the regulation of the marketing and labeling of companion animal pet food, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Pet Food Uniform Regulatory Reform Act of 2024” or
6 the “PURR Act of 2024”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Pet food regulation.
Sec. 4. Responsibilities.
Sec. 5. Regulations.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

5 (1) The pet food industry is a growing sector
6 in the United States. Pet food exports have in-
7 creased by double digits over the last few years.

8 (2) United States pet food manufacturers con-
9 tribute to the national economy by buying nearly
10 \$7,000,000,000 worth of agricultural products from
11 farmers, ranchers, and farm-product processors
12 every year.

13 (3) Pet ownership has consistently grown in the
14 United States, resulting in an increase in pet food
15 sales and an accompanying increase in the interest
16 by pet owners in how their companion animals' food
17 is regulated and produced.

18 (4) Historically, pet food and livestock feed
19 have been regulated under the same framework.
20 However, as pet owners' relationships with their pets
21 have changed, so too has their understanding of
22 pets' nutritional needs and preferences. Pet food is
23 specifically formulated to ensure complete nutrition

1 for the long and healthy lives of companion animals.
2 Owning a companion animal provides profound men-
3 tal, social, and physical health benefits for pet own-
4 ers such as reduced blood pressure and stress levels,
5 and research indicates that companion animals can
6 play a role in managing depression. Before the en-
7 actment of this Act, the regulatory framework that
8 was originally created for livestock feed no longer
9 met the needs of pets or their owners.

10 (5) Before the enactment of this Act, the regu-
11 latory framework governing pet food manufacture
12 and sale, from ingredient approvals to labeling re-
13 quirements, was multifaceted and wildly incon-
14 sistent. Regulatory regimes varied by State, were de-
15 veloped in part by a combination of nongovern-
16 mental entities and State government agencies, and
17 were overseen by the Food and Drug Administra-
18 tion's Center for Veterinary Medicine.

19 (6) Creating a more streamlined Federal regu-
20 latory process for new pet food ingredients allows for
21 expedited advances for nutrition, greater innovation,
22 and more functionality in a more predictable regu-
23 latory environment.

24 (7) Replacing the patchwork of regulation of
25 pet food with a uniform Federal regulatory frame-

1 work improves marketplace certainty, allows for
2 more consistent and predictable ingredient review
3 and market introductions, and enhances companion
4 animal nutrition.

5 (8) The nationwide availability of nutritious,
6 safe, and affordable pet food is substantially im-
7 proved through a unified comprehensive Federal sys-
8 tem of oversight of the manufacture and sale of pet
9 food.

10 (9) The manufacture of pet food and its mar-
11 keting and sale is undertaken throughout the United
12 States and its territories and is interstate commerce.

13 **SEC. 3. PET FOOD REGULATION.**

14 Chapter IV of the Federal Food, Drug, and Cosmetic
15 Act (21 U.S.C. 341 et seq.) is amended by adding at the
16 end the following:

17 **“SEC. 425. PET FOOD.**

18 “(a) DEFINITIONS.—In this section:

19 “(1) The term ‘companion animal’ means a do-
20 mesticated canine or feline.

21 “(2) The terms ‘generally recognized as safe’
22 and ‘GRAS’ mean generally recognized as safe under
23 section 201(s).

24 “(3) The term ‘pet food’ means any food manu-
25 factured and distributed for consumption by com-

1 panion animals, including treats, nutritional supple-
2 ments, and pet food ingredients.

3 “(4) The term ‘pet food ingredient’ means an
4 ingredient intended for use in pet food.

5 “(5) The term ‘pet food ingredient submission’
6 means a submission to the Food and Drug Adminis-
7 tration for a pet food ingredient that is a petition
8 under section 409 for any food additive, a petition
9 under section 721 for a color additive, or a GRAS
10 ingredient notification under subpart E of part 570
11 of subchapter E of chapter I of title 21, Code of
12 Federal Regulations (or successor regulations).

13 “(b) PREEMPTION.—No State or a political subdivi-
14 sion of a State may directly or indirectly establish, main-
15 tain, implement, or enforce any authority or requirement
16 relating to the marketing or labeling of pet food.

17 “(c) GRAS INGREDIENTS.—

18 “(1) INGREDIENTS DEEMED GRAS.—Ingredi-
19 ents that are intended for use in pet food, and are
20 not specifically authorized for such use by the Food
21 and Drug Administration as a food additive, a color
22 additive, or otherwise as of the date of enactment of
23 the PURR Act of 2024, are deemed to be GRAS
24 if—

1 “(A) such ingredients are identified as ac-
2 ceptable for use in pet food in chapter 6 of the
3 2024 edition of the ‘AAFCO Official Publica-
4 tion’ (or any subsequent amendments thereto or
5 editions thereof); and

6 “(B) there is no finding by the Food and
7 Drug Administration that such ingredients are
8 not GRAS.

9 “(2) VOLUNTARY NOTIFICATION.—A pet food
10 manufacturer is not required to notify the Food and
11 Drug Administration of GRAS ingredients used in
12 pet food, but may voluntarily notify the Food and
13 Drug Administration of such GRAS ingredients that
14 have not previously been recognized by the Food and
15 Drug Administration as GRAS for use in pet food.

16 “(d) TIMELY REVIEW.—Not later than 90 days after
17 receipt of a pet food ingredient submission, the Secretary
18 shall review such submission and issue an action letter
19 that—

20 “(1) approves such submission or, in the case
21 of a GRAS ingredient notification, does not object to
22 use; or

23 “(2) sets forth—

24 “(A) the specific deficiencies in such sub-
25 mission; and

1 “(B) where appropriate, the actions nec-
2 essary—

3 “(i) for such submission to be ap-
4 proved; or

5 “(ii) in the case of a GRAS ingredient
6 notification, to resolve any concerns of the
7 Secretary.

8 “(e) INGREDIENTS SOMETIMES PRESENT.—

9 “(1) IN GENERAL.—Pet food shall not be treat-
10 ed as misbranded by reason of stating in the pet
11 food ingredient list on the product label that an in-
12 gredient of a type described in paragraph (2) is
13 sometimes, but not always, present in the pet food.

14 “(2) TYPES OF INGREDIENTS.—Paragraph (1)
15 applies with respect to the following types of ingredi-
16 ents:

17 “(A) Fat or oil ingredients.

18 “(B) Flavor ingredients.

19 “(C) Grain ingredients (including grain
20 protein ingredients).

21 “(3) LANGUAGE TO BE USED.—For an ingre-
22 dient in pet food to be labeled as sometimes present
23 for purposes of paragraph (1), such ingredient shall
24 be identified by—

1 “(A) words such as ‘or’, ‘and/or’, or ‘con-
2 tains one or more of the following:’; or

3 “(B) other words indicating that the ingre-
4 dient may not be present.

5 “(f) ORDER OF INGREDIENT LISTING.—

6 “(1) IN GENERAL.—Pet food shall be treated as
7 misbranded unless the ingredients required to be de-
8 clared on the labeling of a pet food are listed by
9 common or usual name in descending order of pre-
10 dominance by weight.

11 “(2) EXCEPTION.—If an ingredient in pet food
12 is present in amounts of 2 percent or less by weight,
13 then instead of identifying the ingredient in the
14 order required by paragraph (1), the ingredient may
15 be placed at the end of the pet food ingredient list
16 following an appropriate quantifying statement, such
17 as ‘Contains ____ percent or less of _____’,
18 or ‘Less than ____ percent of _____’, with
19 the blank percentage filled in with a threshold level
20 of 2 percent, or, if desired, 1.5 percent, 1.0 percent,
21 or 0.5 percent, as applicable.

22 “(g) PERMISSIBLE MARKETING CLAIMS.—Pet food
23 shall not be treated as misbranded by reason of the fol-
24 lowing claims in labeling and promotional materials for pet
25 food, without premarket approval of such claims by the

1 Food and Drug Administration, if truthful, nonmis-
2 leading, and adequately substantiated:

3 “(1) Claims regarding hairball control.

4 “(2) Claims regarding tartar control, plaque re-
5 moval, and bad breath odor.

6 “(3) Claims regarding the ability of pet food to
7 support general urinary tract health.

8 “(4) ‘Human grade’ claims for finished pet food
9 (not for individual ingredients) if made under the
10 following circumstances:

11 “(A) Every ingredient in the pet food and
12 the finished product is—

13 “(i) stored, handled, processed, and
14 transported in accordance with—

15 “(I) section 117 of title 21, Code
16 of Federal Regulations (or successor
17 regulations); and

18 “(II) the laws applicable to food
19 for human consumption, including
20 such laws relating to ingredients,
21 process, or facility type; and

22 “(ii) manufactured in accordance with
23 section 507 of title 21, Code of Federal
24 Regulations (or successor regulations).

1 “(B) Each facility that manufactures the
2 finished pet food or an ingredient in the fin-
3 ished pet food is registered pursuant to section
4 415 as a human food facility.

5 “(C) The ‘human grade’ claims clearly in-
6 dicate that the food is pet food, such as by stat-
7 ing ‘dog food’ or ‘cat treats’.

8 “(5) ‘Natural’ claims if made under the fol-
9 lowing circumstances.

10 “(A) Subject to subparagraph (C), the
11 term ‘natural’ refers to a food or ingredient de-
12 rived solely from plant, animal, or mined
13 sources—

14 “(i) in its unprocessed state; or

15 “(ii) having been subject to physical
16 processing, heat processing, rendering, pu-
17 rification, extraction, hydrolysis,
18 enzymolysis, or fermentation, but not hav-
19 ing been produced by or subject to a
20 chemically synthetic process and not con-
21 taining any additives or processing aids
22 that are chemically synthetic except in
23 amounts as might occur unavoidably in
24 good manufacturing practices.

1 “(B) The term ‘natural’ is only used to
2 reference the product as a whole when all of the
3 ingredients and components of ingredients meet
4 the description in subparagraph (A).

5 “(C) If the food or ingredient contains
6 chemically synthesized vitamins, minerals, or
7 other trace nutrients used as ingredients in pet
8 food, a disclaimer—

9 “(i) identifies these ingredients;

10 “(ii) is juxtaposed with the term ‘nat-
11 ural’; and

12 “(iii) appears with the largest or most
13 prominent use of the term ‘natural’ on
14 each panel of the label on which the term
15 appears, in the same style and color print
16 and at least one-half the size of the term
17 natural.

18 “(D) A disclaimer under subparagraph (C)
19 is not required when the term ‘natural’ is used
20 in reference to one ingredient and is not refer-
21 ring to the whole product.

22 “(h) GUIDANCE ON CERTAIN TOPICS.—

23 “(1) IN GENERAL.—The Secretary shall issue
24 guidance with respect to pet food addressing each of
25 the following topics:

1 “(A) Methods for substantiating nutri-
2 tional adequacy of pet foods.

3 “(B) Pet food metabolizable energy proto-
4 cols.

5 “(C) Affidavits for pet food testing pro-
6 tocol completion.

7 “(D) Data to support a calorie content
8 claim.

9 “(E) Analytical variations (Avs).

10 “(F) Recommendations for use of mena-
11 dione sodium bisulfite complex (MSBC) in ani-
12 mal feed.

13 “(2) INITIAL GUIDANCE.—

14 “(A) TIMING.—Not later than 18 months
15 after the date of enactment of the PURR Act
16 of 2024, the Secretary shall issue initial guid-
17 ance under this subsection.

18 “(B) BASIS.—The initial guidance under
19 subparagraph (A) shall be based on the guid-
20 ance contained in the 2024 edition of the
21 ‘AAFCO Official Publication’.”.

22 **SEC. 4. RESPONSIBILITIES.**

23 Title X of the Federal Food, Drug, and Cosmetic Act
24 (21 U.S.C. 391 et seq.) is amended by adding at the end
25 the following:

1 **“SEC. 1015. RESPONSIBILITIES FOR PET FOOD REGULA-**
2 **TION.**

3 “(a) DELEGATION OF RESPONSIBILITY.—The Sec-
4 retary shall delegate to the Director of the Center for Vet-
5 erinary Medicine responsibility for carrying out section
6 425 and, as appropriate, other responsibilities and au-
7 thorities of the Food and Drug Administration with re-
8 spect to pet food.

9 “(b) DUTIES.—The responsibilities of the Director of
10 the Center for Veterinary Medicine shall include—

11 “(1) conducting and coordinating science-based
12 reviews of pet food ingredient submissions;

13 “(2) submitting an annual report to the Con-
14 gress on performance metrics, including performance
15 on—

16 “(A) the review of submissions and
17 issuance of action letters under section 425(d);

18 “(B) the issuance of initial guidance under
19 section 425(h) and any subsequent revisions to
20 such guidance; and

21 “(C) the proposal and finalization of initial
22 regulations under section 5 of the PURR Act of
23 2024 and any subsequent revisions to such reg-
24 ulations;

25 “(3) educating pet owners, veterinarians, and
26 the companion animal industry about pet food;

1 “(4) communicating and educating consumers
2 on the safety of pet food; and

3 “(5) carrying out research to support and im-
4 prove policies and regulatory decisions regarding pet
5 food.

6 “(c) DEFINITIONS.—In this section, the terms ‘com-
7 panion animal’, ‘pet food’, and ‘pet food ingredient sub-
8 mission’ have the meanings given to those terms in section
9 425.”.

10 **SEC. 5. REGULATIONS.**

11 (a) IN GENERAL.—The Secretary of Health and
12 Human Services, acting through the Commissioner of
13 Food and Drugs, shall—

14 (1) not later than one year after the date of en-
15 actment of this Act, issue proposed regulations to
16 implement the amendments made by this Act; and

17 (2) not later than two years after the date of
18 enactment of this Act, finalize such regulations.

19 (b) CONTENTS.—The initial regulations promulgated
20 to implement the amendments made by this Act shall in-
21 clude PF 1 through PF 12 of the “Model Regulations for
22 Pet Food and Specialty Pet Food Under the Model Bill”
23 in chapter 4 of the 2024 edition of the “AAFCO Official
24 Publication”.

○