

## CHAPTER 107

## S.B. No. 231

An Act relating to the application of commercial feed laws to and definition of certain cotton plant by-products; amending the Agriculture Code, as amended, by amending Section 141.001 and Subsection (c), Section 141.002.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Section 141.001, Agriculture Code, as amended, is amended to read as follows:  
 "Section 141.001. **DEFINITIONS.** In this chapter:

"(1) 'Animal' means an animate being that is not human and has the power of voluntary action.

"(2) 'Board' means the board of regents of The Texas A&M University System.

"(3) 'Brand' means the term, design, or trademark or other specific designation under which a commercial feed is distributed in this state.

"(4) 'Bulk' means any lot of commercial feed that is not in a closed container at the time it passes to the possession of the consumer and includes that feed at any stage of distribution.

"(5) 'Container' means a bag, box, barrel, bottle, package, carton, object, apparatus, device, or appliance in which commercial feed is packed, stored, or placed for handling, transporting, or distributing.

"(6) 'Cotton plant by-products' means the residue from the ginning of cotton.

"(7) 'Customer-formula feed' means a mixture of commercial feed or feed material all or part of which is furnished by the person who processes, mixes, mills, or otherwise prepares the mixture and which is mixed according to the specific instructions of the purchaser. The term includes a special formula feed or a made-to-order feed.

"(8) [(7)] 'Director' means the director of the Texas Agricultural Experiment Station.

"(9) [(8)] 'Distribute' means sell, offer for sale, barter, exchange, or otherwise supply.

"(10) [(9)] 'Ingredient' means a constituent material of commercial feed.

"(11) [(10)] 'Label' means a display of written, printed, or graphic matter on or affixed to a container or on an invoice or delivery slip.

"(12) [(11)] 'Official sample' means a sample of feed taken by the service and designated as official by the service.

"(13) [(12)] 'Purchaser' means a person who buys or otherwise acquires a commercial feed, customer-formula feed, or custom-mix or custom-mill service.

"(14) [(13)] 'Registrant' means a person who registers a commercial feed under this chapter.

"(15) [(14)] 'Service' means the Texas Feed and Fertilizer Control Service.

“(16) [(15)] ‘Ton’ means a net weight of 2,000 pounds avoirdupois or 1,000 kilograms metric.

“(17) [(16)] ‘Weight’ means net weight of a container of commercial feed expressed in either the avoirdupois or metric system.”

**SECTION 2.** Subsection (c), Section 141.002, Agriculture Code, is amended to read as follows:

“(c) The following are not commercial feeds subject to this chapter:

“(1) unground hay;

“(2) whole grain or whole seed not containing toxins or chemical adulterants;

“(3) unadulterated *cotton plant by-products or cottonseed, peanut, or rice hulls*;

“(4) a feed product produced and sold by a farmer;

“(5) an individual mineral substance not mixed with another material; or

“(6) a material furnished by a purchaser for use in a customer-formula feed that was produced by the purchaser or acquired by the purchaser from a source other than the person whose services are engaged in the milling, mixing, or processing of a customer-formula feed.”

**SECTION 3.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 4, 1985, by the following vote: Yeas 31, Nays 0; passed the House on May 2, 1985, by the following vote: Yeas 138, Nays 0, one present not voting.

Approved: May 17, 1985

Effective: Immediately