

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.

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## 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

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## 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”.

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