

110TH CONGRESS
1ST SESSION

S. 540

To require the Food and Drug Administration to permit the sale of baby turtles as pets so long as the seller uses proven methods to effectively treat salmonella.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2007

Mr. VITTER (for himself and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To require the Food and Drug Administration to permit the sale of baby turtles as pets so long as the seller uses proven methods to effectively treat salmonella.

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.**

4 This Act may be cited as the “Domestic Pet Turtle
5 Market Access Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Pet turtles less than 10.2 centimeters in di-
9 ameter have been banned for sale in the United

1 States by the Food and Drug Administration since
2 1975 due to health concerns.

3 (2) The Food and Drug Administration does
4 not ban the sale of iguanas or other lizards, snakes,
5 frogs, or other amphibians or reptiles that are sold
6 as pets in the United States that also carry sal-
7 monella bacteria. The Food and Drug Administra-
8 tion also does not require that these animals be
9 treated for salmonella bacteria before being sold as
10 pets.

11 (3) The technology to treat turtles for sal-
12 monella, and make them safe for sale, has greatly
13 advanced since 1975. Treatments exist that can
14 nearly eradicate salmonella from turtles, and individ-
15 uals are more aware of the causes of salmonella, how
16 to treat salmonella poisoning, and the seriousness
17 associated with salmonella poisoning.

18 (4) University research has shown that these
19 turtles can be treated in such a way that they can
20 be raised, shipped, and distributed without having a
21 recolonization of salmonella.

22 (5) University research has also shown that pet
23 owners can be equipped with a treatment regiment
24 that allows the turtle to be maintained safe from sal-
25 monella.

1 (6) The Food and Drug Administration should
2 allow the sale of turtles less than 10.2 centimeters
3 in diameter as pets as long as the sellers are re-
4 quired to use proven methods to treat the turtles for
5 salmonella and maintain a safe pet.

6 **SEC. 3. SALE OF BABY TURTLES.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, the Food and Drug Administration shall not
9 restrict the sale by a turtle farmer or other commercial
10 retail seller of a turtle that is less than 10.2 centimeters
11 in diameter as a pet if—

12 (1) the turtle is raised, shipped, and sold using
13 methods that are proven to keep the turtle free of
14 salmonella, using salmonella safety standards that
15 are comparable to such standards relating to other
16 animals, including reptiles and amphibians, that are
17 allowed for sale as pets, or animal products that are
18 allowed for sale as food products;

19 (2) the Administration has approved a plan
20 submitted by the turtle farmer or commercial retail
21 seller involved relating to compliance with paragraph
22 (1); and

23 (3) the farmer or other commercial retail seller
24 includes, with the sale of such a turtle, a disclosure
25 to the buyer that includes—

1 (A) information regarding—

2 (i) the dangers, including possible se-
3 vere illness or death, especially for at-risk
4 people who may be susceptible to sal-
5 monella poisoning, such as children, preg-
6 nant women, and others who may have
7 weak immune systems, that could result if
8 the turtle is not properly handled and safe-
9 ly maintained;

10 (ii) the proper handling of the turtle,
11 including an explanation of proper hygiene
12 such as handwashing after handling a tur-
13 tle; and

14 (iii) the proven methods of treatment
15 that, if properly applied, keep the turtle
16 safe from salmonella;

17 (B) a detailed explanation of how to prop-
18 erly treat the turtle to keep it safe from sal-
19 monella, using the proven methods of treatment
20 referred to under subparagraph (A), and how
21 the buyer can continue to purchase the tools,
22 treatments, or any other required item to con-
23 tinually treat the turtle; and

24 (C) a statement that buyers of pet turtles
25 should not abandon the turtle or abandon it

1 outside, as the turtle may become an invasive
2 species to the local community, but should in-
3 stead return them to a commercial retail pet
4 seller or other organization that would accept
5 turtles no longer wanted as pets.

6 (b) PLAN.—

7 (1) IN GENERAL.—A turtle farmer or other
8 commercial seller that desires to sell a turtle as pro-
9 vided for under subsection (a) shall submit a plan to
10 the Food and Drug Administration that details the
11 manner in which the farmer or seller will ensure
12 compliance with the requirements of subsection
13 (a)(1) with respect to the turtles involved. The plan
14 shall include use of non-antibiotic compounds that
15 suppress or eliminate the presence of salmonella in
16 turtle hatchlings.

17 (2) ACTION BY FDA.—Not later 30 days after
18 the date on which the Food and Drug Administra-
19 tion receives a plan under paragraph (1), the Ad-
20 ministration shall accept or reject such plan. If such
21 plan is rejected, the Administration shall provide
22 clear, specific guidance on the reasons for such re-
23 jection. The Administration may only reject such a
24 plan if it is determined that the plan fails to achieve
25 the same salmonella safety standards as such stand-

1 ards relating to other animals, including reptiles and
2 amphibians, that are allowed for sale as pets, or ani-
3 mal products that are allowed for sale as food prod-
4 ucts.

5 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion shall be construed to permit the Food and Drug Ad-
7 ministration to hold the sale of turtles less than 10.2 cen-
8 timeters in diameter as a pet to any greater salmonella
9 safety standard applicable to other reptiles or amphibians
10 sold as pets, animals sold as pets, or food products regu-
11 lated by such Administration.

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