SENATE BILL 607

M4 6lr2071
CF 6lr1946

By: **Senators Pinsky, Nathan–Pulliam, Conway, Ferguson, Madaleno, Manno, Ramirez, Raskin, Rosapepe, and Young**
Introduced and read first time: February 5, 2016
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Agriculture – Cattle, Swine, and Poultry – Use of Antimicrobial Drugs

FOR the purpose of prohibiting, on or after a certain date, a certain owner of cattle, swine, or poultry from administering, or authorizing an agent to administer, certain antimicrobial drugs in certain cattle, swine, and poultry without a certain prescription or veterinary feed directive issued by a licensed veterinarian in accordance with certain conditions; prohibiting certain antimicrobial drugs from being administered to cattle, swine, and poultry for certain purposes; specifying that certain antimicrobial drugs may be administered only for a use authorized by a certain prescription or veterinary feed directive; requiring certain antimicrobial drugs to be administered in a certain manner; requiring a certain veterinarian who issues a certain veterinary feed directive to submit to the Department of Agriculture certain information in a certain manner; requiring the Department to maintain certain information and make the information available for public review in a certain manner; requiring the Department to report to the General Assembly on or before a certain date each year, beginning on or before a certain date; authorizing the Secretary of Agriculture to impose a certain penalty; authorizing the Department to adopt certain regulations; providing for the application of this Act; defining certain terms; and generally relating to the use of antimicrobial drugs in cattle, swine, and poultry.

BY adding to
Article – Agriculture
Section 3–1001 through 3–1006 to be under the new subtitle "Subtitle 10. Use of Antimicrobial Drugs"
Annotated Code of Maryland
(2007 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

1 Article – Agriculture

2 SUBTITLE 10. USE OF ANTIMICROBIAL DRUGS.

3 **3–1001.**

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) "DISEASE CONTROL" MEANS THE USE OF A MEDICALLY IMPORTANT
7 ANTIMICROBIAL DRUG TO CONTROL THE SPREAD OF A DOCUMENTED DISEASE OR
8 INFECTION PRESENT IN A BARN OR EQUIVALENT ANIMAL HOUSING UNIT.

9 (C) "MEDICALLY IMPORTANT ANTIMICROBIAL DRUG" MEANS ANY DRUG
10 FROM A CLASS OF DRUG OR DERIVATIVE OF A CLASS OF DRUG THAT IS:

11 (1) (I) MADE FROM A MOLD OR BACTERIUM THAT KILLS OR SLOWS
12 THE GROWTH OF OTHER MICROBES, SPECIFICALLY BACTERIA; AND

13 (II) USED IN HUMAN BEINGS OR INTENDED FOR USE IN HUMAN
14 BEINGS TO TREAT OR PREVENT DISEASE OR INFECTION; OR

15 (2) LISTED IN APPENDIX A OF THE FEDERAL FOOD AND DRUG
16 ADMINISTRATION'S GUIDANCE FOR INDUSTRY #152, INCLUDING CRITICALLY
17 IMPORTANT, HIGHLY IMPORTANT, OR IMPORTANT ANTIMICROBIAL DRUGS.

18 (D) "OWNER" MEANS A PERSON THAT:

19 (1) HAS AN OWNERSHIP INTEREST IN CATTLE, SWINE, OR POULTRY,
20 INCLUDING A RIGHT OR AN OPTION TO PURCHASE THE CATTLE, SWINE, OR POULTRY;
21 OR

22 (2) IS OTHERWISE ENGAGED IN THE BUSINESS OF OBTAINING LIVE
23 CATTLE, SWINE, OR POULTRY UNDER A GROWING AGREEMENT FOR THE PURPOSE
24 OF EITHER SLAUGHTERING THE CATTLE, SWINE, OR POULTRY OR SELLING THE
25 CATTLE, SWINE, OR POULTRY FOR SLAUGHTER.

26 (E) "VETERINARY FEED DIRECTIVE" MEANS A WRITTEN STATEMENT
27 ISSUED BY A VETERINARIAN LICENSED IN THE STATE IN THE COURSE OF THE
28 VETERINARIAN'S PROFESSIONAL PRACTICE THAT:

29 (1) ORDERS THE USE OF AN ANIMAL DRUG IN OR ON ANIMAL FEED;

1 (2) AUTHORIZES AN OWNER OR A CARETAKER OF AN ANIMAL TO
2 OBTAIN AND USE ANIMAL FEED BEARING OR CONTAINING AN ANIMAL DRUG TO
3 TREAT THE ANIMAL; AND

4 (3) MEETS THE CONDITIONS AND REQUIREMENTS SPECIFIED UNDER
5 TITLE 21, § 558.6 OF THE CODE OF FEDERAL REGULATIONS.

6 3–1002.

7 EXCEPT AS OTHERWISE PROVIDED IN FEDERAL LAW OR REGULATION, THIS
8 SUBTITLE DOES NOT APPLY TO ANTIMICROBIAL USE IN:

9 (1) DAIRY CATTLE;

10 (2) CATTLE ON A FARM OPERATION THAT SELLS FEWER THAN 200
11 CATTLE PER YEAR;

12 (3) SWINE ON A FARM OPERATION THAT SELLS FEWER THAN 200
13 SWINE PER YEAR; OR

14 (4) POULTRY ON A FARM OPERATION THAT SELLS FEWER THAN
15 60,000 BIRDS PER YEAR.

16 3–1003.

17 (A) ON OR AFTER FEBRUARY 1, 2017, AND SUBJECT TO SUBSECTION (B) OF
18 THIS SECTION, AN OWNER OF CATTLE, SWINE, OR POULTRY MAY NOT ADMINISTER
19 OR AUTHORIZE AN AGENT TO ADMINISTER A MEDICALLY IMPORTANT
20 ANTIMICROBIAL DRUG TO THE CATTLE, SWINE, OR POULTRY WITHOUT A
21 PRESCRIPTION OR A VETERINARY FEED DIRECTIVE ISSUED BY A LICENSED
22 VETERINARIAN:

23 (1) IN THE CONTEXT OF A VETERINARIAN–CLIENT–PATIENT
24 RELATIONSHIP THAT MEETS THE CRITERIA FOR A VALID
25 VETERINARIAN–CLIENT–PATIENT RELATIONSHIP ESTABLISHED UNDER TITLE 21, §
26 530.3 OF THE CODE OF FEDERAL REGULATIONS;

27 (2) WHO HAS, WITHIN THE PREVIOUS 6 MONTHS, VISITED THE FARM
28 OPERATION IN WHICH THE CATTLE, SWINE, OR POULTRY IS LOCATED; AND

29 (3) WHO HAS DETERMINED THAT THE MEDICALLY IMPORTANT
30 ANTIMICROBIAL DRUG IS NECESSARY:

(I) TO TREAT A DOCUMENTED DISEASE OR INFECTION;

(II) FOR DISEASE CONTROL;

(III) FOR A SURGERY OR A MEDICAL PROCEDURE; OR

(IV) TO PREVENT A DISEASE THAT RESULTS FROM A VETERINARIAN–DOCUMENTED SPECIFIC EVENT THAT SIGNIFICANTLY INCREASES DISEASE RISK RELATIVE TO NORMAL FACILITY OPERATING CONDITIONS.

(B) (1) (I) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY FOR:

1. GROWTH PROMOTION;

2. FEED EFFICIENCY OR WEIGHT GAIN PURPOSES; OR

3. ROUTINE DISEASE PREVENTION.

(II) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY BE ADMINISTERED ONLY FOR A USE AUTHORIZED BY A PRESCRIPTION OR VETERINARY FEED DIRECTIVE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(2) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG SHALL BE ADMINISTERED IN A MANNER THAT TREATS THE FEWEST NUMBER OF CATTLE, SWINE, OR POULTRY FOR THE SHORTEST DURATION NECESSARY FOR THE USE AUTHORIZED BY THE PRESCRIPTION OR THE VETERINARY FEED DIRECTIVE.

3–1004.

(A) ON OR BEFORE FEBRUARY 1, 2018, AND EACH FEBRUARY 1 THEREAFTER, A VETERINARIAN WHO ISSUES A VETERINARY FEED DIRECTIVE SHALL SUBMIT TO THE DEPARTMENT, IN A MANNER DETERMINED BY THE DEPARTMENT, THE FOLLOWING INFORMATION FROM EACH VETERINARY FEED DIRECTIVE ISSUED DURING THE PREVIOUS CALENDAR YEAR:

(1) DATE OF ISSUANCE;

(2) EXPIRATION DATE;

(3) NAME OF EACH ANIMAL DRUG;

(4) INDICATIONS FOR USE FOR EACH ANIMAL DRUG;

1 (5) SPECIES AND PRODUCTION CLASS OF EACH ANIMAL TO BE FED
2 THE MEDICATED FEED;

3 (6) APPROXIMATE NUMBER OF ANIMALS TO BE FED THE MEDICATED
4 FEED;

5 (7) LEVEL OF EACH ANIMAL DRUG ORDERED FOR THE FEED AND THE
6 AMOUNT OF FEED REQUIRED FOR TREATMENT;

7 (8) FEEDING INSTRUCTIONS WITH THE WITHDRAWAL TIME;

8 (9) NUMBER OF REORDERS AUTHORIZED BY THE VETERINARY FEED
9 DIRECTIVE IF REORDERS ARE ALLOWED UNDER FEDERAL LAW OR REGULATION;
10 AND

11 (10) ANY SPECIAL INSTRUCTIONS AND CAUTIONARY STATEMENTS
12 NECESSARY FOR THE USE OF THE ANIMAL DRUG IN CONFORMANCE WITH ANIMAL
13 DRUG APPROVALS UNDER FEDERAL LAW OR REGULATION.

14 (B) ALL RECORDS AND INFORMATION RELATING TO A VETERINARY FEED
15 DIRECTIVE SUBMITTED TO THE DEPARTMENT UNDER THIS SECTION SHALL BE
16 MAINTAINED BY THE DEPARTMENT AND MADE AVAILABLE FOR PUBLIC REVIEW IN A
17 MANNER THAT PROVIDES THE GREATEST PUBLIC DISCLOSURE OF RECORDS AND
18 INFORMATION WHILE PROTECTING THE IDENTITY OF THE FARM OPERATION OR
19 OWNER OF THE FARM OPERATION TO WHICH THE VETERINARY FEED DIRECTIVE
20 RELATES.

21 (C) ON OR BEFORE DECEMBER 1, 2018, AND EACH DECEMBER 1
22 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN
23 ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE
24 INFORMATION SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION.

25 **3–1005.**

26 THE SECRETARY MAY IMPOSE AN ADMINISTRATIVE PENALTY, NOT
27 EXCEEDING $2,000, ON A PERSON THAT VIOLATES THIS SUBTITLE.

28 **3–1006.**

29 THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2016.

SIERRA CLUB

KEEP OUR ANTIBIOTICS WORKING

Stop the Routine Use of Antibiotics for Farm Animals

To combat the spread of bacterial drug-resistance, antibiotics for food animal use should be used sparingly, and only on sick animals.

But many food animals are fed a daily dose of antibiotics to help them gain weight or to prevent disease caused by unsanitary conditions – not to treat illness.

Routinely feeding antibiotics to animals that are not sick kills off weak bacteria, but allows antibiotic-resistant superbugs to develop and multiply.

If we want to keep antibiotics working for future generations, we need to stop the routine use of medically important antibiotics in livestock production.

This would still allow for the use of antibiotics when and animal is sick or to stop an infectious outbreak.

Antibiotics Overuse: Why it Matters

We rely on antibiotics to treat everything from simple infections like strep throat, to more serious illnesses like pneumonia. Unfortunately, these drugs are beginning to fail.

- *At least 2 million people become infected with bacteria that are resistant to antibiotics.*
- *As least 23,000 people die from antibiotic-resistant bacteria.*
- *We lose at least $55 billion a year due to excess hospital costs and lost worker productivity.*

The Problem: Overuse of Antibiotics on Livestock

70% of the medically important antibiotics sold in the US are sold for use to raise chickens, hogs, and cattle on large farms.

The majority of this is not to treat sick animals. Many food animals are fed a daily dose of antibiotics to help them gain weight or to prevent disease caused by unsanitary conditions.

This accelerates the development of drug-resistant bacteria, which can then find their way to human populations through contaminated food, airborne dust blowing off farms, and water or soil polluted with contaminated feces.

"Antimicrobial resistance is a growing public health crisis. ... Because of the link between antibiotic use in food-producing animals and the occurrence of antibiotic-resistant infections in humans, antibiotic agents should be used in food-producing animals only to treat and control infectious diseases and not to promote growth or to prevent disease routinely."

-American Academy of Pediatrics Technical Report, November 2015

For more information or to volunteer, contact us:

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