

SENATE BILL 422

M4

(7lr1519)

ENROLLED BILL

— Education, Health, and Environmental Affairs/Environment and Transportation —

Introduced by Senators Pinsky, Nathan Pulliam, Benson, Conway, Currie, Feldman, Ferguson, Guzzone, Kelley, King, Lee, Madaleno, Manno, Muse, ~~Nathan Pulliam~~, Ramirez, Robinson, Rosapepe, Smith, Young, ~~and Zucker~~ Zucker, and Astle

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Keep Antibiotics Effective Act of 2017**

3 FOR the purpose of ~~prohibiting, on or after a certain date, a certain owner of cattle, swine,~~
4 ~~or poultry from administering, or authorizing an agent to administer, certain~~
5 ~~antimicrobial drugs in certain cattle, swine, and poultry without a certain~~
6 ~~antimicrobial drug prescription or veterinary feed directive issued by a licensed~~
7 ~~veterinarian in accordance with certain conditions;~~ authorizing, on or after a certain
8 date, the administration of certain antimicrobial drugs to certain cattle, swine, or
9 poultry if, in the professional judgment of a licensed veterinarian, the administration
10 is necessary for certain purposes; prohibiting certain antimicrobial drugs from being
11 administered to cattle, swine, ~~and~~ or poultry in a certain pattern or for certain
12 purposes; requiring certain antimicrobial drugs to be administered in a certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



manner; ~~requiring a certain owner veterinarian to submit to the State Department of Agriculture a copy of a certain antimicrobial drug prescription or veterinary feed directive in a certain manner, with a certain exception;~~ requiring the Department of Agriculture to collect certain publicly available data from certain federal agencies and other appropriate entities; 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~~ ~~3–1005~~ 3–1006 to be under the new subtitle “Subtitle 10. Use of Antimicrobial Drugs”

Annotated Code of Maryland
(2016 Replacement Volume)

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

Article – Agriculture

SUBTITLE 10. USE OF ANTIMICROBIAL DRUGS.

3–1001.

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

(B) “DISEASE CONTROL” MEANS THE USE OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG TO CONTROL THE SPREAD OF A DOCUMENTED DISEASE OR INFECTION PRESENT IN ~~A BARN OR EQUIVALENT ANIMAL HOUSING UNIT;~~

(1) A GROUP OF ANIMALS IN CONTACT WITH EACH OTHER; OR

(2) A BARN OR EQUIVALENT ANIMAL HOUSING UNIT.

(C) “DOCUMENTED” MEANS ACKNOWLEDGED AND RECORDED.

~~(C)~~ (D) “MEDICALLY IMPORTANT ANTIMICROBIAL DRUG” MEANS ANY DRUG FROM A CLASS OF DRUG OR DERIVATIVE OF A CLASS OF DRUG THAT IS:

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

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

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

8 ~~(D)~~ (E) "MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION"
9 MEANS AN ORDER ISSUED BY A VETERINARIAN LICENSED IN THE STATE IN THE
10 COURSE OF THE VETERINARIAN'S PROFESSIONAL PRACTICE:

11 (1) FOR A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG THAT IS:

12 (I) IN A WATER-SOLUBLE POWDER FORM; AND

13 (II) TO BE ADDED TO THE DRINKING WATER OF CATTLE, SWINE,
14 OR POULTRY; AND

15 (2) THAT PROVIDES THE SAME OR SUBSTANTIALLY SIMILAR
16 INFORMATION AS THE INFORMATION THAT IS REQUIRED FOR A VETERINARY FEED
17 DIRECTIVE UNDER TITLE 21, § 558.6(B)(3) AND (4) OF THE CODE OF FEDERAL
18 REGULATIONS.

19 ~~(E)~~ (F) "OWNER" MEANS A PERSON THAT:

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

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

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

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

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

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

~~3-1002.~~

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

(1) CATTLE ON A FARM OPERATION THAT SELLS FEWER THAN 200 CATTLE PER YEAR;

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

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

~~3-1003.~~

~~(A) ON OR AFTER FEBRUARY 1, 2018, AND SUBJECT TO SUBSECTION (B) OF THIS SECTION, AN OWNER OF CATTLE, SWINE, OR POULTRY MAY NOT ADMINISTER OR AUTHORIZE AN AGENT TO ADMINISTER A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG TO THE CATTLE, SWINE, OR POULTRY WITHOUT A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION OR A VETERINARY FEED DIRECTIVE ISSUED BY A LICENSED VETERINARIAN;~~

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

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

~~(3) WHO HAS DETERMINED THAT THE MEDICALLY IMPORTANT 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) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE
ADMINISTERED TO CATTLE, SWINE, OR POULTRY FOR:~~

~~(I) GROWTH PROMOTION;~~

~~(II) FEED EFFICIENCY OR WEIGHT GAIN PURPOSES; OR~~

~~(III) ROUTINE DISEASE PREVENTION.~~

~~(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 MEDICALLY IMPORTANT ANTIMICROBIAL DRUG
PRESCRIPTION OR THE VETERINARY FEED DIRECTIVE.~~

~~3-1004.~~

~~(A) ON OR BEFORE FEBRUARY 1, 2019, AND EACH FEBRUARY 1
THEREAFTER, AN OWNER SHALL SUBMIT TO THE DEPARTMENT, IN A MANNER
DETERMINED BY THE DEPARTMENT, FOR EACH MEDICALLY IMPORTANT
ANTIMICROBIAL DRUG ADMINISTERED TO CATTLE, SWINE, OR POULTRY DURING
THE PREVIOUS CALENDAR YEAR:~~

~~(1) A COPY OF THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG
PRESCRIPTION; OR~~

~~(2) A COPY OF THE VETERINARY FEED DIRECTIVE.~~

~~(B) ALL RECORDS AND INFORMATION RELATING TO A MEDICALLY
IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION OR A VETERINARY FEED
DIRECTIVE SUBMITTED TO THE DEPARTMENT UNDER THIS SECTION SHALL BE
MAINTAINED BY THE DEPARTMENT AND MADE AVAILABLE FOR PUBLIC REVIEW IN A
MANNER THAT PROVIDES THE GREATEST PUBLIC DISCLOSURE OF RECORDS AND
INFORMATION WHILE PROTECTING THE IDENTITY OF THE FARM OPERATION OR
OWNER OF THE FARM OPERATION TO WHICH THE MEDICALLY IMPORTANT
ANTIMICROBIAL DRUG PRESCRIPTION OR VETERINARY FEED DIRECTIVE RELATES.~~

3-1003.

(A) (1) ON OR AFTER JANUARY 1, 2018, AND SUBJECT TO SUBSECTION (B) OF THIS SECTION, A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY IF, IN THE PROFESSIONAL JUDGMENT OF A LICENSED VETERINARIAN, THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG IS NECESSARY:

(I) TO TREAT A DISEASE OR INFECTION;

(II) TO CONTROL THE SPREAD OF A DISEASE OR INFECTION; OR

(III) FOR A SURGERY OR MEDICAL PROCEDURE.

(2) ON OR AFTER JANUARY 1, 2018, A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY IF, IN THE PROFESSIONAL JUDGMENT OF A LICENSED VETERINARIAN, THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG IS NECESSARY FOR PROPHYLAXIS TO ADDRESS AN ELEVATED RISK OF CONTRACTION OF A PARTICULAR DISEASE OR INFECTION.

(B) UNLESS ADMINISTRATION OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG IS CONSISTENT WITH SUBSECTION (A)(1) OF THIS SECTION, A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE ADMINISTERED IN A REGULAR PATTERN TO CATTLE, SWINE, OR POULTRY.

(C) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY SOLELY FOR THE PURPOSE OF:

(1) PROMOTING WEIGHT GAIN; OR

(2) IMPROVING FEED EFFICIENCY.

3-1004.

(A) EACH YEAR THE DEPARTMENT SHALL COLLECT PUBLICLY AVAILABLE DATA ON THE USE IN THE STATE OF MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS IN CATTLE, SWINE, AND POULTRY FROM:

(1) THE U.S. DEPARTMENT OF AGRICULTURE;

(2) THE CENTERS FOR DISEASE CONTROL AND PREVENTION;

(3) THE U.S. FOOD AND DRUG ADMINISTRATION; AND

1 **(4) APPROPRIATE NATIONAL TRADE ASSOCIATIONS,**
2 **ORGANIZATIONS, AND COUNCILS.**

3 ~~(c)~~ **(B)** ON OR BEFORE DECEMBER 1, 2019, AND EACH DECEMBER 1
4 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN
5 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE
6 ~~INFORMATION SUBMITTED~~ **DATA COLLECTED** UNDER SUBSECTION (A) OF THIS
7 SECTION.

8 **3-1005.**

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

11 **3-1006.**

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.