

SENATE BILL 422

M4

7lr1519
CF HB 602

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

Introduced and read first time: January 27, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 17, 2017

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
13 manner; ~~requiring a certain owner veterinarian to submit to the State Department~~
14 ~~of Agriculture a copy of a certain antimicrobial drug prescription or veterinary feed~~
15 ~~directive in a certain manner, with a certain exception;~~ requiring the Department to
16 collect certain publicly available data from certain federal agencies and other
17 appropriate entities; requiring the Department to maintain certain information and
18 make the information available for public review in a certain manner; requiring the
19 Department to report to the General Assembly on or before a certain date each year,
20 beginning on or before a certain date; authorizing the Secretary of Agriculture to
21 impose a certain penalty; authorizing the Department to adopt certain regulations;

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.



1 providing for the application of this Act; defining certain terms; and generally
2 relating to the use of antimicrobial drugs in cattle, swine, and poultry.

3 BY adding to

4 Article – Agriculture

5 Section 3–1001 through ~~3–1006~~ ~~3–1005~~ 3–1006 to be under the new subtitle “Subtitle
6 10. Use of Antimicrobial Drugs”

7 Annotated Code of Maryland

8 (2016 Replacement Volume)

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

11 **Article – Agriculture**

12 **SUBTITLE 10. USE OF ANTIMICROBIAL DRUGS.**

13 **3–1001.**

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

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

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

20 (2) A BARN OR EQUIVALENT ANIMAL HOUSING UNIT.

21 (C) “DOCUMENTED” MEANS ACKNOWLEDGED AND RECORDED.

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

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

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

28 (2) LISTED IN APPENDIX A OF THE FEDERAL FOOD AND DRUG
29 ADMINISTRATION’S GUIDANCE FOR INDUSTRY #152, INCLUDING CRITICALLY
30 IMPORTANT, HIGHLY IMPORTANT, OR IMPORTANT ANTIMICROBIAL DRUGS.

1 ~~(D)~~ (E) “MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION”
2 MEANS AN ORDER ISSUED BY A VETERINARIAN LICENSED IN THE STATE IN THE
3 COURSE OF THE VETERINARIAN’S PROFESSIONAL PRACTICE:

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

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

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

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

12 ~~(E)~~ (F) “OWNER” MEANS A PERSON THAT:

13 (1) HAS AN OWNERSHIP INTEREST IN CATTLE, SWINE, OR POULTRY,
14 INCLUDING A RIGHT OR AN OPTION TO PURCHASE THE CATTLE, SWINE, OR POULTRY;
15 OR

16 (2) IS OTHERWISE ENGAGED IN THE BUSINESS OF OBTAINING LIVE
17 CATTLE, SWINE, OR POULTRY UNDER A GROWING AGREEMENT FOR THE PURPOSE
18 OF EITHER SLAUGHTERING THE CATTLE, SWINE, OR POULTRY OR SELLING THE
19 CATTLE, SWINE, OR POULTRY FOR SLAUGHTER.

20 ~~(F)~~ (G) “VETERINARY FEED DIRECTIVE” MEANS A WRITTEN STATEMENT
21 ISSUED BY A VETERINARIAN LICENSED IN THE STATE IN THE COURSE OF THE
22 VETERINARIAN’S PROFESSIONAL PRACTICE THAT:

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

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

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

29 3-1002.

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

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

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

5 (3) POULTRY ON A FARM OPERATION THAT SELLS FEWER THAN
6 60,000 BIRDS PER YEAR.

7 ~~3-1003.~~

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

14 ~~(1) IN THE CONTEXT OF A VETERINARIAN CLIENT-PATIENT~~
15 ~~RELATIONSHIP THAT MEETS THE CRITERIA FOR A VALID~~
16 ~~VETERINARIAN CLIENT-PATIENT RELATIONSHIP ESTABLISHED UNDER TITLE 21, §~~
17 ~~530.3 OF THE CODE OF FEDERAL REGULATIONS;~~

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

20 ~~(3) WHO HAS DETERMINED THAT THE MEDICALLY IMPORTANT~~
21 ~~ANTIMICROBIAL DRUG IS NECESSARY:~~

22 ~~(I) TO TREAT A DOCUMENTED DISEASE OR INFECTION;~~

23 ~~(II) FOR DISEASE CONTROL;~~

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

25 ~~(IV) TO PREVENT A DISEASE THAT RESULTS FROM A~~
26 ~~VETERINARIAN-DOCUMENTED SPECIFIC EVENT THAT SIGNIFICANTLY INCREASES~~
27 ~~DISEASE RISK RELATIVE TO NORMAL FACILITY OPERATING CONDITIONS.~~

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

30 ~~(I) GROWTH PROMOTION;~~

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

2 ~~(III) ROUTINE DISEASE PREVENTION.~~

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

8 ~~3-1004.~~

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

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

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

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

25 ~~3-1003.~~

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

31 (I) TO TREAT A DISEASE OR INFECTION;

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

1 **(III) FOR A SURGERY OR MEDICAL PROCEDURE.**

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

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

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

13 **(1) PROMOTING WEIGHT GAIN; OR**

14 **(2) IMPROVING FEED EFFICIENCY.**

15 **3-1004.**

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

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

20 **(2) THE CENTERS FOR DISEASE CONTROL AND PREVENTION;**

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

22 **(4) APPROPRIATE NATIONAL TRADE ASSOCIATIONS,**
 23 **ORGANIZATIONS, AND COUNCILS.**

24 **(~~C~~) (B) ON OR BEFORE DECEMBER 1, 2019, AND EACH DECEMBER 1**
 25 **THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN**
 26 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE**
 27 **~~INFORMATION SUBMITTED~~ DATA COLLECTED UNDER SUBSECTION (A) OF THIS**
 28 **SECTION.**

29 **3-1005.**

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

3 **3-1006.**

4 **THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.