

Chapter 788

(Senate Bill 422)

AN ACT concerning

Keep Antibiotics Effective Act of 2017

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 antimicrobial drug prescription or veterinary feed directive issued by a licensed veterinarian in accordance with certain conditions;~~ authorizing, on or after a certain date, the administration of certain antimicrobial drugs to certain cattle, swine, or poultry if, in the professional judgment of a licensed veterinarian, the administration is necessary for certain purposes; prohibiting certain antimicrobial drugs from being administered to cattle, swine, ~~and~~ or poultry in a certain pattern or for certain purposes; requiring certain antimicrobial drugs to be administered in a certain 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3-1005.

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

3-1006.

THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.