

Chapter 652

(House Bill 167)

AN ACT concerning

Agriculture – Commercial Feed – Arsenic Prohibition

FOR the purpose of prohibiting a person from using, selling, or distributing certain commercial feed that contains roxarsone or any other additive that contains arsenic; authorizing a person to use, sell, or distribute certain commercial feed that contains histostat; providing for the termination of this Act under certain circumstances; requiring the State Department of Agriculture to provide a certain notification; providing for a delayed effective date; and generally relating to the contents of commercial feed.

BY adding to

Article – Agriculture

Section 6–107.3

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

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

Article – Agriculture

6–107.3.

(A) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON MAY NOT USE, SELL, OR DISTRIBUTE FOR USE OR SALE WITHIN THE STATE ANY COMMERCIAL FEED INTENDED FOR USE AS POULTRY FEED THAT CONTAINS:

- (1) ROXARSONE; OR**
- (2) ANY OTHER ADDITIVE THAT CONTAINS ARSENIC.**

(B) A PERSON MAY USE, SELL, OR DISTRIBUTE FOR USE OR SALE WITHIN THE STATE ANY COMMERCIAL FEED INTENDED FOR USE AS POULTRY FEED THAT CONTAINS HISTOSTAT.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This Act shall be abrogated and of no further force and effect with respect to the specific arsenical additive receiving approval by the U.S. Food and Drug Administration under 21 C.F.R. Part 514, if the U.S. Food and Drug Administration, on review of new information under 21 C.F.R. Part 514, issues a finding that:

~~(1) approves the use of Roxarsone, or any other additive that contains arsenic; and~~

~~(2) finds that the exposure to Roxarsone, or any other additive that contains arsenic is:~~

~~(i) unavoidable and necessary; and~~

~~(ii) without adverse effects to the environment.~~

(1) approves the use of the arsenical additive; and

(2) includes in its approval an evaluation of:

(i) human food safety;

(ii) impact on the environment;

(iii) safety to animals;

(iv) effectiveness of the drug for its intended use; and

(v) chemistry and manufacturing procedures; ~~and~~

~~(vi) water quality impacts to the Chesapeake Bay; and~~

~~(3) exposure to the arsenical additive is unavoidable and necessary.~~

(b) The State Department of Agriculture shall notify the Department of Legislative Services within 5 days after the action under subsection (a) of this section occurs.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2012~~ January 1, 2013.

Approved by the Governor, May 22, 2012.