

# SENATE BILL 463

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5r1511  
CF 5r1185

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By: **Senators Pinsky, Conway, Montgomery, and Young**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of prohibiting a person from engaging in the nontherapeutic use of certain  
4 antimicrobial drugs in certain cattle, swine, and poultry on or after a certain date;  
5 requiring a certain farm operation to submit certain information under certain  
6 circumstances to the Department of Agriculture on or before a certain date each year,  
7 beginning on or before a certain date; requiring the Department to report to the  
8 General Assembly on or before a certain date each year, beginning on or before a  
9 certain date; authorizing the Secretary of Agriculture to impose a certain penalty;  
10 providing for the application of this Act; defining certain terms; and generally  
11 relating to the use of antimicrobial drugs in cattle, swine, and poultry.

12 BY adding to

13 Article – Agriculture

14 Section 3–1001 through 3–1005 to be under the new subtitle “Subtitle 10. Use of  
15 Antimicrobial Drugs”

16 Annotated Code of Maryland

17 (2007 Replacement Volume and 2014 Supplement)

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

20 **Article – Agriculture**

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

22 **3–1001.**

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (B) "MEDICALLY IMPORTANT ANTIMICROBIAL DRUG" MEANS A DRUG OR  
2 DERIVATIVE OF A DRUG THAT IS:

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

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

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

10 (C) (1) "NONTHERAPEUTIC USE" MEANS THE USE OF A MEDICALLY  
11 IMPORTANT ANTIMICROBIAL DRUG IN AGRICULTURAL ANIMAL PRODUCTION IN THE  
12 ABSENCE OF A DOCUMENTED DISEASE OR INFECTION.

13 (2) "NONTHERAPEUTIC USE" INCLUDES:

14 (I) GROWTH PROMOTION;

15 (II) FEED EFFICIENCY;

16 (III) WEIGHT GAIN;

17 (IV) ROUTINE DISEASE PREVENTION; OR

18 (V) ANY OTHER ROUTINE PURPOSE.

19 (D) (1) "ROUTINE DISEASE PREVENTION" MEANS THE USE OF A  
20 MEDICALLY IMPORTANT ANTIMICROBIAL DRUG IN AGRICULTURAL ANIMAL  
21 PRODUCTION TO PREVENT DISEASE OR INFECTION.

22 (2) "ROUTINE DISEASE PREVENTION" DOES NOT INCLUDE THE USE  
23 OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG TO CONTROL THE SPREAD OF  
24 DISEASE OR INFECTION IN A BARN OR EQUIVALENT ANIMAL HOUSING UNIT IF THE  
25 ANTIMICROBIAL USE IS FOR:

26 (I) A LIMITED AND MEDICALLY APPROPRIATE DURATION; AND

27 (II) ANIMALS THAT HAVE BEEN DEEMED HIGH RISK FOR  
28 DISEASE OR INFECTION.

1 **3-1002.**

2 **THIS SUBTITLE DOES NOT APPLY TO ANTIMICROBIAL USE IN:**

3 **(1) DAIRY CATTLE;**

4 **(2) CATTLE ON A FARM OPERATION THAT SELLS LESS THAN 200**  
5 **CATTLE PER YEAR;**

6 **(3) SWINE ON A FARM OPERATION THAT SELLS LESS THAN 200 SWINE**  
7 **PER YEAR; OR**

8 **(4) POULTRY ON A FARM OPERATION THAT SELLS LESS THAN 60,000**  
9 **BIRDS PER YEAR.**

10 **3-1003.**

11 **ON OR AFTER OCTOBER 1, 2016, A PERSON MAY NOT ENGAGE IN THE**  
12 **NONTHERAPEUTIC USE OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG IN**  
13 **CATTLE, SWINE, OR POULTRY PRODUCED IN THE STATE FOR HUMAN CONSUMPTION.**

14 **3-1004.**

15 **(A) ON OR BEFORE OCTOBER 1, 2017, AND EACH OCTOBER 1 THEREAFTER,**  
16 **A FARM OPERATION IN WHICH A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG IS**  
17 **USED IN CATTLE, SWINE, OR POULTRY SHALL SUBMIT TO THE DEPARTMENT:**

18 **(1) THE PERCENT OF THE HERD OR FLOCK THAT WAS TREATED WITH**  
19 **A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG;**

20 **(2) THE CLASS AND TYPE OF EACH MEDICALLY IMPORTANT**  
21 **ANTIMICROBIAL DRUG USED;**

22 **(3) THE DURATION OF ADMINISTRATION OF EACH MEDICALLY**  
23 **IMPORTANT ANTIMICROBIAL DRUG USED; AND**

24 **(4) THE MEDICAL PURPOSE FOR USING THE MEDICALLY IMPORTANT**  
25 **ANTIMICROBIAL DRUG, INCLUDING DISEASE PREVENTION, DISEASE CONTROL, OR**  
26 **DISEASE TREATMENT.**

27 **(B) ON OR BEFORE DECEMBER 1, 2017, AND EACH DECEMBER 1**  
28 **THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN**

1 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE  
2 INFORMATION SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION, AGGREGATED  
3 BY EACH FARM OPERATION.

4 **3-1005.**

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2015.