

HOUSE BILL 167

M4
HB 754/11 – ENV

2lr0743
CF SB 207

By: **Delegates Hucker, Anderson, Arora, Barve, Bobo, Carr, Carter, Conaway, Cullison, Frush, Gilchrist, Holmes, Howard, A. Kelly, Lafferty, Luedtke, Oaks, Reznik, S. Robinson, Stein, Waldstreicher, and Washington**

Introduced and read first time: January 24, 2012

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 22, 2012

CHAPTER _____

1 AN ACT concerning

2 **Agriculture – Commercial Feed – Arsenic Prohibition**

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

9 BY adding to

10 Article – Agriculture

11 Section 6–107.3

12 Annotated Code of Maryland

13 (2007 Replacement Volume and 2011 Supplement)

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

16 **Article – Agriculture**

17 **6–107.3.**

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 A PERSON MAY NOT USE, SELL, OR DISTRIBUTE FOR USE OR SALE WITHIN
 2 THE STATE ANY COMMERCIAL FEED INTENDED FOR USE AS POULTRY FEED
 3 THAT CONTAINS:

4 (1) ROXARSONE; OR

5 (2) ANY OTHER ADDITIVE THAT CONTAINS ARSENIC.

6 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

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

17 (2) includes in its approval an evaluation of:

18 (i) human food safety;

19 (ii) impact on the environment;

20 (iii) safety to animals;

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

22 (v) chemistry and manufacturing procedures.

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

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