

HOUSE BILL 602

M4

7lr1976
CF SB 422

By: **Delegates Robinson, Lam, Anderson, Angel, Barkley, B. Barnes, Carr, Cullison, Ebersole, Fennell, Fraser-Hidalgo, Frush, Gilchrist, Gutierrez, Healey, Hettleman, Hill, Holmes, Kaiser, Kelly, Korman, Lafferty, Lewis, Luedtke, McIntosh, Moon, Morales, Morhaim, Pena-Melnyk, Platt, Reznik, Sanchez, Tarlau, Turner, Valderrama, M. Washington, and K. Young**

Introduced and read first time: January 30, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

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; prohibiting certain antimicrobial
8 drugs from being administered to cattle, swine, and poultry for certain purposes;
9 requiring certain antimicrobial drugs to be administered in a certain manner;
10 requiring a certain owner to submit to the State Department of Agriculture a copy of
11 a certain antimicrobial drug prescription or veterinary feed directive in a certain
12 manner; requiring the Department to maintain certain information and make the
13 information available for public review in a certain manner; requiring the
14 Department to report to the General Assembly on or before a certain date each year,
15 beginning on or before a certain date; authorizing the Secretary of Agriculture to
16 impose a certain penalty; authorizing the Department to adopt certain regulations;
17 providing for the application of this Act; defining certain terms; and generally
18 relating to the use of antimicrobial drugs in cattle, swine, and poultry.

19 BY adding to

20 Article – Agriculture

21 Section 3–1001 through 3–1006 to be under the new subtitle “Subtitle 10. Use of
22 Antimicrobial Drugs”

23 Annotated Code of Maryland

24 (2016 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Agriculture**

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

5 **3–1001.**

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) “DISEASE CONTROL” MEANS THE USE OF A MEDICALLY IMPORTANT
9 ANTIMICROBIAL DRUG TO CONTROL THE SPREAD OF A DOCUMENTED DISEASE OR
10 INFECTION PRESENT IN A BARN OR EQUIVALENT ANIMAL HOUSING UNIT.

11 (C) “MEDICALLY IMPORTANT ANTIMICROBIAL DRUG” MEANS ANY DRUG
12 FROM A CLASS OF DRUG OR DERIVATIVE OF A CLASS OF DRUG THAT IS:

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

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

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

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

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

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

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

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

1 (E) "OWNER" MEANS A PERSON THAT:

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

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

9 (F) "VETERINARY FEED DIRECTIVE" MEANS A WRITTEN STATEMENT
10 ISSUED BY A VETERINARIAN LICENSED IN THE STATE IN THE COURSE OF THE
11 VETERINARIAN'S PROFESSIONAL PRACTICE THAT:

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

13 (2) AUTHORIZES AN OWNER OR A CARETAKER OF AN ANIMAL TO
14 OBTAIN AND USE ANIMAL FEED BEARING OR CONTAINING AN ANIMAL DRUG TO
15 TREAT THE ANIMAL; AND

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

18 **3-1002.**

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

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

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

25 (3) POULTRY ON A FARM OPERATION THAT SELLS FEWER THAN
26 60,000 BIRDS PER YEAR.

27 **3-1003.**

28 (A) ON OR AFTER FEBRUARY 1, 2018, AND SUBJECT TO SUBSECTION (B) OF
29 THIS SECTION, AN OWNER OF CATTLE, SWINE, OR POULTRY MAY NOT ADMINISTER

1 OR AUTHORIZE AN AGENT TO ADMINISTER A MEDICALLY IMPORTANT
2 ANTIMICROBIAL DRUG TO THE CATTLE, SWINE, OR POULTRY WITHOUT A MEDICALLY
3 IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION OR A VETERINARY FEED
4 DIRECTIVE ISSUED BY A LICENSED VETERINARIAN:

5 (1) IN THE CONTEXT OF A VETERINARIAN-CLIENT-PATIENT
6 RELATIONSHIP THAT MEETS THE CRITERIA FOR A VALID
7 VETERINARIAN-CLIENT-PATIENT RELATIONSHIP ESTABLISHED UNDER TITLE 21, §
8 530.3 OF THE CODE OF FEDERAL REGULATIONS;

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

11 (3) WHO HAS DETERMINED THAT THE MEDICALLY IMPORTANT
12 ANTIMICROBIAL DRUG IS NECESSARY:

13 (I) TO TREAT A DOCUMENTED DISEASE OR INFECTION;

14 (II) FOR DISEASE CONTROL;

15 (III) FOR A SURGERY OR A MEDICAL PROCEDURE; OR

16 (IV) TO PREVENT A DISEASE THAT RESULTS FROM A
17 VETERINARIAN-DOCUMENTED SPECIFIC EVENT THAT SIGNIFICANTLY INCREASES
18 DISEASE RISK RELATIVE TO NORMAL FACILITY OPERATING CONDITIONS.

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

21 (I) GROWTH PROMOTION;

22 (II) FEED EFFICIENCY OR WEIGHT GAIN PURPOSES; OR

23 (III) ROUTINE DISEASE PREVENTION.

24 (2) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG SHALL BE
25 ADMINISTERED IN A MANNER THAT TREATS THE FEWEST NUMBER OF CATTLE,
26 SWINE, OR POULTRY FOR THE SHORTEST DURATION NECESSARY FOR THE USE
27 AUTHORIZED BY THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG
28 PRESCRIPTION OR THE VETERINARY FEED DIRECTIVE.

29 3-1004.

1 (A) ON OR BEFORE FEBRUARY 1, 2019, AND EACH FEBRUARY 1
2 THEREAFTER, AN OWNER SHALL SUBMIT TO THE DEPARTMENT, IN A MANNER
3 DETERMINED BY THE DEPARTMENT, FOR EACH MEDICALLY IMPORTANT
4 ANTIMICROBIAL DRUG ADMINISTERED TO CATTLE, SWINE, OR POULTRY DURING
5 THE PREVIOUS CALENDAR YEAR:

6 (1) A COPY OF THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG
7 PRESCRIPTION; OR

8 (2) A COPY OF THE VETERINARY FEED DIRECTIVE.

9 (B) ALL RECORDS AND INFORMATION RELATING TO A MEDICALLY
10 IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION OR A VETERINARY FEED
11 DIRECTIVE SUBMITTED TO THE DEPARTMENT UNDER THIS SECTION SHALL BE
12 MAINTAINED BY THE DEPARTMENT AND MADE AVAILABLE FOR PUBLIC REVIEW IN A
13 MANNER THAT PROVIDES THE GREATEST PUBLIC DISCLOSURE OF RECORDS AND
14 INFORMATION WHILE PROTECTING THE IDENTITY OF THE FARM OPERATION OR
15 OWNER OF THE FARM OPERATION TO WHICH THE MEDICALLY IMPORTANT
16 ANTIMICROBIAL DRUG PRESCRIPTION OR VETERINARY FEED DIRECTIVE RELATES.

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

21 **3-1005.**

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

24 **3-1006.**

25 THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

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