

SENATE BILL 471

M4

(9lr0735)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environment and Transportation* —

Introduced by **Senators Pinsky, Nathan-Pulliam, Ferguson, King, Lam, Lee, Rosapepe, Smith, Washington, and Young**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Agriculture – Use of Antimicrobial Drugs – Limitations and Reporting**
3 **Requirements**

4 FOR the purpose of clarifying a certain prohibition on administering a medically important
5 antimicrobial drug in a regular pattern to certain cattle, swine, or poultry; exempting
6 dairy cattle on a farm operation with a certain herd size from certain provisions of
7 law concerning the use of medically important antimicrobial drugs; prohibiting the
8 administration of a medically important antimicrobial drug to certain cattle, swine,
9 or poultry unless ordered by a licensed veterinarian in a certain manner; setting
10 certain limits on the length of time for which a medically important antimicrobial
11 drug may be administered; requiring the Department of Agriculture to adopt certain
12 regulations regarding the routine administration of a medically important
13 antimicrobial drug to dairy cattle entering a dry cycle on or before a certain date;
14 requiring a certain ~~owner~~ veterinarian to submit a copy of a certain ~~prescription~~

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.

Italics indicate opposite chamber/conference committee amendments.



1 ~~record~~ or veterinary feed directive and a certain accounting to the Department of
 2 ~~Agriculture~~ on or before a certain date each year; requiring the Department to
 3 include certain information in a certain annual report, on or before a certain date;
 4 requiring certain reported information to be disaggregated by county except under
 5 certain circumstances; requiring the Department to maintain certain records and
 6 information in a certain manner and for a certain amount of time; specifying that a
 7 certain penalty may be imposed per violation; ~~requiring the Department to provide~~
 8 ~~written notice of the requirements of this Act to each owner that may be affected by~~
 9 ~~this Act on or before a certain date; requiring the notice to be sent in a certain~~
 10 ~~manner~~; altering certain definitions; defining certain terms; and generally relating
 11 to the use of medically important antimicrobial drugs in cattle, swine, and poultry.

12 BY repealing and reenacting, with amendments,
 13 Article – Agriculture
 14 Section 3–1001 through 3–1005
 15 Annotated Code of Maryland
 16 (2016 Replacement Volume and 2018 Supplement)

17 BY repealing and reenacting, without amendments,
 18 Article – Agriculture
 19 Section 3–1006
 20 Annotated Code of Maryland
 21 (2016 Replacement Volume and 2018 Supplement)

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

24 **Article – Agriculture**

25 3–1001.

26 (a) In this subtitle the following words have the meanings indicated.

27 (b) **“ADMINISTERED IN A REGULAR PATTERN” MEANS USED:**

28 **(1) FOR MULTIPLE COURSES OF THERAPY IN THE SAME ANIMAL OR**
 29 **GROUP OF ANIMALS; OR**

30 **(2) AS STANDARD OPERATING PROCEDURE, INCLUDING:**

31 **(I) IN CORRESPONDENCE WITH A PARTICULAR LIFE STAGE OF**
 32 **AN ANIMAL, SUCH AS IN OVO, AT BIRTH OR HATCH, OR AT WEANING;**

33 **(II) AS AN ONGOING MANAGEMENT STRATEGY OR TOOL, SUCH**
 34 **AS IN CORRESPONDENCE WITH A PARTICULAR:**

- 1 1. **AGE OR WEIGHT OF AN ANIMAL;**
- 2 2. **TIME OF THE WEEK, MONTH, OR YEAR; OR**
- 3 3. **SEASON; OR**

4 **(III) WHEN MOVING ANIMALS FROM ONE LOCATION TO**
5 **ANOTHER; ~~OR~~**

6 **~~(IV) WHEN DAIRY CATTLE ENTER A DRY CYCLE.~~**

7 **(C)** [“Disease control” means the use of a medically important antimicrobial drug
8 to control the spread] **“CONTROL THE SPREAD OF DISEASE OR INFECTION” MEANS TO**
9 **CONTAIN THE TRANSMISSION** of a documented disease or infection present in:

- 10 (1) A group of animals in contact with each other; or
- 11 (2) A barn or equivalent animal housing unit.

12 **[(c)] (D)** “Documented” means acknowledged and recorded.

13 **(E) (1) “ELEVATED RISK” MEANS A RISK THAT IS SIGNIFICANTLY HIGHER**
14 **THAN THAT PRESENT UNDER NORMAL OR STANDARD OPERATING CONDITIONS.**

15 **(2) “ELEVATED RISK” DOES NOT INCLUDE A RISK TYPICALLY OR**
16 **FREQUENTLY PRESENT UNDER NORMAL OR STANDARD OPERATING CONDITIONS.**

17 **[(d)] (F)** “Medically important antimicrobial drug” means any drug from a class
18 of drug or derivative of a class of drug that is:

- 19 (1) (i) Made from a mold or bacterium that kills or slows the growth of
20 other microbes, specifically bacteria; and
- 21 (ii) Used in human beings or intended for use in human beings to
22 treat or prevent disease or infection; or

23 (2) Listed in:

24 **(I)** Appendix A of the federal Food and Drug Administration’s
25 Guidance for Industry #152, including critically important, highly important, or important
26 antimicrobial drugs; **OR**

27 **(II) A SUBSEQUENT GUIDANCE DOCUMENT CREATED BY THE**
28 **FEDERAL FOOD AND DRUG ADMINISTRATION THAT RANKS THE MEDICAL**
29 **IMPORTANCE OF ANTIMICROBIAL DRUGS.**

1 **[(e)] (G)** “Medically important antimicrobial drug prescription” means an order
2 issued by a veterinarian licensed in the State in the course of the veterinarian’s professional
3 practice:

4 (1) For a medically important antimicrobial drug ~~f~~that is:

5 (i) In a water-soluble powder form; and

6 (ii) To be added to the drinking water of cattle, swine, or poultry~~f~~;

7 and

8 (2) That provides the same or substantially similar information as the
9 information that is required for a veterinary feed directive under Title 21, § 558.6(b)(3) and
10 (4) of the Code of Federal Regulations.

11 **[(f)] (H)** “Owner” means a person that:

12 (1) Has an ownership interest in cattle, swine, or poultry, including a right
13 or an option to purchase the cattle, swine, or poultry; or

14 (2) Is otherwise engaged in the business of obtaining live cattle, swine, or
15 poultry under a growing agreement for the purpose of either slaughtering the cattle, swine,
16 or poultry or selling the cattle, swine, or poultry for slaughter.

17 **(I) “PROPHYLAXIS” MEANS THE PREVENTION OF DISEASE OR INFECTION IN**
18 **THE ABSENCE OF DOCUMENTED CLINICAL SIGNS OF DISEASE OR INFECTION.**

19 **(J) “TREAT A DISEASE OR INFECTION” MEANS TO RESOLVE CLINICAL SIGNS**
20 **OF INFECTION OR DISEASE IN AN INFECTED ANIMAL.**

21 **[(g)] (K)** “Veterinary feed directive” means a written statement issued by a
22 veterinarian licensed in the State in the course of the veterinarian’s professional practice
23 that:

24 (1) Orders the use of an animal drug in or on animal feed;

25 (2) Authorizes an owner or a caretaker of an animal to obtain and use
26 animal feed bearing or containing an animal drug to treat the animal; and

27 (3) Meets the conditions and requirements specified under Title 21, § 558.6
28 of the Code of Federal Regulations.

29 3–1002.

1 Except as otherwise provided in federal law or regulation, this subtitle does not apply
2 to antimicrobial use in:

3 (1) Cattle on a farm operation that sells fewer than 200 cattle per year;

4 (2) **DAIRY CATTLE ON A FARM OPERATION WITH A HERD SIZE OF**
5 **FEWER THAN ~~40~~ 300 DAIRY CATTLE;**

6 (3) Swine on a farm operation that sells fewer than 200 swine per year; or

7 [(3)] (4) Poultry on a farm operation that sells fewer than 60,000 birds
8 per year.

9 3–1003.

10 (a) **A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE**
11 **ADMINISTERED IN FEED OR WATER TO CATTLE, SWINE, OR POULTRY UNLESS**
12 **ORDERED BY A LICENSED VETERINARIAN THROUGH:**

13 (1) **A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION;**
14 **OR**

15 (2) **A VETERINARY FEED DIRECTIVE.**

16 (B) (1) On or after January 1, 2018, and subject to subsection [(b)] (C) of this
17 section, a medically important antimicrobial drug may be administered to cattle, swine, or
18 poultry if, in the professional judgment of a licensed veterinarian, the medically important
19 antimicrobial drug is necessary:

20 (i) To treat a disease or infection;

21 (ii) To control the spread of a disease or infection; or

22 (iii) For a surgery or medical procedure.

23 (2) (I) On or after January 1, 2018, a medically important antimicrobial
24 drug may be administered to cattle, swine, or poultry if, in the professional judgment of a
25 licensed veterinarian, the medically important antimicrobial drug is necessary for
26 prophylaxis to address an elevated risk of contraction of a particular disease or infection.

27 (II) **NOTWITHSTANDING SUBSECTION (E) OF THIS SECTION,**
28 **ADMINISTRATION OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG FOR THE**
29 **PURPOSE OF PROPHYLAXIS MAY NOT EXCEED 21 DAYS UNLESS FEDERAL LABEL**
30 **DIRECTIONS ~~MANDATE~~ REQUIRE A LONGER PERIOD OF USE.**

1 **[(b)] (C)** Unless administration of a medically important antimicrobial drug is
 2 consistent with subsection **[(a)(1)] (B)(1)** of this section, a medically important
 3 antimicrobial drug may not be administered in a regular pattern to cattle, swine, or poultry.

4 **[(c)] (D)** A medically important antimicrobial drug may not be administered to
 5 cattle, swine, or poultry solely for the purpose of:

6 (1) Promoting weight gain; or

7 (2) Improving feed efficiency.

8 **(E) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
 9 **SUBSECTION, A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE**
 10 **ADMINISTERED TO CATTLE, SWINE, OR POULTRY FOR A PERIOD LONGER THAN 21**
 11 **DAYS.**

12 **(2) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY BE**
 13 **ADMINISTERED TO CATTLE, SWINE, OR POULTRY FOR A PERIOD LONGER THAN 21**
 14 **DAYS IF THE FEDERAL LABEL DIRECTIONS FOR THE DRUG ~~MANDATE~~ REQUIRE A**
 15 **LONGER PERIOD OF USE.**

16 **(3) (I) A LICENSED VETERINARIAN MAY EXTEND ADMINISTRATION**
 17 **OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG FOR NOT MORE THAN 21 DAYS**
 18 **IF, AFTER CONDUCTING AN ON-SITE VISIT, THE VETERINARIAN DETERMINES THAT**
 19 **THE EXTENSION IS NECESSARY TO TREAT OR CONTROL THE SPREAD OF DISEASE OR**
 20 **INFECTION.**

21 **(II) A LICENSED VETERINARIAN MAY GRANT ADDITIONAL**
 22 **EXTENSIONS OF NOT MORE THAN 21 DAYS, PROVIDED THAT THE VETERINARIAN**
 23 **CONDUCTS AN ON-SITE VISIT BEFORE EACH EXTENSION.**

24 **(F) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT SHALL ADOPT**
 25 **REGULATIONS PROHIBITING THE ROUTINE ADMINISTRATION OF A MEDICALLY**
 26 **IMPORTANT ANTIMICROBIAL DRUG TO DAIRY CATTLE ENTERING A DRY CYCLE**
 27 **EXCEPT WHEN NECESSARY BASED ON AN ASSESSMENT OF THE PRESENCE OF AN**
 28 **INTRAMAMMARY INFECTION.**

29 3-1004.

30 (a) Each year the Department shall collect publicly available data on the use in
 31 the State of medically important antimicrobial drugs in cattle, swine, and poultry from:

32 (1) The U.S. Department of Agriculture;

33 (2) The Centers for Disease Control and Prevention;

1 (3) The U.S. Food and Drug Administration; and

2 (4) Appropriate national AND STATE trade associations, organizations,
3 and councils.

4 (b) ON OR BEFORE FEBRUARY 1, 2021, AND EACH FEBRUARY 1
5 THEREAFTER, ~~AN OWNER~~ A LICENSED VETERINARIAN SHALL SUBMIT TO THE
6 DEPARTMENT, IN A MANNER DETERMINED BY THE DEPARTMENT:

7 (1) A COPY OF THE RECORD PRESCRIBING THE MEDICALLY
8 IMPORTANT ANTIMICROBIAL DRUG ~~PRESCRIPTION~~ OR A COPY OF THE VETERINARY
9 FEED DIRECTIVE FOR EACH MEDICALLY IMPORTANT ANTIMICROBIAL DRUG, AS
10 LISTED IN APPENDIX A OF THE FEDERAL FOOD AND DRUG ADMINISTRATION'S
11 GUIDANCE FOR INDUSTRY #152, ADMINISTERED IN FEED OR WATER TO CATTLE,
12 SWINE, OR POULTRY DURING THE PREVIOUS CALENDAR YEAR; AND

13 (2) AN ACCOUNTING, AS PROVIDED BY THE OWNER, OF THE TOTAL
14 NUMBER OF ANIMALS RAISED DURING THE PREVIOUS CALENDAR YEAR,
15 CATEGORIZED BY SPECIES AND PRODUCTION CLASS.

16 (c) (1) On or before ~~December 1, 2019, and each December 1~~ FEBRUARY 1,
17 2020, AND EACH FEBRUARY 1 thereafter, the Department shall report to the General
18 Assembly, in accordance with § 2-1246 of the State Government Article, on the data
19 collected under [subsection] SUBSECTIONS (a) AND (B) of this section.

20 (2) ON OR BEFORE ~~DECEMBER~~ FEBRUARY 1, 2021, THE REPORT
21 SHALL INCLUDE THE FOLLOWING INFORMATION FOR THE PREVIOUS CALENDAR
22 YEAR:

23 (i) THE TOTAL NUMBER OF ANIMALS RAISED ON FARM
24 OPERATIONS COVERED BY THIS SUBTITLE, CATEGORIZED BY SPECIES AND
25 PRODUCTION CLASS;

26 (ii) THE SPECIFIC ANTIMICROBIAL ACTIVE INGREDIENTS AND
27 CLASSES OF ANTIMICROBIAL ACTIVE INGREDIENTS USED;

28 (iii) THE TOTAL WEIGHT OF ANTIMICROBIAL ACTIVE
29 INGREDIENTS USED;

30 (iv) INDICATIONS FOR WHICH VETERINARIANS PRESCRIBED
31 MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS; AND

1 (V) PATTERNS OF USE FOR MEDICALLY IMPORTANT
2 ANTIMICROBIAL DRUGS, INCLUDING DURATION AND SEASONAL VARIATION.

3 (3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
4 INFORMATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE
5 DISAGGREGATED BY COUNTY.

6 (II) IF THERE ARE TWO OR FEWER REPORTING FARM
7 OPERATIONS IN A PARTICULAR COUNTY FOR ANY OF THE CATEGORIES DESCRIBED
8 IN PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT MAY REPORT THE
9 INFORMATION FOR THAT CATEGORY ON A REGIONAL OR STATEWIDE BASIS.

10 (D) THE DEPARTMENT SHALL MAINTAIN ALL RECORDS AND INFORMATION
11 RELATING TO THE ADMINISTRATION OF MEDICALLY IMPORTANT ANTIMICROBIAL
12 DRUGS SUBMITTED TO THE DEPARTMENT UNDER THIS SECTION:

13 (1) IN A MANNER THAT PROTECTS THE IDENTITY OF THE ~~FARM~~
14 ~~OPERATION THAT SUBMITTED THE INFORMATION~~ OWNER, OPERATOR, AND
15 VETERINARIAN FOR WHOM THE INFORMATION WAS SUBMITTED; AND

16 (2) FOR AT LEAST 5 YEARS.

17 3-1005.

18 The Secretary may impose an administrative penalty, not exceeding \$2,000 PER
19 VIOLATION, on a person that violates this subtitle.

20 3-1006.

21 The Department may adopt regulations to carry out this subtitle.

22 ~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

23 ~~(a) On or before November 1, 2019, the Department of Agriculture shall provide~~
24 ~~written notice of the requirements of this Act to each owner that may be affected by this~~
25 ~~Act.~~

26 ~~(b) The notice shall be sent by first class mail to the owner's last known address.~~

27 SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2019.