

# SENATE BILL 471

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9lr0735  
CF HB 652

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By: **Senators Pinsky, Nathan–Pulliam, Ferguson, King, Lam, Lee, Rosapepe, Smith, Washington, and Young**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 13, 2019

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## 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 or  
15 veterinary feed directive and a certain accounting to the Department of ~~Agriculture~~  
16 on or before a certain date each year; requiring the Department to include certain  
17 information in a certain annual report, on or before a certain date; requiring certain  
18 reported information to be disaggregated by county except under certain  
19 circumstances; requiring the Department to maintain certain records and  
20 information in a certain manner and for a certain amount of time; specifying that a  
21 certain penalty may be imposed per violation; requiring the Department to provide  
22 written notice of the requirements of this Act to each owner that may be affected by  
23 this Act on or before a certain date; requiring the notice to be sent in a certain

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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 manner; altering certain definitions; defining certain terms; and generally relating  
2 to the use of medically important antimicrobial drugs in cattle, swine, and poultry.

3 BY repealing and reenacting, with amendments,  
4 Article – Agriculture  
5 Section 3–1001 through 3–1005  
6 Annotated Code of Maryland  
7 (2016 Replacement Volume and 2018 Supplement)

8 BY repealing and reenacting, without amendments,  
9 Article – Agriculture  
10 Section 3–1006  
11 Annotated Code of Maryland  
12 (2016 Replacement Volume and 2018 Supplement)

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

15 **Article – Agriculture**

16 3–1001.

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

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

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

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

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

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

26 **1. AGE OR WEIGHT OF AN ANIMAL;**

27 **2. TIME OF THE WEEK, MONTH, OR YEAR; OR**

28 **3. SEASON; OR**

29 **(III) WHEN MOVING ANIMALS FROM ONE LOCATION TO**  
30 **ANOTHER; ~~OR~~**

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

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

5 (1) A group of animals in contact with each other; or

6 (2) A barn or equivalent animal housing unit.

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

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

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

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

14 (1) (i) Made from a mold or bacterium that kills or slows the growth of  
15 other microbes, specifically bacteria; and

16 (ii) Used in human beings or intended for use in human beings to  
17 treat or prevent disease or infection; or

18 (2) Listed in:

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

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

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

28 (1) For a medically important antimicrobial drug ~~t~~that is:

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

1 (ii) To be added to the drinking water of cattle, swine, or poultry;  
 2 and

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

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

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

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

12 (I) “PROPHYLAXIS” MEANS THE PREVENTION OF DISEASE OR INFECTION IN  
 13 THE ABSENCE OF DOCUMENTED CLINICAL SIGNS OF DISEASE OR INFECTION.

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

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

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

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

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

24 3–1002.

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

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

28 (2) **DAIRY CATTLE ON A FARM OPERATION WITH A HERD SIZE OF**  
 29 **FEWER THAN ~~10~~ 300 DAIRY CATTLE;**

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

1            ~~[(3)] (4)~~       Poultry on a farm operation that sells fewer than 60,000 birds  
2 per year.

3 3–1003.

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

7            (1)    **A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG PRESCRIPTION;**  
8 **OR**

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

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

14                    (i)    To treat a disease or infection;

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

16                    (iii)   For a surgery or medical procedure.

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

21                    (II)   **NOTWITHSTANDING SUBSECTION (E) OF THIS SECTION,**  
22 **ADMINISTRATION OF A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG FOR THE**  
23 **PURPOSE OF PROPHYLAXIS MAY NOT EXCEED 21 DAYS UNLESS FEDERAL LABEL**  
24 **DIRECTIONS MANDATE A LONGER PERIOD OF USE.**

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

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

30                    (1)    Promoting weight gain; or

31                    (2)    Improving feed efficiency.

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

5           **(2) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY BE**  
6 **ADMINISTERED TO CATTLE, SWINE, OR POULTRY FOR A PERIOD LONGER THAN 21**  
7 **DAYS IF THE FEDERAL LABEL DIRECTIONS FOR THE DRUG MANDATE A LONGER**  
8 **PERIOD OF USE.**

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

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

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

22 3-1004.

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

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

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

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

28           (4) Appropriate national AND STATE trade associations, organizations,  
29 and councils.

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

1           (1) A COPY OF THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG  
2 PRESCRIPTION OR VETERINARY FEED DIRECTIVE FOR EACH MEDICALLY  
3 IMPORTANT ANTIMICROBIAL DRUG, AS LISTED IN APPENDIX A OF THE FEDERAL  
4 FOOD AND DRUG ADMINISTRATION'S GUIDANCE FOR INDUSTRY #152,  
5 ADMINISTERED IN FEED OR WATER TO CATTLE, SWINE, OR POULTRY DURING THE  
6 PREVIOUS CALENDAR YEAR; AND

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

10           (C) (1) On or before ~~December 1, 2019, and each December 1~~ FEBRUARY 1,  
11 2020, AND EACH FEBRUARY 1 thereafter, the Department shall report to the General  
12 Assembly, in accordance with § 2-1246 of the State Government Article, on the data  
13 collected under [subsection] SUBSECTIONS (a) AND (B) of this section.

14           (2) ON OR BEFORE ~~DECEMBER~~ FEBRUARY 1, 2021, THE REPORT  
15 SHALL INCLUDE THE FOLLOWING INFORMATION FOR THE PREVIOUS CALENDAR  
16 YEAR:

17                   (I) THE TOTAL NUMBER OF ANIMALS RAISED ON FARM  
18 OPERATIONS COVERED BY THIS SUBTITLE, CATEGORIZED BY SPECIES AND  
19 PRODUCTION CLASS;

20                   (II) THE SPECIFIC ANTIMICROBIAL ACTIVE INGREDIENTS AND  
21 CLASSES OF ANTIMICROBIAL ACTIVE INGREDIENTS USED;

22                   (III) THE TOTAL WEIGHT OF ANTIMICROBIAL ACTIVE  
23 INGREDIENTS USED;

24                   (IV) INDICATIONS FOR WHICH VETERINARIANS PRESCRIBED  
25 MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS; AND

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

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

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

1           **(D) THE DEPARTMENT SHALL MAINTAIN ALL RECORDS AND INFORMATION**  
2 **RELATING TO THE ADMINISTRATION OF MEDICALLY IMPORTANT ANTIMICROBIAL**  
3 **DRUGS SUBMITTED TO THE DEPARTMENT UNDER THIS SECTION:**

4                   **(1) IN A MANNER THAT PROTECTS THE IDENTITY OF THE FARM**  
5 **OPERATION THAT SUBMITTED THE INFORMATION; AND**

6                   **(2) FOR AT LEAST 5 YEARS.**

7 3–1005.

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

10 3–1006.

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

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

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

16           (b) The notice shall be sent by first–class mail to the owner’s last known address.

17           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2019.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.