

HOUSE BILL 829

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CF SB 607

By: **Delegates S. Robinson, Lam, Beidle, Carr, Ebersole, Fraser-Hidalgo, Hettleman, Korman, Moon, Morales, and Platt**

Introduced and read first time: February 8, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

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

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 prescription or veterinary feed directive issued by a licensed veterinarian in
7 accordance with certain conditions; prohibiting certain antimicrobial drugs from
8 being administered to cattle, swine, and poultry for certain purposes; specifying that
9 certain antimicrobial drugs may be administered only for a use authorized by a
10 certain prescription or veterinary feed directive; requiring certain antimicrobial
11 drugs to be administered in a certain manner; requiring a certain veterinarian who
12 issues a certain veterinary feed directive to submit to the Department of Agriculture
13 certain information in a certain manner; requiring the Department to maintain
14 certain information and make the information available for public review in a certain
15 manner; requiring the Department to report to the General Assembly on or before a
16 certain date each year, beginning on or before a certain date; authorizing the
17 Secretary of Agriculture to impose a certain penalty; authorizing the Department to
18 adopt certain regulations; providing for the application of this Act; defining certain
19 terms; and generally relating to the use of antimicrobial drugs in cattle, swine, and
20 poultry.

21 BY adding to

22 Article – Agriculture

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

25 Annotated Code of Maryland

26 (2007 Replacement Volume and 2015 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Agriculture

SUBTITLE 10. USE OF ANTIMICROBIAL DRUGS.

3–1001.

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

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

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

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

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

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

(D) “OWNER” MEANS A PERSON THAT:

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

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

(E) “VETERINARY FEED DIRECTIVE” MEANS A WRITTEN STATEMENT ISSUED BY A VETERINARIAN LICENSED IN THE STATE IN THE COURSE OF THE VETERINARIAN’S PROFESSIONAL PRACTICE THAT:

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

1 **(2) AUTHORIZES AN OWNER OR A CARETAKER OF AN ANIMAL TO**
2 **OBTAIN AND USE ANIMAL FEED BEARING OR CONTAINING AN ANIMAL DRUG TO**
3 **TREAT THE ANIMAL; AND**

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

6 **3-1002.**

7 **EXCEPT AS OTHERWISE PROVIDED IN FEDERAL LAW OR REGULATION, THIS**
8 **SUBTITLE DOES NOT APPLY TO ANTIMICROBIAL USE IN:**

9 **(1) DAIRY CATTLE;**

10 **(2) CATTLE ON A FARM OPERATION THAT SELLS FEWER THAN 200**
11 **CATTLE PER YEAR;**

12 **(3) SWINE ON A FARM OPERATION THAT SELLS FEWER THAN 200**
13 **SWINE PER YEAR; OR**

14 **(4) POULTRY ON A FARM OPERATION THAT SELLS FEWER THAN**
15 **60,000 BIRDS PER YEAR.**

16 **3-1003.**

17 **(A) ON OR AFTER FEBRUARY 1, 2017, AND SUBJECT TO SUBSECTION (B) OF**
18 **THIS SECTION, AN OWNER OF CATTLE, SWINE, OR POULTRY MAY NOT ADMINISTER**
19 **OR AUTHORIZE AN AGENT TO ADMINISTER A MEDICALLY IMPORTANT**
20 **ANTIMICROBIAL DRUG TO THE CATTLE, SWINE, OR POULTRY WITHOUT A**
21 **PRESCRIPTION OR A VETERINARY FEED DIRECTIVE ISSUED BY A LICENSED**
22 **VETERINARIAN:**

23 **(1) IN THE CONTEXT OF A VETERINARIAN-CLIENT-PATIENT**
24 **RELATIONSHIP THAT MEETS THE CRITERIA FOR A VALID**
25 **VETERINARIAN-CLIENT-PATIENT RELATIONSHIP ESTABLISHED UNDER TITLE 21, §**
26 **530.3 OF THE CODE OF FEDERAL REGULATIONS;**

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

29 **(3) WHO HAS DETERMINED THAT THE MEDICALLY IMPORTANT**
30 **ANTIMICROBIAL DRUG IS NECESSARY:**

1 **(I) TO TREAT A DOCUMENTED DISEASE OR INFECTION;**

2 **(II) FOR DISEASE CONTROL;**

3 **(III) FOR A SURGERY OR A MEDICAL PROCEDURE; OR**

4 **(IV) TO PREVENT A DISEASE THAT RESULTS FROM A**
5 **VETERINARIAN-DOCUMENTED SPECIFIC EVENT THAT SIGNIFICANTLY INCREASES**
6 **DISEASE RISK RELATIVE TO NORMAL FACILITY OPERATING CONDITIONS.**

7 **(B) (1) (I) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT**
8 **BE ADMINISTERED TO CATTLE, SWINE, OR POULTRY FOR:**

9 1. **GROWTH PROMOTION;**

10 2. **FEED EFFICIENCY OR WEIGHT GAIN PURPOSES; OR**

11 3. **ROUTINE DISEASE PREVENTION.**

12 **(II) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY BE**
13 **ADMINISTERED ONLY FOR A USE AUTHORIZED BY A PRESCRIPTION OR VETERINARY**
14 **FEED DIRECTIVE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

15 **(2) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG SHALL BE**
16 **ADMINISTERED IN A MANNER THAT TREATS THE FEWEST NUMBER OF CATTLE,**
17 **SWINE, OR POULTRY FOR THE SHORTEST DURATION NECESSARY FOR THE USE**
18 **AUTHORIZED BY THE PRESCRIPTION OR THE VETERINARY FEED DIRECTIVE.**

19 **3-1004.**

20 **(A) ON OR BEFORE FEBRUARY 1, 2018, AND EACH FEBRUARY 1**
21 **THEREAFTER, A VETERINARIAN WHO ISSUES A VETERINARY FEED DIRECTIVE SHALL**
22 **SUBMIT TO THE DEPARTMENT, IN A MANNER DETERMINED BY THE DEPARTMENT,**
23 **THE FOLLOWING INFORMATION FROM EACH VETERINARY FEED DIRECTIVE ISSUED**
24 **DURING THE PREVIOUS CALENDAR YEAR:**

25 **(1) DATE OF ISSUANCE;**

26 **(2) EXPIRATION DATE;**

27 **(3) NAME OF EACH ANIMAL DRUG;**

28 **(4) INDICATIONS FOR USE FOR EACH ANIMAL DRUG;**

1 **(5) SPECIES AND PRODUCTION CLASS OF EACH ANIMAL TO BE FED**
2 **THE MEDICATED FEED;**

3 **(6) APPROXIMATE NUMBER OF ANIMALS TO BE FED THE MEDICATED**
4 **FEED;**

5 **(7) LEVEL OF EACH ANIMAL DRUG ORDERED FOR THE FEED AND THE**
6 **AMOUNT OF FEED REQUIRED FOR TREATMENT;**

7 **(8) FEEDING INSTRUCTIONS WITH THE WITHDRAWAL TIME;**

8 **(9) NUMBER OF REORDERS AUTHORIZED BY THE VETERINARY FEED**
9 **DIRECTIVE IF REORDERS ARE ALLOWED UNDER FEDERAL LAW OR REGULATION;**
10 **AND**

11 **(10) ANY SPECIAL INSTRUCTIONS AND CAUTIONARY STATEMENTS**
12 **NECESSARY FOR THE USE OF THE ANIMAL DRUG IN CONFORMANCE WITH ANIMAL**
13 **DRUG APPROVALS UNDER FEDERAL LAW OR REGULATION.**

14 **(B) ALL RECORDS AND INFORMATION RELATING TO A VETERINARY FEED**
15 **DIRECTIVE SUBMITTED TO THE DEPARTMENT UNDER THIS SECTION SHALL BE**
16 **MAINTAINED BY THE DEPARTMENT AND MADE AVAILABLE FOR PUBLIC REVIEW IN A**
17 **MANNER THAT PROVIDES THE GREATEST PUBLIC DISCLOSURE OF RECORDS AND**
18 **INFORMATION WHILE PROTECTING THE IDENTITY OF THE FARM OPERATION OR**
19 **OWNER OF THE FARM OPERATION TO WHICH THE VETERINARY FEED DIRECTIVE**
20 **RELATES.**

21 **(C) ON OR BEFORE DECEMBER 1, 2018, AND EACH DECEMBER 1**
22 **THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN**
23 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE**
24 **INFORMATION SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION.**

25 **3-1005.**

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

28 **3-1006.**

29 **THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.**

30 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
31 **October 1, 2016.**