

SENATE BILL 471

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CF 9lr1945

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

A BILL ENTITLED

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 a certain owner to submit a copy of a certain
12 prescription or veterinary feed directive and a certain accounting to the Department
13 of Agriculture on or before a certain date each year; requiring the Department to
14 include certain information in a certain annual report, on or before a certain date;
15 requiring certain reported information to be disaggregated by county except under
16 certain circumstances; requiring the Department to maintain certain records and
17 information in a certain manner and for a certain amount of time; specifying that a
18 certain penalty may be imposed per violation; requiring the Department to provide
19 written notice of the requirements of this Act to each owner that may be affected by
20 this Act on or before a certain date; requiring the notice to be sent in a certain
21 manner; altering certain definitions; defining certain terms; and generally relating
22 to the use of medically important antimicrobial drugs in cattle, swine, and poultry.

23 BY repealing and reenacting, with amendments,
24 Article – Agriculture
25 Section 3–1001 through 3–1005
26 Annotated Code of Maryland
27 (2016 Replacement Volume and 2018 Supplement)

28 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Agriculture
2 Section 3–1006
3 Annotated Code of Maryland
4 (2016 Replacement Volume and 2018 Supplement)

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

7 **Article – Agriculture**

8 3–1001.

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

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

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

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

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

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

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

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

20 **3. SEASON;**

21 **(III) WHEN MOVING ANIMALS FROM ONE LOCATION TO**
22 **ANOTHER; OR**

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

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

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

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

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

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

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

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

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

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

12 (2) Listed in:

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

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

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

22 (1) For a medically important antimicrobial drug [that is:

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

24 (ii) To be added to the drinking water of cattle, swine, or poultry];
25 and

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

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

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

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

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

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

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

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

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

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

18 3–1002.

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

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

22 (2) **DAIRY CATTLE ON A FARM OPERATION WITH A HERD SIZE OF**
23 **FEWER THAN 10 DAIRY CATTLE;**

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

25 **[(3)] (4)** Poultry on a farm operation that sells fewer than 60,000 birds
26 per year.

27 3–1003.

28 **(a) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY NOT BE**
29 **ADMINISTERED TO CATTLE, SWINE, OR POULTRY UNLESS ORDERED BY A LICENSED**
30 **VETERINARIAN THROUGH:**

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

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

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

8 (i) To treat a disease or infection;

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

10 (iii) For a surgery or medical procedure.

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

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

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

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

24 (1) Promoting weight gain; or

25 (2) Improving feed efficiency.

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

30 **(2) A MEDICALLY IMPORTANT ANTIMICROBIAL DRUG MAY BE**
31 **ADMINISTERED TO CATTLE, SWINE, OR POULTRY FOR A PERIOD LONGER THAN 21**

1 DAYS IF THE FEDERAL LABEL DIRECTIONS FOR THE DRUG MANDATE A LONGER
2 PERIOD OF USE.

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

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

11 3-1004.

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

- 14 (1) The U.S. Department of Agriculture;
- 15 (2) The Centers for Disease Control and Prevention;
- 16 (3) The U.S. Food and Drug Administration; and
- 17 (4) Appropriate national AND STATE trade associations, organizations,
18 and councils.

19 (b) **ON OR BEFORE FEBRUARY 1, 2021, AND EACH FEBRUARY 1**
20 **THEREAFTER, AN OWNER SHALL SUBMIT TO THE DEPARTMENT, IN A MANNER**
21 **DETERMINED BY THE DEPARTMENT:**

22 **(1) A COPY OF THE MEDICALLY IMPORTANT ANTIMICROBIAL DRUG**
23 **PRESCRIPTION OR VETERINARY FEED DIRECTIVE FOR EACH MEDICALLY**
24 **IMPORTANT ANTIMICROBIAL DRUG ADMINISTERED TO CATTLE, SWINE, OR POULTRY**
25 **DURING THE PREVIOUS CALENDAR YEAR; AND**

26 **(2) AN ACCOUNTING OF THE TOTAL NUMBER OF ANIMALS RAISED**
27 **DURING THE PREVIOUS CALENDAR YEAR, CATEGORIZED BY SPECIES AND**
28 **PRODUCTION CLASS.**

29 (c) (1) On or before December 1, 2019, and each December 1 thereafter, the
30 Department shall report to the General Assembly, in accordance with § 2-1246 of the State
31 Government Article, on the data collected under [subsection] SUBSECTIONS (a) AND (B)
32 of this section.

1 **(2) ON OR BEFORE DECEMBER 1, 2021, THE REPORT SHALL INCLUDE**
2 **THE FOLLOWING INFORMATION FOR THE PREVIOUS CALENDAR YEAR:**

3 **(I) THE TOTAL NUMBER OF ANIMALS RAISED ON FARM**
4 **OPERATIONS COVERED BY THIS SUBTITLE, CATEGORIZED BY SPECIES AND**
5 **PRODUCTION CLASS;**

6 **(II) THE SPECIFIC ANTIMICROBIAL ACTIVE INGREDIENTS AND**
7 **CLASSES OF ANTIMICROBIAL ACTIVE INGREDIENTS USED;**

8 **(III) THE TOTAL WEIGHT OF ANTIMICROBIAL ACTIVE**
9 **INGREDIENTS USED;**

10 **(IV) INDICATIONS FOR WHICH VETERINARIANS PRESCRIBED**
11 **MEDICALLY IMPORTANT ANTIMICROBIAL DRUGS; AND**

12 **(V) PATTERNS OF USE FOR MEDICALLY IMPORTANT**
13 **ANTIMICROBIAL DRUGS, INCLUDING DURATION AND SEASONAL VARIATION.**

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

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

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

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

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

27 3-1005.

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

30 3-1006.

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

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

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

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

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