
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 188 Session of
2019

INTRODUCED BY LEACH, KEARNEY AND TARTAGLIONE, FEBRUARY 1, 2019

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, FEBRUARY 1, 2019

AN ACT

1 Prohibiting the administration of certain antimicrobial agents
2 in agriculture; and providing for inspection and testing of
3 agricultural operations, for enforcement, for reporting by
4 agricultural operations and for alternatives to
5 administration of antimicrobial agents to animals.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Safe Food and
10 Safe Families Act.

11 Section 2. Findings and purpose.

12 (a) Findings.--The General Assembly finds and declares as
13 follows:

14 (1) Several antimicrobial agents, including, but not
15 limited to, penicillin, tetracycline, erythromycin,
16 lincomycin, bacitracin and virginiamycin are used in, or are
17 related to, antimicrobial agents used for the treatment of
18 infectious diseases in humans and are also used in animal
19 feed or otherwise administered to animals for nontherapeutic
20 purposes, such as the promotion of animal growth.

1 (2) Mounting expert opinion and government actions show
2 that using antimicrobial agents in animal feed contributes to
3 the increasing prevalence of antimicrobial-resistant
4 pathogenic bacteria, such as campylobacter, enterococci,
5 staphylococci and salmonella, that can cause hard-to-treat
6 infections in humans. Populations that are especially
7 vulnerable to antimicrobial resistance include children,
8 senior citizens, persons with cancer, persons with HIV/AIDS,
9 persons with diabetes and persons who are otherwise receiving
10 immunosuppressive therapy, including therapy after organ
11 transplants. Moreover, farmers and their families have been
12 shown to be at very high risk of exposure to antimicrobial-
13 resistant pathogens through the use of these drugs in animal
14 feeds.

15 (3) The Swann Committee, formed in the United Kingdom in
16 1969 to examine the public health effects of the use of
17 antimicrobial agents in food-producing animals, recommended
18 that antimicrobial agents be divided into "feed" and
19 "therapeutic" classes of drugs and that drugs used
20 therapeutically in humans or animals not be included in the
21 "feed" class.

22 (4) In 1977, the United States Food and Drug
23 Administration proposed to ban the subtherapeutic use of
24 penicillin and tetracycline, but the ban was never put into
25 effect.

26 (5) In 1997, the World Health Organization recommended
27 that antimicrobial agents that are used to treat humans
28 should not be used to promote animal growth.

29 (6) Individual European countries, including the United
30 Kingdom, Denmark, Finland and Sweden, banned the use of

1 certain antimicrobial agents in animal feed. Subsequently, in
2 December 1998, health ministers for the European Union
3 countries voted to ban the four remaining human-use
4 antimicrobial agents that were still being administered in
5 the European Union to promote animal growth. The ban by the
6 European Union on using virginiamycin, tylosin, spiramycin
7 and bacitracin in animal feed became effective for the 15
8 member states on July 1, 1999.

9 (7) An April 1999 study by the United States General
10 Accounting Office concluded that antibiotic-resistant strains
11 of Salmonella, Campylobacter and E. coli cause illness or
12 disease in humans and are linked to the use of antimicrobial
13 agents in animals.

14 (8) The American Medical Association passed a resolution
15 in June 2001 opposing the use of antimicrobial agents in
16 livestock except when needed to treat an animal's illness.

17 (9) Recent scientific medical studies from the
18 Netherlands and Canada suggest that animal agriculture,
19 specifically swine facilities, may be a source of
20 methicillin-resistant staphylococcus aureus (MRSA) strains
21 that are entering the human population via workers at those
22 facilities.

23 (10) More than 350 other medical, public health,
24 environmental and sustainable agriculture organizations have
25 publicly opposed the subtherapeutic use of antimicrobial
26 agents in livestock, including the American College of
27 Preventive Medicine, the American Nurses Association, the
28 Pennsylvania State Nurses Association, the American Public
29 Health Association, the American Academy of Pediatrics, the
30 Ambulatory Pediatric Association, the National Association of

1 County and City Health Officials, the American Academy of
2 Family Physicians, the American Geriatrics Society, the
3 Catholic Health Association of the United States, the
4 Infectious Diseases Society of America, the Leukemia and
5 Lymphoma Society, the National Alliance of State and
6 Territorial AIDS Directors, the Physicians for Social
7 Responsibility, the Center for Science in the Public
8 Interest, The Center for Food Safety, the National
9 Sustainable Agriculture Coalition, American Rivers, the
10 Chesapeake Bay Foundation, Citizens for Pennsylvania's
11 Future, Clean Water Action, the Environmental Defense Fund,
12 the National Environmental Trust, the Natural Resources
13 Defense Council and the Sierra Club.

14 (11) In July 2005, the Food and Drug Administration
15 withdrew its approval for the use of fluoroquinolone
16 antimicrobial agents for nontherapeutic administration to
17 poultry because of concerns over the development of
18 antibiotic-resistant bacteria.

19 (12) States have the right to enact laws more
20 restrictive than Federal laws concerning antimicrobial
21 agents.

22 (13) In 1978, a Federal court of appeals held that a
23 municipality could inspect meat delivery vehicles for
24 violation of its public health ordinances even though the
25 United States Department of Agriculture has sole
26 responsibility for the inspection of meat plants.

27 (14) In 1985, the United States Supreme Court
28 unanimously upheld local regulations of blood plasma centers
29 that were stricter than the Food and Drug Administration's
30 regulations governing the safety of blood plasma.

1 (15) Because a Federal district court in 1986 held that
2 regulations issued by the Food and Drug Administration and
3 the United States Department of Agriculture prevented the
4 requirement that a veal producer's label disclose that calves
5 had been fed subtherapeutic levels of antibiotic drugs,
6 consumers in this Commonwealth do not now have a reliable way
7 of knowing whether the food they buy contains bacteria that
8 is resistant to antimicrobial agents.

9 (b) Purpose.--The purpose of this act is to protect the
10 health and safety of the citizens of this Commonwealth by
11 prohibiting the use of certain antimicrobial agents in
12 agriculture in nontherapeutic amounts or as growth promoters.

13 Section 3. Definitions.

14 The following words and phrases when used in this act shall
15 have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Administer." To give an antimicrobial agent to an animal by
18 implantation, ingestion or injection or by addition to feed.

19 "Agricultural operation." The management and use of farming
20 resources for the production of livestock, poultry or fish.

21 "Animal." Any livestock, poultry or fish.

22 "Antimicrobial agent." A drug, chemical or other substance
23 that either kills or slows the growth of a microbe. The term
24 includes antimicrobial drugs that kill bacteria, antiviral
25 agents that kill viruses, antifungal agents that kill fungi and
26 antiparasitic drugs that kill parasites. The term includes both
27 naturally occurring substances, such as penicillins, and
28 synthetic agents designed for the same purpose.

29 "Antimicrobial resistance." The ability of a microbe to
30 survive treatment by antimicrobial agents resulting from changes

1 that reduce or eliminate the effectiveness of drugs, chemicals
2 or other agents to cure or prevent infections in animals or
3 humans.

4 "Department." The Department of Health of the Commonwealth.

5 "Land grant institution." An educational institution located
6 within this Commonwealth that has received a grant of public
7 land made by the Congress of the United States for the support
8 of education under the Morrill Act (12 Stat. 503, 7 U.S.C. § 301
9 et seq.).

10 "Microbe." A unicellular organism or virus that is so small
11 that it can be seen only by use of a microscope.

12 "Nontherapeutic amount." An amount of an antimicrobial agent
13 that constitutes a dose below that necessary to kill a pathogen.

14 "Organism." A living thing. The term includes humans,
15 animals, plants, bacteria, protozoa, fungi and viruses.

16 Section 4. Administration of certain antimicrobial agents
17 prohibited.

18 (a) General rule.--Beginning one year from the effective
19 date of this section, a person may not:

20 (1) Administer to an animal a nontherapeutic amount of
21 penicillin, tetracycline, erythromycin, lincomycin,
22 bacitracin or virginiamycin.

23 (2) Administer to an animal a nontherapeutic amount of
24 any other antimicrobial agent designated by the department.

25 (3) Administer to an animal an antimicrobial agent for
26 growth promotion.

27 (b) Affidavit required.--A person or legal entity owning or
28 operating an agricultural operation shall file annually with the
29 department an affidavit stating that the animals produced by
30 that agricultural operation have not been administered an

1 antimicrobial agent, in violation of subsection (a).

2 (c) Designation of antimicrobial agents.--The department may
3 designate antimicrobial agents that may not be administered to
4 an animal in a nontherapeutic amount. Before making a
5 designation, the department shall request the views of the
6 Department of Agriculture, the Physician General and the Animal
7 Health and Diagnostic Commission. The department shall annually
8 transmit a report of the designated antimicrobial agents, if
9 any, and the rationale for the designations to the Legislative
10 Reference Bureau for publication in the Pennsylvania Bulletin. A
11 designation of an antimicrobial agent shall be deemed an
12 adjudication under 2 Pa.C.S. § 101 (relating to definitions) and
13 shall be made and be subject to review in accordance with 2
14 Pa.C.S. (relating to administrative law and procedure).

15 Section 5. Inspection and testing of agricultural operations.

16 (a) Regular inspection and testing.--The department shall
17 regularly perform investigations, inspections and tests and take
18 other actions as are necessary to enforce the provisions of this
19 act or any order, rule or regulation promulgated under this act
20 and may enter, at reasonable times, an agricultural operation
21 for those purposes. A person owning or operating an agricultural
22 operation shall grant access to the department and shall not
23 hinder, obstruct, prevent or interfere with the department in
24 the performance of the department's duties.

25 (b) Cooperation with other agencies.--In performing the
26 inspections and testing under subsection (a), the department may
27 request the assistance of the Department of Agriculture, the
28 Department of Environmental Protection, the Pennsylvania Fish
29 and Boat Commission, the Physician General, the Animal Health
30 and Diagnostic Commission, the State Board of Veterinary

1 Medicine, the State Board of Medicine and the State Board of
2 Osteopathic Medicine, which assistance shall reasonably be
3 provided.

4 Section 6. Enforcement.

5 (a) Equitable relief.--

6 (1) A mandatory preliminary injunction, special
7 injunction or temporary restraining order may be issued upon
8 the terms prescribed by the court of common pleas of the
9 county that is the site of an agricultural operation, if the
10 court finds:

11 (i) that a person is administering an antimicrobial
12 agent in violation of section 4; or

13 (ii) that a person is denying access or otherwise
14 hindering, obstructing, preventing or interfering with
15 the department in the performance of the department's
16 duties under this act.

17 (2) Notice of the application for a mandatory
18 preliminary injunction, special injunction or temporary
19 restraining order shall be given in accordance with the rules
20 of equity practice. In a proceeding, the department shall not
21 be required to post a bond.

22 (b) Civil penalties.--In addition to any other relief
23 ordered by a court in accordance with subsection (a), the court
24 may impose civil penalties on a person who knowingly administers
25 an antimicrobial agent in violation of section 4 or who denies
26 access or otherwise hinders, obstructs, prevents or interferes
27 with the department in performing duties in violation of section
28 5. The civil penalties shall be in the amount of not more than
29 \$1,000 for each day of each violation.

30 (c) Other relief.--A microbial agent administered in

1 violation of section 4 shall be deemed a hazardous substance
2 under 3 Pa.C.S. § 2303 (relating to definitions) and shall be
3 subject to regulation as a hazardous substance under 3 Pa.C.S.
4 Ch. 23 (relating to domestic animals) notwithstanding any
5 provision of that title to the contrary.

6 Section 7. Reporting.

7 The department, in consultation with the Department of
8 Agriculture, shall promulgate regulations requiring annual
9 reporting by agricultural operations on the use of antimicrobial
10 agents in animals, including a list of the antimicrobial agents
11 used and the approximate volume administered. The department
12 shall compile the information into an annual report that
13 includes statistics on antimicrobial agent use Statewide and in
14 each of the counties. The information shall be published and
15 maintained on the department's publicly accessible Internet
16 website.

17 Section 8. Alternatives to administration of antimicrobial
18 agents to animals.

19 In the allocation of any funds appropriated by the General
20 Assembly to the Department of Agriculture, the Animal Health and
21 Diagnostic Commission or a land grant institution for
22 agricultural research, priority shall be given to research and
23 development of alternatives to the administration of
24 antimicrobial agents to animals, including improved animal
25 husbandry and hygiene.

26 Section 9. Rules and regulations.

27 The department may promulgate rules and regulations to
28 administer and enforce this act.

29 Section 10. Repeals.

30 All acts and parts of acts are repealed insofar as they are

1 inconsistent with this act.

2 Section 11. Effective date.

3 This act shall take effect in 60 days.