

AMENDED IN ASSEMBLY AUGUST 17, 2015

AMENDED IN ASSEMBLY JULY 14, 2015

AMENDED IN ASSEMBLY JULY 8, 2015

AMENDED IN ASSEMBLY JUNE 25, 2015

AMENDED IN SENATE JUNE 1, 2015

SENATE BILL

No. 27

Introduced by Senator Hill

December 1, 2014

An act to add Chapter 4.5 (commencing with Section 14400) to Division 7 of the Food and Agricultural Code, relating to livestock.

LEGISLATIVE COUNSEL'S DIGEST

SB 27, as amended, Hill. Livestock: use of antimicrobial drugs.

(1) Existing law regulates the distribution and use of livestock drugs, as defined, by the Secretary of Food and Agriculture. Existing law also requires a person to obtain a license from the secretary to manufacture, sell, distribute, or store commercial feed, including commercial feed containing drugs.

This bill would, beginning January 1, 2018, prohibit the administration of medically important antimicrobial drugs, as defined, to livestock unless ordered by a licensed veterinarian through a prescription or veterinary feed directive pursuant to a veterinarian-client-patient relationship, as specified, and would prohibit the administration of a medically important antimicrobial drug to livestock ~~solely to cause an increased rate of~~ *for purposes of promoting* weight gain or ~~improved~~ *improving* feed efficiency. The bill would require the Department of Food and Agriculture, in consultation with the Veterinary Medical

~~Board and Board, the State Department of Public Health, universities, and cooperative extensions, to implement programs to promote antimicrobial stewardship in livestock, develop guidelines and training materials on the proper use of medically important antimicrobial drugs and, in coordination with specified national entities, would require the department to develop a monitoring program to gather information on sales, medically important antimicrobial drug sales and usage, resistance, and management practice data for medically important antimicrobial drugs: antimicrobial resistant bacteria, and livestock management practice data.~~ The bill would require information provided pursuant to those provisions to be held confidential, as specified. The bill would make a first violation of the bill's provisions subject to a civil penalty of \$250 for each day a violation occurs, and would make second and subsequent violations subject to an administrative fine of \$500 for each day a violation ~~occurs~~: *occurs, except as specified.*

(2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 4.5 (commencing with Section 14400)
2 is added to Division 7 of the Food and Agricultural Code, to read:

3

4 CHAPTER 4.5. LIVESTOCK: USE OF ANTIMICROBIAL DRUGS

5

6 14400. For purposes of this chapter, the following definitions
7 apply:

8 (a) "Medically important antimicrobial drug" means an
9 antimicrobial drug listed in Appendix A of the federal Food and
10 Drug Administration's Guidance for Industry #152, including
11 critically important, highly important, and important antimicrobial
12 drugs, as that appendix may be amended.

13 (b) "Livestock" means all animals and poultry, including aquatic
14 and amphibian species, that are raised, kept, or used for profit.

1 Livestock does not include those species that are usually kept as
2 pets, such as dogs, cats, and pet birds.

3 (c) *“Veterinary feed directive” has the same definition as in*
4 *Section 558.3 of Title 21 of the Code of Federal Regulations.*

5 14401. Beginning January 1, 2018, a medically important
6 antimicrobial drug shall not be administered to livestock unless
7 ordered by a licensed veterinarian through a prescription or
8 veterinary feed directive, pursuant to a veterinarian-client-patient
9 relationship that meets the requirements of Section 2032.1 of Title
10 16 of the California Code of Regulations.

11 14402. (a) Beginning January 1, 2018, a medically important
12 antimicrobial drug may be used when, in the professional judgment
13 of a licensed veterinarian, the medically important antimicrobial
14 drug is necessary for any of the following:

- 15 (1) To treat a disease or infection.
- 16 (2) To control the spread of a disease or infection.
- 17 (3) In relation to surgery or a medical procedure.
- 18 (4) For prophylaxis to prevent the contraction of a particular
19 disease or infection known or suspected to occur in a specific
20 situation if antimicrobial prophylaxis is considered by a licensed
21 veterinarian to be effective to prevent that infection or disease.

22 (b) A person shall not administer a medically important
23 antimicrobial drug to livestock solely for purposes of promoting
24 weight gain or improving feed efficiency.

25 (c) Unless the administration is consistent with subdivision (a),
26 a person shall not administer a medically important antimicrobial
27 drug in a repeated or regular pattern.

28 14403. (a) Notwithstanding Sections 14401 and 14402 of this
29 code and ~~Section 4051~~ *Article 15 (commencing with Section 4196)*
30 *of Chapter 9 of Division 2 of the Business and Professions Code,*
31 *medically important antimicrobial drugs may be sold by retailers*
32 *licensed pursuant to Article 5 (commencing with Section 14321)*
33 *of Chapter 4 of Division 7 with proof of an order by a prescription*
34 *or veterinary feed directive from a licensed veterinarian.*

35 (b) *This section shall not be construed to invalidate the*
36 *requirement to obtain a prescription or veterinary feed directive*
37 *to administer a medically important antimicrobial drug as required*
38 *by Section 14401.*

39 (b)

1 (c) The department may promulgate regulations to implement
2 this section.

3 14404. (a) The department, in consultation with the Veterinary
4 Medical Board and Board, the State Department of Public Health,
5 may implement programs, including, but not limited to, best
6 management practices, to promote antimicrobial stewardship in
7 livestock to ensure that each animal gets the intended benefit from
8 the drug to help preserve the lifesaving potential of the drugs in
9 the future. The programs shall include antimicrobial stewardship
10 guidelines on the proper use of medically important antimicrobial
11 drugs for disease treatment, control, and prevention; universities,
12 and cooperative extensions, shall develop antimicrobial
13 stewardship guidelines and appropriate training materials for
14 veterinarians, as well as livestock owners and their employees
15 who are involved with administering medically important
16 antimicrobial drugs, on the proper use of medically important
17 antimicrobial drugs for disease treatment, control, and prevention.
18 The guidelines shall include scientifically validated practical
19 alternatives to the use of medically important antimicrobial drugs,
20 including, but not limited to, the introduction of effective vaccines
21 and good hygiene and management practices.

22 (b) The department shall consult with livestock producers, food
23 animal licensed veterinarians, and any other relevant stakeholders
24 on ensuring livestock timely access to treatment for producers in
25 rural areas with limited access to veterinary care.

26 (c) For purposes of this section, “antimicrobial stewardship” is
27 a commitment to do all of the following:

28 (1) To use medically important antimicrobial drugs only when
29 necessary to treat, control, and, in some cases, prevent, disease.

30 (2) To select the appropriate medically important antimicrobial
31 drug, and to administer the drug correctly each time.

32 (3) To use medically important antimicrobial drugs for the
33 shortest duration necessary and administered to administer them
34 to the fewest animals necessary.

35 (d) The department, in consultation with the Veterinary Medical
36 Board, shall sponsor projects or collaborate with universities,
37 cooperative extension, and veterinary, livestock, and poultry trade
38 associations to do the following:

1 ~~(1) Promote and develop appropriate training materials for~~
2 ~~veterinarians, as well as livestock owners and their employees, to~~
3 ~~promulgate good stewardship practices.~~

4 ~~(2) Disseminate scientifically validated practical alternatives~~
5 ~~that may reduce the reliance on medically important antimicrobial~~
6 ~~drugs while maintaining and promoting animal health.~~

7 14405. (a) ~~In~~*It is the intent of the Legislature that the*
8 *department coordinate with the United States Department of*
9 *Agriculture and the federal Food and Drug Administration to*
10 *implement the expanded antimicrobial resistance surveillance*
11 *efforts included in the National Action Plan for Combating*
12 *Antibiotic-Resistant Bacteria, and that the information gathered*
13 *through this effort will help lead to a better understanding of the*
14 *links between antimicrobial use patterns in livestock and the*
15 *development of antimicrobial resistant bacterial infections.*

16 (b) (1) *In coordination with the National Animal Health*
17 *Monitoring System and the National Antimicrobial Resistance*
18 *Monitoring System, the department shall ~~develop a monitoring~~*
19 *program that gathers gather information on sales, usage, resistance,*
20 *and medically important antimicrobial drug sales and usage, as*
21 *well as antimicrobial resistant bacteria and livestock management*
22 *practice data. ~~The monitoring system~~ Monitoring efforts shall be*
23 *compatible with, and not duplicative of, the national monitoring*
24 *system.*

25 (2) *In coordinating with the National Animal Health Monitoring*
26 *System and the National Antimicrobial Resistant Monitoring*
27 *System, the department shall gather representative samples from*
28 *all of the following:*

29 (A) *California's major livestock segments.*

30 (B) *Regions with considerable livestock production.*

31 (C) *Representative segments of the food production chain.*

32 (c) *The department shall work with willing participants to gather*
33 *samples and shall consult with, and conduct outreach to, livestock*
34 *producers, licensed veterinarians, and any other relevant*
35 *stakeholders on the implementation of the monitoring efforts.*

36 ~~(b)~~

37 (d) *In order to carry out this section, the department may request*
38 *copies of veterinary feed directives and prescriptions from the*
39 *livestock owner, veterinarian, or distributor. Participation in this*

1 effort shall be done in a manner that does not breach
2 veterinary-patient confidentiality laws.

3 (e) (1) *The department shall report to the Legislature by*
4 *January 1, 2019, the results of its outreach activities and*
5 *monitoring efforts. The department shall advise the Legislature*
6 *as to whether or not participation is sufficient to provide*
7 *statistically relevant data. The report shall be submitted in*
8 *compliance with Section 9795 of the Government Code.*

9 (2) *This subdivision is inoperative on January 1, 2023, pursuant*
10 *to Section 10231.5 of the Government Code.*

11 (e)

12 (f) The department shall seek funds from federal, state, ~~private,~~
13 and other sources to implement this section.

14 (g) *The department may promulgate regulations to implement*
15 *this section.*

16 ~~14406. (a) The department shall consider how best to gather~~
17 ~~representative samples from all of the following:~~

18 ~~(1) California's major livestock segments.~~

19 ~~(2) Regions with considerable livestock production.~~

20 ~~(3) Representative segments of the food production chain.~~

21 ~~(b) The department shall work with willing participants to gather~~
22 ~~samples and may consult with livestock producers, food animal~~
23 ~~veterinarians, and any other relevant stakeholders on the~~
24 ~~implementation of the monitoring system.~~

25 ~~14407.~~

26 *14406. Notwithstanding the California Public Records Act*
27 *(Chapter 3.5 (commencing with Section 6250) of Division 7 of*
28 *Title 1 of the Government Code), any information provided*
29 *pursuant to this chapter shall be held confidential, and shall not*
30 *be disclosed to any person or governmental agency, other than the*
31 *department or the Veterinary Medical Board, for the purposes of*
32 *enforcing the Veterinary Medicine Practice Act (Chapter 11*
33 *(commencing with Section 4800) of Division 2 of the Business*
34 *and Professions Code), unless the data is aggregated to prevent*
35 *the identification of an individual farm or business. Information*
36 *may be shared with federal agencies so long as it is protected by*
37 *the federal Confidential Information Protection and Statistical*
38 *Efficiency Act of 2002 (Public Law 107-347).*

1 ~~14408.~~

2 *14407.* (a) A person who violates this chapter shall be liable
3 for a civil penalty of not more than two hundred and fifty dollars
4 (\$250) for each day a violation occurs.

5 (b) (1) For a second or subsequent violation, a person who
6 violates this chapter shall be punishable by an administrative fine,
7 levied by the secretary, in the amount of five hundred dollars
8 (\$500) for each day a violation occurs.

9 (2) In addition to the administrative fine, the violator shall attend
10 an educational program on the judicious use of medically important
11 antimicrobial drugs that has been approved by the secretary. The
12 violator shall successfully complete the program and provide proof
13 to the secretary within 90 days from the occurrence of the violation.

14 (c) ~~In addition to the penalties set forth in this section, if~~
15 *Subdivisions (a) and (b) do not apply to licensed veterinarians. If*
16 the Veterinary Medical Board determines that a veterinarian ~~has~~
17 *engaged in unprofessional conduct* *is* in violation of the Veterinary
18 Medicine Practice Act (Chapter 11 (commencing with Section
19 4800) of Division 2 of the Business and Professions Code), the
20 veterinarian may be subject to disciplinary sanctions pursuant to
21 the act.

22 (d) ~~The fees moneys~~ collected pursuant to this article shall be
23 deposited into the Department of Food and Agriculture Fund and
24 shall be available for expenditure upon appropriation by the
25 Legislature.

26 SEC. 2. The Legislature finds and declares that Section 1 of
27 this act, which adds Section ~~14407~~ *14406* to the Food and
28 Agricultural Code, imposes a limitation on the public's right of
29 access to the meetings of public bodies or the writings of public
30 officials and agencies within the meaning of Section 3 of Article
31 I of the California Constitution. Pursuant to that constitutional
32 provision, the Legislature makes the following findings to
33 demonstrate the interest protected by this limitation and the need
34 for protecting that interest:

35 In order to ensure the confidentiality of the information collected
36 pursuant to this act and the integrity of that information for
37 regulatory and enforcement purposes, it is necessary that this act
38 take effect.

- 1 _____
- 2 **CORRECTIONS:**
- 3 **Amended House—Page 1.**
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