

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1437

Introduced by Assembly Member Mullin
(Coauthors: Assembly Members Gordon and Ting)
(Coauthors: Senators Evans and Jackson)

January 6, 2014

An act to amend Sections 14200, 14203, 14289, and 14381 of, to add Sections 14203.5, 14207.3, 14207.5, 14207.7, 14220, 14297, and 14366 to, and to add Article 5.5 (commencing with Section 14335) and Article 5.6 (commencing with Section 14340) to Chapter 4 of Division 7 of, *add Chapter 4.6 (commencing with Section 19060) to Part 3 of Division 9 of the Food and Agriculture Code, relating to ~~livestock drugs~~ medically important antimicrobials.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1437, as amended, Mullin. Medically important antimicrobials: ~~nontherapeutic use~~. *livestock and poultry.*

Under existing law, the Department of Food and Agriculture is responsible for enforcing provisions relating to the importation of animals, milk and milk products, produce dealers, and other agricultural regulations. Existing law, the California Meat and Poultry Inspection Act, establishes a meat and poultry inspection program and, in connection with the operation of that program by the department, authorizes the Secretary of Food and Agriculture to adopt, by regulation, standards and requirements that meet those prescribed by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act.

This bill would prohibit a livestock or poultry product from being sold in California if the livestock or poultry product is constituted of

livestock or poultry that was administered a medically important antimicrobial for nontherapeutic use, such as growth promotion, feed efficiency, weight gain, or disease prevention. The bill would also prohibit a livestock or poultry product sold in California to be constituted of livestock or poultry that was administered a medically important antimicrobial for nonroutine disease control unless certain conditions are met. The bill would prohibit a livestock or poultry product from being sold in California unless the livestock or poultry product is constituted wholly or in part of livestock or poultry that was slaughtered at a registered slaughter facility and the slaughter facility annually reports specified information to the department regarding the use of medically important antimicrobials. The bill would also prohibit a medically important antimicrobial from being administered to a food-producing animal unless the medically important antimicrobial is administered for a therapeutic use and consistently with specified veterinarian provisions. The bill would require the department to establish, by regulation, a schedule for the implementation of these provisions and require that they be fully implemented on or before on January 1, 2020. The bill would require the department to post the information reported by the slaughter facilities on an Internet Web site commencing on or before December 31, 2017.

This bill would require the department to adopt any regulations necessary to implement the provisions of the bill.

~~Existing law requires the manufacturer of a livestock drug, including a restricted drug, as defined, to register with the Director of Food and Agriculture and requires the director to refuse to register the drug if he or she makes specified findings. Under existing law it is unlawful, among other things, to use or administer any registered livestock drug, except in accordance with the label instructions, as specified, and makes an initial violation of these provisions subject to an infraction and, for subsequent violations, a misdemeanor.~~

~~This bill, as of January 1, 2017, would redefine “restricted drug” to also include a livestock drug that is recognized by either the Center for Disease Control and Prevention or the World Health Organization to increase the prevalence of antibiotic-resistant bacteria, as specified. The bill would prohibit registration of a restricted drug if the director finds that the restricted drug poses a risk to public health through the increased prevalence of antibiotic-resistant bacteria. The bill would also authorize the director to revoke the registration of a medically important antimicrobial, as defined, for use in livestock if he or she finds that the~~

~~drug threatens the public health by increasing the prevalence of antibiotic-resistant bacteria.~~

~~The bill would prohibit the administration of a medically important antimicrobial to a food-producing animal for nonroutine disease control unless certain conditions are met. By prohibiting the administration of a medically important antimicrobial, this bill would create a crime, thereby imposing a state-mandated local program. The bill would also require a livestock producer that does administer a medically important antimicrobial to a food-producing animal to annually report specified information to the director relating to the administration of the medically important antimicrobial and would make the failure to make that report an infraction subject to specified penalties. The bill would require the department post this information on an Internet Web site.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

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

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

1 SECTION 1. The Legislature find and declare all of the
2 following:

3 (a) In 1977, the United States Food and Drug Administration
4 (FDA) concluded that feeding livestock low doses of antibiotics
5 ~~that from antibiotic classes that~~ are used in human disease
6 treatment could promote the development of antibiotic-resistance
7 in bacteria *and pose a risk to human health*. The FDA, however,
8 did not act in response to these findings, despite laws requiring
9 the agency to do so.

10 (b) ~~The FDA has promulgated issued~~ voluntary regulations
11 *guidance in December 2013* on the nontherapeutic use of
12 antibiotics, however ~~these guidelines are~~ *this guidance is* unlikely
13 to significantly reduce the nontherapeutic use of antibiotics in
14 livestock *because of a broad exemption allowing for the use of*
15 *antibiotics for disease prevention*.

16 (c) Not only do antibiotic-resistant bacteria affect the health of
17 our society, but they also have a monetary impact. In 1998, the

1 National Academy of Sciences noted that antibiotic-resistant
2 bacteria generate a minimum of four to five billion dollars in costs
3 to United States society and individuals every year. *In 2009, in a*
4 *study funded by the federal Centers for Disease Control and*
5 *Prevention, Cook County Hospital and Alliance for Prudent Use*
6 *of Antibiotics estimated that the total health care cost of*
7 *antibiotic-resistant infections in the United States was between*
8 *\$16.6 billion and \$26 billion annually. Societal costs from lost*
9 *productivity due to illnesses were estimated to be an additional*
10 *\$35 billion.*

11 (d) In April 1999, the United States Government Accountability
12 Office conducted a study concluding that three strains of
13 microorganisms that cause foodborne illnesses or disease in humans
14 are resistant to antibiotics and are linked to the use of antibiotics
15 in animals. These microorganisms are salmonella, Campylobacter,
16 and E. Coli.

17 (e) In 1999, ~~2011, and 2006~~, 2006, and 2011, the United States
18 Department of Agriculture's Animal and Plant Health Inspection
19 Service conducted large-scale, voluntary surveys that revealed all
20 of the following:

21 (1) Eighty-four percent of grower and finisher swine farms, 83
22 percent of cattle feedlots, and 84 percent of sheep farms administer
23 antimicrobials in feed or water for either health or growth
24 promotion reasons.

25 (2) Many of the antimicrobials that were identified were
26 identical or closely related to drugs used in human medicine,
27 including tetracyclines, macrolides, bacitracin, penicillins, and
28 sulfonamides.

29 (3) These drugs are used in people to treat serious diseases, such
30 as pneumonia, scarlet fever, rheumatic fever, sexually transmitted
31 infections, and skin infections; pandemics such as malaria and
32 plague; and bioterrorism agents such as anthrax.

33 ~~(f) Overuse or misuse of antibiotics contributes to the spread of~~
34 ~~antibiotic resistance, whether in human medicine or in agriculture.~~

35 ~~(g)~~

36 (f) In June 2002, the peer-reviewed journal, "Clinical Infectious
37 Diseases," published a report based on a two-year review, by
38 experts in human and veterinary medicine, public health,
39 microbiology, biostatistics, and risk analysis, of more than 500
40 scientific studies on the human health impacts of antimicrobial

1 use in agriculture. The report recommended that antimicrobial
2 agents should not be used in agriculture in the absence of disease
3 and should be limited to therapy for diseased individual animals
4 or prophylaxis when disease is documented in a herd or flock.

5 ~~(h)~~

6 (g) In a March 2003 report, the National Academy of Sciences
7 stated that a decrease in antimicrobial use in human medicine alone
8 will have little effect on the rise in antibiotic-resistant bacteria and
9 that substantial efforts must be made to decrease the inappropriate
10 overuse of antimicrobials in animals and agriculture.

11 ~~(i)~~

12 (h) In 2010, the peer-reviewed journal, “Molecular Cell,”
13 published a study demonstrating that a low-dosage use of
14 antibiotics causes a dramatic increase in genetic mutation, raising
15 new concerns about the agricultural practice of using low-dosage
16 antibiotics in order to stimulate growth promotion and routinely
17 prevent disease in unhealthy conditions.

18 ~~(j)~~

19 (i) In 2010, the Danish Veterinary and Food Administration
20 testified that the Danish ban of the nontherapeutic use of antibiotics
21 in food animal production resulted in a marked reduction in
22 antimicrobial resistance in multiple bacterial species, including
23 *Campylobacter* and *Enterococci*.

24 ~~(k)~~

25 (j) In 2011, the FDA found that in 2010:

26 (1) Thirteen million five hundred thousand kilograms of
27 antibacterial drugs were sold for use on food animals in the United
28 States.

29 (2) Three million three hundred thousand kilograms of
30 antibacterial drugs were used for human health.

31 (3) Eighty percent of antibacterial ~~drugs~~ *drugs*, and over 70
32 percent of medically important antibacterial *drugs*, disseminated
33 in the United States were sold for use on food-producing animals,
34 rather than being used for human health.

35 ~~(l)~~

36 (k) In 2011, a review of all scientific studies on antimicrobial
37 use in farm animals, published in *Clinical Microbiology Reviews*,
38 found the following:

39 (1) ~~The~~ *That the* use of antibiotics in food-producing animals
40 leads to the development of reservoirs of antibiotic ~~resistance~~.

1 *resistance, that antibiotic-resistant bacteria can spread through*
2 *food, water, air, soil, and meat-industry workers, and that bacteria*
3 *can share resistance genes with each other.*

4 (2) A ban on nontherapeutic antibiotic use in food-producing
5 animals would preserve the use of antibiotics for medicine.

6 (3) A Danish ban on nontherapeutic antibiotics in
7 food-producing animals resulted in little change in animal
8 morbidity and mortality, and only a modest increase in production
9 cost.

10 (l) *The federal Centers for Disease Control and Prevention*
11 *(CDC) concluded in a recent report, “Antibiotic Resistance Threats*
12 *in the United States, 2013,” that overuse or misuse of antibiotics*
13 *contributes to the spread of antibiotic resistance, whether in human*
14 *medicine or in agriculture. The CDC estimated that antibiotic*
15 *resistance causes at least 23,000 deaths and two million illnesses*
16 *every year.*

17 (m) *In 2013, the peer-reviewed journal, “The Journal of the*
18 *American Medical Association,” published a study showing higher*
19 *levels of antibiotic-resistant skin and soft-tissue infections in people*
20 *living in proximity to hog farms or fields treated with swine manure*
21 *in Pennsylvania. Similarly, in 2014, the peer-reviewed journal,*
22 *“Infection Control and Hospital Epidemiology,” published a study*
23 *focused on hospitalized veterans in rural areas of Iowa, finding*
24 *that people living in close proximity to a swine-feeding operation*
25 *were nearly three times as likely to have been affected by*
26 *methicillin-resistant Staphylococcus aureus (MRSA) at the time*
27 *of admission to the hospital.*

28 ~~(m)~~

29 (n) The FDA’s National Antimicrobial Resistance Monitoring
30 System routinely finds that retail meat products are contaminated
31 with bacteria that are resistant to antibiotics that are important to
32 human medicine.

33 ~~(n)~~

34 (o) According to the American Academy of Pediatrics, “[t]he
35 largest nonhuman use of antimicrobial agents is in food-producing
36 animal production, and most of this is in healthy animals to increase
37 growth or prevent diseases. Evidence now exists that these uses
38 of antimicrobial agents in food-producing animals have a direct
39 negative impact on human health and multiple impacts on the
40 selection and dissemination of resistance genes in animals and the

1 environment. Children are at increased risk of acquiring many of
2 these infections with resistant bacteria and are at great risk of
3 severe complications if they become infected.”

4 (o)

5 (p) Many scientific studies confirm that the nontherapeutic use
6 of antibiotics in food-producing animals contributes to the
7 development of antibiotic-resistant bacterial infections in people.

8 (q) *The spread of antibiotic-resistant bacteria poses a risk to*
9 *the health of Californians and reduced use of antibiotics for*
10 *livestock production is likely to reduce the risks of the rise and*
11 *spread of antibiotic-resistant bacteria through food and other*
12 *pathways, thus reducing the risk to Californians.*

13 ~~SEC. 2. Section 14200 of the Food and Agricultural Code is~~
14 ~~amended to read:~~

15 ~~14200. (a) The Legislature hereby declares that this chapter,~~
16 ~~which prescribes the distribution and use of livestock drugs, is~~
17 ~~intended to assure that the drugs are available to livestock~~
18 ~~producers for their use in protecting the health of the livestock~~
19 ~~population of the state, and that the use will in turn benefit the~~
20 ~~general public by providing an abundant supply of wholesome~~
21 ~~food and fiber.~~

22 ~~(b) It is further declared that nothing in this chapter is intended~~
23 ~~to prevent a livestock producer from administering livestock drugs~~
24 ~~safely and effectively when the use is in accordance with the~~
25 ~~labeling directions for the drug used and when the use protects~~
26 ~~public health.~~

27 ~~SEC. 3. Section 14203 of the Food and Agricultural Code is~~
28 ~~amended to read:~~

29 ~~14203. (a) “Restricted drug” means either of the following:~~

30 ~~(1) A livestock drug which is sold in a form that it might be~~
31 ~~administered to a person and, if so administered, would be~~
32 ~~dangerous to the health of the person.~~

33 ~~(2) A livestock drug that if improperly administered, as defined~~
34 ~~in Section 14203.5, to livestock, is dangerous to the health of the~~
35 ~~livestock or to persons who consume products from the livestock.~~

36 ~~(3) A livestock drug that is recognized by either the federal~~
37 ~~Centers for Disease Control and Prevention or the World Health~~
38 ~~Organization to increase the prevalence of antibiotic-resistant~~
39 ~~bacteria.~~

40 ~~(b) Restricted drugs include all of the following:~~

- 1 ~~(1) Arsenic compounds and preparations.~~
2 ~~(2) Diethylstilbestrol and other substances which have a~~
3 ~~hormonelike action.~~
4 ~~(3) Sulfanilamide or substitute sulfanilamides.~~
5 ~~(4) Antibiotic preparations.~~
6 ~~(5) A drug from an antimicrobial class that is listed as “highly~~
7 ~~important,” “critically important,” or “important” by the World~~
8 ~~Health Organization’s “Critically Important Antimicrobial for~~
9 ~~Human Medicine,” as updated by the World Health Organization,~~
10 ~~or its successor publication, unless the drug is used for therapeutic~~
11 ~~use, as defined in Section 14220.~~
12 ~~(6) Other drugs and their preparations that the director~~
13 ~~determines are hazardous to the health of livestock or the public~~
14 ~~safety.~~
15 ~~SEC. 4. Section 14203.5 is added to the Food and Agricultural~~
16 ~~Code, to read:~~
17 ~~14203.5. “Improperly administered” means either of the~~
18 ~~following:~~
19 ~~(a) Administration of a medically important antimicrobial to a~~
20 ~~food-producing animal through either feed or water, or for purposes~~
21 ~~of poultry hatcheries through any means, for purposes other than~~
22 ~~therapeutic use, such as growth promotion, feed efficiency, weight~~
23 ~~gain, disease prevention, or nonroutine disease control.~~
24 ~~(b) A repeated or regular pattern of administration of a medically~~
25 ~~important antimicrobial in food-producing animals for purposes~~
26 ~~other than therapeutic use or nonroutine disease control.~~
27 ~~SEC. 5. Section 14207.3 is added to the Food and Agricultural~~
28 ~~Code, to read:~~
29 ~~14207.3. “Medically important antimicrobial” means a drug~~
30 ~~that is both of the following:~~
31 ~~(a) Intended for use in food-producing animals.~~
32 ~~(b) Composed wholly or partly of either of the following:~~
33 ~~(1) Any kind of penicillin, tetracycline, macrolide, lincosamide,~~
34 ~~streptogramin, aminoglycoside, sulfonamide, or cephalosporin.~~
35 ~~(2) A drug from an antimicrobial class that is listed as either~~
36 ~~“highly important,” “critically important,” or “important” by the~~
37 ~~World Health Organization’s “Critically Important Antimicrobial~~
38 ~~for Human Medicine,” as updated by the World Health~~
39 ~~Organization, or its successor publication.~~

1 ~~SEC. 6. Section 14207.5 is added to the Food and Agricultural~~
2 ~~Code, to read:~~

3 ~~14207.5. “Noncustomary situation” means a situation that does~~
4 ~~not include normal or standard practices and conditions on the~~
5 ~~premises that facilitate the transmission of disease.~~

6 ~~SEC. 7. Section 14207.7 is added to the Food and Agricultural~~
7 ~~Code, to read:~~

8 ~~14207.7. “Nonroutine disease control” means the use of~~
9 ~~antimicrobials in the feed or water of a food-producing animal that~~
10 ~~is not sick, and where a particular disease or infection is, or is~~
11 ~~likely to be, present on the premises because of a specific,~~
12 ~~noncustomary situation.~~

13 ~~SEC. 8. Section 14220 is added to the Food and Agricultural~~
14 ~~Code, to read:~~

15 ~~14220. “Therapeutic use,” with respect to a medically important~~
16 ~~antimicrobial, means the use of the antimicrobial for the specific~~
17 ~~purpose of treating an animal with a documented disease or~~
18 ~~infection. Therapeutic use does not include the continued use of~~
19 ~~the antimicrobial in the animal after the disease or infection has~~
20 ~~been resolved.~~

21 ~~SEC. 9. Section 14289 of the Food and Agricultural Code is~~
22 ~~amended to read:~~

23 ~~14289. If the livestock drug is a restricted drug, the director~~
24 ~~shall also refuse registration if he or she finds that the instructions~~
25 ~~for use do not contain adequate and satisfactory directions as to~~
26 ~~the methods of handling, caring for, holding, or otherwise~~
27 ~~managing the livestock to which the drug is administered so as to~~
28 ~~eliminate any danger to the health of any person who might~~
29 ~~consume food products that are derived from that livestock or if~~
30 ~~he or she finds that the restricted drug poses a risk to public health~~
31 ~~by increasing the prevalence of antibiotic-resistant bacteria.~~

32 ~~SEC. 10. Section 14297 is added to the Food and Agricultural~~
33 ~~Code, to read:~~

34 ~~14297. The director may revoke the registration of a medically~~
35 ~~important antimicrobial for use in livestock if he or she finds that~~
36 ~~the drug as used poses a risk to the public health by increasing the~~
37 ~~prevalence of antibiotic-resistant bacteria.~~

38 ~~SEC. 11. Article 5.5 (commencing with Section 14335) is~~
39 ~~added to Chapter 4 of Division 7 of the Food and Agricultural~~
40 ~~Code, to read:~~

1 Article 5.5. Use of Medically Important Antimicrobials

2
3 14335. (a) A person who administers or causes to be
4 administered a medically important antimicrobial to a
5 food-producing animal shall have a valid veterinarian-client-patient
6 relationship with a veterinarian to ensure that the medically
7 important antimicrobial is used in a manner that is consistent with
8 professionally accepted best practices.

9 (b) For purposes of this section, “veterinarian-client-patient
10 relationship” means a relationship in which all of the following
11 are met:

12 (1) The veterinarian has assumed the responsibility for making
13 medical judgments regarding the health of the animal-patient, and
14 the client has agreed to follow the veterinarian’s instructions.

15 (2) The veterinarian has sufficient knowledge of the
16 animal-patient to initiate at least a general or preliminary diagnosis
17 of the medical condition of the animal-patient.

18 (3) The veterinarian is readily available for follow-up evaluation,
19 or has arranged for veterinary emergency coverage, and continuing
20 care and treatment.

21 (4) The veterinarian provides oversight of treatment, compliance,
22 and outcome of the administration of the medically important
23 antimicrobial.

24 (5) Animal-patient records are maintained.

25 (c) For purposes of this section, “sufficient knowledge” means
26 the veterinarian is personally acquainted with the keeping and care
27 of the animal-patient by virtue of either of the following:

28 (1) A timely examination of the animal-patient by the
29 veterinarian.

30 (2) Medically appropriate and timely visits by the veterinarian
31 to the premises where the animal-patient is kept.

32 14336. (a) If a livestock producer administers or causes to be
33 administered a medically important antimicrobial to a
34 food-producing animal, the producer, or the contracted entity, shall
35 annually report to the director the following information on a
36 schedule and in a format specified by the director:

37 (1) The total number of food-producing animals given a
38 medically important antimicrobial in their feed.

39 (2) The type of medically important antimicrobial administered.

1 ~~(3) The total amount of each medically important antimicrobial~~
2 ~~used.~~

3 ~~(4) The target food-producing animal species that were~~
4 ~~administered the medically important antimicrobial.~~

5 ~~(5) The length of time over which the medically important~~
6 ~~antimicrobial was intended to be provided to the food-producing~~
7 ~~animals and the dose of the active medically important~~
8 ~~antimicrobial ingredient the food-producing animals were intended~~
9 ~~to receive.~~

10 ~~(6) The purpose for administering the medically important~~
11 ~~antimicrobial to a food-producing animal. The purpose shall be~~
12 ~~categorized in a manner determined by the director and shall~~
13 ~~include, at a minimum, the following categories:~~

14 ~~(A) Growth promotion.~~

15 ~~(B) Disease prevention.~~

16 ~~(C) Disease control.~~

17 ~~(D) Disease treatment.~~

18 ~~(7) The type of disease or infection to be treated by the medically~~
19 ~~important antimicrobial, if applicable.~~

20 ~~(8) The name of the processor, as defined in Section 20019,~~
21 ~~where the livestock product will be processed.~~

22 ~~(b) On or before December 31, 2017, the department shall~~
23 ~~develop and make operational a consumer-friendly, publicly~~
24 ~~accessible Internet Web site that creates a database of the~~
25 ~~information collected pursuant to this section. The database shall~~
26 ~~be searchable and able to accommodate a wide range of users,~~
27 ~~including users with limited technical and scientific literacy. The~~
28 ~~Internet Web site shall be designed to be easily navigable and to~~
29 ~~enable users to compare and contrast livestock producers and the~~
30 ~~reported usage of medically important antimicrobials.~~

31 ~~SEC. 12. Article 5.6 (commencing with Section 14340) is~~
32 ~~added to Chapter 4 of Division 7 of the Food and Agricultural~~
33 ~~Code, to read:~~

34

35 ~~Article 5.6. Nontherapeutic Use of Medically Important~~
36 ~~Antimicrobials~~

37

38 ~~14340. This article shall apply to the nontherapeutic use in a~~
39 ~~food-producing animal of a drug that is a medically important~~
40 ~~antimicrobial and is either of the following:~~

1 ~~(a) A registered drug.~~

2 ~~(b) A drug exempted under Article 3 (commencing with Section~~
3 ~~14261).~~

4 ~~14341. The registration or exemption of a drug subject to this~~
5 ~~article shall be ineffective on and after January 1, 2017, unless the~~
6 ~~director makes a final written determination that there is, with~~
7 ~~reasonable certainty, no harm to human health due to the~~
8 ~~development of antimicrobial resistance that is attributable in whole~~
9 ~~or in part to the nontherapeutic use of the drug, based on one of~~
10 ~~the following:~~

11 ~~(a) The holder of the registration or exemption has demonstrated~~
12 ~~this fact.~~

13 ~~(b) A risk analysis of the drug, taking into consideration other~~
14 ~~relevant information, conducted by the director.~~

15 ~~SEC. 13. Section 14366 is added to the Food and Agricultural~~
16 ~~Code, to read:~~

17 ~~14366. It is unlawful to administer, including through means~~
18 ~~of feed, a medically important antimicrobial to a food-producing~~
19 ~~animal for nonroutine disease control, unless either of the following~~
20 ~~apply:~~

21 ~~(a) The director determines, with reasonable certainty, that there~~
22 ~~is no harm to human health due to the development of~~
23 ~~antibiotic-resistant bacteria that is attributable in whole or in part~~
24 ~~to the use of the medically important antimicrobial and the use~~
25 ~~does not threaten public health.~~

26 ~~(b) All of the following conditions are met:~~

27 ~~(1) There is a significant risk that a disease or infection that is~~
28 ~~present on, or is likely to be present on, the premises will be~~
29 ~~transmitted to the food-producing animal.~~

30 ~~(2) The administration of the medically important antimicrobial~~
31 ~~to the food-producing animal is necessary to prevent or reduce the~~
32 ~~risk of transmission of the disease or infection.~~

33 ~~(3) The medically important antimicrobial is administered to~~
34 ~~the food-producing animal for the shortest duration possible to~~
35 ~~prevent or reduce the risk of transmission of the disease or~~
36 ~~infection.~~

37 ~~(4) The medically important antimicrobial is administered to~~
38 ~~the fewest food-producing animals possible in order to prevent or~~
39 ~~reduce the risk of transmission of the disease or infection.~~

1 ~~SEC. 14. Section 14381 of the Food and Agricultural Code is~~
2 ~~amended to read:~~

3 ~~14381. (a) Except as provided for in subdivision (b), a~~
4 ~~violation of this chapter or of any regulation that is adopted by the~~
5 ~~director pursuant to this chapter is an infraction punishable by a~~
6 ~~fine of not more than five hundred dollars (\$500) for the first~~
7 ~~violation. A second or subsequent violation of this chapter is a~~
8 ~~misdemeanor punishable by a fine of not less than one hundred~~
9 ~~dollars (\$100) and not more than one thousand dollars (\$1,000).~~

10 ~~(b) A violation of the reporting requirement in Section 14336~~
11 ~~or of any regulation that is adopted by the director pursuant to that~~
12 ~~section is an infraction punishable by a fine of one hundred dollars~~
13 ~~(\$100) for the first violation. A second or subsequent violation is~~
14 ~~an infraction punishable by a fine of not less than two hundred~~
15 ~~dollars (\$200) and not more than one thousand dollars (\$1,000).~~

16 ~~SEC. 15. This act shall become operative on January 1, 2017.~~

17 ~~SEC. 16. No reimbursement is required by this act pursuant to~~
18 ~~Section 6 of Article XIII B of the California Constitution because~~
19 ~~the only costs that may be incurred by a local agency or school~~
20 ~~district will be incurred because this act creates a new crime or~~
21 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
22 ~~for a crime or infraction, within the meaning of Section 17556 of~~
23 ~~the Government Code, or changes the definition of a crime within~~
24 ~~the meaning of Section 6 of Article XIII B of the California~~
25 ~~Constitution.~~

26 ~~SEC. 2. Chapter 4.6 (commencing with Section 19060) is added~~
27 ~~to Part 3 of Division 9 of the Food and Agricultural Code, to read:~~

28

29 *CHAPTER 4.6. MEDICALLY IMPORTANT ANTIMICROBIALS IN*
30 *MEAT AND POULTRY*

31

32 *Article 1. Definitions*

33

34 *19060. "Department" means the Department of Food and*
35 *Agriculture.*

36 *19061. "Director" means the Director of Food and Agriculture.*

37 *19062. "Exempt producer" means an owner of livestock or*
38 *poultry that raises less than 250 animals per year or 10,000 birds*
39 *per year.*

1 19063. (a) “Medically important antimicrobial” means a drug
 2 that is both of the following:

- 3 (1) Intended for use in food-producing animals.
- 4 (2) Composed wholly or partly of a drug from an antimicrobial
 5 class that is listed as either “highly important,” “critically
 6 important,” or “important” by the United States Food and Drug
 7 Administration’s Guidance for Industry #152, Appendix A, as
 8 updated by the United States Food and Drug Administration, or
 9 its successor publication.

10 (b) Medically important antimicrobial includes, but is not limited
 11 to, penicillin, tetracycline, macrolide, lincosamide, streptogramin,
 12 aminoglycoside, sulfonamide, or cephalosporin.

13 19064. “Noncustomary situation” means a situation that does
 14 not include normal or standard practices and conditions on the
 15 premises that facilitates the transmission of disease.

16 19065. “Nonroutine disease control” means the use of
 17 antimicrobials in the feed or water of a food-producing animal
 18 that is not sick, and where a particular disease or infection is, or
 19 is likely to be, present on the premises because of a specific,
 20 noncustomary situation.

21 19066. “Nontherapeutic use” means either of the following:

- 22 (a) The one-time administration of a medically important
 23 antimicrobial to a food-producing animal through feed or water;
 24 or, for purposes of poultry hatcheries, through any means, for
 25 purposes such as growth promotion, feed efficiency, weight gain,
 26 or disease prevention, other than therapeutic use or nonroutine
 27 disease control.

28 (b) Any repeated or regular pattern of administration of a
 29 medically important antimicrobial to food-producing animals for
 30 purposes other than therapeutic use or nonroutine disease control.

31 19067. “Therapeutic use,” with respect to a medically
 32 important antimicrobial, means use for the specific purpose of
 33 treating an animal with a documented disease or infection.
 34 Therapeutic use does not include the continued use after the disease
 35 or infection has been resolved.

36

37 *Article 2. General Provisions*

38

39 19070. (a) (1) A livestock or poultry product sold in California
 40 shall not be constituted wholly or in part of livestock or poultry

1 *that was administered a medically important antimicrobial for a*
2 *nontherapeutic use.*

3 *(2) A meat or poultry product that is not constituted wholly or*
4 *in part of livestock or poultry that was administered a medically*
5 *important antimicrobial for nontherapeutic use may be marketed*
6 *with the claim, “Raised with minimal antibiotics under California*
7 *law.”*

8 *(b) This section shall be implemented according to schedule*
9 *adopted by the department as provided in Section 19074, and shall*
10 *apply to all livestock and poultry products sold in California on*
11 *and after January 1, 2020.*

12 *19071. (a) (1) A livestock or poultry product sold in California*
13 *shall not be constituted wholly or in part of livestock or poultry*
14 *that was administered a medically important antimicrobial for*
15 *nonroutine disease control unless all of the following conditions*
16 *are met:*

17 *(A) There was a significant risk that a disease or infection that*
18 *was present on, or was likely to be present on, the premises would*
19 *be transmitted to the food-producing animal.*

20 *(B) The administration of the medically important antimicrobial*
21 *to the food-producing animal was necessary to prevent or reduce*
22 *the risk of transmission of the disease or infection.*

23 *(C) The medically important antimicrobial was administered*
24 *to the food-producing animal for the shortest duration possible to*
25 *prevent or reduce the risk of transmission of the disease or*
26 *infection.*

27 *(D) The medically important antimicrobial was administered*
28 *to the fewest food-producing animals possible in order to prevent*
29 *or reduce the risk of transmission of the disease or infection.*

30 *(2) A producer, other than exempt producer, shall maintain*
31 *records, including prescriptions or veterinary feed directives,*
32 *documenting the use and reasons for the use of antibiotics for*
33 *nonroutine disease control. The records shall be kept for five years.*

34 *(b) This section shall be implemented according to schedule*
35 *adopted by the department as provided in Section 19074, and shall*
36 *apply to all livestock and poultry products sold in California on*
37 *and after January 1, 2020.*

38 *19072. (a) A livestock or poultry product shall not be sold in*
39 *California unless the livestock or poultry product is constituted of*
40 *livestock or poultry that was slaughtered at a slaughter facility*

1 *that is registered with the department and that annually reports*
2 *all of the information specified in Section 19080.*

3 *(b) This section shall be implemented according to schedule*
4 *adopted by the department as provided in Section 19074, and shall*
5 *apply to all livestock and poultry products sold in California on*
6 *and after January 1, 2020.*

7 *19073. (a) A medically important antimicrobial shall not be*
8 *administered to a food-producing animal unless both of the*
9 *following conditions are met:*

10 *(1) The administration of the medically important antimicrobial*
11 *is for a therapeutic use.*

12 *(2) The medically important antimicrobial is administered by,*
13 *or caused to be administered by, a veterinarian, licensed pursuant*
14 *to Chapter 11 (commencing with Section 4800) of Division 2 of*
15 *the Business and Professions Code, as part of a valid*
16 *veterinarian-client-patient relationship in accordance with Sections*
17 *2032.1 and 2032.15 of Title 16 of the California Code of*
18 *Regulations, as those sections existed on January 1, 2015.*

19 *(b) As provided in Section 19074, this section shall become*
20 *operative on January 1, 2020.*

21 *19074. The department shall by regulation establish a schedule*
22 *to phase in implementation of the requirements imposed by this*
23 *article. Those requirements shall be fully implemented on or before*
24 *January 1, 2020.*

25

26 *Article 3. Reporting Requirements*

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28 *19080. (a) A slaughter facility shall annually report to the*
29 *director all of the following information, according to the target*
30 *food-producing animal species and production class of the*
31 *food-producing animal, on a schedule and in the format specified*
32 *by the director:*

33 *(1) The total number of food-producing animals given a*
34 *medically important antimicrobial in their feed or water, or, for*
35 *purposes of poultry hatcheries, through any means.*

36 *(2) The type of medically important antimicrobial administered.*

37 *(3) The total amount of each medically important antimicrobial*
38 *used.*

39 *(4) The total number of days over which the medically important*
40 *antimicrobial was intended to be provided to the food-producing*

1 *animals and the dosage of the active medically important*
2 *antimicrobial given to the food-producing animals. The dosage*
3 *shall be listed by the total milligrams of antibiotic used per animal*
4 *per day or the total milliliters of the antibiotic solution used per*
5 *animal per day and label concentration.*

6 *(5) Whether the purpose for administering the medically*
7 *important antimicrobial was for therapeutic or nontherapeutic*
8 *use. The purpose shall be categorized in a manner determined by*
9 *the director and shall include, at a minimum, the following*
10 *categories:*

11 *(A) Growth promotion.*

12 *(B) Disease prevention.*

13 *(C) Disease treatment.*

14 *(D) Other information that may be deemed necessary or*
15 *important by the director, producer, or slaughter facility.*

16 *(6) The type of disease or infection to be treated or addressed*
17 *by the medically important antimicrobial.*

18 *(7) The owners of the livestock or poultry. "Owners of the*
19 *livestock or poultry" for purposes of this paragraph, means a*
20 *person who either has an ownership interest in the animals or*
21 *birds or otherwise establishes management and production*
22 *standards for the maintenance, care, and raising of the animals*
23 *or birds. An ownership interest includes a right or option to*
24 *purchase the animals or birds for maintenance, care, or raising.*

25 *(8) The owner of the slaughter facility. "Owner of the slaughter*
26 *facility" for purposes of this paragraph, means a person who either*
27 *has an ownership interest in the facility or otherwise establishes*
28 *management and production standards for the facility. An*
29 *ownership interest of a slaughter facility includes a right or option*
30 *to purchase the animal or poultry to be processed by the slaughter*
31 *facility.*

32 *(b) The slaughter facility shall not be required to report the*
33 *information required under this subdivision for an exempt*
34 *producer.*

35 *19081. On or before December 31, 2017, the department shall*
36 *develop and make operational a consumer-friendly, publicly*
37 *accessible Internet Web site that contains a database of the*
38 *information collected pursuant to this article. The database shall*
39 *be searchable and able to accommodate a wide range of users,*
40 *including users with limited technical and scientific literacy. The*

1 *Internet Web site shall be designed to be easily navigable and*
 2 *enable users to compare and contrast the reported usage of*
 3 *medically important antimicrobials between animal species and*
 4 *other parameters. The department may send a copy of this*
 5 *information to the State Department of Public Health.*

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Article 4. Violations

9 19090. (a) (1) *Except as provided in subdivision (b), a*
 10 *violation of this chapter or of any regulation adopted by the*
 11 *director pursuant to this chapter is subject to a civil penalty of not*
 12 *more than five hundred dollars (\$500) for the first violation. A*
 13 *second violation of this chapter is subject to a civil penalty of not*
 14 *less than five hundred dollars (\$500) and not more than one*
 15 *thousand dollars (\$1,000). A third or subsequent violation of this*
 16 *chapter is subject to a civil penalty of not less than three hundred*
 17 *dollars (\$300) and not more than two thousand dollars (\$2,000).*
 18 *Civil penalties for violations shall be imposed on the owner of the*
 19 *slaughter facility at which the animals or birds are slaughtered.*

20 (2) *An owner of a slaughter facility shall not be subject to a*
 21 *civil penalty under this subdivision if the owner made a good faith*
 22 *effort to ensure that livestock or poultry products sold in this state*
 23 *made from livestock or poultry slaughtered at his or her facility*
 24 *were in compliance with the provisions of this chapter.*

25 (b) *A violation of the reporting requirement in Section 19081*
 26 *or of any regulation that is adopted by the director pursuant to*
 27 *that section is subject to a civil penalty of one hundred dollars*
 28 *(\$100) for the first violation. A second or subsequent violation is*
 29 *subject to a civil penalty of not less than two hundred dollars*
 30 *(\$200) and not more than one thousand dollars (\$1,000). Civil*
 31 *penalties for violations shall be imposed on the owner of the*
 32 *slaughter facility.*

33 (c) *Moneys collected pursuant to this chapter shall be deposited*
 34 *into the Department of Food and Agriculture Fund, to be available*
 35 *to the department upon appropriation for purposes of carrying*
 36 *out this chapter.*

Article 5. Implementation

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19100. The department shall adopt any regulations necessary to implement the provisions of this chapter, including those regulations necessary to phase in the requirements of Article 2 (commencing with Section 19070), as provided in Section 19074.

19101. The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.