An act to amend Section 4846.5 of the Business and Professions Code, and 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 weight gain or improved feed efficiency. The bill would require the Department of Food and Agriculture, in consultation with the Veterinary Medical Board and the State Department of Public Health, to implement programs to promote antimicrobial stewardship in livestock, and, in coordination with specified national entities, would
require the department to develop a monitoring program to gather information on sales, usage, resistance, and management practice data for medically important antimicrobial drugs. 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.

(2) The Veterinary Medicine Practice Act provides for the licensure and regulation of veterinarians and the practice of veterinary medicine by the Veterinary Medical Board, and requires an applicant for a renewal license to complete 36 hours of continuing education in the preceding 2 years.

This bill would require a veterinarian who receives a license to practice veterinary medicine on or after January 1, 2018, to complete an approved course on the judicious use of medically important antimicrobial drugs every 4 years as part of the continuing education requirement.

(3) 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.

(4) Because a violation of the provisions of the Veterinary Medicine Practice Act would be a misdemeanor, the bill would impose a state-mandated local program.

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.


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

1 SECTION 1. Section 4846.5 of the Business and Professions Code is amended to read:
4846.5. (a) Except as provided in this section, the board shall issue renewal licenses only to those applicants that have completed a minimum of 36 hours of continuing education in the preceding two years.

(b) (1) Notwithstanding any other law, continuing education hours shall be earned by attending courses relevant to veterinary medicine and sponsored or cosponsored by any of the following:
(A) American Veterinary Medical Association (AVMA) accredited veterinary medical colleges.
(B) Accredited colleges or universities offering programs relevant to veterinary medicine.
(C) The American Veterinary Medical Association.
(D) American Veterinary Medical Association recognized specialty or affiliated allied groups.
(E) American Veterinary Medical Association’s affiliated state veterinary medical associations.
(F) Nonprofit annual conferences established in conjunction with state veterinary medical associations.
(G) Educational organizations affiliated with the American Veterinary Medical Association or its state affiliated veterinary medical associations.
(H) Local veterinary medical associations affiliated with the California Veterinary Medical Association.
(I) Federal, state, or local government agencies.
(J) Providers accredited by the Accreditation Council for Continuing Medical Education (ACCME) or approved by the American Medical Association (AMA), providers recognized by the American Dental Association Continuing Education Recognition Program (ADA CERP), and AMA or ADA affiliated state, local, and specialty organizations.

(2) Continuing education credits shall be granted to those veterinarians taking self-study courses, which may include, but are not limited to, reading journals, viewing video recordings, or listening to audio recordings. The taking of these courses shall be limited to no more than six hours biennially.

(3) The board may approve other continuing veterinary medical education providers not specified in paragraph (1).
(A) The board has the authority to recognize national continuing education approval bodies for the purpose of approving continuing education providers not specified in paragraph (1).
(B) Applicants seeking continuing education provider approval shall have the option of applying to the board or to a board-recognized national approval body.

(4) For good cause, the board may adopt an order specifying, on a prospective basis, that a provider of continuing veterinary medical education authorized pursuant to paragraph (1) or (3) is no longer an acceptable provider.

(5) Continuing education hours earned by attending courses sponsored or cosponsored by those entities listed in paragraph (1) between January 1, 2000, and January 1, 2001, shall be credited toward a veterinarian’s continuing education requirement under this section.

(c) Every person renewing his or her license issued pursuant to Section 4846.4, or any person applying for relicensure or for reinstatement of his or her license to active status, shall submit proof of compliance with this section to the board certifying that he or she is in compliance with this section. Any false statement submitted pursuant to this section shall be a violation subject to Section 4831.

(d) This section shall not apply to a veterinarian’s first license renewal. This section shall apply only to second and subsequent license renewals granted on or after January 1, 2002.

(e) The board shall have the right to audit the records of all applicants to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a period of four years and shall make these records available to the board for auditing purposes upon request. If the board, during this audit, questions whether any course reported by the veterinarian satisfies the continuing education requirement, the veterinarian shall provide information to the board concerning the content of the course; the name of its sponsor and cosponsor, if any; and specify the specific curricula that was of benefit to the veterinarian.

(f) A veterinarian desiring an inactive license or to restore an inactive license under Section 701 shall submit an application on a form provided by the board. In order to restore an inactive license to active status, the veterinarian shall have completed a minimum of 36 hours of continuing education within the last two years preceding application. The inactive license status of a veterinarian
shall not deprive the board of its authority to institute or continue
a disciplinary action against a licensee.

(g) Knowing misrepresentation of compliance with this article
by a veterinarian constitutes unprofessional conduct and grounds
for disciplinary action or for the issuance of a citation and the
imposition of a civil penalty pursuant to Section 4883.

(h) The board, in its discretion, may exempt from the continuing
education requirement any veterinarian who for reasons of health,
military service, or undue hardship cannot meet those requirements.
Applications for waivers shall be submitted on a form provided
by the board.

(i) The administration of this section may be funded through
professional license and continuing education provider fees. The
fees related to the administration of this section shall not exceed
the costs of administering the corresponding provisions of this
section.

(j) For those continuing education providers not listed in
paragraph (1) of subdivision (b), the board or its recognized
national approval agent shall establish criteria by which a provider
of continuing education shall be approved. The board shall initially
review and approve these criteria and may review the criteria as
needed. The board or its recognized agent shall monitor, maintain,
and manage related records and data. The board may impose an
application fee, not to exceed two hundred dollars ($200)
biennially, for continuing education providers not listed in
paragraph (1) of subdivision (b).

(k) A veterinarian who receives his or her license to practice
veterinary medicine on or after January 1, 2018, shall complete
an approved course on the judicious use of medically important
antimicrobial drugs, as defined in Section 14400 of the Food and
Agricultural Code, every four years as part of his or her continuing
education requirement.

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

Chapter 4.5. Livestock: Use of Antimicrobial Drugs

14400. For purposes of this chapter, the following definitions
apply:
(a) “Medically important antimicrobial drug” means an antimicrobial drug listed in Appendix A of the federal Food and Drug Administration’s Guidance for Industry #152, including critically important, highly important, and important antimicrobial drugs, as that appendix may be amended.

(b) “Livestock” means all animals and poultry, including aquatic and amphibian species, that are raised, kept, or used for profit. Livestock does not include those species that are usually kept as pets, such as dogs, cats, and pet birds.

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

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

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

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

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

14403. (a) Notwithstanding Sections 14401 and 14402 of this code and Section 4051 of the Business and Professions Code, medically important antimicrobial drugs may be sold by retailers licensed pursuant to Article 5 (commencing with Section 14321) of Chapter 4 of Division 7 with proof of an order by a veterinarian.

(b) The department may promulgate regulations to implement this section.
14404. (a) The department, in consultation with the Veterinary Medical Board and the State Department of Public Health, may implement programs, including, but not limited to, best management practices, to promote antimicrobial stewardship in livestock to ensure that each animal gets the intended benefit from the drug to help preserve the lifesaving potential of the drugs in the future. The programs shall include antimicrobial stewardship guidelines on the proper use of medically important antimicrobial drugs for disease treatment, control, and prevention, including, but not limited to, the introduction of effective vaccines and good hygiene and management practices.

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

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

1. To use medically important antimicrobial drugs only when necessary to treat, control, and, in some cases, prevent, disease.
2. To select the appropriate medically important antimicrobial drug, and to administer the drug correctly each time.
3. To use medically important antimicrobial drugs for the shortest duration necessary and administered to the fewest animals necessary.

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

1. Promote and develop appropriate training materials for veterinarians, as well as animal livestock owners and their employees, to promulgate good stewardship practices.
2. Disseminate scientifically validated practical alternatives that may reduce the reliance on medically important antimicrobial drugs while maintaining and promoting animal health.

14405. (a) In coordination with the National Animal Health Monitoring System and the National Antimicrobial Resistance Monitoring System, the department shall develop a monitoring program that gathers information on sales, usage, resistance, and management practice data. The monitoring system shall be
compatible with, and not duplicative of, the national monitoring system.

(b) In order to carry out this section, the department may request copies of veterinary feed directives and prescriptions from the livestock owner, veterinarian, or distributor. Participation in this effort shall be done in a manner that does not breach veterinary-patient confidentiality laws.

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

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

(1) California’s major livestock segments.

(2) Regions with considerable livestock production.

(3) Representative segments of the food production chain.

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

14407. Notwithstanding the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), any information provided pursuant to this chapter shall be held confidential, and shall not be disclosed to any person or governmental agency, other than the department or the Veterinary Medical Board, for the purposes of enforcing the Veterinary Medicine Practice Act (Chapter 11 (commencing with Section 4800) of Division 2 of the Business and Professions Code), unless the data is aggregated to prevent the identification of an individual farm or business. Information may be shared with federal agencies so long as it is protected by the federal Confidential Information Protection and Statistical Efficiency Act of 2002 (Public Law 107-347).

14408. (a) A person who violates this chapter shall be liable for a civil penalty of not more than two hundred and fifty dollars ($250) for each day a violation occurs.

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

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

(c) In addition to the penalties set forth in this section, if the
Veterinary Medical Board determines that a veterinarian has
engaged in unprofessional conduct in violation of the Veterinary
Medicine Practice Act (Chapter 11 (commencing with Section
4800) of Division 2 of the Business and Professions Code), the
veterinarian may be subject to disciplinary sanctions pursuant to
the act.

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

SEC. 3. The Legislature finds and declares that Section 2 of
this act, which adds Section 14407 to the Food and Agricultural
Code, imposes a limitation on the public’s right of access to the
meetings of public bodies or the writings of public officials and
agencies within the meaning of Section 3 of Article I of the
California Constitution. Pursuant to that constitutional provision,
the Legislature makes the following findings to demonstrate the
interest protected by this limitation and the need for protecting
that interest:

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

SEC. 4. No reimbursement is required by this act pursuant to
Section 6 of Article XIIIB of the California Constitution because
the only costs that may be incurred by a local agency or school
district will be incurred because this act creates a new crime or
infraction, eliminates a crime or infraction, or changes the penalty
for a crime or infraction, within the meaning of Section 17556 of
the Government Code, or changes the definition of a crime within
the meaning of Section 6 of Article XIII B of the California
Constitution.