

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 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 licence 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.

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

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

- 1 SECTION 1. Section 4846.5 of the Business and Professions
- 2 Code is amended to read:

1 4846.5. (a) Except as provided in this section, the board shall
2 issue renewal licenses only to those applicants that have completed
3 a minimum of 36 hours of continuing education in the preceding
4 two years.

5 (b) (1) Notwithstanding any other law, continuing education
6 hours shall be earned by attending courses relevant to veterinary
7 medicine and sponsored or cosponsored by any of the following:

8 (A) American Veterinary Medical Association (AVMA)
9 accredited veterinary medical colleges.

10 (B) Accredited colleges or universities offering programs
11 relevant to veterinary medicine.

12 (C) The American Veterinary Medical Association.

13 (D) American Veterinary Medical Association recognized
14 specialty or affiliated allied groups.

15 (E) American Veterinary Medical Association's affiliated state
16 veterinary medical associations.

17 (F) Nonprofit annual conferences established in conjunction
18 with state veterinary medical associations.

19 (G) Educational organizations affiliated with the American
20 Veterinary Medical Association or its state affiliated veterinary
21 medical associations.

22 (H) Local veterinary medical associations affiliated with the
23 California Veterinary Medical Association.

24 (I) Federal, state, or local government agencies.

25 (J) Providers accredited by the Accreditation Council for
26 Continuing Medical Education (ACCME) or approved by the
27 American Medical Association (AMA), providers recognized by
28 the American Dental Association Continuing Education
29 Recognition Program (ADA CERP), and AMA or ADA affiliated
30 state, local, and specialty organizations.

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

36 (3) The board may approve other continuing veterinary medical
37 education providers not specified in paragraph (1).

38 (A) The board has the authority to recognize national continuing
39 education approval bodies for the purpose of approving continuing
40 education providers not specified in paragraph (1).

1 (B) Applicants seeking continuing education provider approval
2 shall have the option of applying to the board or to a
3 board-recognized national approval body.

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

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

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

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

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

34 (f) A veterinarian desiring an inactive license or to restore an
35 inactive license under Section 701 shall submit an application on
36 a form provided by the board. In order to restore an inactive license
37 to active status, the veterinarian shall have completed a minimum
38 of 36 hours of continuing education within the last two years
39 preceding application. The inactive license status of a veterinarian

1 shall not deprive the board of its authority to institute or continue
2 a disciplinary action against a licensee.

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

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

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

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

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

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

35

36 CHAPTER 4.5. LIVESTOCK: USE OF ANTIMICROBIAL DRUGS

37

38 14400. For purposes of this chapter, the following definitions
39 apply:

1 (a) “Medically important antimicrobial drug” means an
2 antimicrobial drug listed in Appendix A of the federal Food and
3 Drug Administration’s Guidance for Industry #152, including
4 critically important, highly important, and important antimicrobial
5 drugs, as that appendix may be amended.

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

10 14401. Beginning January 1, 2018, a medically important
11 antimicrobial drug shall not be administered to livestock unless
12 ordered by a *licensed* veterinarian through a prescription or
13 veterinary feed directive, pursuant to a veterinarian-client-patient
14 relationship that meets the requirements of Section 2032.1 of Title
15 16 of the California Code of Regulations.

16 14402. (a) Beginning January 1, 2018, a medically important
17 antimicrobial drug may be used when, in the professional judgment
18 of a licensed veterinarian, the medically important antimicrobial
19 drug is necessary for any of the following:

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

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

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

33 14403. (a) Notwithstanding Sections 14401 and 14402 of this
34 code and Section 4051 of the Business and Professions Code,
35 medically important antimicrobial drugs may be sold by retailers
36 licensed pursuant to Article 5 (commencing with Section 14321)
37 of Chapter 4 of Division 7 with proof of an order by a veterinarian.

38 (b) The department may promulgate regulations to implement
39 this section.

1 14404. (a) The department, in consultation with the Veterinary
2 Medical Board and the State Department of Public Health, may
3 implement programs, including, but not limited to, best
4 management practices, to promote antimicrobial stewardship in
5 livestock to ensure that each animal gets the intended benefit from
6 the drug to help preserve the lifesaving potential of the drugs in
7 the future. The programs shall include antimicrobial stewardship
8 guidelines on the proper use of medically important antimicrobial
9 drugs for disease treatment, control, and prevention, including,
10 but not limited to, the introduction of effective vaccines and good
11 hygiene and management practices.

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

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

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

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

22 (3) To use medically important antimicrobial drugs for the
23 shortest duration necessary and administered to the fewest animals
24 necessary.

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

29 (1) Promote and develop appropriate training materials for
30 veterinarians, as well as ~~animal~~ *livestock* owners and their
31 employees, to promulgate good stewardship practices.

32 (2) Disseminate scientifically validated practical alternatives
33 that may reduce the reliance on medically important antimicrobial
34 drugs while maintaining and promoting animal health.

35 14405. (a) In coordination with the National Animal Health
36 Monitoring System and the National Antimicrobial Resistance
37 Monitoring System, the department shall develop a monitoring
38 program that gathers information on sales, usage, resistance, and
39 management practice data. The monitoring system shall be

1 compatible with, and not duplicative of, the national monitoring
2 system.

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

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

10 14406. (a) The department shall consider how best to gather
11 representative samples from all of the following:

12 (1) California's major livestock segments.

13 (2) Regions with considerable livestock production.

14 (3) Representative segments of the food production chain.

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

19 14407. Notwithstanding the California Public Records Act
20 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
21 Title 1 of the Government Code), any information provided
22 pursuant to this chapter shall be held confidential, and shall not
23 be disclosed to any person or governmental agency, other than the
24 department or the Veterinary Medical Board, for the purposes of
25 enforcing the Veterinary Medicine Practice Act (Chapter 11
26 (commencing with Section 4800) of Division 2 of the Business
27 and Professions Code), unless the data is aggregated to prevent
28 the identification of an individual farm or business. Information
29 may be shared with federal agencies so long as it is protected by
30 the federal Confidential Information Protection and Statistical
31 Efficiency Act of 2002 (Public Law 107-347).

32 14408. (a) A person who violates this chapter shall be liable
33 for a civil penalty of not more than two hundred and fifty dollars
34 (\$250) for each day a violation occurs.

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

39 (2) In addition to the administrative fine, the violator shall attend
40 an educational program on the judicious use of medically important

1 antimicrobial drugs that has been approved by the secretary. The
2 violator shall successfully complete the program and provide proof
3 to the secretary within 90 days from the occurrence of the violation.

4 (c) In addition to the penalties set forth in this section, if the
5 Veterinary Medical Board determines that a veterinarian has
6 engaged in unprofessional conduct in violation of the Veterinary
7 Medicine Practice Act (Chapter 11 (commencing with Section
8 4800) of Division 2 of the Business and Professions Code), the
9 veterinarian may be subject to disciplinary sanctions pursuant to
10 the act.

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

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

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

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

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