

AMENDED IN ASSEMBLY AUGUST 31, 2015

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**

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**Introduced by Senator Hill**

December 1, 2014

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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 for purposes of promoting weight gain or improving feed efficiency. The bill would

require the Department of Food and Agriculture, in consultation with the Veterinary Medical Board, the State Department of Public Health, universities, and cooperative extensions, to 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 gather information on medically important antimicrobial drug sales and usage, 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, 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:

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4 CHAPTER 4.5. LIVESTOCK: USE OF ANTIMICROBIAL DRUGS

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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 *bees or* those species that are usually  
2 kept as 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 Article 15 (commencing with Section 4196) of Chapter  
30 9 of Division 2 of the Business and Professions Code, medically  
31 important antimicrobial drugs may be sold by retailers licensed  
32 pursuant to Article 5 (commencing with Section 14321) of Chapter  
33 4 of Division 7 with a prescription or veterinary feed directive  
34 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 (c) The department may promulgate regulations to implement  
40 this section.

1 14404. (a) The department, in consultation with the Veterinary  
2 Medical Board, the State Department of Public Health, universities,  
3 and cooperative extensions, shall develop antimicrobial stewardship  
4 guidelines and appropriate training materials for veterinarians, as  
5 well as livestock owners and their employees who are involved  
6 with administering medically important antimicrobial drugs, on  
7 the proper use of medically important antimicrobial drugs for  
8 disease treatment, control, and prevention. The guidelines shall  
9 include scientifically validated practical alternatives to the use of  
10 medically important antimicrobial drugs, including, but not limited  
11 to, the introduction of effective vaccines and good hygiene and  
12 management practices.

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

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

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

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

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

26 14405. (a) It is the intent of the Legislature that the department  
27 coordinate with the United States Department of ~~Agriculture and~~  
28 ~~Agriculture~~, the federal Food and Drug ~~Administration~~  
29 ~~Administration~~, and the federal Centers for Disease Control and  
30 *Prevention* to implement the expanded antimicrobial resistance  
31 surveillance efforts included in the National Action Plan for  
32 Combating Antibiotic-Resistant Bacteria, and that the information  
33 gathered through this effort will help lead to a better understanding  
34 of the links between antimicrobial use patterns in livestock and  
35 the development of antimicrobial resistant bacterial infections.

36 (b) (1) In coordination with the National Animal Health  
37 Monitoring System and the National Antimicrobial Resistance  
38 Monitoring System, the department shall gather information on  
39 medically important antimicrobial drug sales and usage, as well  
40 as antimicrobial resistant bacteria and livestock management

1 practice data. Monitoring efforts shall be compatible with, and not  
2 duplicative of, the national monitoring system.

3 (2) In coordinating with the National Animal Health Monitoring  
4 System and the National Antimicrobial Resistant Monitoring  
5 System, the department shall gather representative samples from  
6 all of the following:

7 (A) California’s major livestock segments.

8 (B) Regions with considerable livestock production.

9 (C) Representative segments of the food production chain.

10 (c) The department shall work with willing participants to gather  
11 samples and shall consult with, and conduct outreach to, livestock  
12 producers, licensed veterinarians, and any other relevant  
13 stakeholders on the implementation of the monitoring efforts.

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

19 (e) (1) The department shall report to the Legislature by January  
20 1, 2019, the results of its outreach activities and monitoring efforts.  
21 The department shall advise the Legislature as to whether or not  
22 participation is sufficient to provide statistically relevant data. The  
23 report shall be submitted in compliance with Section 9795 of the  
24 Government Code.

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

27 (f) The department shall seek funds from federal, state, and  
28 other sources to implement this section.

29 (g) The department may promulgate regulations to implement  
30 this section.

31 14406. Notwithstanding the California Public Records Act  
32 (Chapter 3.5 (commencing with Section 6250) of Division 7 of  
33 Title 1 of the Government Code), any information provided  
34 pursuant to this chapter shall be held confidential, and shall not  
35 be disclosed to any person or governmental agency, other than the  
36 department or the Veterinary Medical Board, for the purposes of  
37 enforcing the Veterinary Medicine Practice Act (Chapter 11  
38 (commencing with Section 4800) of Division 2 of the Business  
39 and Professions Code), unless the data is aggregated to prevent  
40 the identification of an individual farm or business. Information

1 may be shared with federal agencies so long as it is protected by  
2 the federal Confidential Information Protection and Statistical  
3 Efficiency Act of 2002 (Public Law 107-347).

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

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

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

16 (c) Subdivisions (a) and (b) do not apply to licensed  
17 veterinarians. If the Veterinary Medical Board determines that a  
18 veterinarian is in violation of the Veterinary Medicine Practice  
19 Act (Chapter 11 (commencing with Section 4800) of Division 2  
20 of the Business and Professions Code), the veterinarian may be  
21 subject to disciplinary sanctions pursuant to the act.

22 (d) The 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 14406 to the Food and Agricultural  
28 Code, imposes a limitation on the public’s right of access to the  
29 meetings of public bodies or the writings of public officials and  
30 agencies within the meaning of Section 3 of Article I of the  
31 California Constitution. Pursuant to that constitutional provision,  
32 the Legislature makes the following findings to demonstrate the  
33 interest protected by this limitation and the need for protecting  
34 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.

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