

AMENDED IN ASSEMBLY SEPTEMBER 4, 2015

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

Introduced by Senator Hill

December 1, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

This bill would, beginning January 1, 2018, prohibit the administration of medically important antimicrobial drugs, as defined, to livestock unless ordered by a licensed veterinarian through a prescription or veterinary feed directive pursuant to a veterinarian-client-patient relationship, as specified, and would prohibit the administration of a medically important antimicrobial drug to livestock solely 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 *antimicrobial stewardship* guidelines and ~~training materials~~ *best management practices* on the proper use of medically important antimicrobial drugs ~~and, in coordination with specified national entities,~~ and 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 authorize the department to request and receive copies of veterinary feed directives to implement the bill's provisions.* 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:
3
4 CHAPTER 4.5. LIVESTOCK: USE OF ANTIMICROBIAL DRUGS
5
6 14400. For purposes of this chapter, the following definitions
7 apply:
8 (a) "Medically important antimicrobial drug" means an
9 antimicrobial drug listed in Appendix A of the federal Food and
10 Drug Administration's Guidance for Industry #152, including
11 critically important, highly important, and important antimicrobial
12 drugs, as that appendix may be amended.

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

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

7 14401. Beginning January 1, 2018, a medically important
8 antimicrobial drug shall not be administered to livestock unless
9 ordered by a licensed veterinarian through a prescription or
10 veterinary feed directive, pursuant to a veterinarian-client-patient
11 relationship that meets the requirements of Section 2032.1 of Title
12 16 of the California Code of Regulations.

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

17 (1) ~~To~~ *Necessary* to treat a disease or infection.

18 (2) ~~To~~ *Necessary* to control the spread of a disease or infection.

19 (3) ~~In~~ *Necessary* in relation to surgery or a medical procedure.

20 (4) ~~For prophylaxis to prevent the contraction of a particular~~
21 ~~disease or infection known or suspected to occur in a specific~~
22 ~~situation if antimicrobial prophylaxis is considered by a licensed~~
23 ~~veterinarian to be effective to prevent that infection or disease.~~

24 (4) *Needed for prophylaxis to address an elevated risk in the*
25 *contraction of a particular disease or infection.*

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

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

32 14403. (a) Notwithstanding Sections 14401 and 14402 of this
33 code and Article 15 (commencing with Section 4196) of Chapter
34 9 of Division 2 of the Business and Professions Code, medically
35 important antimicrobial drugs may be sold by retailers licensed
36 pursuant to Article 5 (commencing with Section 14321) of Chapter
37 4 of Division 7 with a prescription or veterinary feed directive
38 from a licensed veterinarian.

39 (b) This section shall not be construed to invalidate the
40 requirement to obtain a prescription or veterinary feed directive

1 to administer a medically important antimicrobial drug as required
2 by Section 14401.

3 (c) The department may promulgate regulations to implement
4 this section.

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

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

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

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

25 (2) To select the appropriate medically important antimicrobial
26 ~~drug, and to administer the drug correctly each time.~~ *drug and the*
27 *appropriate dose, duration, and route of administration.*

28 (3) To use medically important antimicrobial drugs for the
29 shortest duration necessary and to administer them to the fewest
30 animals necessary.

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

1 (b) (1) ~~In coordination with the National Animal Health~~
2 ~~Monitoring System and the National Antimicrobial Resistance~~
3 ~~Monitoring System, the~~ *The* department shall gather information
4 on medically important antimicrobial drug sales and usage, as well
5 as antimicrobial resistant bacteria and livestock management
6 practice data. Monitoring efforts shall be compatible with, and not
7 duplicative of, ~~the national monitoring system.~~ *National Animal*
8 *Health Monitoring System and the National Antimicrobial*
9 *Resistance Monitoring System, and, to the extent feasible, the*
10 *department shall coordinate with the United States Department*
11 *of Agriculture, the federal Centers for Disease Control and*
12 *Prevention, and the federal Food and Drug Administration in the*
13 *development of these efforts.*

14 (2) In coordinating with the National Animal Health Monitoring
15 System and the National Antimicrobial Resistant Monitoring
16 System, the department shall gather representative samples from
17 all of the following:

18 (A) California’s major livestock segments.

19 (B) Regions with considerable livestock production.

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

21 (c) The department shall work with willing participants to gather
22 samples and shall consult with, and conduct outreach to, livestock
23 producers, licensed veterinarians, and any other relevant
24 stakeholders on the implementation of the monitoring efforts.
25 *Participation in this effort shall be done in a manner that does not*
26 *breach veterinary-client-patient confidentiality laws.*

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

32 (e)

33 (d) (1) The department shall report to the Legislature by January
34 1, 2019, the results of its outreach activities and monitoring efforts.
35 The department shall advise the Legislature as to whether or not
36 participation is sufficient to provide statistically relevant data. The
37 report shall be submitted in compliance with Section 9795 of the
38 Government Code.

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

1 ~~(f)~~

2 (e) The department shall seek funds from federal, state, and
3 other sources to implement this section.

4 ~~(g)~~

5 (f) The department may promulgate regulations to implement
6 this section.

7 14406. *The department may request and receive copies of*
8 *veterinary feed directives from the livestock owner, veterinarian,*
9 *or distributor to fully implement the provisions of this chapter.*

10 ~~14406.~~

11 14407. Notwithstanding the California Public Records Act
12 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
13 Title 1 of the Government Code), any information provided
14 pursuant to this chapter *and Section 14902.5, if that section is*
15 *added by Senate Bill 770 of the 2015–16 Regular Session of the*
16 *Legislature*, shall be held confidential, and shall not be disclosed
17 to any person or governmental agency, other than the department
18 or the Veterinary Medical Board, for the purposes of enforcing
19 the Veterinary Medicine Practice Act (Chapter 11 (commencing
20 with Section 4800) of Division 2 of the Business and Professions
21 Code), unless the data is aggregated to prevent the identification
22 of an individual farm or business. Information may be shared with
23 federal agencies so long as it is protected by the federal
24 Confidential Information Protection and Statistical Efficiency Act
25 of 2002 (Public Law 107-347).

26 ~~14407.~~

27 14408. (a) A person who violates this chapter shall be liable
28 for a civil penalty of not more than two hundred and fifty dollars
29 (\$250) for each day a violation occurs.

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

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

39 (c) Subdivisions (a) and (b) do not apply to licensed
40 veterinarians. If the Veterinary Medical Board determines that a

1 veterinarian is in violation of the Veterinary Medicine Practice
2 Act (Chapter 11 (commencing with Section 4800) of Division 2
3 of the Business and Professions Code), the veterinarian may be
4 subject to disciplinary sanctions pursuant to the act.

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

9 SEC. 2. The Legislature finds and declares that Section 1 of
10 this act, which adds Section ~~14406~~ *14407* to the Food and
11 Agricultural Code, imposes a limitation on the public's right of
12 access to the meetings of public bodies or the writings of public
13 officials and agencies within the meaning of Section 3 of Article
14 I of the California Constitution. Pursuant to that constitutional
15 provision, the Legislature makes the following findings to
16 demonstrate the interest protected by this limitation and the need
17 for protecting that interest:

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