

AMENDED IN ASSEMBLY SEPTEMBER 10, 2015

AMENDED IN ASSEMBLY SEPTEMBER 4, 2015

AMENDED IN ASSEMBLY AUGUST 31, 2015

AMENDED IN ASSEMBLY AUGUST 17, 2015

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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 best management practices on the proper use of medically important antimicrobial drugs 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

1 critically important, highly important, and important antimicrobial
2 drugs, as that appendix may be amended.

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

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

9 14401. Beginning January 1, 2018, a medically important
10 antimicrobial drug shall not be administered to livestock unless
11 ordered by a licensed veterinarian through a prescription or
12 veterinary feed directive, pursuant to a veterinarian-client-patient
13 relationship that meets the requirements of Section 2032.1 of Title
14 16 of the California Code of Regulations.

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

19 (1) Necessary to treat a disease or infection.

20 (2) Necessary to control the spread of a disease or infection.

21 (3) Necessary in relation to surgery or a medical procedure.

22 ~~(4) Needed for prophylaxis to address an elevated risk in the~~
23 ~~contraction of a particular disease or infection.~~

24 *(b) A medically important antimicrobial drug may also be used*
25 *when, in the professional judgment of a licensed veterinarian, it*
26 *is needed for prophylaxis to address an elevated risk of contraction*
27 *of a particular disease or infection.*

28 ~~(b)~~

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

32 ~~(e)~~

33 (d) Unless the administration is consistent with subdivision (a),
34 a person shall not administer a medically important antimicrobial
35 drug in a regular pattern.

36 14403. (a) Notwithstanding Sections 14401 and 14402 of this
37 code and Article 15 (commencing with Section 4196) of Chapter
38 9 of Division 2 of the Business and Professions Code, medically
39 important antimicrobial drugs may be sold by retailers licensed
40 pursuant to Article 5 (commencing with Section 14321) of Chapter

1 4 of Division 7 with a prescription or veterinary feed directive
2 from a licensed veterinarian.

3 (b) This section shall not be construed to invalidate the
4 requirement to obtain a prescription or veterinary feed directive
5 to administer a medically important antimicrobial drug as required
6 by Section 14401.

7 (c) The department may promulgate regulations to implement
8 this section.

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

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

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

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

29 (2) To select the appropriate medically important antimicrobial
30 drug and the appropriate dose, duration, and route of
31 administration.

32 (3) To use medically important antimicrobial drugs for the
33 shortest duration necessary and to administer them to the fewest
34 animals necessary.

35 14405. (a) It is the intent of the Legislature that the department
36 coordinate with the United States Department of Agriculture, the
37 federal Food and Drug Administration, and the federal Centers for
38 Disease Control and Prevention to implement the expanded
39 antimicrobial resistance surveillance efforts included in the
40 National Action Plan for Combating Antibiotic-Resistant Bacteria,

1 and that the information gathered through this effort will help lead
2 to a better understanding of the links between antimicrobial use
3 patterns in livestock and the development of antimicrobial resistant
4 bacterial infections.

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

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

- 20 (A) California’s major livestock segments.
 - 21 (B) Regions with considerable livestock production.
 - 22 (C) Representative segments of the food production chain.
- 23 (c) The department shall work with willing participants to gather
24 samples and shall consult with, and conduct outreach to, livestock
25 producers, licensed veterinarians, and any other relevant
26 stakeholders on the implementation of the monitoring efforts.
27 Participation in this effort shall be done in a manner that does not
28 breach veterinary-client-patient confidentiality laws.

29 (d) (1) The department shall report to the Legislature by January
30 1, 2019, the results of its outreach activities and monitoring efforts.
31 The department shall advise the Legislature as to whether or not
32 participation is sufficient to provide statistically relevant data. The
33 report shall be submitted in compliance with Section 9795 of the
34 Government Code.

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

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

39 (f) The department may promulgate regulations to implement
40 this section.

1 14406. The department ~~may~~ *has the authority to* request and
2 receive copies of veterinary feed directives from the livestock
3 owner, veterinarian, or distributor to fully implement the provisions
4 of this chapter.

5 14407. Notwithstanding the California Public Records Act
6 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
7 Title 1 of the Government Code), any information provided
8 pursuant to this chapter and Section 14902.5, if that section is
9 added by Senate Bill 770 of the 2015–16 Regular Session of the
10 Legislature, shall be held confidential, and shall not be disclosed
11 to any person or governmental agency, other than the department
12 or the Veterinary Medical Board, for the purposes of enforcing
13 the Veterinary Medicine Practice Act (Chapter 11 (commencing
14 with Section 4800) of Division 2 of the Business and Professions
15 Code), unless the data is aggregated to prevent the identification
16 of an individual farm or business. Information may be shared with
17 federal agencies so long as it is protected by the federal
18 Confidential Information Protection and Statistical Efficiency Act
19 of 2002 (Public Law 107-347).

20 14408. (a) A person who violates this chapter shall be liable
21 for a civil penalty of not more than two hundred and fifty dollars
22 (\$250) for each day a violation occurs.

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

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

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

38 (d) The moneys collected pursuant to this article shall be
39 deposited into the Department of Food and Agriculture Fund and

1 shall be available for expenditure upon appropriation by the
2 Legislature.

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

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

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