

Senate Bill No. 770

CHAPTER 806

An act to add Section 14902.5 to the Food and Agricultural Code, relating to commercial feed.

[Approved by Governor October 11, 2015. Filed with Secretary of State October 11, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 770, Mendoza. Department of Food and Agriculture: medicated feed.

Existing law regulates the manufacture, distribution, and labeling of commercial feed, and requires the Secretary of Food and Agriculture to enforce those provisions and the regulations adopted pursuant to those provisions. Existing law requires the secretary to establish, by regulation, good manufacturing practices, hazard analysis, and preventive control measures relating to commercial feed, including verification and validation activities for all commercial feed and additives, including medicated feed premixes and medicated feeds. Existing law defines "medicated feeds" as commercial feeds that contain drugs.

This bill would require the Department of Food and Agriculture to continue to be the primary regulatory agency over medicated feed, responsible for regulating medicated feed quality assurance and medicated feed safety, and enforcing any handling and inspecting requirements that are imposed on medicated feed suppliers. The bill would also vest with the department primary responsibility over medicated feed ingredients and the sale of medicated feed that is subject to veterinarian oversight.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) It is the intent of the Legislature to ensure a safe livestock feed supply by consolidating expertise in governance, feed safety, and enforcement of commercial animal feed, and to maximize the coordination with the federal government on the implementation of feed safety laws and related regulations and recommendations such as the federal Food Safety Modernization Act and the federal Food and Drug Administration (FDA) Guidance for Industry #209 and #213.

(b) It is the intent of the Legislature that the Department of Food and Agriculture be the primary agency responsible for coordinating and implementing feed quality and safety issues in California.

(c) On April 11, 2012, the FDA finalized a guidance document entitled "The Judicious Use of Medically Important Antimicrobial Drugs in

Food-Producing Animals” (Judicious Use Guidance, Guidance for Industry #209), and in December 2013, the FDA finalized Guidance for Industry #213 entitled, “New Animal Drugs and New Animal Drug Combination Products Administered in or on Medicated Feed or Drinking Water of Food-Producing Animals: Recommendations for Drug Sponsors for Voluntarily Aligning Product Use Conditions with GFI #209.” Combined, the Guidance for Industry #209 and #213 discuss the FDA’s concerns regarding the development of antimicrobial resistance in human and animal bacterial pathogens when medically important antimicrobial drugs are used in food-producing animals in an injudicious manner, and recommends veterinary oversight of these drugs when used in the feed or water of food-producing animals. The Department of Food and Agriculture is well positioned to implement these guidance documents as they pertain to medicated feed.

(d) When enforcing existing law, as it relates to medicated feed, the Department of Food and Agriculture should coordinate with all other appropriate agencies, including the State Department of Public Health.

SEC. 2. Section 14902.5 is added to the Food and Agricultural Code, to read:

14902.5. Notwithstanding any other law, the department shall continue to be the primary regulatory agency over medicated feed, responsible for regulating medicated feed quality assurance and medicated feed safety, and enforcing any handling and inspecting requirements imposed on medicated feed suppliers. The department shall also have primary responsibility over medicated feed ingredients and the sale of medicated feed that is subject to veterinarian oversight.