S T A T E O F N E W Y O R K

11272

I N A S S E M B L Y

May 25, 2010

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to non-therapeutic use of antimicrobial agents in animals

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The agriculture and markets law is amended by adding a new section 84 to read as follows:

S 84. NON-THERAPEUTIC USE OF ANTIMICROBIAL AGENTS. 1. AS USED IN THIS SECTION:

(A) "ANTIMICROBIAL AGENT" SHALL MEAN ANY DRUG OR DERIVATIVE OF A DRUG THAT IS USED IN HUMANS OR INTENDED FOR USE IN HUMANS TO TREAT OR PREVENT DISEASE OR INFECTION, OR ANY SUBSTANCE, WHETHER PRODUCED SYNTHETICALLY OR NATURALLY, USED TO KILL OR INHIBIT THE GROWTH OF BACTERIA, VIRUSES, FUNGI, PARASITES, OR OTHER MICROORGANISMS.

(B)"NON-THERAPEUTIC USE OF ANTIMICROBIAL AGENTS" SHALL MEAN ANY USE OF ANTIMICROBIAL AGENTS, INCLUDING WITHOUT LIMITATION AS A FEED OR WATER ADDITIVE, FOR AN ANIMAL FOR GROWTH PROMOTION, FEED EFFICIENCY, WEIGHT GAIN, ROUTINE DISEASE PREVENTION, OR OTHER ROUTINE PURPOSE, IN THE ABSENCE OF ANY CLINICAL SIGN OF DISEASE IN THE ANIMAL.

2. (A) NO PERSON SHALL ENGAGE IN THE NON-THERAPEUTIC USE OF ANTIMICROBIAL AGENTS IN CATTLE, POULTRY, SHEEP, SWINE, OR ANY ANIMAL RAISED FOR THE PURPOSE OF PROVIDING FOOD FOR HUMAN CONSUMPTION, INCLUDING ANIMALS THAT PROVIDE NON-MEAT FOOD PRODUCTS SUCH AS EGGS AND MILK.

(B) NO PERSON SHALL SELL, EXPOSE FOR SALE, OR TRANSPORT FOR SALE WITHIN THIS STATE, REGARDLESS OF PLACE OF ORIGIN, ANY FOOD PRODUCT DERIVED FROM AN ANIMAL THAT HAS BEEN SUBJECT TO NON-THERAPEUTIC USE OF ANTIMICROBIAL AGENTS.

3. VIOLATION OF THIS SECTION SHALL CONSTITUTE A CLASS A MISDEMEANOR.

4. THE COMMISSIONER SHALL PROMULGATE AND ADOPT RULES AND REGULATIONS TO GIVE FULL EFFECT TO THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD17361-01-0