

5582

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 23, 2011

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Introduced by M. of A. KAVANAGH, STEVENSON -- 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:

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

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

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

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

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

19    (B) NO PERSON SHALL SELL, EXPOSE FOR SALE, OR TRANSPORT FOR SALE WITH-  
20    IN THIS STATE, REGARDLESS OF PLACE OF ORIGIN, ANY FOOD PRODUCT DERIVED  
21    FROM AN ANIMAL THAT HAS BEEN SUBJECT TO NON-THERAPEUTIC USE OF ANTIMI-  
22    CROBIAL AGENTS.

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

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

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

LBD00442-01-1

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