

# STATE OF NEW YORK

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5742--A

2019-2020 Regular Sessions

## IN SENATE

May 14, 2019

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Introduced by Sens. KAVANAGH, HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the state finance law, in relation to protecting medically important antimicrobials for human public health

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings. The legislature declares that the  
2 overuse and misuse of medically important antimicrobials poses a serious  
3 public health threat.

4 The World Health Organization has stated that "without urgent, coordi-  
5 nated action by many stakeholders, the world is headed for a post-anti-  
6 biotic era, in which common infections and minor injuries which have  
7 been treatable for decades can once again kill." In 2016, members of the  
8 UN General Assembly adopted a political declaration acknowledging that  
9 "the resistance of bacterial, viral, parasitic and fungal microorganisms  
10 to antimicrobial medicines that were previously effective for treatment  
11 of infections is mainly due to: the inappropriate use of antimicrobial  
12 medicines in public health, animal, food, agriculture and aquaculture  
13 sectors; ... resistance to antibiotics, which are not like other medi-  
14 cines ... is the greatest and most urgent global risk, requiring  
15 increased attention and coherence at the international, national and  
16 regional levels."

17 The legislature further finds that overuse and misuse of medically  
18 important antimicrobials in livestock production is a significant compo-  
19 nent of the threat posed. The United States Food and Drug Administration  
20 and the Centers for Disease Control and Prevention have stated that  
21 there is a definitive link between the routine use of medically impor-

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

LBD11330-08-9

1 tant antimicrobials on industrial farms and the crisis of antimicrobi-  
2 al-resistant infections in humans.

3 The issue of antimicrobial misuse and overuse, whether in people or  
4 animals, is a significant and urgent public health matter.

5 It has been estimated that seventy percent of all antimicrobials sold  
6 in the United States are for use in food-producing animals, often to  
7 compensate for the effects of unsanitary and overcrowded conditions on  
8 farms.

9 Many of the antimicrobials provided to food-producing animals are  
10 identical to, or from the same class as, drugs used in human medicine to  
11 treat serious conditions (i.e., medically important drugs). Thus, anti-  
12 microbial-resistant bacteria that emerge and spread from food-producing  
13 animals in farm settings to infect humans can be very dangerous because  
14 the antibiotics usually used to treat the infections in humans may no  
15 longer be effective against them.

16 The legislature further finds that, as with any use of medically  
17 important antimicrobials in animals, such use must be closely supervised  
18 by a New York state licensed veterinarian or those veterinarians author-  
19 ized to practice within the state. Moreover, that it is the licensed  
20 veterinarian who must ensure that the use of medically important antimi-  
21 crobials is appropriate and necessary.

22 The legislature therefore intends to place appropriate restrictions on  
23 the misuse and overuse of medically important antimicrobials in food-  
24 producing animals by ensuring that veterinarians have the clear authori-  
25 ty to control the use of medically important antimicrobials in food-pro-  
26 ducing animals in New York state and that their practices are following  
27 the best scientific evidence.

28 The purpose of this act is to protect public health by preserving the  
29 effectiveness of medically important antimicrobials now and for future  
30 generations by eliminating the use of those medicines in food-producing  
31 animals for disease prevention, resulting in a reduction in the rise and  
32 spread of antimicrobial-resistant bacteria and antimicrobial-resistant  
33 infections in humans.

34 § 2. The education law is amended by adding a new article 135-A to  
35 read as follows:

#### 36 ARTICLE 135-A

#### 37 COMBATING ANTIMICROBIAL RESISTANCE ACT

#### 38 Section 6720. Short title.

#### 39 6721. Definitions.

#### 40 6722. Prohibition of certain antimicrobial administration.

#### 41 6723. Authorization of certain antimicrobial administration.

#### 42 6724. Annual reports.

#### 43 6725. Antimicrobial stewardship guidelines.

#### 44 6726. Implementation.

#### 45 6727. Authority to receive Veterinary Feed Directives.

#### 46 6728. Violations.

47 § 6720. Short title. This act shall be known and may be cited as the  
48 "combating antimicrobial resistance act of 2019."

49 § 6721. Definitions. As used in this section:

50 1. "Antimicrobial" means any substance of natural, semi-synthetic, or  
51 synthetic origin that at in vivo concentrations kills or inhibits the  
52 growth of microorganisms by interacting with a specific target. The term  
53 antimicrobial is a collective for antiviral, antibacterial, antifungal,  
54 antiparasitic, and antiprotozoal agents.

55 2. "Antimicrobial class" means antimicrobial agents with related  
56 molecular structures, often with a similar mode of action because of

1 interaction with a similar target and thus subject to a similar mech-  
2 anism of resistance.

3 3. "Antimicrobial resistance (AMR)" means the ability of a microorgan-  
4 ism to multiply or persist in the presence of an increased level of an  
5 antimicrobial relative to the susceptible counterpart of the same  
6 species.

7 4. "Disease control" means administration of antimicrobial agents to a  
8 group of animals containing sick and healthy individuals (presumed to be  
9 infected), to minimize or resolve clinical signs of infectious disease  
10 and to prevent further spread of the disease.

11 5. "Disease prevention" means administration of antimicrobial agents  
12 to an individual or a group of animals at risk of acquiring a specific  
13 infection or in a specific situation where infectious disease is likely  
14 to occur if the antimicrobial agent is not administered.

15 6. "Disease treatment" means administration of antimicrobial agents to  
16 an individual or group of animals showing clinical signs of infectious  
17 disease or that test positive for a disease.

18 7. "Food-producing animal" means:

19 (a) All cattle, swine, or poultry, regardless of whether the specific  
20 animal is raised for the purpose of producing food for human consump-  
21 tion; or

22 (b) Any animal of a type that the department of agriculture and  
23 markets identifies by rule as livestock typically used to produce food  
24 for human consumption, including aquatic and amphibian species.

25 8. "Livestock producer" means a person raising a food-producing animal  
26 for commercial purposes.

27 9. "Medically important antimicrobial" means a drug that is composed  
28 in whole or in part of:

29 (a) A form of the antibiotic classes of penicillin, tetracycline,  
30 macrolide, lincosamide, streptogramin, aminoglycoside, sulfonamide, or  
31 cephalosporin; or

32 (b) A drug from an antimicrobial class that is categorized as crit-  
33 ically important, highly important, or important in the World Health  
34 Organization list of Critically Important Antimicrobials for Human Medi-  
35 cine (5th Revision, 2016), or a subsequent revision or successor docu-  
36 ment issued by the World Health Organization that is recognized by rule  
37 by the department of health.

38 10. "Veterinary Feed Directive" has the same definition as in section  
39 558.3 of title 21 of the code of federal regulations.

40 § 6722. Prohibition of certain antimicrobial administration. Begin-  
41 ning January first, two thousand twenty, medically important antimicro-  
42 bials shall not be administered to a food-producing animal unless  
43 ordered by a licensed veterinarian who has visited the farm operation  
44 within the previous six months, through a prescription or Veterinary  
45 Feed Directive, pursuant to a veterinarian-client-patient relationship  
46 that meets the requirements as defined by the New York state office of  
47 professions.

48 § 6723. Authorization of certain antimicrobial administration. 1.  
49 Beginning January first, two thousand twenty, a livestock producer may  
50 provide a medically important antimicrobial to a food-producing animal  
51 only if a licensed veterinarian, in the exercise of professional judg-  
52 ment, determines that the provision of the medically important antimi-  
53 crobial to the animal is necessary:

54 (a) To control the spread of a disease or infection;

55 (b) To treat a disease or infection; or

56 (c) In relation to surgical or other medical procedures.

2. Medically important antimicrobials shall not be administered by any person to food-producing animals solely for the purposes of promoting weight gain, improving feed efficiency, or disease prevention.

3. A veterinarian who determines that the provision of a medically important antimicrobial to a food-producing animal is necessary for a purpose described in this section shall specify an end date for the provision of the antimicrobial to the animal.

4. A livestock producer may administer a medically important antimicrobial to a food-producing animal only for the purpose as determined by a licensed veterinarian under this article. The livestock producer may provide the antimicrobial only for the duration specified by the veterinarian.

§ 6724. Annual reports. 1. Veterinarians licensed to practice in New York state, or who are licensed in a bordering state and practice in the state, and who prescribe medically important antimicrobials or write a Veterinary Feed Directive for one or more sets of food-producing animals must file an annual report under this section in a form and manner required by the department by rule. This report will be submitted to the commissioner, the commissioner of health, the commissioner of agriculture and markets, the temporary president of the senate, the senate minority leader, the speaker of the assembly, and the minority leader of the assembly. If any medically important antimicrobials were prescribed to, provided to, or administered to food-producing animals during the reporting period, the annual report must contain the following information:

(a) The total number of food-producing animals provided with medically important antimicrobials;

(b) The name of each medically important antimicrobial provided;

(c) The species of food-producing animals that were provided with each medically important antimicrobial;

(d) The quantity of each medically important antimicrobial prescribed to each species of food-producing animal;

(e) The number of days that each medically important antimicrobial was intended to be provided to a food-producing animal;

(f) The dosage of each medically important antimicrobial that was intended to be provided to a food-producing animal;

(g) The method for providing each medically important antimicrobial to a food-producing animal;

(h) The purpose for providing each medically important antimicrobial to a food-producing animal; and

(i) The disease or infection, if any, that was intended to be controlled due to the provision of each medically important antimicrobial.

2. For the purposes of paragraph (h) of subdivision one of this section, the purpose for providing a medically important antimicrobial to a food-producing animal must be reported as:

(a) Disease control; or

(b) Disease treatment; or

(c) Necessary for surgical or other medical procedures.

3. Information reported under this section should be made publicly available by the department of health annually in an online searchable database of aggregated data. Such database shall protect the identity of a licensed veterinarian, an individual farm or business.

4. Information reported under this section is a public record and is not subject to exemption from public disclosure as required under the New York state freedom of information law.

1     5. The state board of veterinary medicine, the department of health  
2 and the department of agriculture and markets will consult as necessary  
3 to fulfill the requirements of this section.

4     § 6725. Antimicrobial stewardship guidelines. 1. The state board of  
5 veterinary medicine, in consultation with the department of agriculture  
6 and markets, the department of health, universities, and cooperative  
7 extensions, shall develop antimicrobial stewardship guidelines and best  
8 management practices for veterinarians, livestock owners, and their  
9 employees who are involved with the administering of medically important  
10 antimicrobials on the proper use of medically important antimicrobials  
11 for disease treatment and control. The guidelines shall include scien-  
12 tifically validated practical alternatives to the use of medically  
13 important antimicrobials, including, but not limited to, good hygiene  
14 and management practices. The guidelines shall be reviewed and updated  
15 periodically, as necessary.

16     2. The state board of veterinary medicine shall consult with livestock  
17 producers, licensed veterinarians, and other relevant stakeholders on  
18 ensuring that livestock grown in rural areas with limited access to  
19 veterinary care have timely access to treatment.

20     3. For the purposes of this section, "antimicrobial stewardship" is a  
21 commitment to do all of the following:

22     (a) To use medically important microbials only when necessary to treat  
23 or control disease;

24     (b) To select the appropriate medically important microbial and the  
25 appropriate dose, duration, and route of administration; and

26     (c) To use medically important microbials for the shortest duration  
27 necessary and allowable, and to administer them to the fewest animals  
28 necessary.

29     § 6726. Implementation. 1. The state board of veterinary medicine, the  
30 department of health, and the department of agriculture and markets  
31 shall coordinate with the United States Department of Agriculture, the  
32 United States Food and Drug Administration, and the Centers for Disease  
33 Control and Prevention to implement the expanded antimicrobial resist-  
34 ance surveillance efforts included in the National Action Plan for  
35 Combating Antibiotic-Resistant Bacteria, and that the information gath-  
36 ered through this effort will help lead to a better understanding of the  
37 links between antimicrobial use patterns in livestock and the develop-  
38 ment of antimicrobial-resistant bacterial infections.

39     2. (a) The department of health, the state board of veterinary medi-  
40 cine, the department of agriculture and markets, veterinarians, and  
41 livestock producers shall gather information on medically important  
42 antimicrobial sales and usage as well as antimicrobial-resistant bacte-  
43 ria and livestock management practice data. Monitoring efforts shall  
44 not be duplicative of the National Animal Health Monitoring System or  
45 the National Antimicrobial Resistance Monitoring System, and, to the  
46 extent feasible, will coordinate with the United States Department of  
47 Agriculture, the Centers for Disease Control and Prevention, and the  
48 United States Food and Drug Administration in the development of these  
49 efforts.

50     (b) In coordinating with the National Animal Health Monitoring System  
51 and the National Antimicrobial Resistance Monitoring System, the depart-  
52 ment of health, the state board of veterinary medicine and the depart-  
53 ment of agriculture and markets shall gather representative samples of  
54 biological isolates from all of the following:

55     (i) New York state's major livestock segments;

56     (ii) regions with considerable livestock production; and

1 (iii) representative segments of the food production chain.

2 (c) The department of health, the state board of veterinary medicine  
3 and the department of agriculture and markets shall report to the legis-  
4 lature by January first, two thousand twenty-one, the results of their  
5 outreach activities and monitoring efforts.

6 § 6727. Authority to receive Veterinary Feed Directives. The depart-  
7 ment of agriculture and markets has the authority to request and receive  
8 copies of all Veterinary Feed Directives issued in the state from veter-  
9 inarians, livestock owners, feed mills, or distributors to fully imple-  
10 ment the provisions of this article.

11 § 6728. Violations. 1. A person or entity who violates this article  
12 shall be liable for a civil penalty of not more than two hundred and  
13 fifty dollars per farm operation for each day a violation occurs.

14 2. (a) For a second or subsequent violation, a person or entity who  
15 violates this article shall be punishable by an administrative fine in  
16 the amount of five hundred dollars per farm operation for each day a  
17 violation occurs.

18 (b) In addition to the administrative fine, the violator shall attend  
19 an educational program to be jointly developed by the department of  
20 health and the state board of veterinary medicine on the judicious use  
21 of medically important antimicrobials. The violator shall successfully  
22 complete the program and provide proof to the board within ninety days  
23 from the occurrence of the violation.

24 3. Subdivisions one and two of this section shall not apply to  
25 licensed veterinarians. A veterinarian who violates this section is  
26 subject to discipline as defined in subarticle three of article one  
27 hundred thirty of title eight of this chapter.

28 4. The moneys collected pursuant to this article shall be deposited  
29 into the antibiotics education fund established pursuant to section  
30 ninety-seven-j of the state finance law and be available for expenditure  
31 upon appropriation by the legislature.

32 § 3. The state finance law is amended by adding a new section 97-j to  
33 read as follows:

34 § 97-j. Antibiotics education fund. 1. There is hereby established in  
35 the custody of the state comptroller a special fund to be known as the  
36 "antibiotics education fund".

37 2. Such fund shall consist of all monies recovered from the assessment  
38 of any penalty authorized by article one hundred thirty-five-A of the  
39 education law.

40 3. Moneys of the fund shall be deposited to the credit of the fund and  
41 shall, in addition to any other moneys made available for such purpose,  
42 be available to the department for the purpose of antibiotics educa-  
43 tional programs. All payments from the antibiotics education fund shall  
44 be made on the audit and warrant of the state comptroller on vouchers  
45 certified and submitted by the commissioner.

46 § 4. This act shall take effect January 1, 2020.