

# STATE OF NEW YORK

9632

## IN ASSEMBLY

January 28, 2020

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Higher Education

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

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

26 It has been estimated that seventy percent of all antimicrobials sold  
27 in the United States are for use in food-producing animals, often to

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

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1 compensate for the effects of unsanitary and overcrowded conditions on  
2 farms.

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

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

16 The legislature therefore intends to place appropriate restrictions on  
17 the misuse and overuse of medically important antimicrobials in food-  
18 producing animals by ensuring that veterinarians have the clear authori-  
19 ty to control the use of medically important antimicrobials in food-pro-  
20 ducing animals in New York state and that their practices are following  
21 the best scientific evidence.

22 The purpose of this act is to protect public health by preserving the  
23 effectiveness of medically important antimicrobials now and for future  
24 generations by eliminating the use of those medicines in food-producing  
25 animals for disease prevention, resulting in a reduction in the rise and  
26 spread of antimicrobial-resistant bacteria and antimicrobial-resistant  
27 infections in humans.

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

#### 30 ARTICLE 135-A

#### 31 COMBATING ANTIMICROBIAL RESISTANCE ACT

#### 32 Section 6720. Short title.

#### 33 6721. Definitions.

#### 34 6722. Prohibition of certain antimicrobial administration.

#### 35 6723. Authorization of certain antimicrobial administration.

#### 36 6724. Annual reports.

#### 37 6725. Antimicrobial stewardship guidelines.

#### 38 6726. Implementation.

#### 39 6727. Authority to receive Veterinary Feed Directives.

#### 40 6728. Violations.

41 § 6720. Short title. This act shall be known and may be cited as the  
42 "combating antimicrobial resistance act of 2019."

43 § 6721. Definitions. As used in this section:

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

49 2. "Antimicrobial class" means antimicrobial agents with related  
50 molecular structures, often with a similar mode of action because of  
51 interaction with a similar target and thus subject to a similar mech-  
52 anism of resistance.

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

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

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

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

12 7. "Food-producing animal" means:

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

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

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

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

23 (a) A form of the antibiotic classes of penicillin, tetracycline,  
24 macrolide, lincosamide, streptogramin, aminoglycoside, sulfonamide, or  
25 cephalosporin; or

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

32 10. "Veterinary Feed Directive" has the same definition as in section  
33 558.3 of title 21 of the code of federal regulations.

34 § 6722. Prohibition of certain antimicrobial administration. Begin-  
35 ning January first, two thousand twenty, medically important antimicro-  
36 bials shall not be administered to a food-producing animal unless  
37 ordered by a licensed veterinarian who has visited the farm operation  
38 within the previous six months, through a prescription or Veterinary  
39 Feed Directive, pursuant to a veterinarian-client-patient relationship  
40 that meets the requirements as defined by the New York state office of  
41 professions.

42 § 6723. Authorization of certain antimicrobial administration. 1.  
43 Beginning January first, two thousand twenty, a livestock producer may  
44 provide a medically important antimicrobial to a food-producing animal  
45 only if a licensed veterinarian, in the exercise of professional judg-  
46 ment, determines that the provision of the medically important antimi-  
47 crobial to the animal is necessary:

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

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

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

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

54 3. A veterinarian who determines that the provision of a medically  
55 important antimicrobial to a food-producing animal is necessary for a

1 purpose described in this section shall specify an end date for the  
2 provision of the antimicrobial to the animal.

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

8 § 6724. Annual reports. 1. Veterinarians licensed to practice in New  
9 York state, or who are licensed in a bordering state and practice in the  
10 state, and who prescribe medically important antimicrobials or write a  
11 Veterinary Feed Directive for one or more sets of food-producing animals  
12 must file an annual report under this section in a form and manner  
13 required by the department by rule. This report will be submitted to the  
14 commissioner, the commissioner of health, the commissioner of agricul-  
15 ture and markets, the temporary president of the senate, the senate  
16 minority leader, the speaker of the assembly, and the minority leader of  
17 the assembly. If any medically important antimicrobials were prescribed  
18 to, provided to, or administered to food-producing animals during the  
19 reporting period, the annual report must contain the following informa-  
20 tion:

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

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

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

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

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

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

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

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

36 (i) The disease or infection, if any, that was intended to be  
37 controlled due to the provision of each medically important antimicrobi-  
38 al.

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

42 (a) Disease control; or

43 (b) Disease treatment; or

44 (c) Necessary for surgical or other medical procedures.

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

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

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

55 § 6725. Antimicrobial stewardship guidelines. 1. The state board of  
56 veterinary medicine, in consultation with the department of agriculture

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

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

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

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

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

21 (c) To use medically important microbials for the shortest duration  
22 necessary and allowable, and to administer them to the fewest animals  
23 necessary.

24 § 6726. Implementation. 1. The state board of veterinary medicine, the  
25 department of health, and the department of agriculture and markets  
26 shall coordinate with the United States Department of Agriculture, the  
27 United States Food and Drug Administration, and the Centers for Disease  
28 Control and Prevention to implement the expanded antimicrobial resist-  
29 ance surveillance efforts included in the National Action Plan for  
30 Combating Antibiotic-Resistant Bacteria, and that the information gath-  
31 ered through this effort will help lead to a better understanding of the  
32 links between antimicrobial use patterns in livestock and the develop-  
33 ment of antimicrobial-resistant bacterial infections.

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

45 (b) In coordinating with the National Animal Health Monitoring System  
46 and the National Antimicrobial Resistance Monitoring System, the depart-  
47 ment of health, the state board of veterinary medicine and the depart-  
48 ment of agriculture and markets shall gather representative samples of  
49 biological isolates from all of the following:

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

51 (ii) regions with considerable livestock production; and

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

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

1     § 6727. Authority to receive Veterinary Feed Directives. The depart-  
2 ment of agriculture and markets has the authority to request and receive  
3 copies of all Veterinary Feed Directives issued in the state from veter-  
4 inarians, livestock owners, feed mills, or distributors to fully imple-  
5 ment the provisions of this article.

6     § 6728. Violations. 1. A person or entity who violates this article  
7 shall be liable for a civil penalty of not more than two hundred and  
8 fifty dollars per farm operation for each day a violation occurs.

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

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

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

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

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

29     § 97-j. Antibiotics education fund. 1. There is hereby established in  
30 the custody of the state comptroller a special fund to be known as the  
31 "antibiotics education fund".

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

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

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