

House Bill 2598

Sponsored by Representative BUCKLEY (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Makes legislative findings regarding provision of antibiotics to food-producing animals. Prohibits administration or other provision of medically important antibiotic to food-producing animal for nontherapeutic purposes.

Requires operator of concentrated animal feeding operation to file annual report regarding administration of medically important antibiotics to food-producing animals at operation.

Creates private cause of action to enjoin prohibited administration of antibiotics to food-producing animals.

Makes prohibition and reporting applicable to provision of antibiotics to food-producing animals on or after January 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the provision of antibiotics to food-producing animals; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 6 of this 2015 Act:**

5 (1) **"Food-producing" means:**

6 (a) **All cattle, swine or poultry, regardless of whether the specific animal is raised for the**
7 **purpose of producing food for human consumption; or**

8 (b) **Any animal of a type that the State Department of Agriculture identifies by rule as**
9 **livestock typically used to produce food for human consumption.**

10 (2) **"Livestock producer" means a person raising a food-producing animal for commercial**
11 **purposes.**

12 (3) **"Medically important antibiotic" means a drug that is composed in whole or in part**
13 **of:**

14 (a) **A form of penicillin, tetracycline, macrolide, lincosamide, streptogramin,**
15 **aminoglycoside, sulfonamide or cephalosporin; or**

16 (b) **A drug from an antimicrobial class that is categorized as critically important, highly**
17 **important or important in the World Health Organization list of Critically Important**
18 **Antimicrobials for Human Medicine (3rd Revision, 2011), or a subsequent revision or succes-**
19 **sor document issued by the World Health Organization that is recognized by rule by the**
20 **State Department of Agriculture.**

21 (4) **"Nontherapeutic purpose" means growth promotion, feed efficiency, weight gain or**
22 **disease prevention.**

23 **SECTION 2. The Legislative Assembly finds and declares:**

24 (1) **The United States Food and Drug Administration and the Centers for Disease Control**
25 **and Prevention have stated that there is a definitive link between the routine use of antibi-**
26 **otics for nontherapeutic purposes on industrial farms and the crisis of bacterial antibiotic**
27 **resistance in humans.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (2) Up to 70 percent of all antibiotics sold in the United States are given to food-producing
2 animals, often for the nontherapeutic purpose of promoting growth or for the purpose of
3 compensating for the effects of insanitary and overcrowded conditions.

4 (3) Many of the antibiotics provided to food-producing animals are identical to, or from
5 the same family as, drugs used in human medicine to cure serious diseases. According to the
6 Centers for Disease Control and Prevention, because the antibiotics are similar, bacteria
7 resistant to the antibiotics provided to food-producing animals will also be resistant to the
8 antibiotics used in humans.

9 **SECTION 3.** The purposes of sections 1 to 6 of this 2015 Act are:

10 (1) To eliminate the use of medically important antibiotics on food-producing animals for
11 nontherapeutic purposes while continuing to allow the appropriate use of those antibiotics
12 on sick animals.

13 (2) To protect public health by preserving the effectiveness of antibiotics now and for
14 future generations by eliminating the overuse of those critical medicines, resulting in re-
15 ducing the rise and spread of antibiotic-resistant bacteria.

16 **SECTION 4.** A livestock producer may not provide a medically important antibiotic to a
17 food-producing animal for a nontherapeutic purpose unless:

18 (1) There is a significant risk of a disease or infection that is present on the premises
19 being transmitted to the food-producing animal;

20 (2) The administration of the medically important antibiotic to the food-producing animal
21 is necessary to prevent transmission of the disease or infection;

22 (3) The medically important antibiotic is provided to the food-producing animal for the
23 shortest duration necessary to prevent transmission of the disease or infection; and

24 (4) The medically important antibiotic is provided to the smallest number of food-
25 producing animals necessary to prevent transmission of the disease or infection.

26 **SECTION 5.** (1) A livestock producer that operates a concentrated animal feeding opera-
27 tion as defined by the United States Environmental Protection Agency must file an annual
28 report under this section in a form and manner required by the State Department of Agri-
29 culture by rule. If the livestock producer and a contracting entity enter into an agreement
30 for the contracting entity to assume the annual report filing duty, the producer shall mail
31 a copy of the agreement by first class mail to the department no later than 10 days after
32 entering into the agreement. If any medically important antibiotics were provided to food-
33 producing animals during the reporting period, the annual report must contain the following
34 information:

35 (a) The total number of food-producing animals provided with medically important anti-
36 biotics;

37 (b) The types of medically important antibiotics provided;

38 (c) The amount of each medically important antibiotic used;

39 (d) The species of food-producing animals that were provided with medically important
40 antibiotics;

41 (e) The length of time that a medically important antibiotic was intended to be provided
42 to the food-producing animals;

43 (f) The dosage of medically important antibiotic that was intended to be provided to the
44 food-producing animals;

45 (g) The method for providing the medically important antibiotic to the food-producing

1 animal;

2 (h) The purpose for providing the medically important antibiotic to the food-producing
3 animal; and

4 (i) The type of disease or infection, if any, that was intended to be prevented due to the
5 provision of the medically important antibiotic.

6 (2) For purposes of subsection (1)(h) of this section, the purpose for providing a medically
7 important antibiotic to a food-producing animal must be reported as:

8 (a) Disease prevention;

9 (b) Disease control; or

10 (c) Disease treatment.

11 (3) Information reported under this section is a public record and, notwithstanding ORS
12 192.501 and 192.502, is not subject to exemption from disclosure. The department may not
13 redact, withhold or delay the release of information reported under this section.

14 **SECTION 6.** (1) A person adversely affected or aggrieved by a violation of section 4 of this
15 2015 Act may, 60 or more days after giving notice to the Attorney General, the State De-
16 partment of Agriculture and the livestock producer alleged to have violated section 4 of this
17 2015 Act, bring an action on behalf of the public interest in the Circuit Court for Marion
18 County to enjoin the livestock producer from continuing to provide medically important an-
19 tibiotics to food-producing animals in violation of section 4 of this 2015 Act. The court may
20 award a plaintiff prevailing in an action under this subsection actual costs incurred to secure
21 necessary exhibits and witnesses, reasonable attorney fees and other costs. The court may
22 not award damages in the action.

23 (2) A person may not bring an action under this section if the Attorney General has:

24 (a) Filed or obtained an injunction prohibiting the livestock producer alleged to have vi-
25 olated section 4 of this 2015 Act from continuing to administer medically important antibi-
26 otics to food-producing animals in a manner that violates of section 4 of this 2015 Act; or

27 (b) Obtained an assurance of voluntary compliance from the livestock producer alleged
28 to have violated section 4 of this 2015 Act stating that the livestock producer will comply
29 with section 4 of this 2015 Act.

30 **SECTION 7.** Sections 4 and 5 of this 2015 Act apply to the provision of medically impor-
31 tant antibiotics to food-producing animals on or after January 1, 2016.

32 **SECTION 8.** This 2015 Act being necessary for the immediate preservation of the public
33 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
34 on its passage.