

# D R A F T

## SUMMARY

Makes legislative findings regarding routine provision of antibiotics to food-producing animals and its relation to public health.

Prohibits provision of medically important antibiotic to food-producing animal except as recommended by licensed veterinarian for certain purposes. Makes prohibition operative January 1, 2019.

Requires operator of concentrated animal feeding operation to file annual report regarding provision of medically important antibiotics to food-producing animals at operation. Requires reporting for activities conducted on or after January 1, 2018.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to protecting antibiotics for human public health; and declaring an  
3 emergency.

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

5 **SECTION 1. As used in sections 1 to 5 of this 2017 Act:**

6 **(1) “Food-producing animal” means:**

7 **(a) All cattle, swine or poultry, regardless of whether the specific**  
8 **animal is raised for the purpose of producing food for human con-**  
9 **sumption; or**

10 **(b) Any animal of a type that the Oregon Health Authority identi-**  
11 **fies by rule as livestock typically used to produce food for human**  
12 **consumption.**

13 **(2) “Livestock producer” means a person raising a food-producing**  
14 **animal for commercial purposes.**

15 **(3) “Medically important antibiotic” means a drug that is composed**

1 in whole or in part of:

2 (a) A form of penicillin, tetracycline, macrolide, lincosamide,  
3 streptogramin, aminoglycoside, sulfonamide or cephalosporin; or

4 (b) A drug from an antimicrobial class that is categorized as crit-  
5 ically important, highly important or important in the World Health  
6 Organization list of Critically Important Antimicrobials for Human  
7 Medicine (3rd Revision, 2011), or a subsequent revision or successor  
8 document issued by the World Health Organization that is recognized  
9 by rule by the Oregon Health Authority.

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

11 (1) The World Health Organization has stated that “without urgent,  
12 coordinated action by many stakeholders, the world is headed for a  
13 post-antibiotic era, in which common infections and minor injuries  
14 which have been treatable for decades can once again kill.”

15 (2) The United States Food and Drug Administration and the Cen-  
16 ters for Disease Control and Prevention have stated that there is a  
17 definitive link between the routine use of antibiotics for both disease  
18 prevention and growth promotion on industrial farms and the crisis  
19 of bacterial antibiotic resistance in humans.

20 (3) The issue of antibiotics overuse, whether on humans or animals,  
21 is a significant and urgent human health matter.

22 (4) Up to 70 percent of all antibiotics sold in the United States are  
23 given to food-producing animals, often in a routine manner for the  
24 purpose of promoting growth or for the purpose of compensating for  
25 the effects of insanitary and overcrowded conditions.

26 (5) Many of the antibiotics provided to food-producing animals are  
27 identical to, or from the same family as, drugs used in human medi-  
28 cine to cure serious diseases. According to the Centers for Disease  
29 Control and Prevention, because the antibiotics are similar, bacteria  
30 resistant to the antibiotics provided to food-producing animals will  
31 also be resistant to the antibiotics used in humans.

1       **SECTION 3.** The purpose of sections 1 to 5 of this 2017 Act is to  
2 protect public health by preserving the effectiveness of antibiotics now  
3 and for future generations by eliminating the routine use of those  
4 important medicines for growth promotion, feed efficiency or disease  
5 prevention, resulting in reducing the rise and spread of antibiotic-  
6 resistant bacteria.

7       **SECTION 4.** (1) A livestock producer may provide a medically im-  
8 portant antibiotic to a food-producing animal only if a licensed  
9 veterinarian, in the exercise of professional judgment, determines that  
10 the provision of the medically important antibiotic to the animal is  
11 necessary:

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

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

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

15       (2) A livestock producer may administer a medically important an-  
16 tibiotic to a food producing animal only for a necessary purpose as  
17 determined by a licensed veterinarian under this section. The livestock  
18 producer may provide the antibiotic only for the duration specified by  
19 the veterinarian.

20       (3) A veterinarian who determines that the provision of a medically  
21 important antibiotic to a food producing animal is necessary for a  
22 purpose described in this section shall specify an ending date for the  
23 provision of the antibiotic to the animal.

24       **SECTION 5.** (1) A livestock producer that operates a concentrated  
25 animal feeding operation as defined by the United States Environ-  
26 mental Protection Agency must file an annual report under this sec-  
27 tion in a form and manner required by the Oregon Health Authority  
28 by rule. If the livestock producer and a contracting entity enter into  
29 an agreement for the contracting entity to assume the annual report  
30 filing duty, the contracting entity shall include in the annual report  
31 the name and address of the livestock producer on whose behalf it is

1 **submitting the annual report. If any medically important antibiotics**  
2 **were provided to food-producing animals during the reporting period,**  
3 **the annual report must contain the following information:**

4 (a) **The total number of food-producing animals provided with**  
5 **medically important antibiotics;**

6 (b) **The types of medically important antibiotics provided;**

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

8 (d) **The species of food-producing animals that were provided with**  
9 **medically important antibiotics;**

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

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

14 (g) **The method for providing the medically important antibiotic to**  
15 **the food-producing animal;**

16 (h) **The purpose for providing the medically important antibiotic to**  
17 **the food-producing animal; and**

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

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

23 (a) **Disease prevention;**

24 (b) **Disease control; or**

25 (c) **Disease treatment.**

26 (3) **Information reported under this section is a public record and,**  
27 **notwithstanding ORS 192.501 and 192.502, is not subject to exemption**  
28 **from disclosure. The Oregon Health Authority may not redact, with-**  
29 **hold or delay the release of information reported under this section.**

30 (4) **The Oregon Health Authority shall consult with the State De-**  
31 **partment of Agriculture as necessary to fulfill the requirements of this**

1 **section.**

2 **SECTION 6.** Section 5 of this 2017 Act is amended to read:

3 **Sec. 5.** (1) A livestock producer that operates a concentrated animal  
4 feeding operation as defined by the United States Environmental Protection  
5 Agency must file an annual report under this section in a form and manner  
6 required by the Oregon Health Authority by rule. If the livestock producer  
7 and a contracting entity enter into an agreement for the contracting entity  
8 to assume the annual report filing duty, the contracting entity shall include  
9 in the annual report the name and address of the livestock producer on  
10 whose behalf it is submitting the annual report. If any medically important  
11 antibiotics were provided to food-producing animals during the reporting  
12 period, the annual report must contain the following information:

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

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

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

17 (d) The species of food-producing animals that were provided with med-  
18 ically important antibiotics;

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

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

23 (g) The method for providing the medically important antibiotic to the  
24 food-producing animal;

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

27 (i) The type of disease or infection[, *if any,*] that was intended to be  
28 [prevented] **controlled or treated** due to the provision of the medically im-  
29 portant antibiotic.

30 (2) For purposes of subsection (1)(h) of this section, the purpose for pro-  
31 viding a medically important antibiotic to a food-producing animal must be

1 reported as:

2 [(a) *Disease prevention*];

3 [(b)] (a) Disease control; or

4 [(c)] (b) Disease treatment.

5 (3) Information reported under this section is a public record and, not-  
6 withstanding ORS 192.501 and 192.502, is not subject to exemption from dis-  
7 closure. The Oregon Health Authority may not redact, withhold or delay the  
8 release of information reported under this section.

9 (4) The Oregon Health Authority shall consult with the State Department  
10 of Agriculture as necessary to fulfill the requirements of this section.

11 **SECTION 7. The Oregon Health Authority may adopt rules for the**  
12 **administration and enforcement of sections 4 and 5 of this 2017 Act.**  
13 **ORS 431.150, 431.155 and 431.160 apply to sections 4 and 5 of this 2017**  
14 **Act.**

15 **SECTION 8. Section 4 of this 2017 Act applies to the provision of**  
16 **medically important antibiotics to food-producing animals on or after**  
17 **January 1, 2019.**

18 **SECTION 9. Section 5 of this 2017 Act applies for activities con-**  
19 **ducted by concentrated animal feeding operations on or after January**  
20 **1, 2018.**

21 **SECTION 10. The amendments to section 5 of this 2017 Act by sec-**  
22 **tion 6 of this 2017 Act become operative on January 1, 2019, and apply**  
23 **for activities conducted by concentrated animal feeding operations on**  
24 **or after January 1, 2019.**

25 **SECTION 11. This 2017 Act being necessary for the immediate**  
26 **preservation of the public peace, health and safety, an emergency is**  
27 **declared to exist, and this 2017 Act takes effect on its passage.**

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