

# Senate Bill 785

Sponsored by COMMITTEE ON HEALTH CARE

## 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 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 emergency.

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

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

5 (1) **"Food-producing animal" 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 Oregon Health Authority identifies by rule as livestock**  
9 **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 **Oregon Health Authority.**

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

22 (1) **The World Health Organization has stated that "without urgent, coordinated action**  
23 **by many stakeholders, the world is headed for a post-antibiotic era, in which common in-**  
24 **fections and minor injuries which have been treatable for decades can once again kill."**

25 (2) **The United States Food and Drug Administration and the Centers for Disease Control**  
26 **and Prevention have stated that there is a definitive link between the routine use of antibi-**  
27 **otics for both disease prevention and growth promotion on industrial farms and the crisis**  
28 **of bacterial antibiotic 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       (3) The issue of antibiotics overuse, whether on humans or animals, is a significant and  
2 urgent human health matter.

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

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

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

15       **SECTION 4.** (1) A livestock producer may provide a medically important antibiotic to a  
16 food-producing animal only if a licensed veterinarian, in the exercise of professional judg-  
17 ment, determines that the provision of the medically important antibiotic to the animal is  
18 necessary:

- 19       (a) To control the spread of a disease or infection;
- 20       (b) To treat a disease or infection; or
- 21       (c) In relation to surgical or other medical procedures.

22       (2) A livestock producer may administer a medically important antibiotic to a food  
23 producing animal only for a necessary purpose as determined by a licensed veterinarian un-  
24 der this section. The livestock producer may provide the antibiotic only for the duration  
25 specified by the veterinarian.

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

29       **SECTION 5.** (1) A livestock producer that operates a concentrated animal feeding opera-  
30 tion as defined by the United States Environmental Protection Agency must file an annual  
31 report under this section in a form and manner required by the Oregon Health Authority by  
32 rule. If the livestock producer and a contracting entity enter into an agreement for the  
33 contracting entity to assume the annual report filing duty, the contracting entity shall in-  
34 clude in the annual report the name and address of the livestock producer on whose behalf  
35 it is submitting the annual report. If any medically important antibiotics were provided to  
36 food-producing animals during the reporting period, the annual report must contain the fol-  
37 lowing information:

- 38       (a) The total number of food-producing animals provided with medically important anti-  
39 biotics;
- 40       (b) The types of medically important antibiotics provided;
- 41       (c) The amount of each medically important antibiotic used;
- 42       (d) The species of food-producing animals that were provided with medically important  
43 antibiotics;
- 44       (e) The length of time that a medically important antibiotic was intended to be provided  
45 to the food-producing animals;

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

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

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

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

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

11 (a) Disease prevention;

12 (b) Disease control; or

13 (c) Disease treatment.

14 (3) Information reported under this section is a public record and, notwithstanding ORS  
15 192.501 and 192.502, is not subject to exemption from disclosure. The Oregon Health Author-  
16 ity may not redact, withhold or delay the release of information reported under this section.

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

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

20 **Sec. 5.** (1) A livestock producer that operates a concentrated animal feeding operation as de-  
21 fined by the United States Environmental Protection Agency must file an annual report under this  
22 section in a form and manner required by the Oregon Health Authority by rule. If the livestock  
23 producer and a contracting entity enter into an agreement for the contracting entity to assume the  
24 annual report filing duty, the contracting entity shall include in the annual report the name and  
25 address of the livestock producer on whose behalf it is submitting the annual report. If any med-  
26 ically important antibiotics were provided to food-producing animals during the reporting period, the  
27 annual report must contain the following information:

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

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

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

31 (d) The species of food-producing animals that were provided with medically important antibi-  
32 otics;

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

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

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

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

40 (i) The type of disease or infection[, *if any,*] that was intended to be [*prevented*] **controlled or**  
41 **treated** due to the provision of the medically important antibiotic.

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

44 [*(a) Disease prevention;*]

45 [*(b)*] (a) Disease control; or

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

2 (3) Information reported under this section is a public record and, notwithstanding ORS 192.501  
3 and 192.502, is not subject to exemption from disclosure. The Oregon Health Authority may not  
4 redact, withhold or delay the release of information reported under this section.

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

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

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

12 **SECTION 9. Section 5 of this 2017 Act applies for activities conducted by concentrated  
13 animal feeding operations on or after January 1, 2018.**

14 **SECTION 10. The amendments to section 5 of this 2017 Act by section 6 of this 2017 Act  
15 become operative on January 1, 2019, and apply for activities conducted by concentrated an-  
16 imal feeding operations on or after January 1, 2019.**

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

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