

Senate Bill 920

Sponsored by Senator MONNES ANDERSON, Representatives GREENLICK, BUCKLEY

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 and its relation to public health. 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 Relating to protecting antibiotics for human public health; and declaring an emergency.

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

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

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

6 (a) **All cattle, swine or poultry, regardless of whether the specific animal is raised for the 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 typically used to produce food for human consumption.**

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

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

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

16 (b) **A drug from an antimicrobial class that is categorized as critically important, highly important or important in the World Health Organization list of Critically Important Antimicrobials for Human Medicine (3rd Revision, 2011), or a subsequent revision or successor document issued by the World Health Organization that is recognized by rule by the Oregon Health Authority.**

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

SECTION 2. The Legislative Assembly finds and declares:

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

26 (2) **The United States Food and Drug Administration and the Centers for Disease Control**

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 and Prevention have stated that there is a definitive link between the routine use of antibi-
2 otics for both disease prevention and growth promotion on industrial farms and the crisis
3 of bacterial antibiotic resistance in humans.

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

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

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

14 **SECTION 3.** The purpose of sections 1 to 6 of this 2015 Act is to protect public health by
15 preserving the effectiveness of antibiotics now and for future generations by eliminating the
16 overuse of those critical medicines, resulting in reducing the rise and spread of antibiotic-
17 resistant bacteria.

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

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

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

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

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

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

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

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

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

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

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

45 (f) The dosage of medically important antibiotic that was intended to be provided to the

1 food-producing animals;

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

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

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

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

10 (a) Disease prevention;

11 (b) Disease control; or

12 (c) Disease treatment.

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

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

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

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

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

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

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

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