



Jeff Grim

Bill Analysis

Legislative Service Commission

S.B. 73

126th General Assembly
(As Introduced)

Sens. Hagan, Fedor

BILL SUMMARY

- Prohibits a school district, educational service center, or community school from expending state funds or district or service center revenue to purchase for consumption by students poultry products that have been treated with fluoroquinolone antibiotics.
- Requires distributors of dangerous drugs, manufacturers of dangerous drugs who distribute those drugs to retailers, and retailers of dangerous drugs to report specified information regarding the sale of antibiotics for livestock to the State Board of Pharmacy, requires the Board to publish the information on its web site, and authorizes it to impose fees on the distributors and retailers to cover administrative costs.
- Requires distributors of commercial feed and customer-formula feed to report specified information regarding the sale of feed containing antibiotics to the Director of Agriculture, requires the Director to publish the information on the Department of Agriculture's web site, and authorizes the Director to impose fees on the distributors to cover administrative costs.

CONTENT AND OPERATION

Prohibition against purchase by schools of poultry products treated with fluoroquinolone

The bill prohibits a city, local, exempted village, or joint vocational school district, educational service center, or community school (charter school) from expending state funds or district or service center revenue to purchase for consumption by students poultry products that have been treated with an antibiotic belonging to the class of fluoroquinolone antibiotics (secs. 3313.816(A) and

3314.03(A)(11)(d)). "Poultry product" means any poultry carcass, or part thereof, or any product that is made wholly or in part from any poultry carcass or part thereof, except products that are exempted by the Director of Agriculture from definition as a poultry product under conditions that he may prescribe to ensure that the poultry ingredients in those products are not adulterated and that those products are not represented as poultry products (sec. 3313.816(B), by reference to sec. 918.21(N), not in the bill).

Reporting requirements governing distributors and retailers of dangerous drugs regarding antibiotics for livestock

Overview

The bill requires distributors of dangerous drugs licensed under the Dangerous Drugs Law, manufacturers of dangerous drugs who distribute directly to retail sellers, and retail sellers of dangerous drugs to report specified information regarding the sale of antibiotics for livestock to the State Board of Pharmacy. The Board generally must publish this information annually on its web site and may impose fees on the distributors and retail sellers to pay the costs incurred in collecting, collating, and disseminating the information.

Distributors

Under the bill, a wholesale distributor or terminal distributor of dangerous drugs licensed under the Dangerous Drugs Law or a manufacturer of dangerous drugs in Ohio who directly distributes dangerous drugs to retail sellers in this state must report to the State Board of Pharmacy, on a form prescribed by the Board, all sales by the distributor or manufacturer of antibiotics for use on livestock in a time and manner chosen by the Board. "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility. (Sec. 3715.41(E)(2), by reference to sec. 4729.01(M), not in the bill.) "Livestock" means any animal generally used for food or in the production of food, including cattle, sheep, goats, rabbits, poultry, swine, and any other animal included by the Director of Agriculture by rules adopted under the statutes governing livestock exhibitions (sec. 3715.41(E)(1), by reference to sec. 901.70(B), not in the bill). The report must include all of the following:

- (1) The identity of each antibiotic, including its generic and trade name;
- (2) The market status of the antibiotic;

(3) The claimed use and targeted species for which the antibiotic will be used; and

(4) Any other information that the Board considers necessary. (Sec. 3715.41(A).)

The bill requires the Board, beginning on January 1, 2006, and annually thereafter, to compile the information that is provided under the bill and publish notice on its web site that the information is available (sec. 3715.41(B)). However, if disclosure of antibiotic sales data by an individual company, firm, or other entity would reveal legitimate confidential business information, the Board must aggregate the data where possible to avoid disclosure of that confidential business information. Any personal identifying information accompanying the antibiotic sales data must remain confidential. (Sec. 3715.41(C).)

Under the bill, the Board may impose fees on wholesale distributors and terminal distributors of dangerous drugs licensed under the Dangerous Drugs Law and manufacturers of dangerous drugs to pay the costs incurred by the Board in collecting, collating, and disseminating information pursuant to the bill. The fees cannot exceed those costs. (Sec. 3715.41(D).)

Retailers

The bill requires a retail seller of dangerous drugs to report to the State Board of Pharmacy, on a form prescribed by the Board, all sales of oral and injectable antibiotics for livestock. The report must include all of the following:

(1) The new animal drug application code and identity of each antibiotic, including its generic and trade name;

(2) The market status of the antibiotic;

(3) The dosage and form of the antibiotic;

(4) The claimed use, targeted species, and age group for which the antibiotic will be used; and

(5) Any other information that the Board considers necessary. (Sec. 3715.42(A).)

Beginning on January 1, 2006, and annually thereafter, the Board must compile the information that is provided under the bill and publish notice on its web site that the information is available (sec. 3715.42(B)). The Board may impose fees on retail sellers of dangerous drugs that sell oral and injectable antibiotics for livestock to pay the costs incurred by the Board in collecting,

collating, and disseminating information pursuant to the bill. The fees cannot exceed those costs. (Sec. 3715.42(C).)

Reporting requirements governing distributors of commercial feed or customer-formula feed regarding feed containing antibiotics

With a few exceptions, the bill establishes similar reporting requirements for distributors of commercial feed and customer-formula feed as those discussed above for distributors and retail sellers of dangerous drugs. A distributor of commercial feed or customer-formula feed must report to the Director of Agriculture, on a form prescribed by the Director, all sales by the distributor of feed that contains antibiotics. The report must include all of the following:

- (1) The new animal drug application code and identity of each antibiotic, including its generic and trade name;
- (2) The quantity of the antibiotic-containing feed sold;
- (3) The percentage of antibiotic per volume of feed;
- (4) The claimed use, targeted species, and age group for which the antibiotic will be used; and
- (5) Any other information that the Director considers necessary. (Sec. 923.45(B)(1).)

Beginning on January 1, 2006, and annually thereafter, the Director must compile the information that is provided under the bill and publish notice on the Department of Agriculture's web site that the information is available (sec. 923.45(B)(2)). The Director may impose fees on distributors of commercial feed and customer-formula feed to pay the costs incurred by the Department in collecting, collating, and disseminating information pursuant to the bill. The fees cannot exceed those costs. (Sec. 923.45(B)(3).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-22-05	p. 196

s0073-i-126.doc/kl

