

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1126

S.P. 388

In Senate, March 1, 2005

An Act To Encourage the Purchase of Meat Produced without Nontherapeutic Antibiotics

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator COWGER of Kennebec.
Cosponsored by Representative PIOTTI of Unity and
Senators: NUTTING of Androscoggin, RAYE of Washington, WESTON of Waldo,
Representatives: CARR of Lincoln, PERRY of Calais, PINGREE of North Haven, SMITH of
Monmouth, TARDY of Newport.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 7 MRSA c. 8-A**, as amended, is further amended by
6 repealing the chapter headnote and enacting the following in its
8 place:

10 **CHAPTER 8-A**

12 **FOOD POLICY**

14 **Sec. 2. 7 MRSA §211**, as enacted by PL 1983, c. 608, §2, is
16 amended by adding at the end a new paragraph to read:

18 It is the policy of the State to discourage the
20 nontherapeutic use of antibiotics in animal agriculture. State
institutions and school districts shall inform suppliers of
chicken, turkey, beef or pork products of their preference for
purchasing products that have been produced without
nontherapeutic use of antibiotics and make purchasing decisions
in accordance with this chapter.

22 **Sec. 3. 7 MRSA §212**, as amended by PL 1989, c. 443, §18 and
24 PL 2003, c. 20, Pt. OO, §2 and affected by §4, is repealed.

26 **Sec. 4. 7 MRSA §212-A** is enacted to read:

28 **§212-A. Definitions**

30 As used in this chapter, unless the context otherwise
indicates, the following terms have the following meanings.

32 **1. Antibiotic.** "Antibiotic" means a substance of natural
34 or synthetic origin that kills or inhibits the growth or
multiplication of bacteria. "Antibiotic" includes, but is not
36 limited to, the following classes: penicillins, tetracyclines,
macrolides, lincosamides, streptogramins, aminoglycosides and
38 sulfonamides. "Antibiotic" does not include ionophores or other
compounds directed against fungi, parasites or viruses.

40 **2. Antibiotics used in human medicine.** "Antibiotics used
42 in human medicine" means any antibiotic belonging to the
following classes of compounds approved for use in human
44 medicine: penicillins, tetracyclines, macrolides, lincosamides,
streptogramins, aminoglycosides and sulfonamides.

46 **3. Broker or wholesaler.** "Broker or wholesaler" means a
48 person representing an enterprise, either for profit or
nonprofit, whose objective is to purchase or collect available
50 supplies of food from food producers for subsequent distribution
to state institutions, school districts and other food businesses.

2 **4. Disease therapy.** "Disease therapy" means the use of
4 antibiotics, under the direction of a veterinarian licensed in
6 this State, for treating an animal with an established disease or
 illness. "Disease therapy" does not include the use of
 antibiotics beyond the period needed for treatment of the disease
 or illness.

8
10 **5. Fluoroquinolone antibiotics.** Fluoroquinolone
12 antibiotics means any of a group of fluorinated derivatives of
 quinolone that are used as antibacterial drugs, including
 enrofloxacin.

14 **6. Maine food producer.** "Maine food producer" means any
16 person who is a resident farmer or fisherman, or an association
 of farmers or fishermen in a cooperative or producer group.

18 **7. Nonroutine disease prevention.** "Nonroutine disease
20 prevention" means the use of antibiotics when it can be shown
22 that a particular disease is present on the premises or is likely
 to occur because of a specific situation.

24 **8. Nontherapeutic use.** "Nontherapeutic use" means the
26 administration of antibiotics to an animal or a group of animals
 for purposes other than disease therapy or nonroutine disease
 prevention.

28 **9. State or school purchaser.** "State or school purchaser"
30 means any person who purchases foodstuffs for any state
32 institution or agency, the community colleges or the school
 districts of this State.

34 **Sec. 5. 7 MRSA §216** is enacted to read:

36 **§216. Implementation of state policy on meat procurement**

38 A state or school purchaser shall comply with this section.

40 **1. Notification to brokers or wholesalers.** State or school
42 purchasers shall inform brokers or wholesalers of chicken,
44 turkey, beef or pork products seeking to do business with the
 state or school of purchasing preferences for products that have
 been produced without nontherapeutic use of antibiotics,
 particularly antibiotics used in human medicine.

46 **2. Preference in purchasing chicken products.** This
48 subsection governs preference in purchasing chicken products by a
 state or school purchaser:

50 **A.** A state or school purchaser shall purchase chicken
 products only from a broker or wholesaler who annually

2 submits an affidavit to the purchaser stating that the
3 chicken products being supplied to the state or school
4 purchaser have been produced without the use of
5 fluoroquinolone antibiotics; and

6 B. Notwithstanding any other provision of law and assuming
7 reasonable similarity in quality, quantity, availability and
8 price with other chicken products offered for sale, a state
9 or school purchaser shall purchase chicken products only
10 from a broker or wholesaler who annually submits an
11 affidavit to the purchaser stating that the chicken products
12 being supplied to the state or school purchaser have been
13 produced without nontherapeutic use of antibiotics used in
14 human medicine.

15 **3. Preference in purchasing turkey products.**
16 Notwithstanding any other provision of law and assuming
17 reasonable similarity in quality, quantity, availability and
18 price with other turkey products offered for sale, a state or
19 school purchaser shall purchase turkey products only from a
20 broker or wholesaler who annually submits an affidavit to the
21 purchaser stating that the turkey products being supplied to the
22 state or school purchaser have been produced without the use of
23 fluoroquinolone antibiotics and nontherapeutic use of antibiotics
24 used in human medicine.

25 **4. Preference in purchasing beef and pork products.**
26 Notwithstanding any other provision of law and assuming
27 reasonable similarity in quality, quantity, availability and
28 price with other beef or pork products offered for sale, state or
29 school purchasers shall purchase beef and pork products only from
30 a broker or wholesaler who annually submit an affidavit to the
31 purchaser stating that beef and pork products being supplied to
32 the state or school purchaser have been produced without
33 nontherapeutic use of antibiotics used in human medicine.

34 **5. Encourage minimal use.** State or school purchasers shall
35 work with Maine food producers and brokers and wholesalers to
36 encourage minimal use for any purpose of antibiotics in animals
37 raised for food to be consumed by humans.

42 SUMMARY

43 This bill inserts a policy statement in Maine statutes to
44 discourage the nontherapeutic use of antibiotics in animals
45 raised for food. It requires persons purchasing meat for Maine
46 state institutions and Maine schools to notify brokers or
47 wholesalers of this policy and to give preference in buying to
48 those who can supply meat from animals that have not been given
49 antibiotics for other than therapeutic reasons.
50