

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Yates**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. §2-40-802 TO PROVIDE THAT
9 PERSONS FAILING TO TEST EQUIDAE BROUGHT INTO THIS STATE
10 FOR EQUINE INFECTIOUS ANEMIA SHALL BE GUILTY OF A CLASS A
11 MISDEMEANOR; TO AMEND ARK. CODE ANN. §2-40-803 (e)
12 PROVIDING FOR THE QUARANTINE OF EQUIDAE SOLD AT MARKETS
13 AND AUCTIONS; TO PROVIDE FOR CERTIFICATION REQUIREMENTS
14 FOR EQUIDAE ENTERING THIS STATE; AND FOR OTHER PURPOSES."

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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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18 SECTION 1. Ark. Code Ann. §2-40-802 is hereby amended to read as
19 follows:

20 "2-40-802. Penalty. (a) Any person who sells or exchanges ownership
21 of any equidae in this state without having the required certification or any
22 person or chief official of a livestock market, public horse auction, or other
23 sales event who sells or offers for sale equidae without proper certification
24 shall be guilty of a misdemeanor and upon conviction may be punished by a fine
25 of not less than one hundred dollars (\$100) nor more than five hundred dollars
26 (\$500). Each violation shall constitute a separate offense.

27 (b) Any person bringing equidae into this state who fails or refuses to
28 comply with the provisions of this subchapter or any regulations issued
29 thereunder shall, upon conviction, be guilty of a Class A misdemeanor.

30 (c) Any person who fails or refuses to test, brand, or quarantine
31 equidae as required by this subchapter and the regulations of the Livestock
32 and Poultry Commission shall, upon conviction, be guilty of a Class A
33 misdemeanor."

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35 SECTION 2. Ark. Code Ann. §2-40-803(e) is hereby amended to read as

1 follows:

2 "(e) The buyer of a horse or other member of the equidae family which
3 is offered for sale at a market or auction and which fails to meet the
4 certification requirements of this section may, with approval of the market or
5 auction, purchase the animal, have blood samples collected and submitted by a
6 licensed veterinarian for equine infectious anemia testing and move the animal
7 under quarantine to premises that are at least two hundred (200) yards from
8 other equidae and remain there until test results are obtained. The buyer
9 shall pay for all expenses related to testing and quarantine and assumes
10 ownership at the time of the sale regardless of the test results. If the
11 horse or other equidae reacts positive for equine infectious anemia, it shall
12 be treated as a reactor subject to the requirements of Ark. Code Ann. §2-40-
13 804. If the test results are negative, the horse or other equidae shall be
14 released from quarantine."

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16 SECTION 3. Title 2, Chapter 40, Subchapter 8 is hereby amended by
17 adding a new section to read as follows:

18 "2-40-805. Equidae entering state - Certificate required.

19 (a) Equidae entering the State of Arkansas for other than immediate
20 slaughter shall be accompanied by an official certificate of veterinary
21 inspection issued by an accredited veterinarian of the state of origin
22 showing:

23 (1) The name, breed, registration number if any, tattoo if any,
24 sex, age, and color and markings of each animal listed on the certificate;

25 (2) Record of physical examination of each animal, verifying
26 freedom from visible evidence of any contagious, infectious, or communicable
27 disease;

28 (3) (A) All equidae over six (6) months of age must be negative to
29 an Agar-Gel Immunodiffusion (AGID) test or other test approved by the
30 Livestock and Poultry Commission and the United States Department of
31 Agriculture for equine infectious anemia (EIA) within six (6) months prior to
32 entry. The test results, name of the testing laboratory, case number and date
33 of testing shall be included on the certificate.

34 (B) The laboratory conducting the test must be approved by
35 the Animal and Plant Health Inspection Service, United States Department of

1 Agriculture.

2 (b)(1) Equidae may enter the State of Arkansas accompanied by the
3 owner's waybill or official certificate of veterinary inspection consigning
4 them to an approved equine slaughtering establishment or to a livestock market
5 for sale directly to a slaughtering establishment.

6 (2) If any reactor is discovered in another state, the animal may
7 enter the State of Arkansas if entry is in compliance with Title 9, Part 75.4
8 of the Code of Federal Regulations.

9 (c) Every horse or other member of the equidae family brought into the
10 State of Arkansas for sale at a public horse auction in this state shall be
11 accompanied by a certificate showing that the animal has been subjected to an
12 AGID test for equine infectious anemia within the preceding six (6) month
13 period and that the animal was not a reactor at the time of the test."

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15 SECTION 4. All provisions of this act of a general and permanent nature
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
17 Revision Commission shall incorporate the same in the Code.

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19 SECTION 5. If any provision of this act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 act are declared to be severable.

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25 SECTION 6. All laws and parts of laws in conflict with this act are
26 hereby repealed.

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