

*As Engrossed: 2/28/91 3/21/91*

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

**A BILL ACT 1155 OF 1991**  
**HOUSE BILL 1812**

**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."

34  
35 SECTION 2. Ark. Code Ann. §2-40-803(e) is hereby amended to read as  
36 follows:

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

13

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

16           "2-40-805. Equidae entering state - Certificate required.

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

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

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

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

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

35           (b) (1) Equidae may enter the State of Arkansas accompanied by the

1 owner's waybill or official certificate of veterinary inspection consigning  
2 them to an approved equine slaughtering establishment or to a livestock market  
3 for sale directly to a slaughtering establishment.

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

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

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

16  
17 SECTION 5. If any provision of this act or the application thereof to  
18 any person or circumstance is held invalid, such invalidity shall not affect  
19 other provisions or applications of the act which can be given effect without  
20 the invalid provision or application, and to this end the provisions of this  
21 act are declared to be severable.

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

25 /s/J. Hinshaw

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27 APPROVED: 4/9/91  
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