

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S3/14/97 H4/1/97

A Bill

ACT 1306 OF 1997
SENATE BILL 531

5 By: Senator Wyrick
6
7

For An Act To Be Entitled

9 "AN ACT TO PRESCRIBE PROCEDURES FOR THE CONTROL AND
10 ERADICATION OF EQUINE INFECTIOUS ANEMIA; AND FOR OTHER
11 PURPOSES."

Subtitle

14 "TO PRESCRIBE PROCEDURES FOR CONTROL AND
15 ERADICATION OF EQUINE INFECTIOUS
16 ANEMIA."

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. As used in this act:

21 (a) "Accredited veterinarian" means a veterinarian licensed by the
22 Arkansas Veterinary Medical Examining Board and approved by the United States
23 Department of Agriculture, Animal and Plant Health Inspection Service (USDA,
24 APHIS) to perform functions required for state or cooperative state/federal
25 animal disease control and eradication programs.

26 (b) "Adjacent herds" means a group or groups of Equidae sharing common
27 pasture or having other direct contact with an affected herd or reactor animal
28 and herds containing previous purchases from or exchanges with an affected
29 herd. Herds separated by a distance of less than four hundred forty (440)
30 yards are considered adjacent herds.

31 (c) "Affected herd" means a herd of Equidae that contains or has
32 contained one or more animals infected with equine infectious anemia and that
33 has not passed the required tests necessary for release from quarantine.

34 (d) "Approved laboratory" means a laboratory which is approved by the
35 USDA and the State Veterinarian to conduct an official test for equine
36 infectious anemia.

1 (e) "Approved market" means a stockyard, livestock market or other
2 premises, approved by the Commission where Equidae are congregated for sale.

3 (f) "Authorized agent" means a person who has been authorized by the
4 Arkansas Livestock and Poultry Commission to act on its behalf in making
5 investigations, inspections, performing other services or acts which have been
6 defined by this act.

7 (g) "Certificate of Veterinary Inspection" means an official document
8 issued by an accredited veterinarian at the point of origin of a shipment of
9 Equidae. It shall include: (1) the name, breed, registration number if any,
10 implanted electronic identification transponder number if any, tattoo if any,
11 brand if any, sex, age, color and markings sufficient to positively identify
12 each Equidae listed on the form; (2) a record of a physical examination of
13 each animal verifying freedom from visible evidence of any contagious,
14 infectious or communicable diseases and the results of an official test for
15 equine infectious anemia, including the name of the approved laboratory, the
16 case number and the date of the most recent test results; and (3) the Equidae
17 temperature reading.

18 (h) "Certified EIA Verifier" means any certificate holder having
19 completed the prescribed training course co-sponsored by the Arkansas
20 Livestock and Poultry Commission, the University of Arkansas Extension Service
21 and the Arkansas Horse Council.

22 (i) "Commission" means the Arkansas Livestock and Poultry Commission.

23 (j) "Concentration Point" means the gathering of one or more Equidae,
24 for any purpose, at a single location, facility, or area whereby Equidae will
25 be within four hundred forty (440) yards from each other.

26 (k) "Designated Epidemiologist" means an experienced licensed
27 epidemiologist who has been designated by the state veterinarian to perform
28 those functions necessary for the classification of Equidae, based on the
29 evaluation of test results and consideration of the animal and herd history as
30 well as other epidemiologic factors including, but not limited to, weather
31 conditions, number of vectors in the area, and concentration of animals.

32 (l) "Equidae" means a family of perissodactyl ungulate mammals
33 containing a single genus Equus, which includes horses, asses, jacks, jennies,
34 hennies, mules, donkeys, burros, ponies and zebras.

35 (m) "Equine Activity" means:

36 (A) Equine shows, fairs, competitions, performances or parades

1 that involve any or all breeds of equines and any of the equine disciplines,
2 including but not limited to, dressage, hunter and jumper horse shows, grand
3 prix jumping, three day events, combined training, rodeos, pulling, cutting,
4 polo, steeplechasing, endurance trail riding and western games, and hunting;

5 (B) Equine training and teaching activities;

6 (C) Boarding equines;

7 (D) Riding, inspecting, or evaluating an equine belonging to
8 another, whether or not the owner has received some monetary consideration or
9 other thing of value for the use of the equine or is permitting a prospective
10 purchaser of equine to ride, inspect, or evaluate the equine; and

11 (E) Rides, hunts, or other equine activities of any type, no
12 matter how informal or impromptu.

13 (n) 'Equine infectious anemia', 'EIA', or 'EIAV' mean the communicable
14 infectious disease which affects Equidae and is caused by the virus of equine
15 infectious anemia.

16 (o) "Exposed Equidae" means Equidae that have been in contact with,
17 associated with, adjacent to, or within four hundred forty (440) yards of
18 animals known to be EIA reactors.

19 (p) "Herd" means one or more Equidae of single or multiple ownership
20 maintained on common ground or one or more Equidae under single or multiple
21 ownership that are geographically separated but that can have an interchange
22 or movement without regard to health status.

23 (q) "Livestock dealer" means any person engaged in the business of
24 buying or selling livestock including Equidae in commerce, on a commission
25 basis or any person registered and bonded under the provisions of the Federal
26 Packers and Stockyards Act of 1921, as amended, who buys or sells Equidae.
27 The term "livestock dealer" does not include a farmer or rancher who buys or
28 sells livestock or Equidae in the ordinary course of his farming or ranching
29 operation.

30 (r) "Neighboring herd" means one or more Equidae residing within four
31 hundred forty (440) yards of another premise containing Equidae and which
32 other premise is owned, leased or caretaken by different individuals,
33 partnerships or corporations. Temporary additions of Equidae, regardless of
34 length of time, are considered part of neighboring herds.

35 (s) "Negative current EIA test" means a negative response to an
36 official EIA test conducted by an approved laboratory within the past twelve

1 months.

2 (t) "Official EIA test" means the agar gel immunodiffusion (AGID) test,
3 also known as the "Coggins" test, the competitive enzyme-linked immunosorbent
4 assay (CELISA) test, the synthetic antigen enzyme linked immunosorbent assay
5 (SA-ELISA) test and any other USDA licensed tests approved by the Commission.

6 (u) "Participant" means any person, whether amateur or professional,
7 who engages in an equine activity, whether or not a fee is paid to participate
8 in the equine activity.

9 (v) "Permit" or "permit for movement" means an official document issued
10 by the Commission, a representative of APHIS-VS or an accredited veterinarian
11 authorizing the movement of a reactor or exposed Equidae to a quarantined
12 holding facility, an approved slaughter facility or approved quarantined
13 premise. The permit shall list the name, breed, registration number if any,
14 tattoo if any, implanted electronic identification transponder number if any,
15 brand if any, sex, age, color and markings sufficient to positively identify
16 each Equidae listed on the form. The owners name and address, origin and
17 destination locations and purpose of the movement shall also be recorded.

18 (w) "Quarantine" means a written notice or order issued by the
19 Commission showing the boundaries of the area or premise affected, the Equidae
20 restricted and the restrictions, if any.

21 (x) "Quarantined holding facility" means a quarantined premise approved
22 by the Commission to handle reactors or exposed Equidae.

23 (y) "Reactor" means any Equidae which reacts positively to an official
24 EIA test.

25 (z) "Regulatory veterinarian" means a veterinarian employed by or
26 acting as an agent for the Commission.

27 (aa) Epidemiologist investigation means the process used by the
28 Designated Epidemiologist to classify Equidae.

29

30 SECTION 2. Testing Requirements for Domiciled Equidae.

31 (a) All Equidae domiciled within the State of Arkansas shall be
32 subjected to an official EIA test every twelve months. An Equidae is
33 domiciled within the state when the Equidae has been pastured, stabled,
34 housed, or kept in any fashion in the state more than thirty consecutive or
35 unconsecutive days. Written proof of a negative current official EIA test
36 shall be made available in the form of negative results from an approved

1 laboratory upon request made by an authorized representative of the
2 Commission, or the owner/lessee/caretaker of a neighboring herd.

3 (b) Owners of horses domiciled within the state shall be responsible
4 for maintaining a negative current official EIA test on all horses that they
5 own. After January 1, 1998, failure to furnish proof of negative current
6 official EIA test to an authorized agent of the Commission may result in
7 quarantine and penalties prescribed by Sections 26 and 27. Owners of
8 neighboring herds, whether of single or multiple ownership shall have the
9 right to know if any equine within four hundred forty (440) yards are
10 untested, exposed or reactor animals.

11 (c) When any Equidae is examined or treated by an accredited
12 veterinarian, the owner or caretaker must present to the veterinarian written
13 proof of a negative current official EIA test. If no official EIA test
14 results are available, the accredited veterinarian may draw an official sample
15 for EIA as part of the examination or treatment, at the owners expense.

16

17 SECTION 3. Equidae Identification Requirements.

18 All Equidae domiciled within Arkansas and over the age of six months or
19 weaned from mare shall be positively identified on the official EIA test form
20 by an accredited veterinarian or an agent of the Commission by means of
21 distinctive markings, color patterns, previous brand, previous tattoo,
22 previously implanted electronic transponder number, permanent scars, other
23 blemishes, cowlicks, whorls, lip tattoo, hot brand or freeze brand prior to an
24 EIA test.

25

26 SECTION 4. Authority to require test.

27 Any equidae which have been within four hundred forty (440) yards of a
28 reactor shall be subject to testing by the Commission, the State Veterinarian
29 or their agents if the exposure to the reactor occurred no more than thirty
30 (30) days prior to the testing of the reactor.

31

32 SECTION 5. Personnel authorized to collect blood samples.

33 All samples collected from Equidae for equine infectious anemia testing
34 shall be collected by an accredited veterinarian, State Veterinarian, or other
35 Commission authorized personnel.

36

1 SECTION 6. Submission of sample and test charts.

2 All blood samples submitted for official EIA tests must be accompanied
3 by a properly completed VS Form 10-11 (Equine Infectious Anemia Laboratory
4 Test) or other form prescribed by the Commission. Photocopies of the form
5 shall not be considered an official record of test.

6

7 SECTION 7. Requirements for Arkansas approved EIA testing laboratories.

8 No person, firm or corporation shall initiate operation of an EIA
9 testing laboratory without first obtaining approval from the Commission.

10

11 SECTION 8. Classification of Equidae tested.

12 All Equidae tested shall be classified as either negative or reactor.
13 Reactors may be retested at the owners expense provided the owner or the
14 owners agent initiates a retest request to the State Veterinarian not more
15 than five (5) working days after the receipt of the test results by the owner
16 or the owner's agent. All retest samples shall be collected by the same
17 accredited veterinarian who conducted the original test or an alternate
18 accredited veterinarian appointed by the State Veterinarian, and submitted to
19 an approved laboratory within twenty (20) days after the receipt by the owner
20 or the owner's agent of the first positive test. The veterinarian collecting
21 the retest sample shall be provided documentation that the animal being
22 retested is the one shown positive on the initial test. All reactors shall be
23 held in isolation, under quarantine, while awaiting the retest results. All
24 other Equidae on the premises shall be held under quarantine while awaiting
25 the retest results. Retest results shall be the official results unless there
26 are conflicting tests. If there are conflicting tests, a third test shall be
27 conducted in the presence of an authorized agent of the commission or by an
28 authorized agent of the Commission. The sample will be sent to the Arkansas
29 Livestock and Poultry Commission diagnostic laboratory. Costs will be borne
30 by the state unless an accredited veterinarian draws the sample, which will be
31 paid for by the owner. Results of two out of three tests will determine
32 classification.

33

34 SECTION 9. Reporting of test results.

35 It is the responsibility of the approved laboratory to notify the State
36 Veterinarians office and the individual submitting the sample for testing

1 within twenty-four hours after classifying an Equidae as a reactor. It is the
2 responsibility of the individual collecting the test sample to notify the
3 reactors owner or the owners agent of the results of all positive tests
4 within forty-eight hours after classification and to notify the animals owner
5 or the owners agent of the quarantine resulting from positive test results.

6

7 SECTION 10. Quarantines.

8 (a) All reactors shall be quarantined by an authorized agent of the
9 Commission to the premises of origin or other premises *designated by the owner*
10 and approved by the Commission. The quarantine shall restrict the reactors,
11 all other Equidae on the premises and all Equidae epidemiologically determined
12 by the Commission to have been exposed to a reactor. All Equidae on affected
13 premises shall be isolated at least *four hundred forty (440) yards* away from
14 all Equidae on adjacent premises and at least *four hundred forty (440) yards*
15 from any public road. It is the responsibility of the owner of reactors to
16 maintain those animals in isolation at least *four hundred forty (440) yards*
17 away from any public road and all other Equidae. The quarantine may be
18 released by an authorized agent of the Commission after all quarantined
19 Equidae in the affected herd test negative to an official EIA test not less
20 than sixty (60) days nor more than eighty (80) days following the
21 identification and removal of the last reactor, or as determined by the
22 designated epidemiologist.

23 (b) No Equidae held under quarantine may be moved or released until a
24 written permit or quarantine release, signed by an authorized agent, has been
25 executed.

26 (c) All adjacent herds, neighboring herds, and other exposed equine, so
27 deemed by epidemiological investigation, will be quarantined by written report
28 by an authorized agent.

29 (d) *Deviations in testing requirements for quarantines are acceptable*
30 *when made by the designated epidemiologist.*

31

32 SECTION 11. Quarantining reactors.

33 (a) With the exception of the equine stabled at a racetrack regulated
34 by the Arkansas State Racing Commission, all reactors shall be quarantined to
35 the owners premises or an approved quarantine holding facility and shall be
36 destroyed or sold for immediate slaughter or permitted to a research facility

1 within twenty (20) days after the date of the last official positive EIA test.
2 If the equidae is destroyed, or dies of natural causes within the twenty (20)
3 day period, verification of the destruction or death by written and signed
4 statement from an accredited veterinarian or an authorized agent of the
5 Commission must be furnished to the office of the State Veterinarian. If sold
6 for slaughter, the Equidae may be moved from the owners premises to an
7 approved market or to an approved slaughter facility provided that the Equidae
8 are accompanied by a permit for movement. The owner or trainer of reactors
9 stabled at a racetrack regulated by the Arkansas State Racing Commission shall
10 be notified immediately by the testing veterinarian, racetrack officials, or
11 by Commission personnel and the reactors shall be removed from the racetrack
12 premises immediately.

13 (b) Exceptions.

14 (1) Upon request by the owner, any female reactor that is at
15 least two hundred seventy days pregnant or has a nursing foal less than four
16 (4) months of age (as verified by an accredited veterinarian or an agent of
17 the Commission) at her side may be quarantined to the owners premises and
18 shall be kept at least four hundred forty (440) yards away from any other
19 Equidae. The reactor shall be identified with a "71A" brand, or other brand
20 prescribed by the Commission, at least two (2) inches in height on the left
21 shoulder or left side of neck. The female reactor may remain in quarantine
22 until her foal dies or reaches an age of four (4) months at which time the
23 reactor shall either be destroyed, shipped by permit to an approved
24 quarantined holding facility, or sold for immediate slaughter within twenty
25 (20) days. If the equidae is destroyed, or dies from natural causes,
26 verification of destruction by written and signed statement must be furnished
27 to the office of the State Veterinarian by an accredited veterinarian or an
28 agent of the Commission. If sold for slaughter, the reactor may be moved from
29 the owners premises to an approved market or to an approved slaughter
30 facility provided that the reactor is accompanied by a permit for movement.

31 (2) Any foal kept in quarantine with its EIA positive dam shall
32 be officially tested for EIA at the owners expense not less than sixty (60)
33 days nor more than eighty (80) days after it is weaned. Foals nursing
34 positive mares must be weaned at four (4) months of age.

35 (3) Any Equidae which tested positive to the official EIA test
36 prior to the effective date of this act shall be quarantined to the owners

1 premises and kept at least four hundred forty (440) yards away from any other
2 Equidae or public road. The reactor shall be identified with a "71A" brand,
3 or other brand prescribed by the Commission, at least two inches in height on
4 the left shoulder or left side of neck. If the reactor is sold, it must be
5 sold for slaughter and a VS Form 1-27 or permit must be issued by Commission
6 personnel to move the reactor from the owners premises to slaughter.
7 Ownership of reactors may not be changed except for slaughter. If the reactor
8 is destroyed or dies, verification of destruction or death by written and
9 signed statement must be furnished to the office of the State Veterinarian,
10 certified by an accredited veterinarian, or an agent of the Commission.

11 (4) Any reactor found in violation of quarantine shall be ordered
12 sold for slaughter or destroyed within twenty (20) days, and the owner or
13 caretaker will be subject to prosecution for noncompliance.

14

15 SECTION 12. Positive reactors at official racetracks.

16 All equine stabled at a racetrack regulated by the Arkansas State Racing
17 Commission which test positive to the official EIA test shall be immediately
18 removed from the racetrack, shall be quarantined to the premises to which they
19 are moved and shall be destroyed, branded by authorized Commission personnel,
20 sold for immediate slaughter or by permit shipped to an approved quarantined
21 holding facility within twenty (20) days after the date of the last official
22 positive EIA test. If destroyed or dies of natural causes within the twenty
23 (20) days, a written and signed statement by an accredited veterinarian or an
24 agent of the Commission must be furnished to the office of the State
25 Veterinarian. If the equidae is sold for slaughter, the equine may be moved
26 from the owners premises to an approved market or to an approved slaughter
27 facility provided that the equine is accompanied by a permit for movement.

28

29 SECTION 13. Testing requirements in affected herds.

30 All Equidae determined to have been on the same premises as a reactor at
31 the time the reactor was bled, shall be tested by an accredited veterinarian
32 or an authorized agent of the Commission at the owners expense sixty (60) to
33 eighty (80) days after the reactors last positive test result. Foals less
34 than four (4) months of age nursing negative tested dams, are exempt from
35 testing.

36

1 SECTION 14. Movement of reactors and exposed animals.

2 All reactors and exposed Equidae must be accompanied by a permit for
3 movement when moved from their quarantined premises. All reactors must be
4 branded prior to moving interstate. Movement of reactors and exposed Equidae
5 must be direct to an approved slaughter facility or a quarantined holding
6 facility for movement to an approved slaughter facility. Any other move such
7 as a change in location of reactors or exposed Equidae to an alternate
8 quarantined premise must be approved in advance following an epidemiological
9 investigation by the State Veterinarian or other designated Commission
10 personnel. Such movement must also be accompanied by a permit for movement.
11 If a change in destination becomes necessary, a new permit must be issued by
12 Commission authorized personnel, or the regulatory veterinarian.

13

14 SECTION 15. Requirements for quarantined holding facilities.

15 (a) Any person desiring to operate a quarantined holding facility must
16 file an application for approval of the facility on forms provided by the
17 Commission. The facility must have an area where Equidae testing positive to
18 an official EIA test and exposed Equidae are kept, and where the Equidae are
19 isolated and confined at least four hundred forty (440) yards from all other
20 Equidae at all times. The facility must be approved by the Commission
21 pursuant to an inspection of the premises prior to the issuance of the
22 license. Failure to maintain the reactors and exposed Equidae in confinement
23 and isolation at least four hundred forty (440) yards from all other Equidae
24 at all times is a violation of this act. All Equidae held in a quarantined
25 holding facility must be shipped direct to an approved slaughter facility
26 without diversion. Animals moved from a quarantined holding facility may not
27 go through any livestock auction facility prior to shipment to slaughter. All
28 movements from a quarantined holding facility must be accompanied by a permit
29 for movement.

30 (b) All Equidae entering or within an approved quarantine holding
31 facility shall be branded or show evidence of an "S" brand on the top of the
32 left hip or a 71-A brand (or other brand prescribed by the Commission) on the
33 left shoulder or neck, not less than two (2) inches in height.

34 (c) No Equidae may be held over twenty (20) days.

35 (d) Quarantine pens must be clearly identified by a sign or paint using
36 the word "Quarantined" on all sides. Letters of the sign must be a minimum

1 of one (1) foot in height.

2 (e) Failure to comply with this act shall be cause for cancellation of
3 approval by the Commission.

4
5 SECTION 16. Fictitious names and erroneous information.

6 Test charts, permits and other official forms must be completed in the
7 name of the owner or the person responsible for the Equidae. No livestock
8 auction facility operator or veterinarian may be held responsible for
9 recording erroneous information provided by an owner, buyer or seller. The
10 individual providing the erroneous or fictitious information shall be deemed
11 to have violated this act.

12
13 SECTION 17. Testing requirements for change of ownership.

14 All Equidae which are sold, bartered, traded, given free of charge,
15 offered for sale, or any horses otherwise exchanged for any reason within
16 Arkansas except at approved markets must be accompanied by a record of a
17 negative EIA test conducted at an approved laboratory within the previous six
18 (6) months. Photocopies of a VS Form 10-11 or other form prescribed by the
19 Commission shall not be considered an official record of the test. Foals,
20 less than six (6) months of age, accompanied by, nursing, and included in
21 change of ownership with a negative tested mare, are exempt from the testing
22 requirements. Foals sold separately are required to have a negative current
23 official EIA test. On all private sales, trades or barters, i.e., any sale
24 other than through an approved market, both the buyer and the seller are
25 equally and individually responsible for meeting the EIA testing requirements
26 prior to the sale or change of ownership.

27
28 SECTION 18. Movement of Equidae through approved market.

29 (a) All Equidae offered for sale or sold at approved markets must:

30 (1) be accompanied by written proof of a negative EIA test
31 conducted within the last six (6) months, or

32 (2) have a blood sample collected by an accredited veterinarian
33 or an authorized agent of the Commission at the market and test negative to an
34 official EIA test performed by an approved laboratory before the animal leaves
35 the market, or

36 (3) have a blood sample collected by an accredited veterinarian

1 or an authorized agent of the Commission at the market and be quarantined to
2 the market until negative results are received from an approved laboratory, or

3 (4) be "S" branded and consigned to slaughter before receiving
4 test results, or

5 (5) be allowed to return to their premises of origin prior to
6 unloading and prior to consignment and be quarantined to the premises of
7 origin until tested negative (must be tested within thirty (30) days).

8 (b) Photocopies of a VS Form 10-11 or other form prescribed by the
9 Commission shall not be considered an official record of test.

10 (c) Foals less than six (6) months of age sold with and nursing
11 negative tested mares are exempt from the testing requirements of this act.

12 (d) Known reactors or known exposed Equidae shall not be consigned for
13 sale at approved markets unless permitted by authorized Commission personnel.

14 Those animals which are found to be reactors or exposed through testing
15 conducted at an approved market must be maintained in quarantine pens and
16 isolated from all other Equidae in the sale facility. The quarantine pens
17 must be clearly identified by sign or paint using the word "Quarantined" on
18 all sides. Letters must be one foot (1) high.

19 (e) It is the market owners responsibility to make sure that all
20 equine sold meet these requirements.

21

22 SECTION 19. Requirements of Equidae participating in equine activities.

23 (a) All Equidae moving within the state to Equidae exhibitions,
24 including but not limited to, fairs, livestock shows, breed association shows,
25 rodeos, trail rides, parades, team pennings, team ropings, racetracks or other
26 Equidae concentration points shall be accompanied by a record of a negative
27 current official EIA test within the past twelve (12) months.

28 (b) A photocopy of a VS Form 10-11 or other form prescribed by the
29 Commission shall not be accepted as an official record of test.

30 (c) Any show or event within the state may require any tests or
31 requirements they deem necessary.

32

33 SECTION 20. General requirements for Equidae entering Arkansas.

34 All Equidae entering Arkansas must be accompanied by a record of a
35 negative current official EIA test. All Equidae must also be accompanied by
36 a certificate of veterinary inspection, listing information from a record of a

1 negative official EIA test, the name and address of the consignor and
2 consignee, the number of animals in the shipment and a description which
3 accurately identifies each animal. Foals under six (6) months old accompanied
4 by a negative dam do not have to be tested for EIA.

5

6 SECTION 21. Requirements of Equidae moving within the state:

7 All Equidae moving within the state for any reason shall be accompanied
8 by a negative current official EIA test.

9

10 SECTION 22. Entry requirements to a veterinarians clinic for care or
11 treatment.

12 Equidae may enter Arkansas when consigned directly to a veterinary
13 hospital or clinic for treatment or for usual veterinary procedures when
14 accompanied by an owner/shipper permit. Following release by the
15 veterinarian, Equidae must be returned immediately to the state of origin by
16 the most direct route or meet testing requirements for additional movements.

17

18 SECTION 23. Entry requirements to an approved slaughter facility.

19 All Equidae consigned to an approved slaughter facility must be properly
20 and individually identified and accompanied by a waybill, bill of lading,
21 permit, or certificate of veterinary inspection. Known reactors must be
22 branded and known exposed animals must be properly identified and accompanied
23 by a permit.

24

25 SECTION 24. Penalties and fines.

26 Any person, firm or corporation who violates any of the provisions of
27 this act shall, upon conviction, be guilty of a Class A misdemeanor.

28

29 SECTION 25. Rules, regulations and orders.

30 (a) The Commission is authorized to promulgate, modify, and enforce
31 such rules, regulations and orders, not inconsistent with law as it shall from
32 time to time deem necessary to effectively carry out the provisions of this
33 act.

34 (b) Except as otherwise provided in this act, any person or entity who
35 violates provisions of this act and Commission regulations promulgated
36 pursuant to this act shall be deemed guilty of a Class A misdemeanor.

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SECTION 26. Equine infectious anemia services.

In order to fund or partially fund the Equine Infectious Anemia Control and Eradication Program, the commission may, by appropriately adopted administrative rules and regulations, design and maintain a fee structure for the purpose of defraying the cost of services performed.

The fees collected shall be deposited in the State Treasury as special revenues and shall be credited to the Livestock and Poultry Equine Infectious Anemia Control Fund hereby created on the books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the state.

SECTION 27. The provisions of this act shall sunset three years from the effective date of the act.

SECTION 28. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 29. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 30. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 31. Arkansas Code 2-40-801 through 805 are hereby repealed:

~~"2-40-801. Definitions.~~

~~As used in this subchapter, unless the context otherwise requires:~~

~~(1) Certificate means an official interstate health certificate issued by an accredited veterinarian showing:~~

~~(A) The name, breed, registration number, if any, tattoo, if any, sex, age, color, and markings of each equidae listed on the form;~~

~~(B) The record of a physical examination of each animal, verifying freedom from visible evidence of any contagious, infectious, or~~

1 ~~communicable disease; and~~

2 ~~(C) The results of an official test for equine infectious anemia~~
3 ~~and the date of the most recent test results;~~

4 ~~(2) Commission means the Arkansas Livestock and Poultry Commission;~~

5 ~~(3) Equidae means a family of perissodactyl ungulate mammals~~
6 ~~containing a single genus, equus, which includes horses, asses, jacks,~~
7 ~~jennies, hinnies, mules, donkeys, burros, ponies, and zebras;~~

8 ~~(4) Equine Infectious Anemia or EIA means the communicable infectious~~
9 ~~disease which affects only equidae and is caused by the virus of equine~~
10 ~~infectious anemia;~~

11 ~~(5) Official test means the Agar-Gel Immunodiffusion (AGID) test for~~
12 ~~equine infectious anemia which has been conducted in a laboratory approved by~~
13 ~~the commission or the United States Department of Agriculture for the purpose~~
14 ~~of conducting this test or any other test or examination for the detection of~~
15 ~~equine infectious anemia approved by the department;~~

16 ~~(6) Reactor means any equidae which discloses a positive reaction to~~
17 ~~an official test for equine infectious anemia; and~~

18 ~~(7) Equine Infectious Anemia Laboratory Test Paper or Coggins Test~~
19 ~~Paper means an official paper recording equine infectious anemia test results~~
20 ~~whether state or federal.~~

21 ~~2-40-802. Penalty.~~

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

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

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

36 ~~2-40-803. Testing and certification — Exception.~~

1 ~~— (a) Every horse or other member of the equidae family which is sold,~~
2 ~~traded, exchanged, or otherwise involved in a change of ownership from one~~
3 ~~person, group, farm, corporation, association, or partnership to another~~
4 ~~entity shall be required to have been tested for equine infectious anemia~~
5 ~~within the preceding twelve (12) months and shall be accompanied by a~~
6 ~~certificate showing that the animal has been subjected to an official test for~~
7 ~~the disease and that the test results were negative at the time of the test.~~

8 ~~— (b) Every horse or other member of the equidae family which is sold or~~
9 ~~offered for sale through an Arkansas livestock market, public horse auction,~~
10 ~~or other event where animals are offered for sale in Arkansas shall be~~
11 ~~required to have been tested for equine infectious anemia within the preceding~~
12 ~~twelve-month period and shall be accompanied by a certificate or Coggins test~~
13 ~~chart showing that the animal has been subjected to an official test for the~~
14 ~~disease and that the test results were negative at the time of the test.~~
15 ~~Horses bound for slaughter will be exempt from the negative test requirement.~~
16 ~~The chief official of each sale or event where horses and other equidae are~~
17 ~~offered for sale shall be responsible for ensuring each animal is accompanied~~
18 ~~by the certification and shall not offer for sale or sell any animal not so~~
19 ~~certified.~~

20 ~~— (c) When livestock auctions receive animals which tested positive to~~
21 ~~sell for slaughter on the same day negative tested animals are sold, proper~~
22 ~~segregation as prescribed by the commission shall be maintained.~~

23 ~~— (d) The Livestock and Poultry Commission is authorized to promulgate~~
24 ~~regulations regarding horse shows, trail rides, and other events or~~
25 ~~congregations of horses or other equidae for the purpose of preventing the~~
26 ~~spread of equine infectious anemia.~~

27 ~~— (e)(1)(A) The seller of a horse or other member of the equidae family~~
28 ~~which is offered for sale at a market or auction and which fails to meet the~~
29 ~~certification requirements of this section may, with approval of the market or~~
30 ~~auction, sell the animal, have blood samples collected and submitted by a~~
31 ~~licensed veterinarian for equine infectious anemia testing, and the animal~~
32 ~~shall be isolated at the sale barn and remain there until test results are~~
33 ~~obtained.~~

34 ~~(B) The seller shall pay for all expenses related to testing and~~
35 ~~quarantine.~~

36 ~~(2) If the horse or other equidae reacts positive for equine~~

1 ~~infectious anemia, the sale shall be void; the seller shall retain ownership~~
2 ~~of the animal, and it shall be treated as a reactor subject to the~~
3 ~~requirements of A 2-40-804.~~

4 ~~(3) If the test results are negative, the horse or other equidae~~
5 ~~shall be released from quarantine.~~

6 ~~(f) The commission shall have the authority to promulgate all rules and~~
7 ~~regulations necessary to enforce the provisions of this subchapter.~~

8 ~~2-40-804. Reactors.~~

9 ~~(a) If any animal of the equidae family within the State of Arkansas is~~
10 ~~found to be a reactor to the official test in Arkansas laboratories or out-of-~~
11 ~~state laboratories, the owner of the animal may request that an additional~~
12 ~~test for equine infectious anemia be administered to the animal within thirty~~
13 ~~(30) days by any United States Department of Agriculture-approved laboratory~~
14 ~~at the expense of the owner.~~

15 ~~(b) If any animal is a reactor to the official test administered by or~~
16 ~~at the direction of the commission and the owner does not request an~~
17 ~~additional test, or if any animal is a reactor to the official test~~
18 ~~administered by or at the direction of the commission and to an official test~~
19 ~~administered by a United States Department of Agriculture-approved laboratory~~
20 ~~pursuant to the request of the owner, the animal shall be subject to the~~
21 ~~following requirements:~~

22 ~~(1) All reactors will be permanently identified by an employee of~~
23 ~~the commission or by an employee of the Veterinary Services of the United~~
24 ~~States Department of Agriculture. The identifying mark shall be 71 followed~~
25 ~~by the letter A and a number. The markings shall be not less than two inches~~

26 ~~(2) high and shall be applied to the left side of the neck of the reactor. A~~
27 ~~chemical brand or a freezemarking will be employed for the marking of the~~
28 ~~reactor; and~~

29 ~~(2) An official quarantine will be issued by an agent of the~~
30 ~~commission or a licensed veterinarian to the effect that the reactor is:~~

31 ~~(A) Confined to a single premises and is not to be~~
32 ~~transported without an official permit;~~

33 ~~(B) Confined in such a manner that the reactor is two~~
34 ~~hundred yards (200 yds.) from other equidae. Written application for deviation~~
35 ~~from this regulation may be considered by the commission. A description of~~
36 ~~properly constructed isolation facilities, including exercise areas, will be~~

1 furnished to the commission as part of the application. Any written request
2 with a description of the quarantine facilities will be the official
3 application; or

4 ~~———— (3) The infected equidae to be destroyed may be sent with an~~
5 ~~accompanying official certificate confining them to an approved equine~~
6 ~~slaughtering facility or to a livestock market for sale directly to a~~
7 ~~slaughtering facility.~~

8 ~~———— 2-40-805. Equidae entering state - Certificate required.~~

9 ~~———— (a) Equidae entering the State of Arkansas for other than immediate~~
10 ~~slaughter shall be accompanied by an official certificate of veterinary~~
11 ~~inspection issued by an accredited veterinarian of the state of origin~~
12 ~~showing:~~

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

15 ~~———— (2) Record of physical examination of each animal, verifying~~
16 ~~freedom from visible evidence of any contagious, infectious, or communicable~~
17 ~~disease;~~

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

24 ~~———— (B) The laboratory conducting the test must be approved by the~~
25 ~~Animal and Plant Health Inspection Service, United States Department of~~
26 ~~Agriculture.~~

27 ~~———— (b)(1) Equidae may enter the State of Arkansas accompanied by the~~
28 ~~owners waybill or official certificate of veterinary inspection consigning~~
29 ~~them to an approved equine slaughtering establishment or to a livestock market~~
30 ~~for sale directly to a slaughtering establishment.~~

31 ~~———— (2) If any reactor is discovered in another state, the animal may~~
32 ~~enter the State of Arkansas if entry is in compliance with Title 9, Part 75.4~~
33 ~~of the Code of Federal Regulations.~~

34 ~~———— (c) Every horse or other member of the equidae family brought into the~~
35 ~~State of Arkansas for sale at a public horse auction in this state shall be~~
36 ~~accompanied by a certificate showing that the animal has been subjected to an~~

1 ~~AGID test for equine infectious anemia within the preceding twelve-month~~
2 ~~period and that the animal was not a reactor at the time of the test."~~

3 /s/Wyrick

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5 APPROVED: 4-10-97

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