

2 State of Arkansas  
3 88th General Assembly  
4 Regular Session, 2011

*As Engrossed: H3/11/11*

# A Bill

HOUSE BILL 1803

5  
6 By: Representative Benedict

7 Filed with: Interim House Committee on Agriculture, Forestry and Economic Development  
8 pursuant to A.C.A. §10-3-217.

## 9 For An Act To Be Entitled

10 AN ACT TO DEFINE CERTIFIED HERDS AND HORSE BREEDERS  
11 FOR AN EXEMPTION FROM THE STANDARD IMMUNIZATION  
12 REQUIREMENT FOR EQUINE INFECTIOUS ANEMIA; AND FOR  
13 OTHER PURPOSES.

## 14 15 16 Subtitle

17 AN ACT TO DEFINE CERTIFIED HERDS AND  
18 HORSE BREEDERS FOR AN EXEMPTION FROM THE  
19 STANDARD IMMUNIZATION REQUIREMENT FOR  
20 EQUINE INFECTIOUS ANEMIA.

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22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24  
25 SECTION 1. Arkansas Code § 2-40-801 is amended to read as follows:  
26 2-40-801. Definitions.

27 As used in this subchapter:

28 (1) "Accredited veterinarian" means a veterinarian licensed by  
29 the Veterinary Medical Examining Board and approved by the Animal and Plant  
30 Health Inspection Service of the United States Department of Agriculture  
31 ~~(USDA, APHIS)~~ to perform functions required for state or cooperative state  
32 and federal animal disease control and eradication programs;

33 (2) "Adjacent herds" means a group or groups of equidae sharing  
34 common pasture or having other direct contact with an affected herd or  
35 reactor animal and herds containing previous purchases from or exchanges with

1 an affected herd. Herds separated by a distance of less than four hundred  
2 forty (440) yards are considered adjacent herds;

3 (3) "Affected herd" means a herd of equidae that contains or has  
4 contained one (1) or more animals infected with equine infectious anemia and  
5 that has not passed the required tests necessary for release from quarantine;

6 (4) "Approved laboratory" means a laboratory ~~which~~ that is  
7 approved by the United States Department of Agriculture and the State  
8 Veterinarian to conduct an official test for equine infectious anemia;

9 (5) "Approved market" means a stockyard, livestock market, or  
10 other premises, approved by the commission Arkansas Livestock and Poultry  
11 Commission where equidae are congregated for sale;

12 (6) "Authorized agent" means a person who has been authorized by  
13 the ~~Arkansas Livestock and Poultry Commission~~ commission to act on its behalf  
14 in making investigations and inspections and performing other services or  
15 acts ~~which~~ that have been defined by this subchapter;

16 (7) "Breeder" means a horse owner that owns five (5) or more  
17 mares that produce foals for breeding that belong to a certified herd;

18 ~~(7)~~(8) "Certificate of veterinary inspection" means an official  
19 document issued by an accredited veterinarian at the point of origin of a  
20 shipment of equidae. It shall include:

21 (A) The name, breed, registration number if any, implanted  
22 electronic identification transponder number if any, tattoo if any, brand if  
23 any, sex, age, color, and markings sufficient to positively identify each  
24 equidae listed on the form;

25 (B) A record of a physical examination of each animal  
26 verifying freedom from visible evidence of any contagious, infectious, or  
27 communicable diseases and the results of an official test for equine  
28 infectious anemia, including the name of the approved laboratory, the case  
29 number, and the date of the most recent test results; and

30 (C) The equidae temperature reading;

31 (9) "Certified herd" means a herd of horses that:

32 (A) Is domiciled on a single premises;

33 (B) Has each horse individually identified by microchip,  
34 brand, tattoo, or other unique identifier; and

35 (C) Has been tested and had no positive results for equine  
36 infectious anemia during the past three (3) years;

1           ~~(8)~~(10) “Certified equine infectious anemia verifier” or  
 2 “certified EIA verifier” means any certificate holder having completed the  
 3 prescribed training course co-sponsored by the ~~Arkansas Livestock and Poultry~~  
 4 ~~Commission~~ commission, the University of Arkansas Cooperative Extension  
 5 Service, and the Arkansas Horse Council, Inc.;

6           ~~(9)~~ “~~Commission~~” means the ~~Arkansas Livestock and Poultry~~  
 7 ~~Commission~~;

8           ~~(10)~~(11) “Concentration point” means the gathering of one (1) or  
 9 more equidae, for any purpose, at a single location, facility, or area  
 10 whereby equidae will be within four hundred forty (440) yards from each  
 11 other;

12           ~~(11)~~(12) “Designated epidemiologist” means an experienced  
 13 licensed epidemiologist who has been designated by the State Veterinarian to  
 14 perform those functions necessary for the classification of equidae, based on  
 15 the evaluation of test results and consideration of the animal and herd  
 16 history as well as other epidemiologic factors including, ~~but not limited to~~  
 17 without limitation, weather conditions, number of vectors in the area, and  
 18 concentration of animals;

19           ~~(12)~~(13) “Epidemiologist investigation” means the process used  
 20 by the designated epidemiologist to classify equidae;

21           ~~(13)~~(14) “Equidae” means a family of perissodactyl ungulate  
 22 mammals containing a single genus equus, which includes horses, asses, jacks,  
 23 jennies, hennies, mules, donkeys, burros, ponies, and zebras;

24           ~~(14)~~(15) “Equine activity” means:

25           (A) Equine shows, fairs, competitions, performances, or  
 26 parades that involve any or all breeds of equines and any of the equine  
 27 disciplines, including, ~~but not limited t,~~ without limitation, dressage,  
 28 hunter and jumper horse shows, grand prix jumping, three-day events, combined  
 29 training, rodeos, pulling, cutting, polo, steeplechasing, endurance trail  
 30 riding and western games, and hunting;

31           (B) Equine training and teaching activities;

32           (C) Boarding equines;

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

1 (E) Rides, hunts, or other equine activities of any type,  
2 no matter how informal or impromptu;

3 ~~(15)~~(16) “Equine infectious anemia”, “EIA”, or “EIAV” means the  
4 communicable infectious disease ~~which~~ that affects equidae and is caused by  
5 the virus of equine infectious anemia;

6 ~~(16)~~(17) “Exposed equidae” means equidae that have been in  
7 contact with, associated with, adjacent to, or within four hundred forty  
8 (440) yards of animals known to be equine infectious anemia reactors;

9 ~~(17)~~(18) “Herd” means one (1) or more equidae of single or  
10 multiple ownership maintained on common ground or one (1) or more equidae  
11 under single or multiple ownership that are geographically separated but that  
12 can have an interchange or movement without regard to health status;

13 ~~(18)~~(A)~~(19)~~(A) “Livestock dealer” means any person engaged in  
14 the business of buying or selling livestock including equidae in commerce on  
15 a commission basis, or any person registered and bonded under the provisions  
16 of the federal Packers and Stockyards Act, as amended 7 U.S.C. §§ 181-229b,  
17 as it existed on January 1, 2011, who buys or sells equidae.

18 (B) ~~The term “livestock dealer”~~ “Livestock dealer” does  
19 not include a farmer or rancher who buys or sells livestock or equidae in the  
20 ordinary course of his or her farming or ranching operation;

21 ~~(19)~~(20) “Neighboring herd” means one (1) or more equidae  
22 residing within four hundred forty (440) yards of another premise containing  
23 equidae and which other premise is owned, leased, or caretaken by different  
24 individuals, partnerships, or corporations. Temporary additions of equidae,  
25 regardless of length of time, are considered part of neighboring herds;

26 ~~(20)~~(21) “Negative current equine infectious anemia test” or  
27 “negative current EIA test” means a negative response to an official equine  
28 infectious anemia test conducted by an approved laboratory within the past  
29 twelve (12) months;

30 ~~(21)~~(22) “Official equine infectious anemia test” or “official  
31 EIA test” means the agar gel immunodiffusion (AGID) test, also known as the  
32 “Coggins” test, the competitive enzyme-linked immunosorbent assay (CELISA)  
33 test, the synthetic antigen enzyme linked immunosorbent assay (SA-ELISA)  
34 test, and any other United States Department of Agriculture licensed tests  
35 approved by the commission;

1           ~~(22)~~(23) “Participant” means any person, whether amateur or  
2 professional, who engages in an equine activity, whether or not a fee is paid  
3 to participate in the equine activity;

4           ~~(23)(A)~~(24)(A) “Permit” or “permit for movement” means an  
5 official document issued by the commission, a representative of ~~Office of~~  
6 Veterinary Services of the Animal and Plant Health Inspection Service of the  
7 United States Department of Agriculture, or an accredited veterinarian  
8 authorizing the movement of a reactor or exposed equidae to a quarantined  
9 holding facility, an approved slaughter facility, or an approved quarantined  
10 premise.

11           (B)(i) The permit shall list the name, breed, registration  
12 number if any, tattoo if any, implanted electronic identification transponder  
13 number if any, brand if any, sex, age, color, and markings sufficient to  
14 positively identify each equidae listed on the form.

15           (ii) The owner’s name and address, origin and  
16 destination locations, and purpose of the movement shall also be recorded;

17           ~~(24)~~(25) “Quarantine” means a written notice or order issued by  
18 the commission showing the boundaries of the area or premise affected, the  
19 equidae restricted, and the restrictions, if any;

20           ~~(25)~~(26) “Quarantined holding facility” means a quarantined  
21 premise approved by the commission to handle reactors or exposed equidae;

22           ~~(26)~~(27) “Reactor” means any equidae ~~which~~ that reacts  
23 positively to an official equine infectious anemia test;

24           ~~(27)~~(28) “Regulatory veterinarian” means a veterinarian employed  
25 by or acting as an agent for the commission; and

26           ~~(28)~~(29) “Research facility” means any facility that meets or  
27 exceeds the standards and requirements set forth by the Animal and Plant  
28 Health Inspection Service of the United States Department of Agriculture and  
29 the commission for equine infectious anemia research.

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31           SECTION 2. Arkansas Code § 2-40-804(a), concerning testing  
32 requirements for domiciled equidae, is amended to read as follows:

33           (a)(1)(A) All Except as provided under subdivision (a)(2) of this  
34 section, all equidae domiciled within the State of Arkansas shall be  
35 subjected to an official equine infectious anemia test every twelve (12)  
36 months.



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Referred by the Arkansas House of Representatives

Prepared by: MGF/VJF