

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: H2/8/99*  
**A Bill**

HOUSE BILL 1273

5 By: Representatives Teague, Milligan, Rodgers  
6  
7

### 8 **For An Act To Be Entitled**

9 "AN ACT TO AMEND ARKANSAS CODE 2-40-801 THROUGH 2-40-  
10 827 PRESCRIBING PROCEDURES FOR THE CONTROL OF EQUINE  
11 INFECTIOUS ANEMIA; AND FOR OTHER PURPOSES."

### 12 **Subtitle**

13 "AN ACT TO AMEND ARKANSAS CODE 2-40-801  
14 THROUGH 2-40-827 PRESCRIBING PROCEDURES  
15 FOR THE CONTROL OF EQUINE INFECTIOUS  
16 ANEMIA."  
17  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code 2-40-801(a) is amended to read as follows:

23 "(a) 'Accredited veterinarian' means a licensed veterinarian ~~licensed~~  
24 ~~by the Arkansas Veterinary Medical Examining Board and approved by the United~~  
25 States Department of Agriculture, Animal and Plant Health Inspection Service  
26 (USDA, APHIS) to perform functions required for state or cooperative  
27 state/federal animal disease control and eradication programs."  
28

29 SECTION 2. Arkansas Code 2-40-801(b) is amended to read as follows:

30 "(b) 'Adjacent herds' means a group or groups of equidae sharing common  
31 pasture or having other direct contact with an affected herd or reactor animal  
32 and herds containing previous purchases from or exchanges with an affected  
33 herd. Herds separated by a distance of less than ~~four hundred forty (440)~~ two  
34 hundred (200) yards are considered adjacent herds."  
35

36 SECTION 3. Arkansas Code 2-40-801(g) is amended to read as follows:

1           “(g) ‘Certificate of veterinary inspection’ means the original or a  
2 notarized photocopy of an official document issued by an accredited  
3 veterinarian or personnel authorized by the Arkansas Livestock and Poultry  
4 Commission at the point of origin of a shipment of equidae. It shall include:  
5 (1) the name, breed, registration number if any, implanted electronic  
6 identification transponder number if any, tattoo if any, brand if any, sex,  
7 age, color and markings sufficient to positively identify each equidae listed  
8 on the form; (2) a record of a physical examination of each animal verifying  
9 freedom from visible evidence of any contagious, infectious or communicable  
10 diseases and the results of an official test for equine infectious anemia,  
11 including the name of the approved laboratory, the case number and the date of  
12 ~~the most recent test results; and (3) the equidae temperature reading.~~

13           SECTION 4. Arkansas Code 2-40-801(h) is repealed:

14           ~~(h) “Certified EIA verifier” means any certificate holder having~~  
15 ~~completed the prescribed training course co-sponsored by the Arkansas~~  
16 ~~Livestock and Poultry Commission, the University of Arkansas Extension Service~~  
17 ~~and the Arkansas Horse Council.~~

18  
19           SECTION 5. Arkansas Code 2-40-801(j) is amended to read as follows:

20           “(j) ‘Concentration point’ means the gathering of one (1) or more  
21 equidae, for any purpose, at a single location, facility, or area whereby  
22 equidae will be within ~~four hundred forty (440)~~ two hundred (200) yards from  
23 each other.”

24  
25           SECTION 6. Arkansas Code 2-40-801(o) is amended to read as follows:

26           “(o) ‘Exposed equidae’ means equidae that have been in contact with,  
27 associated with, adjacent to, or within ~~four hundred forty (440)~~ two hundred  
28 (200) yards of animals known to be EIA reactors.”

29  
30           SECTION 7. Arkansas Code 2-40-801(r) is amended to read as follows:

31           “(r) ‘Neighboring herd’ means one (1) or more equidae residing within  
32 ~~four hundred forty (440)~~ two hundred (200) yards of another premise containing  
33 equidae and which other premise is owned, leased or caretaken by different  
34 individuals, partnerships or corporations. Temporary additions of equidae,  
35 regardless of length of time, are considered part of neighboring herds.”

36

1 SECTION 8. Arkansas Code 2-40-802 is amended to read as follows:

2 "2-40-802. Penalties and fines.

3 (a) Any person, firm or corporation who violates any of the provisions  
4 of this subchapter, except as provided in subsection (b) of this section  
5 shall, upon conviction, be guilty of a ~~Class A~~ misdemeanor and upon conviction  
6 may be punished by a fine of not less than one hundred dollars (\$100) nor more  
7 than five hundred dollars (\$500). Each violation shall constitute a separate  
8 offense.

9 (b) Any person, firm or corporation who falsifies a certificate of  
10 veterinary inspection shall be guilty of a misdemeanor and upon conviction  
11 may be punished by a fine of not less than one hundred dollars (\$100) nor more  
12 than five hundred dollars (\$500). Each violation shall constitute a separate  
13 offense."

14  
15 SECTION 9. Arkansas Code 2-40-803 is amended to read as follows:

16 "(b) Except as otherwise provided in this subchapter, any person or  
17 entity who violates provisions of this subchapter and commission regulations  
18 promulgated pursuant to this subchapter shall be deemed guilty of a ~~Class A~~  
19 misdemeanor and upon conviction may be punished by a fine of not less than one  
20 hundred dollars (\$100) nor more than five hundred dollars (\$500). Each  
21 violation shall constitute a separate offense."

22  
23 SECTION 10. Arkansas Code 2-40-804 is amended to read as follows:

24 "2-40-804. Testing requirements for domiciled equidae.

25 (a) All equidae, except farm and ranch-bound equidae which meet the  
26 quarantine rules prescribed at Arkansas Code 2-40-812 and 2-40-813, domiciled  
27 within the State of Arkansas shall be subjected to an official EIA test every  
28 twelve (12) months. An equidae is domiciled within the state when the equidae  
29 has been pastured, stabled, housed, or kept in any fashion in the state more  
30 than thirty (30) consecutive or unconsecutive days. Written proof of a  
31 negative current official EIA test shall be made available in the form of  
32 negative results from an approved laboratory upon request made by an  
33 authorized representative of the commission, or the owner/lessee/caretaker of  
34 a neighboring herd.

35 (b) Owners of horses domiciled within the state shall be responsible  
36 for maintaining a negative current official EIA test on all horses that they

1 own. After January 1, 1998, failure to furnish proof of negative current  
 2 official EIA test to an authorized agent of the commission whenever an equidae  
 3 is moved from a premise may result in quarantine and penalties prescribed by  
 4 ~~§§ 2-40-826 and 2-40-827~~ 2-40-802 and 2-40-803. Owners of neighboring herds,  
 5 whether of single or multiple ownership shall have the right to know if any  
 6 equine within ~~four hundred forty (440)~~ two hundred (200) yards are untested,  
 7 exposed or reactor animals.

8 ~~(c) When any equidae is examined or treated by an accredited~~  
 9 ~~veterinarian, the owner or caretaker must present to the veterinarian written~~  
 10 ~~proof of a negative current official EIA test. If no official EIA test results~~  
 11 ~~are available, the accredited veterinarian may draw an official sample for EIA~~  
 12 ~~as part of the examination or treatment, at the owner's expense."~~

13  
 14 SECTION 11. Arkansas Code 2-40-806 is amended to read as follows:

15 "2-40-806. Authority to require test.

16 Any equidae which have been within ~~four hundred forty (440)~~ two hundred  
 17 (200) yards of a reactor shall be subject to testing by the commission, the  
 18 State Veterinarian or their agents if the exposure to the reactor occurred no  
 19 more than thirty (30) days prior to the testing of the reactor."

20  
 21 SECTION 12. Arkansas Code 2-40-807 is amended to read as follows:

22 " 2-4-807. Personnel authorized to collect blood samples and perform  
 23 tests

24 (a) All samples collected from equidae for equine infectious anemia  
 25 testing shall be collected by an accredited veterinarian, the State  
 26 Veterinarian, or other commission-authorized personnel.

27 (b) The Commission may authorize the Commission's personnel to conduct  
 28 official EIA tests."

29  
 30 SECTION 13. Arkansas Code 2-40-810 is amended to read as follows:

31 "2-40-810. Classification of equidae tested.

32 (a) All equidae tested shall be classified as either negative or  
 33 reactor.

34 (b) Reactors may be retested at the owner's expense provided the owner  
 35 or the owner's agent initiates a retest request to the State Veterinarian not  
 36 more than five (5) working days after the receipt of the test results by the

1 owner or the owner's agent.

2 (c)(1) All retest samples shall be collected by ~~the same~~ an accredited  
3 veterinarian ~~who conducted the original test or an alternate accredited~~  
4 ~~veterinarian appointed by the State Veterinarian~~ or commission personnel  
5 authorized under Arkansas Code 2-40-807(b), and submitted to an approved  
6 laboratory within twenty (20) days after the receipt by the owner or the  
7 owner's agent of the first positive test.

8 (2) The veterinarian collecting the retest sample shall be  
9 provided documentation that the animal being retested is the one shown  
10 positive on the initial test.

11 (d)(1) All reactors shall be held in isolation, under quarantine, while  
12 awaiting the retest results.

13 (2) All other equidae on the premises shall be held under  
14 quarantine while awaiting the retest results.

15 (e) Retest results shall be the official results unless there are  
16 conflicting tests.

17 (f) If there are conflicting tests, a third test shall be conducted in  
18 the presence of an authorized agent of the commission or by an authorized  
19 agent of the commission.

20 (g) The sample will be sent to the Arkansas Livestock and Poultry  
21 Commission diagnostic laboratory. ~~Costs will be borne by the state unless an~~  
22 ~~accredited veterinarian draws the sample, which will be paid for by the owner.~~  
23 ~~An accredited veterinarian who draws a sample shall be paid by the owner.~~

24 (h) Results of two (2) out of three (3) tests will determine  
25 classification. "

26

27 SECTION 14. Arkansas Code 2-40-812(a) is amended to read as follows:

28 "(a)(1) All reactors shall be quarantined by an authorized agent of the  
29 commission to the premises of origin or other premises designated by the owner  
30 and approved by the commission.

31 (2) The quarantine shall restrict the reactors, all other equidae  
32 on the premises and all equidae epidemiologically determined by the commission  
33 to have been exposed to a reactor.

34 (3) All equidae on affected premises shall be isolated at least  
35 ~~four hundred forty (440)~~ two hundred (200) yards away from all equidae on  
36 adjacent premises and at least ~~four hundred forty (440)~~ two hundred (200)

1 yards from any public road.

2 (4) It is the responsibility of the owner of reactors to post  
 3 warning notices on all entrances to the premises and maintain those animals in  
 4 isolation at least ~~four hundred forty (440)~~ two hundred (200) yards away from  
 5 any public road and all other equidae.

6 (5) The quarantine may be released by an authorized agent of the  
 7 commission after all quarantined equidae in the affected herd test negative to  
 8 an official EIA test not less than ~~sixty (60)~~ forty-five (45) days nor more  
 9 than eighty (80) days following the identification and removal of the last  
 10 reactor, or as determined by the designated epidemiologist."

11

12 SECTION 15. Arkansas Code 2-40-812 is amended to add the following new  
 13 language:

14 "(e) If an area within the state is determined by the Arkansas Livestock  
 15 and Poultry Commission to have a high concentration of positive reactors, the  
 16 Arkansas Livestock and Poultry Commission is authorized to conduct an area  
 17 test."

18

19 SECTION 16. Arkansas Code 2-40-813, regarding quarantining equidae  
 20 reactors, is amended to read as follows:

21 "2-40-813. Quarantining reactors.

22 (a) (1) With the exception of the equine stabled at a racetrack  
 23 regulated by the Arkansas State Racing Commission and farm and ranch-bound  
 24 equidae which meet the quarantine rules prescribed at Arkansas Code 2-40-812  
 25 and 2-40-813, all reactors shall be quarantined to the owner's premises or an  
 26 approved quarantine holding facility and shall be ~~destroyed~~ kept at least two  
 27 hundred (200) yards away from any other equidae or public road or sold for  
 28 immediate slaughter or permitted to a research facility ~~within twenty (20)~~  
 29 days after the date of the last official positive EIA test.

30 (2) If the equidae is destroyed, or dies of natural causes within  
 31 the ~~twenty-day period~~ twenty (20) days after the date of the last official  
 32 positive EIA test, verification of the destruction or death by written and  
 33 signed statement from an accredited veterinarian or an authorized agent of the  
 34 commission must be furnished to the office of the State Veterinarian.

35 (3) The reactor shall be identified with a "71A" brand, or other  
 36 brand prescribed by the commission, at least two (2) inches in height on the

1 left shoulder or left side of neck.

2 (4) If the equidae is sold, it must be sold for slaughter, and the  
3 equidae may be moved from the owner's premises to an approved market or to an  
4 approved slaughter facility provided that the equidae are accompanied by a  
5 permit for movement.

6 (5) The owner or trainer of reactors stabled at a racetrack  
7 regulated by the Arkansas State Racing Commission shall be notified  
8 immediately by the testing veterinarian, racetrack officials, or by commission  
9 personnel and the reactors shall be removed from the racetrack premises  
10 immediately.

11 ~~(b) Exceptions.—~~

12 ~~(1) Upon request by the owner, any female reactor that is at least two~~  
13 ~~hundred seventy (270) days pregnant or has a nursing foal less than four (4)~~  
14 ~~months of age (as verified by an accredited veterinarian or an agent of the~~  
15 ~~commission) at her side may be quarantined to the owner's premises and shall~~  
16 ~~be kept at least four hundred forty (440) yards away from any other equidae.—~~  
17 ~~The reactor shall be identified with a "71A" brand, or other brand prescribed~~  
18 ~~by the commission, at least two (2) inches in height on the left shoulder or~~  
19 ~~left side of neck. The female reactor may remain in quarantine until her foal~~  
20 ~~dies or reaches an age of four (4) months at which time the reactor shall~~  
21 ~~either be destroyed, shipped by permit to an approved quarantined holding~~  
22 ~~facility, or sold for immediate slaughter within twenty (20) days.— If the~~  
23 ~~equidae is destroyed, or dies from natural causes, verification of destruction~~  
24 ~~by written and signed statement must be furnished to the office of the State~~  
25 ~~Veterinarian by an accredited veterinarian or an agent of the commission.— If~~  
26 ~~sold for slaughter, the reactor may be moved from the owner's premises to an~~  
27 ~~approved market or to an approved slaughter facility, provided that the~~  
28 ~~reactor is accompanied by a permit for movement.—~~

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

33 ~~(3) Any equidae which tested positive to the official EIA test prior to~~  
34 ~~August 1, 1997 shall be quarantined to the owner's premises and kept at least~~  
35 ~~four hundred forty (440) yards away from any other equidae or public road.—~~  
36 ~~The reactor shall be identified with a "71A" brand, or other brand prescribed~~

1 ~~by the commission, at least two (2) inches in height on the left shoulder or~~  
 2 ~~left side of neck. If the reactor is sold, it must be sold for slaughter and~~  
 3 ~~a VS Form 1-27 or permit must be issued by commission personnel to move the~~  
 4 ~~reactor from the owner's premises to slaughter. Ownership of reactors may not~~  
 5 ~~be changed except for slaughter. If the reactor is destroyed or dies,~~  
 6 ~~verification of destruction or death by written and signed statement must be~~  
 7 ~~furnished to the office of the State Veterinarian, certified by an accredited~~  
 8 ~~veterinarian, or an agent of the commission.~~

9 (4) (b) All reactors must meet the quarantine requirements under  
 10 Arkansas Code 2-40-812 and 2-40-813 at all times. Owners of quarantined  
 11 equidae must allow inspectors from the Arkansas Livestock and Poultry  
 12 Commission to inspect the equidae at the quarantine premise. Any reactor  
 13 found in violation of quarantine shall be ordered sold for slaughter or  
 14 destroyed within ~~twenty (20)~~ thirty (30) days, and the owner or caretaker will  
 15 be subject to prosecution for noncompliance."

16  
 17 SECTION 17. Arkansas Code 2-40-815 is amended to read as follows:

18 "2-40-815. Testing requirements in affected herds.

19 (a) All equidae determined to have been on the same premises as a  
 20 reactor at the time the reactor was bled, shall be tested by an accredited  
 21 veterinarian or an authorized agent of the commission at the owner's expense  
 22 ~~sixty (60)~~ forty-five (45) to eighty (80) days after the reactor's last  
 23 positive test result.

24 (b) If the equidae has been tested within the past twelve (12) months,  
 25 the Arkansas Livestock and Poultry Commission shall test at no charge.

26 (c) Foals less than ~~four (4)~~ ten (10) months of age nursing negative  
 27 tested dams, are exempt from testing."

28  
 29 SECTION 18. Arkansas Code 2-40-817(a) is amended to read as follows:

30 "(a)(1) Any person desiring to operate a quarantined holding facility  
 31 must file an application for approval of the facility on forms provided by the  
 32 commission.

33 (2) The facility must have an area where equidae testing positive  
 34 to an official EIA test and exposed equidae are kept, and where the equidae  
 35 are isolated and confined at least ~~four hundred forty (440)~~ two hundred (200)  
 36 yards from all other equidae at all times.



1           (3) The facility must be approved by the commission pursuant to an  
2 inspection of the premises prior to the issuance of the license.

3           (4) Failure to maintain the reactors and exposed equidae in  
4 confinement and isolation at least ~~four hundred forty (440)~~ two hundred (200)  
5 yards from all other equidae at all times is a violation of this subchapter.

6           (5) All equidae held in a quarantined holding facility must be  
7 shipped direct to an approved slaughter facility without diversion. Animals  
8 moved from a quarantined holding facility may not go through any livestock  
9 auction facility prior to shipment to slaughter. All movements from a  
10 quarantined holding facility must be accompanied by a permit for movement.”  
11

12           SECTION 19. Arkansas Code 2-40-819 is amended to read as follows:

13           “2-40-819. Testing requirements for change of ownership.

14           (a) 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.

19           (b) Notarized ~~P~~photocopies of a VS Form 10-11 or other form prescribed  
20 by the commission shall ~~not~~ be considered an official record of the test.

21           (c) Foals, less than ~~six (6)~~ ten (10) months of age, accompanied by,  
22 nursing, and included in change of ownership with a negative-tested mare, are  
23 exempt from the testing requirements.

24           (d) Foals sold separately are required to have a negative current  
25 official EIA test.

26           (e) On all private sales, trades or barters, i.e., any sale other than  
27 through an approved market, both the buyer and the seller are equally and  
28 individually responsible for meeting the EIA testing requirements prior to the  
29 sale or change of ownership.”  
30

31           SECTION 20. Arkansas Code 2-40-820(a) is amended to read as follows:

32           “(a) All equidae offered for sale or sold at approved markets must:

33                   (1) Be accompanied by written proof of a negative EIA test  
34 conducted within the last six (6) months, or

35                   (2) Have a blood sample collected by an accredited veterinarian  
36 or an authorized agent of the commission at the market and test negative to an

1 official EIA test performed by an approved laboratory ~~before the animal leaves~~  
2 ~~the market~~, or

3 ~~(3) Have a blood sample collected by an accredited veterinarian~~  
4 ~~or an authorized agent of the commission at the market and be quarantined to~~  
5 ~~the market until negative results are received from an approved laboratory, or~~

6 ~~(4) Be "S" branded and consigned to slaughter before receiving~~  
7 ~~test results, or~~

8 ~~(5) (3) Be allowed to return to their premises of origin prior to~~  
9 ~~unloading and prior to consignment and be quarantined to the premises of~~  
10 ~~origin until tested negative (must be tested within thirty (30) days)."~~

11  
12 SECTION 21. Arkansas Code 2-40-820(d) is amended to read as follows:

13 "(d) Known reactors or known exposed equidae shall not be consigned for  
14 sale at approved markets unless permitted by authorized commission personnel.  
15 Those animals which are found to be reactors or exposed through testing  
16 conducted at an approved market must be maintained in quarantine pens and  
17 ~~isolated from at least two hundred (200 yards) from neighboring all other~~  
18 equidae in the sale facility. The quarantine pens must be clearly identified  
19 by sign or paint using the word "Quarantined" on all sides. Letters must be  
20 one foot (1') high."

21  
22 SECTION 22. Arkansas Code 2-40-821(b) is amended to read as follows:

23 "(b) A notarized photocopy of a VS Form 10-11 or other form prescribed  
24 by the commission shall ~~not~~ be accepted as an official record of test."

25  
26 SECTION 23. Arkansas Code 2-40-824 is repealed:

27 ~~2-40-824. Entry requirements to a veterinarian's clinic for care or~~  
28 ~~treatment.~~

29 ~~Equidae may enter Arkansas when consigned directly to a veterinary~~  
30 ~~hospital or clinic for treatment or for usual veterinary procedures when~~  
31 ~~accompanied by an owner/shipper permit. Following release by the veterinarian,~~  
32 ~~equidae must be returned immediately to the state of origin by the most direct~~  
33 ~~route or meet testing requirements for additional movements.~~

34  
35 SECTION 24. Arkansas Code 2-40-826 is amended to read as follows:

36 "2-40-826. Equine infectious anemia services.

1       (a) In order to fund or partially fund the Equine Infectious Anemia  
 2 Control ~~and Eradication~~ Program, the commission may, by appropriately adopted  
 3 administrative rules and regulations, design and maintain a fee structure for  
 4 the purpose of defraying the cost of services performed, not to exceed ten  
 5 dollars (\$10.00).

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

10  
 11       SECTION 25. Arkansas Code 2-40-827 is repealed.

12       ~~2-40-827. Expiration of subchapter.~~

13       ~~The provisions of this subchapter shall sunset three (3) years from~~  
 14 ~~August 1, 1997.~~

15  
 16       SECTION 26. All provisions of this act of a general and permanent  
 17 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
 18 Code Revision Commission shall incorporate the same in the Code.

19  
 20       SECTION 27. If any provision of this act or the application thereof to  
 21 any person or circumstance is held invalid, such invalidity shall not affect  
 22 other provisions or applications of the act which can be given effect without  
 23 the invalid provision or application, and to this end the provisions of this  
 24 act are declared to be severable.

25  
 26       SECTION 28. All laws and parts of laws in conflict with this act are  
 27 hereby repealed.

28   */s/ Teague, et al*

29  
 30  
 31  
 32  
 33  
 34  
 35  
 36