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2 88th General Assembly
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4

A Bill

HOUSE BILL 1803

5 By: Representative Benedict
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For An Act To Be Entitled

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

14 AN ACT TO DEFINE CERTIFIED HERDS AND
15 HORSE BREEDERS FOR AN EXEMPTION FROM THE
16 STANDARD IMMUNIZATION REQUIREMENT FOR
17 EQUINE INFECTIOUS ANEMIA.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 2-40-801 is amended to read as follows:
24 2-40-801. Definitions.

25 As used in this subchapter:

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

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

36 (3) "Affected herd" means a herd of equidae that contains or has



1 contained one (1) or more animals infected with equine infectious anemia and
 2 that has not passed the required tests necessary for release from quarantine;

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

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

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

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

16 ~~(7)(8)~~ "Certificate of veterinary inspection" means an official
 17 document issued by an accredited veterinarian at the point of origin of a
 18 shipment of equidae. It shall include:

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

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

28 (C) The equidae temperature reading;

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

30 (A) Is domiciled on a single premises;

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

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

35 ~~(8)(10)~~ "Certified equine infectious anemia verifier" or
 36 "certified EIA verifier" means any certificate holder having completed the

1 prescribed training course co-sponsored by the ~~Arkansas Livestock and Poultry~~
 2 ~~Commission~~ commission, the University of Arkansas Cooperative Extension
 3 Service, and the Arkansas Horse Council, Inc.;

4 ~~(9) "Commission" means the Arkansas Livestock and Poultry~~
 5 ~~Commission;~~

6 ~~(10)~~(11) "Concentration point" means the gathering of one (1) or
 7 more equidae, for any purpose, at a single location, facility, or area
 8 whereby equidae will be within four hundred forty (440) yards from each
 9 other;

10 ~~(11)~~(12) "Designated epidemiologist" means an experienced
 11 licensed epidemiologist who has been designated by the State Veterinarian to
 12 perform those functions necessary for the classification of equidae, based on
 13 the evaluation of test results and consideration of the animal and herd
 14 history as well as other epidemiologic factors including, ~~but not limited to~~
 15 without limitation, weather conditions, number of vectors in the area, and
 16 concentration of animals;

17 ~~(12)~~(13) "Epidemiologist investigation" means the process used
 18 by the designated epidemiologist to classify equidae;

19 ~~(13)~~(14) "Equidae" means a family of perissodactyl ungulate
 20 mammals containing a single genus equus, which includes horses, asses, jacks,
 21 jennies, hennies, mules, donkeys, burros, ponies, and zebras;

22 ~~(14)~~(15) "Equine activity" means:

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

29 (B) Equine training and teaching activities;

30 (C) Boarding equines;

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

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

1 ~~(15)~~(16) “Equine infectious anemia”, “EIA”, or “EIAV” means the
2 communicable infectious disease ~~which~~ that affects equidae and is caused by
3 the virus of equine infectious anemia;

4 ~~(16)~~(17) “Exposed equidae” means equidae that have been in
5 contact with, associated with, adjacent to, or within four hundred forty
6 (440) yards of animals known to be equine infectious anemia reactors;

7 ~~(17)~~(18) “Herd” means one (1) or more equidae of single or
8 multiple ownership maintained on common ground or one (1) or more equidae
9 under single or multiple ownership that are geographically separated but that
10 can have an interchange or movement without regard to health status;

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

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

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

24 ~~(20)~~(21) “Negative current equine infectious anemia test” or
25 “negative current EIA test” means a negative response to an official equine
26 infectious anemia test conducted by an approved laboratory within the past
27 twelve (12) months;

28 ~~(21)~~(22) “Official equine infectious anemia test” or “official
29 EIA test” means the agar gel immunodiffusion (AGID) test, also known as the
30 “Coggins” test, the competitive enzyme-linked immunosorbent assay (CELISA)
31 test, the synthetic antigen enzyme linked immunosorbent assay (SA-ELISA)
32 test, and any other United States Department of Agriculture licensed tests
33 approved by the commission;

34 ~~(22)~~(23) “Participant” means any person, whether amateur or
35 professional, who engages in an equine activity, whether or not a fee is paid
36 to participate in the equine activity;

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

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

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

14 ~~(24)~~(25) “Quarantine” means a written notice or order issued by
 15 the commission showing the boundaries of the area or premise affected, the
 16 equidae restricted, and the restrictions, if any;

17 ~~(25)~~(26) “Quarantined holding facility” means a quarantined
 18 premise approved by the commission to handle reactors or exposed equidae;

19 ~~(26)~~(27) “Reactor” means any equidae ~~which~~ that reacts
 20 positively to an official equine infectious anemia test;

21 ~~(27)~~(28) “Regulatory veterinarian” means a veterinarian employed
 22 by or acting as an agent for the commission; and

23 ~~(28)~~(29) “Research facility” means any facility that meets or
 24 exceeds the standards and requirements set forth by the Animal and Plant
 25 Health Inspection Service of the United States Department of Agriculture and
 26 the commission for equine infectious anemia research.

27
 28 SECTION 2. Arkansas Code § 2-40-804(a), concerning testing
 29 requirements for domiciled equidae, is amended to read as follows:

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

34 ~~(2)~~(B) An equidae is domiciled within the state when the
 35 equidae has been pastured, stabled, housed, or kept in any fashion in the
 36 state more than thirty (30) consecutive or unconsecutive days.

1 ~~(3)~~(C) Written proof of a negative current official equine
2 infectious anemia test shall be made available in the form of negative
3 results from an approved laboratory upon request made by an authorized
4 representative of the Arkansas Livestock and Poultry Commission or the owner,
5 lessee, or caretaker of a neighboring herd.

6 (2)(A) A certified herd shall be tested under this subchapter
7 only one (1) time each five (5) years if the adult horses in the certified
8 herd are not removed from the domiciliary premises during the five-year
9 period between tests.

10 (B)(i) Before a horse from a certified herd is removed
11 from the domiciliary premises, the horse shall be tested under this
12 subchapter.

13 (ii) If a horse tested under subdivision
14 (a)(2)(B)(i) of this section tests positive for equine infectious anemia, the
15 certified herd is no longer a certified herd under this subchapter.

16 (C)(i) If a herd becomes qualified as a certified herd
17 under this subchapter, a veterinarian shall notify the commission.

18 (ii) Within thirty (30) days of receipt of
19 notification under subdivision (a)(2)(C)(i) of this section, the commission
20 shall provide the breeder with a certificate identifying the herd as a
21 certified herd under this subchapter.

22 (D) Each breeder shall:

23 (i) Retain a complete record of test results for
24 equine infectious anemia for each horse in a certified herd; and

25 (ii) Upon request made by an authorized
26 representative of the commission provide to the commission written proof of a
27 negative official equine infectious anemia test current under this
28 subdivision (a)(2)(A).

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