

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

As Engrossed: H3/11/11

# A Bill

HOUSE BILL 1803

5 By: Representative Benedict  
6

## 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

15 AN ACT TO DEFINE CERTIFIED HERDS AND  
16 HORSE BREEDERS FOR AN EXEMPTION FROM THE  
17 STANDARD IMMUNIZATION REQUIREMENT FOR  
18 EQUINE INFECTIOUS ANEMIA.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

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 mares that produce foals for breeding that belong to a certified herd;

15 ~~(7)(8)~~ "Certificate of veterinary inspection" means an official  
16 document issued by an accredited veterinarian at the point of origin of a  
17 shipment of equidae. It shall include:

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

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

27 (C) The equidae temperature reading;

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

29 (A) Is domiciled on a single premises;

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

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

34 ~~(8)(10)~~ "Certified equine infectious anemia verifier" or  
35 "certified EIA verifier" means any certificate holder having completed the  
36 prescribed training course co-sponsored by the ~~Arkansas Livestock and Poultry~~

1 ~~Commission~~ commission, the University of Arkansas Cooperative Extension  
2 Service, and the Arkansas Horse Council, Inc.;

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

5 ~~(10)~~(11) "Concentration point" means the gathering of one (1) or  
6 more equidae, for any purpose, at a single location, facility, or area  
7 whereby equidae will be within four hundred forty (440) yards from each  
8 other;

9 ~~(11)~~(12) "Designated epidemiologist" means an experienced  
10 licensed epidemiologist who has been designated by the State Veterinarian to  
11 perform those functions necessary for the classification of equidae, based on  
12 the evaluation of test results and consideration of the animal and herd  
13 history as well as other epidemiologic factors including, ~~but not limited to~~  
14 without limitation, weather conditions, number of vectors in the area, and  
15 concentration of animals;

16 ~~(12)~~(13) "Epidemiologist investigation" means the process used  
17 by the designated epidemiologist to classify equidae;

18 ~~(13)~~(14) "Equidae" means a family of perissodactyl ungulate  
19 mammals containing a single genus equus, which includes horses, asses, jacks,  
20 jennies, hennies, mules, donkeys, burros, ponies, and zebras;

21 ~~(14)~~(15) "Equine activity" means:

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

28 (B) Equine training and teaching activities;

29 (C) Boarding equines;

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

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

36 ~~(15)~~(16) "Equine infectious anemia", "EIA", or "EIAV" means the

1 communicable infectious disease ~~which~~ that affects equidae and is caused by  
2 the virus of equine infectious anemia;

3 ~~(16)~~(17) “Exposed equidae” means equidae that have been in  
4 contact with, associated with, adjacent to, or within four hundred forty  
5 (440) yards of animals known to be equine infectious anemia reactors;

6 ~~(17)~~(18) “Herd” means one (1) or more equidae of single or  
7 multiple ownership maintained on common ground or one (1) or more equidae  
8 under single or multiple ownership that are geographically separated but that  
9 can have an interchange or movement without regard to health status;

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

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

18 ~~(19)~~(20) “Neighboring herd” means one (1) or more equidae  
19 residing within four hundred forty (440) yards of another premise containing  
20 equidae and which other premise is owned, leased, or caretaken by different  
21 individuals, partnerships, or corporations. Temporary additions of equidae,  
22 regardless of length of time, are considered part of neighboring herds;

23 ~~(20)~~(21) “Negative current equine infectious anemia test” or  
24 “negative current EIA test” means a negative response to an official equine  
25 infectious anemia test conducted by an approved laboratory within the past  
26 twelve (12) months;

27 ~~(21)~~(22) “Official equine infectious anemia test” or “official  
28 EIA test” means the agar gel immunodiffusion (AGID) test, also known as the  
29 “Coggins” test, the competitive enzyme-linked immunosorbent assay (CELISA)  
30 test, the synthetic antigen enzyme linked immunosorbent assay (SA-ELISA)  
31 test, and any other United States Department of Agriculture licensed tests  
32 approved by the commission;

33 ~~(22)~~(23) “Participant” means any person, whether amateur or  
34 professional, who engages in an equine activity, whether or not a fee is paid  
35 to participate in the equine activity;

36 ~~(23)(A)~~(24)(A) “Permit” or “permit for movement” means an

1 official document issued by the commission, a representative of ~~Office of~~  
2 Veterinary Services of the Animal and Plant Health Inspection Service of the  
3 United States Department of Agriculture, or an accredited veterinarian  
4 authorizing the movement of a reactor or exposed equidae to a quarantined  
5 holding facility, an approved slaughter facility, or an approved quarantined  
6 premise.

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

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

13 ~~(24)~~(25) "Quarantine" means a written notice or order issued by  
14 the commission showing the boundaries of the area or premise affected, the  
15 equidae restricted, and the restrictions, if any;

16 ~~(25)~~(26) "Quarantined holding facility" means a quarantined  
17 premise approved by the commission to handle reactors or exposed equidae;

18 ~~(26)~~(27) "Reactor" means any equidae ~~which~~ that reacts  
19 positively to an official equine infectious anemia test;

20 ~~(27)~~(28) "Regulatory veterinarian" means a veterinarian employed  
21 by or acting as an agent for the commission; and

22 ~~(28)~~(29) "Research facility" means any facility that meets or  
23 exceeds the standards and requirements set forth by the Animal and Plant  
24 Health Inspection Service of the United States Department of Agriculture and  
25 the commission for equine infectious anemia research.

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

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

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

36 ~~(3)~~(C) Written proof of a negative current official equine

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

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

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

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

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

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

21 (D) Each breeder shall:

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

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

28 (E) If three (3) horses test positive for equine  
29 infectious anemia in one (1) county, the certified herds in that county and  
30 in each adjacent county are no longer certified herds under this subchapter.

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32 /s/Benedict  
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