



HOUSE BILL No. 5539

March 23, 2000, Introduced by Reps. Tesanovich, Prusi, Hale, Thomas, Dennis, Shackleton, Pappageorge, Martinez, Sheltroun, Bovin, LaForge, Scott, Bogardus, Pumford and Mead and referred to the Committee on Agriculture and Resource Management.

A bill to amend 1988 PA 466, entitled "Animal industry act of 1987," by amending sections 8 and 30b (MCL 287.708 and 287.730b), as amended by 1998 PA 552.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) Under the direction of the director, the state
2 veterinarian shall do all of the following:

3 (a) Develop and enforce policy and supervise activities to
4 carry out this act and other state and federal laws, rules, and
5 regulations that pertain to the health and welfare of animals in
6 this state.

7 (b) Promulgate rules under the administrative procedures act
8 of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the use of
9 veterinary biologicals including diagnostic biological agents.

10 The state veterinarian may require that the importation and use

1 of veterinary biologicals or biological agents be reported to the
2 department.

3 (c) Maintain a list of reportable animal diseases. The
4 state veterinarian shall review and update the list annually and
5 more often if necessary.

6 (d) Maintain a list of veterinary biologicals whose sale,
7 distribution, use, or administration by any person is reported to
8 the director when requested by the director within 10 working
9 days of the sale, distribution, use, or administration. The
10 state veterinarian shall review and update the list annually and
11 more often if necessary.

12 (e) Develop and implement scientifically based surveillance
13 programs for reportable diseases when the director determines,
14 with advice and consultation from the livestock industry and vet-
15 erinary profession, that surveillance would aid in the control or
16 eradication of a reportable disease or assist in the economic
17 viability of the industry.

18 (f) ~~The~~ UNTIL JANUARY 1, 2001, THE department shall con-
19 sider and regularly review the need to require a negative offi-
20 cial test for bovine tuberculosis for all cattle and goats within
21 60 days prior to movement from 1 premises to another within this
22 state or require that cattle and goats originate directly from a
23 herd that is accredited tuberculosis-free as defined in title 9
24 of the code of federal regulations and the bovine tuberculosis
25 eradication uniform methods and rules effective February 3, 1989,
26 approved by veterinary services of the animal and plant health
27 inspection service of the United States department of

1 agriculture, and all amendments to those publications thereafter
2 adopted pursuant to rules that the director may promulgate.

3 ~~The~~ UNTIL JANUARY 1, 2001, THE director may require that other
4 species have a negative official test for bovine tuberculosis
5 prior to movement from 1 premises to another within this state.

6 ~~This subsection shall be in effect until January 1, 2001.~~ THE
7 DIRECTOR SHALL REQUIRE A NEGATIVE OFFICIAL TEST FOR BOVINE TUBER-
8 CULOSIS FOR ALL LIVESTOCK CAPABLE OF CONTRACTING BOVINE TUBERCU-
9 LOSIS WITHIN 60 DAYS PRIOR TO MOVEMENT FROM THE LOWER PENINSULA
10 TO THE UPPER PENINSULA.

11 (g) The department shall coordinate and conduct, and the
12 department of natural resources shall actively support and assist
13 as directed by the department, a scientifically based surveil-
14 lance program for bovine tuberculosis of free-ranging deer, based
15 upon risk and conducted at a minimum 95% confidence of a 2%
16 infection rate based upon an official determination by the United
17 States department of agriculture, in at least each of the follow-
18 ing counties: Cheboygan, Presque Isle, Otsego, Montmorency,
19 Alpena, Crawford, Oscoda, Alcona, Roscommon, Ogemaw, Iosco, and
20 any other county and counties adjacent to that county where 1 or
21 more free-ranging deer are found to be positive for bovine tuber-
22 culosis, based upon an official determination by the United
23 States department of agriculture. For purposes of enforcing this
24 section, the department may enter upon private or public premises
25 to acquire samples. The Michigan department of natural resources
26 and the Michigan department of community health shall cooperate
27 with the state veterinarian to fulfill the requirements of this

1 section. The department shall report the results of the study to
2 the legislature and the governor by September 1, 1999.

3 (2) Unless otherwise prohibited by law, the state veterinar-
4 ian may enter upon any premises to enforce this act.

5 Sec. 30b. (1) ~~All~~ SUBJECT TO THE RESTRICTIONS IMPOSED
6 UNDER SECTION 8(1)(F), ALL live captive cervidae 6 months of age
7 or older except captive white-tailed deer and captive elk moving
8 from 1 premises to another premises within this state, except
9 those consigned directly to a state or federally inspected
10 slaughter facility premises, shall be accompanied by a copy of
11 the current official test for tuberculosis or written permission
12 from the director and shall originate directly from accredited,
13 qualified, or monitored herds as defined in title 9 of the code
14 of federal regulations and the uniform methods and rules for the
15 control and eradication of bovine tuberculosis in cervidae
16 approved by veterinary services of the animal and plant health
17 inspection service of the U.S. department of agriculture and all
18 amendments thereafter to those publications adopted pursuant to
19 rules that the director may promulgate or originate from herds
20 not known to be affected with or exposed to tuberculosis and
21 accompanied by a certificate signed by an accredited veterinarian
22 stating that the captive cervidae have been classified negative
23 to an official tuberculosis test that was conducted within 90
24 days before their movement.

25 (2) ~~All~~ SUBJECT TO THE RESTRICTIONS IMPOSED UNDER
26 SECTION 8(1)(F), ALL live captive white-tailed deer and captive
27 elk 6 months of age or older moving from 1 premises to another

1 premises within this state, except those consigned directly to a
2 state or federally inspected slaughter facility premises, shall
3 comply with 1 of the following:

4 (a) Originate directly from an official tuberculosis accred-
5 ited or qualified herd as outlined in the uniform methods and
6 rules for tuberculosis eradication in cervidae effective May 15,
7 1994, approved by veterinary services of the animal and plant
8 health inspection service of the United States department of
9 agriculture, and all amendments to those publications thereafter
10 adopted pursuant to rules that the director may promulgate, and
11 be accompanied by a copy of the current official letter from the
12 Michigan department of agriculture verifying herd status.

13 (b) Originate directly from a herd that has received an
14 official negative tuberculosis test of all captive cervidae 12
15 months of age or older and all cattle and goats 6 months of age
16 or older in contact with the herd, receive an individual negative
17 official test for tuberculosis within 90 days prior to movement,
18 and be accompanied by a copy of the official tests for tuberculo-
19 sis verifying that testing.

20 (c) Be isolated from all other members of the herd and
21 receive 2 official negative tests for tuberculosis at 90- to
22 120-day intervals before movement and be accompanied by copies of
23 the official tests for tuberculosis verifying that testing.

24 (3) ~~All~~ SUBJECT TO THE RESTRICTIONS IMPOSED UNDER SECTION
25 8(1)(F), ALL live captive white-tailed deer and captive elk less
26 than 6 months of age moving from 1 premises to another premises
27 within this state, except those consigned directly to a state or

1 federally inspected slaughter facility premises, shall comply
2 with 1 of the following:

3 (a) Originate directly from an official tuberculosis accred-
4 ited or qualified herd as outlined in the uniform methods and
5 rules for tuberculosis eradication in cervidae effective May 15,
6 1994, approved by veterinary services of the animal and plant
7 health inspection service of the United States department of
8 agriculture, and all amendments to those publications thereafter
9 adopted pursuant to rules that the director may promulgate, be
10 identified by an official identification, and be accompanied by a
11 copy of the current official letter from the Michigan department
12 of agriculture verifying the herd status.

13 (b) Originate directly from a herd that has received an
14 official negative tuberculosis test of all captive cervidae 12
15 months of age or older and all cattle and goats 6 months of age
16 or older in contact with the herd, be individually identified by
17 an official identification, be accompanied by an official permit
18 for movement of captive white-tailed deer and captive elk less
19 than 6 months of age within Michigan issued by an accredited vet-
20 erinarian, and remain at the destination stated on the permit
21 until it receives an official negative tuberculosis test when it
22 reaches 6 months of age, but not more than 8 months of age. For
23 purposes of this section, the age of the captive white-tailed
24 deer or captive elk shall be determined by the age placed on the
25 official permit for movement of captive white-tailed deer and
26 captive elk less than 6 months of age in Michigan by the
27 accredited veterinarian. A copy of the official test for

1 tuberculosis and a copy of the official permit for movement of
2 captive white-tailed deer and captive elk less than 6 months of
3 age within Michigan shall be forwarded to the department within
4 10 days following completion of the testing.

5 (4) Captive cervidae with a response other than negative to
6 any tuberculosis test are not eligible for intrastate movement
7 without permission from the director.

8 (5) Captive cervidae known to be affected with or exposed to
9 tuberculosis shall not be moved intrastate without permission
10 from the director.

11 (6) The department shall keep a current database on captive
12 cervidae premises in this state. The database shall include the
13 owner's name, the owner's current address, location of captive
14 cervidae, species of captive cervidae at the premises, and the
15 approximate number of captive cervidae at the premises.