

House Bill 5832  
Sponsor: Rep. Mike Pumford  
Committee: Agriculture and Resource  
Management

Complete to 4-15-02

## A SUMMARY OF HOUSE BILL 5832 AS INTRODUCED 4-9-02

The bill would revise the livestock inspection and zoning procedures in the Animal Industry Act (P.A. 466 of 1988), whose purpose is to protect the health, safety, and welfare of humans and animals by preventing the importation of certain animals, eradicating infectious and contagious diseases, and preventing and controlling the contamination of livestock.

Disease. The bill would amend to definition of “disease” to mean any animal health condition with the potential for economic impact, public or animal health concerns, or food safety concerns.

State or Federal Veterinary Medical Officer. Under the act, “official test” is defined to mean a sample of a specific material collected from an animal by an accredited veterinarian or other person authorized by the director of the Department of Agriculture (MDA), and analyzed by a laboratory certified by the U.S. Department of Agriculture (USDA) or the MDA. The bill would add that an official test could be conducted by a state or federal veterinary medical officer. The act requires that an accredited veterinarian administer an official vaccination. The bill specifies that a state or federal veterinary medical officer could also administer an official vaccination.

Duties of the Director. The bill would add that, upon demand of the director of the MDA or law enforcement, a person transporting livestock would be required to produce documentation that states the shipment origin and destination, registration or permit copies or documentation, or any other proof that may be required by the act. In addition, the bill states that the director of the MDA could waive any testing requirement after epidemiologic review.

The act requires the director of the MDA to devise and implement a program to compensate livestock owners for livestock that die, are injured, or need to be destroyed while the livestock are being tested or under a surveillance program for a reportable disease. The bill would allow (rather than require) the director to develop and implement such a program.

Privately Owned Cervids. The bill adds “privately owned cervids” (deer, moose, elk, caribou) to several provisions in the act. The act defines a “terminal operation” to mean a facility for cattle and goats to allow for continued growth and finishing until such time as they are shipped directly to slaughter. The bill would add a facility for privately owned cervids to the definition of “terminal operation”. The bill would also add “privately owned cervids” to several provisions pertaining to a terminal operation (see MCL 287.713a).

The act defines “whole herd” to mean any isolated group of cattle and goats 12 months of age or older maintained on common grounds for any purpose, or two or more groups of cattle or goats under common ownership or supervision geographically separated but that have an interchange or movement of cattle and goats without regard to health status as determined by the director of the MDA. Again, the bill would add privately owned cervids to the definition of “whole herd”. The bill would also define “whole herd test”.

The act requires that all privately owned cervids imported into this state, except those consigned directly to a state or federally inspected slaughter facility, to be, among other requirements, isolated from all other animals until they receive two official negative TB tests. The bill would delete a requirement that the second test take place within 90 days prior to importation.

Surveillance Zones. The act defines “surveillance zone” to mean any area in the state with the defined dimensions that is bovine TB free and located adjacent or contiguous to an infected zone as determined by the department in consultation with the USDA. The bill would delete the requirement that the surveillance zone be free of bovine TB.

Bovine Tuberculosis Risk Areas. The act defines areas that are “high-risk areas” or “potential high-risk areas” for bovine tuberculosis (TB). A high-risk area is an area in which bovine TB has been diagnosed in livestock. The bill would specify that the director would designate an area as a high-risk area. The bill would delete language that states that a high-risk area does not include an area where tests indicate a lack of bovine TB diagnosis at least 36 months after the date the area was designated as a high-risk area.

A “potential high-risk area” is an area in which bovine TB has been diagnosed in wild animals only. Again, the bill would specify that the director would designate an area as a potential high-risk area. The bill would also delete language that states that a potential high-risk area does not include an area where cattle and goat herds are whole herd tested resulting in the lack of any additional bovine TB infected animals being found in wild animals, domestic animals, or livestock.

Under the act, cattle and goats that originate from an area not designated as a high-risk area and that move intrastate must meet certain requirements until the zone, area or the entire state from which they originate receives TB-free status. Also, cattle and goats that originate from an area that has been designated as a high-risk area must meet certain requirements until the zone, area, or state from which they originate is no longer designated as a high-risk area. The act requires that cattle and goats that do not meet either of the above requirements be sold through a livestock auction market for slaughter only. The bill states that the slaughter would have to occur within five days of the sale, and that the buyer of the livestock would have to provide the director, upon his or her request, verification that the slaughter has indeed occurred within five days of the sale. If a buyer did not comply with the provisions of the bill, he or she would be subject to the penalties and sanctions of the act.

Intrastate Movement. The act defines “intrastate” to mean movement from one location to another within the state, except that it does not include the movement of livestock from one

location within the state to another within the state when both locations are part of the same livestock operation. The bill would specify that when intrastate movement cause livestock to cross from one zone to another zone, livestock must meet the testing requirement for their zone of origin. Furthermore, the bill would prohibit the importation or interstate movement of livestock known to be infected with or exposed to a “reportable disease”, which is defined in the act to mean “an animal disease on the current reportable animal disease lists maintained by the state veterinarian that poses a serious threat to the livestock industry, public health, or human food chain”. The act limits the prohibition to animals infected with TB or brucellosis.

Whole Herd Testing. The act requires that all cattle and goat herds located in high-risk areas be whole herd tested for bovine TB at least once per year. The bill would specify that when 36 months of testing fails to disclose a newly affected herd within the high-risk area or any portion of the high-risk area, the director could remove the high-risk designation from all or part of that area.

In addition, the act requires that all cattle and goat herds located in potential high-risk areas be whole herd tested for bovine TB within six months after the director has established a potential high-risk area or have a written plan with a targeted testing date. The bill would add that when all herds meet the testing requirements, the director could remove the potential high-risk area designation.

Under the act, all cattle and goat herds located outside of a high-risk area or a potential high-risk area in this state are required to be tested between January 1, 2000 and December 31, 2003. Under the bill, livestock assembled at feedlots where all animals are fed for slaughter before 24 months of age would be exempt from the testing requirements.

In addition, the bill would allow the director of the MDA to order testing for any reportable disease in any geographical area or in any herd to accomplish surveillance necessary for the state to participate in the National TB Eradication program; to complete epidemiologic investigations for any reportable disease; or in any instance where a reportable disease is suspected.

Further, the bill would prohibit a person from selling, offering for sale, moving, or transferring any livestock that originate from a herd or area under order for testing by the director unless the livestock have met the requirements of the order. If a person did not have a herd tested, the director would notify the person responsible the management of the herd of the necessity for testing and the deadline for the testing to occur. The director would also quarantine any herd that has not been tested until state or federal veterinarians or accredited veterinarians can complete the tests.

Bovine TB Testing Requirements. The bill would delete a requirement that accredited veterinarians attend yearly bovine TB educational seminars approved by the director of the MDA in order to be eligible for continued contract and payment by the MDA or the USDA. However, they would still be required to attend an initial educational seminar.

The bill would delete a requirement that the director, in consultation with the livestock industry and veterinary profession, pay a producer for assistance approved by the state commission of agriculture for whole herd bovine TB testing. The bill also would delete a

requirement that the director, in consultation with the livestock industry and veterinary profession, pay a veterinarian for chutes and gates on a 50-50 cost share basis as approved by the agriculture commission. The bill would allow (rather than require) the director to pay an owner or operator of a livestock auction market on a 50-50 cost share basis for chutes, gates, and remodeling to expedite identification of livestock for bovine TB surveillance and eradication.

The bill would allow a terminal operation to accept any individual livestock that have not been tested for bovine TB as long as the herd of origin has been tested or when other requirements of the director have been met.

Official Identification. The act requires all cattle, goats, and privately owned cervids to bear official identification before they leave a premises. The bill would also require sheep to bear proper identification. In addition, the bill would allow (rather than require) the department to supply official identification. In addition, livestock entering a terminal operation would be required to bear official identification or have the identification be applied within 10 days of arrival.

Quarantine. The act allows the director to quarantine animals, structures, and all or parts of the state for the purpose of controlling or preventing the spread of a known or suspected disease. The bill would allow the director to also quarantine any equipment or vehicles.

Branding and Identification. The act requires that livestock ordered to be slaughtered, destroyed, or otherwise disposed of due to brucellosis be branded. The act also requires that animals exposed in a brucellosis-infected herd or quarantined herd to be branded before a permit is issued for the slaughter of that animal. The act allows the director to refrain from branding and slaughtering under certain circumstances. The bill would add that the director could refrain from branding if the animals are moved under an official seal and secured transport unit.

Livestock Sold at a Livestock Auction Market. The bill would require that cattle, bison, goats, and privately owned cervids consigned for slaughter or that do not meet intrastate testing requirements for movement be sold for slaughter only and be moved directly to slaughter. In addition, the livestock auction markets or sale yard management would be prohibited from selling livestock to any buyer that does not certify, in a signed statement, that such animals removed from the premises would be moved directly to a slaughter establishment and slaughtered within five days. Prior to removal of the animals by the buyer, the sale management would require that the buyer provide the slaughter destination information for each animal removed from the premises.

Penalties. The act lists several prohibited activities that are punishable by a fine of not less than \$1,000 and not more than \$50,000, or by imprisonment of not more than five years, or both. The bill would add to that list, intentionally infecting or contaminating an animal with, or intentionally exposing an animal to, a reportable disease other than for bona fide research as approved by a research institution licensed by the state or a federal agency.

Enacting Section. The bill would repeal section 43a of the act (MCL 287.743a), which prohibits a person from providing false information or otherwise resisting, impeding, or hindering the director. However, that provision would be added to section 8 of the act (MCL 287.708).

MCL 287.703 et al.

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