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SFA



BILL ANALYSIS

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Senate Bill 350 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Leon Stille
Committee: Farming, Agribusiness and Food Systems

Date Completed: 5-10-01

RATIONALE

Since 1990, there have been 125 cases of equine infectious anemia (EIA) reported in Michigan, according to the Michigan Department of Agriculture (MDA). To prevent the spread of this disease, new testing requirements for the in-State movement of horses and other equidae took effect January 1, 2001. Previously, testing was required only for horses and other equidae that were brought into Michigan; mandatory testing of equine already in the State was not required. Public Act 323 of 2000, which amended the Animal Industry Act, requires Michigan horse owners to have an official EIA test with a negative result within the calendar year or the previous 30 days before an animal may be moved, sold, or shown competitively. Testing also is required for any equidae that are taken onto public roads for pleasure riding, pulling carts or buggies, or being transported by trailer. Some people contend that the new testing requirements are onerous and should be modified.

CONTENT

The bill would amend the Animal Industry Act to:

- **Require all equidae, with certain exceptions, to be tested for equine infectious anemia by December 31, 2001, and require testing to be conducted at least every three years thereafter between December 1 and March 1.**
- **Exempt from testing requirements nursing equidae not over six months old.**
- **Require that all positive results of equine infectious anemia be reported to the Michigan Department of Agriculture.**
- **Require the owner of a test-positive**

equine to provide certain records to the MDA after receiving the positive test results.

- **Require the MDA, at its expense, to test all equidae located within a quarter-mile radius of all EIA test-positive equine.**
- **Permit the MDA Director to require testing of all equidae within an area larger than the quarter-mile radius, if he or she determined that a large number of equidae were test-positive.**
- **Permit the MDA to establish a voluntary program for an equidae identification card system that would be funded by a fee charged to participants.**

The bill would repeal Section 26a of the Act, which contains the equine testing provisions, on January 1, 2011.

Equine Testing

Beginning on the bill's effective date, all equidae would have to be tested at least every three years between December 1 and March 1. This requirement would not apply to equidae being moved into Michigan from other states; equidae entered in exhibitions, expositions, or fairs; equidae before change of ownership within the State; or equidae entering licensed horse auctions or sales markets. (These equidae are subject to other testing requirements in the Act, as described below.) The testing would have to be completed by December 31, 2001, and equidae would have to be tested every three years thereafter. The bill's testing requirements would not apply to equidae that were both six months or younger and nursing.

The bill specifies that the Act's testing requirements would not prohibit an owner of

equidae or organization sponsoring an event involving equidae from requiring an agar gel immunodiffusion test for equidae involved in any equidae group activity or that were commingling with or in proximity to other equidae. (The Act defines "agar gel immunodiffusion test (AGID)" as an official laboratory test for diagnosis of equine infectious anemia in which precipitates are formed by combination of EIA antigens and antibodies that diffuse through gel and is also known as the Coggins test.)

Currently, all equines being moved into Michigan from other states must have had an official equine infectious anemia test with a negative result within the calendar year or the previous 30 days before entry and must be accompanied by an official interstate health certificate or official interstate certificate of veterinary inspection. All equines entered in exhibitions, expositions, or fairs must have had an official EIA test with a negative result within the calendar year or the previous 30 days that is documented on the EIA laboratory test form. Also, all equines entering horse auctions or sales markets licensed under Public Act 93 of 1974 (which requires persons engaged in buying, selling, transporting, or exchanging livestock to be licensed and bonded by the MDA) must have an official EIA test with a negative result within the calendar year or previous 30 days before sale. Under the bill, these testing requirements would not apply to equidae that were both six months or younger and nursing.

In addition, the Act requires all equines, before change of ownership within the State, to have had an official equine infectious anemia test with a negative result within the calendar year or previous 30 days. All change of ownership transactions must be accompanied by a certificate signed by an accredited veterinarian documenting the date, laboratory, accession number, and results of the latest EIA test or by an EIA laboratory test form. Under the bill, these requirements would apply to all equidae before change of ownership *and* location in the State and to all change of ownership and location transactions, but would not apply to nursing equidae that were six months or younger. (The bill would define "change of ownership and location" as a transfer of ownership of equidae from one person to another person either through selling, bartering, trading, leasing, or donating the equine along with a change of location of the equidae.)

The bill would delete the current requirement that equines transported or providing transportation on public highways, roads, or streets have an official EIA test with a negative result within the calendar year or previous 30 days.

The Act defines "calendar year" as the current 12-month period commencing with January and ending December 31. The bill would define "calendar year" as the current 13-month period commencing with December 1 and ending December 31 of the following year.

Reporting Test Results

The owner or operator of an approved laboratory would have to report to the MDA all positive results of equine infectious anemia. A positive test result would have to be reported as soon as practicable and a negative test would have to be reported within 10 business days after the test was administered.

The owner of an EIA test-positive equine would have to provide to the Department records, reflecting the period during which the equine had been both on the premises and a member of the equine herd, that included at least the names and addresses of previous owners, and the movement of equidae in an out of the equine herd or in and out of the equine's premises. The owner would have to give these records to the MDA within 30 days after the positive test results were reported to the owner or at a different time period agreed to by the Director.

Identification Card

The Department could establish a voluntary program regarding an equidae identification card system, funded by a reasonable fee charged to the participants, that included at least the following: a pocket-size card made of durable material; a photographic or graphic likeness of the equine and a description of at least the color, breed, sex, age, markings, name of owner, and location or address of the equine; and, an indication of a negative test result for an official equine infectious anemia test, along with the date of the test. Any information that identified the owner of an equine that was gathered by the Department under the Act would be exempt from disclosure under the Freedom of Information Act.

MCL 287.726a

BACKGROUND

Equine infectious anemia is a disease caused by a virus that produces anemia, intermittent fever, profuse sweating, rapid breathing and severe weight loss in equidae, such as horses, ponies, mules, and donkeys. The disease is transmitted by the exchange of certain body fluids, usually blood, from an infected to an uninfected animal, which generally occurs through biting flies that feed on the blood of animals. The virus also is transmitted through the reuse of needles, syringes, and knives that had been contaminated with blood from an infected animal. Once an animal is infected with the disease, it is infected for life, regardless of the severity of symptoms. The death rate of infected equidae varies from 30% to 70%, and is higher when the virus is introduced to geographical regions where equidae have not been exposed to the disease.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Owners of the 130,000 horses in the State apparently are of divided opinions over the testing of equidae. Some owners support the testing of equidae, including horses, as required under Public Act 323 of 2000. Others, noting that there were no EIA cases reported in the State in 2000, prefer that testing be required only for equidae brought into Michigan, as provided in the Animal Industry Act before Public Act 323 was enacted. In addition, they find it burdensome to comply with the requirement that equidae transported or providing transportation on public roadways have an official EIA test with a negative result within the calendar year or previous 30 days. The bill represents a compromise in that equidae in the State would have to be tested by December 31, 2001, and every three years thereafter, but the required testing of equidae transported or providing transportation on a public road would be eliminated. Thus, owners would be allowed to transport their horses to veterinary clinics or central testing sites, for example, without violating the Act. In addition, the current and proposed testing requirements would be repealed on January 1, 2011, which would give interested parties and lawmakers an opportunity to review the law after it had been effect for 10 years.

Response: There is concern that enforcement of the bill would be difficult since there would be no way to confirm that an owner had complied with the law. Furthermore, there are no provisions in the bill to encourage compliance.

Opposing Argument

Officials in the MDA believe that horses that participate in events, such as shows and rodeos, that are held in Michigan, or that cross the State line to participate in these events, are being tested for EIA. There is concern, however, that reservoirs of the disease exist among the State's population of horses that do not participate in public events but are ridden for personal pleasure, for example. In addition, there is concern that horses used by the State's Amish community may be at risk for EIA through fly bites or exposure to other EIA-infected equidae as they are used for transportation along the State's public roads and encounter other horses that may be infected with the disease. The current requirement that equidae transported or used for transportation on public roads be tested should be retained so that the level of exposure to EIA can be determined among these segments of the State's horse population.

Response: In some instances, an owner may have to cross a public road in order to move a horse from one parcel of property that he or she owns to another parcel that belongs to the horse owner. Requiring that a horse be tested for EIA merely for crossing a public road is burdensome for horse owners whose property is intersected by a public road.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill could result in additional administrative costs to the Michigan Department of Agriculture associated with the establishment of a voluntary equidae identification card system. The program would be funded from revenue generated by a "reasonable" fee charged by the Department. Because of the voluntary nature of the identification card program, it is unknown how many persons would participate in the program.

The bill also could increase administrative costs resulting from the requirement that the Michigan Department of Agriculture test all equidae located within a quarter-mile radius of all EIA test-positive equine. The amount of

this increase would be determined by the number of tests administered by the Department, which is unknown. The State laboratory charges \$5 to run the EIA test. Other costs would include site visits (travel) and equipment. On average, private vets charge \$25. Since January 1, 2001, there have been 10 horses that have tested positive for EIA. No horses tested positive for the disease in 2000.

Fiscal Analyst: C. Thiel

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.