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BILL ANALYSIS



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Senate Bill 350 (as enrolled)  
Sponsor: Senator Leon Stille  
Senate Committee: Farming, Agribusiness and Food Systems  
House Committee: Agriculture and Resource Management

**PUBLIC ACT 33 of 2001**

Date Completed: 9-19-01

**CONTENT**

**The bill amended the Animal Industry Act to:**

- **Require all equidae, with certain exceptions, to be tested for equine infectious anemia (EIA) by April 30, 2002.**
- **Exempt from testing requirements nursing equidae not over six months old.**
- **Require laboratories to report all EIA positive test results to the Michigan Department of Agriculture (MDA).**
- **Require the owners of test-positive equidae to provide certain records to the MDA.**
- **Require the MDA, at its expense, to test all equidae located within a quarter-mile of the area where an EIA test-positive equine is or has been contained.**
- **Permit the MDA to establish a voluntary program for an equidae identification card system funded by a fee charged to participants.**

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

Testing by 4-30-02

Beginning on the bill's effective date, all equidae must be tested by April 30, 2002. This requirement does 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 (which are subject to other testing requirements, described below). The requirement also

does not apply to equidae that are both six months or younger and nursing.

The bill requires the owner or operator of an approved laboratory to report to the MDA all positive results of equine infectious anemia. A positive test result must be reported as soon as practicable and a negative test must be reported within 10 business days after the test results are completed.

The bill states that, notwithstanding Section 44(1) and (2), a person who violates these requirements will be responsible for a civil violation and may be fined up to \$100. (Section 44 sets forth criminal penalties for violations of the Act.)

Other Testing Requirements

Previously, all equines being moved into Michigan from other states were required to have had an official EIA test with a negative result within the calendar year or the previous 30 days before entry, and be accompanied by an official interstate health certificate or official interstate certificate of veterinary inspection. Also, all equines entered in exhibitions, expositions, or fairs had to have had an official EIA test with a negative result within the calendar year or the previous 30 days, documented on the EIA laboratory test form. Under the bill, these testing requirements still apply but the equidae must have had a negative test result within the calendar year; the bill deleted references to test results within the previous 30 days.

The bill also provides that all equidae entering, remaining at, or on the premises of horse auctions or sales markets, whether or not licensed under Public Act 93 of 1974,

must have an official EIA test with a negative result within the calendar year of sale or be kept at least one-quarter mile from the premises. Previously, all equines entering horse auctions or sales markets licensed under Public Act 93 of 1974 were required to have had an official EIA test with a negative result within the calendar year or previous 30 days before sale. (Public Act 93 of 1974 requires people engaged in buying, selling, transporting, or exchanging livestock to be licensed and bonded by the MDA.)

In addition, the Act previously required all equines, before change of ownership within the State, to have had an official EIA test with a negative result within the calendar year or previous 30 days. Under the bill, this requirement applies to all equidae before change of ownership *and* location in the State. As required before, 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. (The bill defines a change of ownership and location as a transfer of ownership of equidae from one person to another through selling, bartering, trading, leasing, or donating the equine along with a change of location of the equidae.)

The bill exempts nursing equidae that are six months or younger from all of the testing requirements described above.

The bill deleted a former 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 previously defined a calendar year as the current 12-month period commencing with January 1 and ending December 31. The bill defines a calendar year as the current 13-month period commencing with December 1 and ending December 31 of the following year.

#### Department Testing

The bill requires the MDA, at its expense, to test all equidae located within a quarter-mile radius of the perimeter of the area in which an EIA test-positive equine is or has been contained. If the Department Director determines that a large number of equidae are test-positive, he or she may require

testing of all equidae within an area larger than the quarter-mile radius.

#### Records

The bill requires the owner of an EIA test-positive equine to give the Department records reflecting the period during which the equine had been both on the premises and a member of the equine herd. The records must include at least the names and addresses of the previous owner, and, to the best of the owner's knowledge, the location of other equidae that were potentially exposed to the test-positive equine.

The owner must give these records to the MDA within 30 days after the positive test results are reported to the owner or at a different time period agreed to by the Director.

#### Identification Card

The bill permits the MDA to establish a voluntary program regarding an equidae identification card system, funded by a reasonable fee charged to the participants, that includes 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 EIA test, along with the date of the test.

#### Other Provisions

The bill requires the MDA, within 90 days after April 30, 2002, to report to the standing committees of the Senate and the House of Representatives with jurisdiction over animal industry matters. The report must describe the number of equidae tested for equine infectious anemia in this State, the number reported to the Department as EIA test-positive, and the effects, if any, of the testing requirements imposed under Section 26a.

The bill states that Section 26a does not prohibit an owner of equidae or an organization sponsoring an event involving equidae from requiring an official EIA test for equidae that are involved in any equidae group activity or that are commingling with or in proximity to other equidae.

Except as provided above for violations involving the requirement that all equidae be tested by April 30, 2002, the bill specifies that a person who violates Section 26a is guilty of a crime punishable as provided in Section 44.

The bill provides that any information that identifies the owner of an equine that is gathered by the Department under Section 26a is exempt from disclosure under the Freedom of Information Act.

MCL 287.726a

Legislative Analyst: S. Lowe

### **FISCAL IMPACT**

The bill might result in additional administrative costs to the Michigan Department of Agriculture associated with the establishment of a voluntary equidae identification card system. The program, if established, will 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 it.

The bill also might 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 will 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 include site visits (travel) and equipment. On average, private vets charge \$25. Since January 1, 2001, of a total 75,000 tested, 16 horses have tested positive for EIA. No horses tested positive for the disease in 2000.

Fiscal Analyst: C. Thiel

### **S0102\s350es**

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.