

SENATE BILL No. 350

March 21, 2001, Introduced by Senators STILLE, MC MANUS and HOFFMAN and referred to the Committee on Farming, Agribusiness and Food Systems.

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending section 26a (MCL 287.726a), as added by 2000 PA 323; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 26a. (1) As used in this section:

2 (a) "Agar gel immunodiffusion test (AGID)" means an official
3 laboratory test for diagnosis of equine infectious anemia in
4 which precipitates are formed by combination of equine infectious
5 anemia antigens and antibodies that diffuse through gel and is
6 also known as the Coggins test.

7 (b) "Approved laboratory" means a state, federal, or private
8 veterinary diagnostic laboratory approved by the United States
9 department of agriculture, animal and plant health inspection

1 service, veterinary services to conduct approved official
2 laboratory tests for equine infectious anemia.

3 (c) "Calendar year" means the current ~~12-month~~ 13-MONTH
4 period commencing with ~~January~~ DECEMBER 1 and ending
5 December 31 OF THE FOLLOWING YEAR.

6 (d) "Change of ownership AND LOCATION" means a transfer of
7 ownership of equines from 1 person to another person either
8 through selling, bartering, trading, leasing, or donating the
9 equine ALONG WITH A CHANGE OF LOCATION OF THE EQUINES.

10 (e) "Equine herd" means any of the following:

11 (i) All animals of the family equidae under common ownership
12 or supervision that are grouped on 1 or more parts of any single
13 premises, lot, farm, or ranch.

14 (ii) All animals of the family equidae under common owner-
15 ship or supervision on 2 or more premises that are geographically
16 separated but in which the equines have been interchanged or had
17 contact with equines from different premises.

18 (iii) All animals of the family equidae on common premises,
19 such as community pastures or grazing association units, but
20 owned by different persons.

21 (f) "Equine infectious anemia" means an infectious disease
22 of equines caused by a lentivirus, equine infectious anemia
23 virus.

24 (g) "Equine infectious anemia laboratory test form" means
25 the official federal government form, veterinary services
26 form 10-11, required to submit blood samples to an approved
27 laboratory for equine infectious anemia testing.

1 (h) "Equine infectious anemia test-positive equine" means
2 any animal of the family equidae that has been subjected to an
3 official equine infectious anemia test whose result is positive
4 for equine infectious anemia.

5 (i) "Exposed equine" means animals in the family equidae
6 that have been exposed to equine infectious anemia by reason of
7 associating with equines known or later found to be affected with
8 ~~this disease~~ EQUINE INFECTIOUS ANEMIA.

9 (j) "Official equine infectious anemia test" means any test
10 for the laboratory diagnosis of equine infectious anemia that
11 utilizes a diagnostic product that is both of the following:

12 (i) Produced under license from the secretary of agriculture
13 of the United States department of agriculture or the secretary's
14 authorized representative, under chapter 145, 37 Stat. 832,
15 21 U.S.C. 151, 154, 154a, 157, and 159, popularly known as the
16 virus-serum-toxin act of March 4, 1913.

17 (ii) Conducted in an approved laboratory.

18 (k) "Permit" means an official document, vs form 1-27 or
19 comparable state form, that is issued by a state or federal rep-
20 resentative or by an accredited veterinarian, required to accom-
21 pany all equine infectious anemia test-positive equine and those
22 ~~equine infectious anemia-exposed~~ EXPOSED equines that are being
23 moved under official seal during their movement to the specified
24 destination.

25 ~~(l) "Public highways, roads, or streets" means state high-~~
26 ~~way; county or township roads; city or village streets; or~~

1 Michigan institutional roads as defined in 1951 PA 51,
2 MCL 247.651 to 247.675.

3 (l) ~~(m)~~ "Restricted equines" means equine infectious
4 anemia test-positive equine or ~~equine~~ exposed ~~to~~ equine.
5 ~~infectious anemia test positive equine.~~

6 (2) All equines being moved into Michigan from other states
7 must have had an official equine infectious anemia test with a
8 negative result within the calendar year or the previous 30 days
9 before entry and must be accompanied by an official interstate
10 health certificate or official interstate certificate of veteri-
11 nary inspection documenting the date, laboratory, accession
12 number, and results of the latest equine infectious anemia test,
13 signed by an accredited veterinarian.

14 (3) All equines entered in exhibitions, expositions, or
15 fairs must have had an official equine infectious anemia test
16 with a negative result within the calendar year or the previous
17 30 days which is documented on the equine infectious anemia labo-
18 ratory test form. A fair, exhibition, exposition, or show
19 authority is responsible for assuring that all participating
20 equines are test-negative for equine infectious anemia.

21 (4) All equines, before change of ownership AND LOCATION
22 within the state, must have had an official equine infectious
23 anemia test with a negative result within the calendar year or
24 previous 30 days. All change of ownership AND LOCATION transac-
25 tions must be accompanied by a certificate signed by an accredi-
26 ted veterinarian documenting the date, laboratory, accession

1 number, and results of the latest equine infectious anemia test
2 or by an equine infectious anemia laboratory test form.

3 (5) All equines entering horse auctions or sales markets
4 licensed under 1974 PA 93, MCL 287.111 to 287.119, and 1937
5 PA 284, MCL 287.121 to 287.131, must have an official equine
6 infectious anemia test with a negative result within the calendar
7 year or previous 30 days before sale. If an equine infectious
8 anemia test is not possible before each sale, then the equines
9 must be held on the sale premises until the test results are
10 known.

11 (6) ~~Equines transported or providing transportation on~~
12 ~~public highways, roads, or streets must have an official equine~~
13 ~~infectious anemia test with a negative result within the calendar~~
14 ~~year or previous 30 days~~ BEGINNING ON THE EFFECTIVE DATE OF THE
15 AMENDATORY ACT THAT ADDED THIS SENTENCE AND EXCEPT AS OTHERWISE
16 PROVIDED FOR EQUINES DESCRIBED IN SUBSECTION (2), (3), (4), OR
17 (5), ALL EQUINES SHALL BE TESTED AT LEAST EVERY 3 YEARS. THE
18 TESTING UNDER THIS SUBSECTION SHALL BE COMPLETED NOT LATER THAN
19 DECEMBER 31, 2003, AND SHALL BE TESTED AT LEAST EVERY 3 YEARS
20 THEREAFTER. THE OWNER OR OPERATOR OF AN APPROVED LABORATORY
21 SHALL REPORT ALL RESULTS, BOTH NEGATIVE AND POSITIVE, OF EQUINE
22 INFECTIOUS ANEMIA TO THE DEPARTMENT. A POSITIVE EQUINE INFEC-
23 TIOUS ANEMIA TEST RESULT SHALL BE REPORTED AS SOON AS PRACTICABLE
24 AND A NEGATIVE TEST SHALL BE REPORTED WITHIN 10 BUSINESS DAYS
25 AFTER THE TEST IS ADMINISTERED.

1 (7) THE DEPARTMENT SHALL TEST ANY EQUINE LOCATED WITHIN A
2 1/4 MILE RADIUS OF ANY EQUINE INFECTIOUS ANEMIA TEST-POSITIVE
3 EQUINE AT THE EXPENSE OF THE DEPARTMENT.

4 (8) ~~-(7)-~~ The director shall quarantine equines that test
5 positive to an official equine infectious anemia test and their
6 herd of origin. Equines that test positive to an official equine
7 infectious anemia test may, with approval from the director, be
8 moved or quarantined to a premises that confines them a minimum
9 of 1 quarter mile away from any other equine. Equines that test
10 positive to an official equine infectious anemia test may, with
11 approval from the director, be segregated and quarantined in an
12 insect-free enclosure as determined by the director.

13 (9) ~~-(8)-~~ The owner or agent of an equine herd that is the
14 source of an equine infectious anemia test-positive equine shall
15 allow the director to test, in accordance with the following
16 schedule, the complete source herd with an official equine infec-
17 tious anemia test after the official equine infectious anemia
18 test-positive equine have been removed or segregated from the
19 herd in a manner approved by the director:

20 (a) Between November 1 and April 30, a source herd may be
21 tested at any time and qualify for quarantine release if all
22 tested equine are negative to an official equine infectious
23 anemia test.

24 (b) Between May 1 and October 31, a source herd may be
25 tested after waiting a minimum of 45 days after the official
26 equine infectious anemia test-positive equine have been removed
27 or segregated from the herd. If all equine tested are negative

1 to the official equine infectious anemia test, the quarantine may
2 be released.

3 (10) ~~-(9)-~~ The director may conduct epidemiological investi-
4 gations on all equine that have possible exposure to official
5 equine infectious anemia test-positive equine to determine the
6 need for additional quarantining and official equine infectious
7 anemia testing.

8 (11) ~~-(10)-~~ Official equine infectious anemia test-positive
9 equine shall not be destroyed or removed from the original test
10 location or premises without prior permission from the director.

11 (12) ~~-(11)-~~ If the owner chooses to destroy the official
12 equine infectious anemia test-positive equine, permission shall
13 first be obtained from the director. The director shall issue a
14 quarantine release and be present when the equine are destroyed
15 or an accredited veterinarian may document and certify that the
16 official equine infectious anemia test-positive equine has been
17 destroyed.

18 (13) ~~-(12)-~~ Unless immediately destroyed, official equine
19 infectious anemia test-positive equine shall be identified by the
20 director with the freeze brand 34a, which shall be in characters
21 not less than 2 inches in height and placed on the left cervical
22 area of the neck or shall be identified in another manner
23 approved by the director.

24 (14) ~~-(13)-~~ Restricted equines may move interstate only if
25 accompanied by a permit listing the owner's name and address,
26 points of origin and destination, number of equines included,
27 purpose of the movement, and at least either the individual

1 equine registered breed association registration tattoo or the
2 individual equine registered breed association registration
3 number, or other unique official identification. The permit
4 shall also list the animal's name, age, sex, breed, color, and
5 markings.

6 (15) ~~(14)~~ Equine infectious anemia test-positive equine
7 may only move interstate under permit to the following
8 locations:

9 (a) A Federally inspected slaughter facility.

10 (b) A Federally approved diagnostic or research facility.

11 (c) A herd or farm of origin.

12 (16) ~~(15)~~ The individual issuing the permit must consult
13 with the state animal health official in the state of destination
14 for approval and must determine that the equine infectious anemia
15 test-positive equine to be moved interstate will be maintained in
16 isolation sufficient to prevent the transmission of equine infec-
17 tious anemia to other equines. The reactor will remain quaran-
18 tined under state authority at the locations described in subsec-
19 tion ~~(14)~~ (15) until natural death, slaughter, or euthanasia.
20 The carcass shall be disposed of according to provisions of 1982
21 PA 239, MCL 287.651 to 287.683.

22 (17) ~~(16)~~ Individual exposed equines may be allowed to
23 move from a quarantined area for specific purposes if they have a
24 negative test at the time of movement. The equines must be moved
25 under quarantine and maintained under quarantine at the new
26 premises until tested negative to an official equine infectious

1 anemia test at least 45 days after the last known exposure to an
2 equine infectious anemia test-positive equine.

3 (18) THE DEPARTMENT SHALL PROMULGATE RULES TO ESTABLISH, OR
4 OTHERWISE ESTABLISH, AN EQUINE IDENTIFICATION CARD SYSTEM THAT
5 INCLUDES AT LEAST THE FOLLOWING:

6 (A) A POCKET-SIZE CARD MADE OF DURABLE MATERIAL.

7 (B) A PHOTOGRAPHIC OR GRAPHIC LIKENESS OF THE EQUINE AND A
8 DESCRIPTION OF AT LEAST THE COLOR, BREED, SEX, AGE, MARKINGS,
9 NAME OF OWNER, AND LOCATION OR ADDRESS OF THE EQUINE.

10 (C) AN INDICATION OF A NEGATIVE RESULT FOR AN OFFICIAL
11 EQUINE INFECTIOUS ANEMIA TEST, ALONG WITH THE DATE OF THE TEST.

12 (D) ANY OTHER INFORMATION THE DIRECTOR CONSIDERS
13 APPROPRIATE.

14 (19) ~~(17)~~ This section ~~takes effect~~ IS REPEALED
15 EFFECTIVE January 1, ~~2001~~ 2011.