

Act No. 33
Public Acts of 2001
Approved by the Governor
June 28, 2001
Filed with the Secretary of State
June 29, 2001
EFFECTIVE DATE: June 29, 2001

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2001**

Introduced by Senators Stille, McManus and Hoffman

ENROLLED SENATE BILL No. 350

AN ACT to amend 1988 PA 466, entitled "An act to authorize and require the appointment of a state veterinarian within the department of agriculture; to protect the human food chain and the livestock and aquaculture industries of the state through prevention, control, and eradication of infectious, contagious, or toxicological diseases of livestock and other animals; to prevent the importation of certain nonindigenous animals under certain circumstances; to safeguard the human population from certain diseases that are communicable between animals and humans; to prevent or control the contamination of livestock with certain toxic substances through certain livestock or livestock products; to provide for indemnification for livestock under certain circumstances; to provide for certain powers and duties for certain state agencies and departments; to provide for the promulgation of rules; to provide for certain hearings; to provide for remedies and penalties; and to repeal acts and parts of acts," 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:

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

(a) "Approved laboratory" means a state, federal, or private veterinary diagnostic laboratory approved by the United States department of agriculture, animal and plant health inspection service, veterinary services to conduct approved official laboratory tests for equine infectious anemia.

(b) "Calendar year" means the current 13-month period commencing with December 1 and ending December 31 of the following year.

(c) "Change of ownership and location" means a transfer of ownership of equidae from 1 person to another person either through selling, bartering, trading, leasing, or donating the equine along with a change of location of the equidae.

(d) "Equine herd" means any of the following:

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

(ii) All animals of the family equidae under common ownership or supervision on 2 or more premises that are geographically separated but in which the equidae have been interchanged or had contact with equidae from different premises.

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

(e) "Equine infectious anemia" means an infectious disease of equidae caused by a lentivirus, equine infectious anemia virus.

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

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

(h) "Exposed equine" or "exposed equidae" means animals in the family equidae that have been exposed to equine infectious anemia by reason of associating with equidae known or later found to be affected with equine infectious anemia.

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

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

(ii) Conducted in an approved laboratory.

(j) "Permit" means an official document, vs form 1-27 or comparable state form, that is issued by a state or federal representative or by an accredited veterinarian, required to accompany all equine infectious anemia test-positive equidae and those exposed equidae that are being moved under official seal during their movement to the specified destination.

(k) "Restricted equidae" means equine infectious anemia test-positive equidae or exposed equidae.

(2) All equidae being moved into Michigan from other states must have had an official equine infectious anemia test with a negative result within the calendar year of entry and must be accompanied by an official interstate health certificate or official interstate certificate of veterinary inspection documenting the date, laboratory, accession number, and results of the latest equine infectious anemia test, signed by an accredited veterinarian. The testing requirement of this subsection does not apply to equidae that are both 6 months or younger and nursing.

(3) All equidae entered in exhibitions, expositions, or fairs must have had an official equine infectious anemia test with a negative result within the calendar year that is documented on the equine infectious anemia laboratory test form. A fair, exhibition, exposition, or show authority is responsible for assuring that all participating equidae are test-negative for equine infectious anemia. The testing requirement of this subsection does not apply to equidae that are both 6 months or younger and nursing.

(4) All equidae, before change of ownership and location within the state, must have had an official equine infectious anemia test with a negative result within the calendar year. All change of ownership and location transactions must be accompanied by a certificate signed by an accredited veterinarian documenting the date, laboratory, accession number, and results of the latest equine infectious anemia test or by an equine infectious anemia laboratory test form. The testing requirement of this subsection does not apply to equidae that are both 6 months or younger and nursing.

(5) All equidae entering, remaining at, or on the premises of horse auctions or sales markets whether or not licensed under 1974 PA 93, MCL 287.111 to 287.119, and 1937 PA 284, MCL 287.121 to 287.131, must have an official equine infectious anemia test with a negative result within the calendar year of sale or be kept at least 1/4 mile from the premises. If an equine infectious anemia test is not possible before each sale, then the equidae must be held on the sale premises until the test results are known. The testing requirement of this subsection does not apply to equidae that are both 6 months or younger and nursing.

(6) Beginning on the effective date of the amendatory act that added this sentence and except as otherwise provided for equidae described in subsection (2), (3), (4), or (5), all equidae shall be tested by April 30, 2002. The testing requirement of this subsection does not apply to equidae that are both 6 months or younger and nursing. The owner or operator of an approved laboratory shall report all positive results of equine infectious anemia to the department. A positive equine infectious anemia test result shall be reported as soon as practicable and a negative test shall be reported within 10 business days after the test results are completed. This section does not prohibit an owner of equidae or organization sponsoring an event involving equidae from requiring an official equine infectious anemia test for equidae involved in any equidae group activity or that are commingling with or in proximity to other equidae. Notwithstanding section 44(1) and (2), a person who violates this subsection is responsible for a civil violation and may be fined not more than \$100.00.

(7) The department shall test all equidae located within a 1/4-mile radius of the perimeter of the area in which the equine infectious anemia test-positive equine is or has been contained at the expense of the department. If the director determines that a large number of equidae are equine infectious anemia test-positive, the director may require testing of all equidae within an area larger than the 1/4-mile radius described in this subsection.

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

(9) The owner or agent of an equine herd that is the source of an equine infectious anemia test-positive equine shall allow the director to test, in accordance with the following schedule, the complete source herd with an official equine infectious anemia test after the official equine infectious anemia test-positive equidae have been removed or segregated from the herd in a manner approved by the director:

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

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

(10) The owner of an equine infectious anemia test-positive equine shall provide to the department records, reflecting the time period during which the equine infectious anemia test-positive equine both had been on the premises and had been a member of the equine herd, that include at least the following information:

(a) The name and address of the previous owner.

(b) To the best of the owner's knowledge, the location of other equidae that were potentially exposed to the equine infectious anemia test-positive equine.

(11) Within 30 days after positive test results are reported to an owner of an equine infectious anemia test-positive equine or at a different time period agreed to by the director, the owner of an equine infectious anemia test-positive equine shall provide to the department the records described in subsection (10).

(12) The director may conduct epidemiological investigations on all equidae that have possible exposure to official equine infectious anemia test-positive equidae to determine the need for additional quarantining and official equine infectious anemia testing.

(13) Official equine infectious anemia test-positive equidae shall not be destroyed or removed from the original test location or premises without prior permission from the director.

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

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

(16) Restricted equidae may move interstate only if accompanied by a permit listing the owner's name and address, points of origin and destination, number of equidae included, purpose of the movement, and at least either the individual equine registered breed association registration tattoo or the individual equine registered breed association registration number, or other unique official identification. The permit shall also list the animal's name, age, sex, breed, color, and markings.

(17) Equine infectious anemia test-positive equidae may only move interstate under permit to the following locations:

(a) A Federally inspected slaughter facility.

(b) A Federally approved diagnostic or research facility.

(c) A herd or farm of origin.

(18) The individual issuing the permit must consult with the state animal health official in the state of destination for approval and must determine that the equine infectious anemia test-positive equine to be moved interstate will be maintained in isolation sufficient to prevent the transmission of equine infectious anemia to other equidae. The reactor will remain quarantined under state authority at the locations described in subsection (17) until natural death, slaughter, or euthanasia. The carcass shall be disposed of according to provisions of 1982 PA 239, MCL 287.651 to 287.683.

(19) Individual exposed equidae may be allowed to move from a quarantined area for specific purposes if they have a negative test at the time of movement. The equidae must be moved under quarantine and maintained under quarantine at the new premises until tested negative to an official equine infectious anemia test at least 45 days after the last known exposure to an equine infectious anemia test-positive equine.

(20) The department may 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) A pocket-size card made of durable material.

(b) 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.

(c) An indication of a negative result for an official equine infectious anemia test, along with the date of the test.

(21) Not later than 90 days after the completion date for testing under subsection (6), the department shall issue a report to the standing committees of the senate and the house of representatives having jurisdiction over animal industry matters describing the number of equidae tested for equine infectious anemia in this state, the number of equidae reported to the department as equine infectious anemia test-positive, and the effects, if any, of the testing requirements imposed under this section.

(22) Any information that identifies the owner of an equine that is gathered by the department under this section is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.213 to 15.246.

(23) Except as otherwise provided in subsection (6), a person who violates this section is guilty of a crime punishable as provided in section 44.

(24) This section is repealed effective January 1, 2011.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Jay E. Randall

Clerk of the House of Representatives.

Approved

.....
Governor.