

**PSEUDORABIES AND SWINE BRUCELLOSIS CONTROL AND ERADICATION ACT**  
**Act 239 of 1992**

AN ACT to establish a control and eradication program for pseudorabies and swine brucellosis; to provide certain powers and duties for certain state agencies and officers; to provide for funding of certain programs; to create certain committees for certain purposes; to provide for the promulgation of rules; to provide for certain remedies and penalties; and to repeal certain acts and parts of acts.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

*The People of the State of Michigan enact:*

**287.801 Short title.**

Sec. 1. This act shall be known and may be cited as the “pseudorabies and swine brucellosis control and eradication act”.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

**287.803 Meanings of words and phrases.**

Sec. 3. For the purpose of this act, the words and phrases defined in sections 5 through 15 shall have the meanings ascribed to them in those sections.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

**287.805 Definitions; A, B.**

Sec. 5. (1) “Accredited veterinarian” means a veterinarian approved by the United States department of agriculture to perform specific functions required by cooperative state-federal disease control and eradication programs.

(2) “Animal” means any vertebrate member of the animal kingdom other than a human being.

(3) “Approved pseudorabies quarantined feedlot” means a swine feedlot premises inspected and approved by the director and whose owner has entered into an agreement with the director to comply with this act and rules or regulations promulgated pursuant to this act.

(4) “Approved swine assembly point” means a premises where swine are gathered which is inspected and approved by the director whose owner has entered into an agreement with the director to comply with this act and rules or regulations promulgated pursuant to this act.

(5) “Approved vaccine” means a preparation administered to livestock or other animals to induce a specific immunological response in the recipient, the use of which in this state shall be approved by the state veterinarian.

(6) “Boar” means any sexually intact male swine.

(7) “Breeding herd” means all swine on 1 swine premises that are maintained for breeding purposes or reproduction.

(8) “Breeding swine” means swine intended for use as breeding stock and all swine not intended for slaughter or feeding to market age and weight for slaughter including companion animals and research animals regardless of reproductive capacity. Breeding swine includes all boars and sows.

(9) “Broker” means any person, copartnership, association, or corporation engaged in the business of buying, receiving, selling, exchanging, transporting, negotiating, or soliciting sale, resale, exchange, transportation, or transfer of livestock and that is licensed as a livestock dealer in accordance with Act No. 284 of the Public Acts of 1937, being sections 287.121 to 287.131 of the Michigan Compiled Laws.

(10) “Brucellosis” means the contagious, infectious, and communicable disease caused by bacteria of the genus brucellae also known as bangs disease, undulant fever, and contagious abortion.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

**287.807 Definitions; D to F.**

Sec. 7. (1) “Department” means the Michigan department of agriculture.

(2) “Differential test” means an official test approved by the director designed to distinguish swine which are positive for pseudorabies field strain virus associated antibodies from swine that have antibodies due to vaccination with a differential vaccine.

(3) “Differential vaccine” is a veterinary biological approved by the director which produces a pseudorabies antibody response that can be differentiated from the field strain virus antibody response by a differential test.

(4) “Direct movement” means transfer of swine to a destination without unloading the swine en route and

without exposure to any other livestock.

(5) "Director" means the director of the Michigan department of agriculture or his or her authorized representative.

(6) "Domestic animal" means any species of animal living under the husbandry of man.

(7) "Exposed swine" means any swine that has been in contact with an animal infected with pseudorabies or brucellosis, including all swine from a known infected herd or any swine moved into a livestock auction market.

(8) "Feeder pig" means immature swine weighing less than 120 pounds intended for feeding to market age and weight for slaughter. Feeder pig does not include intact boars, post-parturient females, animals kept, sold, or offered for sale, for breeding, as companion animals, or for research.

(9) "Feeder pig monitored herd" means a swine breeding herd that has been sampled and tested negative by an official pseudorabies serologic test on the following schedule: 10 head—test all, 11 - 35 head—test 10, 36 or more—test 30% or 30, whichever is less or according to a schedule as prescribed by the director. Breeding herds in regions recognized as stage III of the pseudorabies eradication program by the United States department of agriculture, animal and plant health inspection service, veterinary services, or in an equivalent low prevalence area as determined by the director are considered feeder pig monitored herds.

(10) "Feedlot" means a premises used only to feed livestock in preparation for slaughter.

(11) "Feral swine" means swine which have lived any part of their life as free-roaming and not under the husbandry of man.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

### **287.809 Definitions; G to L.**

Sec. 9. (1) "Gilt" means any female breeding swine until her first litter is farrowed, born, or aborted.

(2) "Herd" means any individual swine or group of swine under common ownership or management maintained on a swine premises for more than 24 hours for any purpose, or 2 or more individual swine or groups of swine that have been intermingled or in physical contact without regard to pseudorabies status or that are under common ownership or management and that have been geographically separated. Two or more swine or such groups of swine are 1 herd unless, through investigation, the director has determined that intermingling and contact between groups has not occurred and is not likely to occur.

(3) "Herd cleanup plan" means a written plan developed jointly by the director and the quarantined herd's owner for the elimination of pseudorabies virus from the swine herd. Such plan may include provisions for the movement of feeder pigs from the quarantined premises to an approved pseudorabies quarantined feedlot and shall include, but not be limited to, provisions for testing, segregation, cleaning, and disinfection, disease management, vaccine use, control of exposure and virus spread to other herds, and a timetable for implementing such plan as can be outlined. The herd cleanup plan shall be approved by the official pseudorabies epidemiologist for the state of Michigan.

(4) "Herd of origin" means any herd in which swine are born and remain until movement or any herd in which swine remain for at least 30 days immediately following direct movement into the herd from another herd.

(5) "Infected herd" means any herd in which pseudorabies or brucellosis has been diagnosed in 1 or more animals by an official test, clinical diagnosis, or laboratory procedure. The final determination of infected herd status shall be made by the director.

(6) "Livestock" means animals used for human food and fiber or animals used for service to mankind. Livestock includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits.

(7) "Livestock auction market" means a public stockyard, auction sale yard, livestock yard, or concentration yard or any livestock market where livestock are accepted on consignment and the auction method is used in the marketing of consigned livestock or as described in Act No. 284 of the Public Acts of 1937, being sections 287.121 to 287.131 of the Michigan Compiled Laws.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

### **287.811 Definitions; M to P.**

Sec. 11. (1) "Monitored feedlot" means a herd of swine being fed for slaughter whose pseudorabies negative status is demonstrated by an annual official test, on a schedule prescribed by the director of representative groups of swine that have been on the premises at least 30 days.

(2) "Movement permit" means a statement on a form approved by the director and signed by the owner of the swine herd of origin which states all of the following:

(a) The number of swine moved.

- (b) The complete address for points of origin and destination.
  - (c) The names of the consignor and consignee.
  - (d) Any additional information required by the department.
- (3) "Official ear tag" means an identification tag approved by the United States department of agriculture or the department.
- (4) "Official identification" means an identification ear tag or ear tattoo or other identification approved by the United States department of agriculture or the department.
- (5) "Official interstate health certificate" or "official interstate certificate of veterinary inspection" means a printed form adopted by any state that records the information required in section 20 of the animal industry act of 1987, Act No. 466 of the Public Acts of 1988, being section 287.720 of the Michigan Compiled Laws, and that is issued within 30 days before importation of the livestock it describes. A photocopy of an official interstate health certificate or an official interstate certificate of veterinary inspection is an official copy if certified as a true copy by the issuing veterinarian or a livestock health official of the state of origin.
- (6) "Official pseudorabies epidemiologist" means a state or federally employed veterinarian designated by the director and the area veterinarian in charge, United States department of agriculture, animal and plant health inspection services, veterinary services, to investigate and diagnose suspected pseudorabies in animals.
- (7) "Official test" means a sample of specific material collected from an animal by a veterinarian and analyzed by a laboratory certified by the United States department of agriculture or the department to conduct the test, or a diagnostic injection administered and analyzed by a veterinarian. An official test shall be conducted only by an accredited veterinarian except with permission by the director.
- (8) "Originate" refers to direct movement of swine from a herd of origin.
- (9) "Owner" means the person or the person's representative, manager, or operator, that is the person responsible for day-to-day operation of the swine farm.
- (10) "Person" means an individual, partnership, corporation, cooperative, association, joint venture, or other legal entity, including, but not limited to, entities established by contractual relationships.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

### **287.813 Definitions; P to R.**

Sec. 13. (1) "Pseudorabies" means the contagious, infectious, and communicable disease of livestock and other animals known also as Aujeszky's disease, mad itch, or infectious bulbar paralysis caused by the pseudorabies virus.

(2) "Pseudorabies herd agreement" means a written agreement signed by the owner or owner's representative of the pseudorabies infected quarantined herd and the director. The pseudorabies herd agreement shall contain a herd cleanup plan designed to eradicate pseudorabies.

(3) "Pseudorabies veterinary biological" means any veterinary biological product used to stimulate an immune response to pseudorabies virus or any portion of the pseudorabies virus.

(4) "Qualified pseudorabies negative gene-altered vaccinated herd" means a herd as defined in title 9 of the code of federal regulations or as approved by the director.

(5) "Qualified pseudorabies negative herd" means a herd as defined in title 9 of the code of federal regulations or as approved by the director.

(6) "Quarantined herd" means any herd declared under quarantine and confined to a swine premises according to provisions in section 12 of the animal industry act of 1987, Act No. 466 of the Public Acts of 1988, being section 287.712 of the Michigan Compiled Laws, or other authority as defined by law.

(7) "Reasonable assistance" means safely and comfortably controlling an animal by corraling, stabling, kenneling, holding, tying, or confining by halter or leash or crowding the animal in a safe and sensible manner so an examination or testing procedure considered necessary by the director can be performed.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

### **287.815 Definitions; S to V.**

Sec. 15. (1) "Sow" means any female swine that has farrowed or given birth to or aborted 1 litter or more.

(2) "State veterinarian" means the chief animal health official of the state as appointed by the director in accordance with section 7 of the animal industry act of 1987, Act No. 466 of the Public Acts of 1988, being section 287.707 of the Michigan Compiled Laws.

(3) "Swine premises" means any land together with buildings, enclosures, and facilities that may be used for swine housing and production.

(4) "Vaccinated feeder pig monitored herd" means a swine breeding herd meeting the requirements of a feeder pig monitored herd in which all breeding swine are vaccinated with a single manufacturer's approved differential vaccine and that has been tested negative using an approved differential test or official test.

(5) "Veterinarian" means a person licensed to practice veterinary medicine under article 15 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.16101 to 333.18838 of the Michigan Compiled Laws, or under a state or federal law applicable to that person.

(6) "Veterinary biological" means a product of biological origin used in the diagnosis, prevention, or treatment of animal disease, including, but not limited to, serums, vaccines, antitoxins, bacterins, and antigens.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

**287.817 Pseudorabies and brucellosis in porcine species; disease control and eradication; agreements with secretary of agriculture; market swine identification program.**

Sec. 17. (1) The director may enter into agreements with the secretary of agriculture, United States department of agriculture, the secretary's authorized representative, or any other person to further pseudorabies and brucellosis disease control and eradication.

(2) The department shall cooperate with the United States department of agriculture in the control and eradication of brucellosis and pseudorabies in all porcine species in this state and shall provide assistance to pseudorabies and brucellosis quarantined herds for the purposes of elimination of pseudorabies and brucellosis and the removal of quarantines.

(3) The department may participate in the market swine identification program as set forth in title 9 of the code of federal regulations and the uniform methods and rules for brucellosis eradication approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture and all amendments thereafter adopted pursuant to rules promulgated by the director, or may test for pseudorabies or brucellosis in any samples of porcine blood or tissue collected at a United States department of agriculture or department approved slaughter facility, any livestock collection or market facility, or any sample of porcine blood or tissue submitted for diagnostic purposes to a United States department of agriculture officially approved laboratory. The slaughter facility, livestock collection or market facility, or laboratory shall provide adequate room, time, and safe conditions for the collection of blood or tissue samples.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

**287.819 Feeder pigs; origination and movement requirements.**

Sec. 19. (1) Feeder pigs shall originate from a breeding herd whose status has been established as any of the following:

- (a) Feeder pig monitored herd.
- (b) Qualified pseudorabies negative herd.
- (c) Vaccinated feeder pig monitored herd.
- (d) Qualified pseudorabies negative gene-altered vaccinated herd.
- (e) A herd located in an area recognized as a stage III or equivalent low prevalence area or region as designated by the director.
- (f) A herd with any other status classification that is determined by the director to provide reasonable assurance that the pigs are not infected with pseudorabies.

(2) Feeder pigs that do not originate from a herd of origin with a status described in subsection (1) shall be individually tested negative within 30 days prior to movement.

(3) All feeder pigs sold, loaned, leased, or moved within this state, except those exempted by the state veterinarian, shall be by a direct movement unless the movement is through a swine market where they are held for less than 24 hours.

(4) Swine that are additions to a herd from any other source herd shall not be moved from that herd based on herd status until they have been a part of that herd for at least 120 days prior to movement unless either of the following occurs:

- (a) They are individually tested negative to an official test for pseudorabies which shall be performed no sooner than 30 days after the date of direct movement into the herd.
- (b) They are sold or moved directly to slaughter or through slaughter marketing channels.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

**287.821 Transferring swine infected with or exposed to pseudorabies; transferring feeder pigs to approved pseudorabies quarantined feedlot; movement permit; requirements.**

Sec. 21. (1) A person shall not sell, loan, lease, move, or otherwise transfer swine known to be infected with, or known to have been exposed to, pseudorabies except directly to slaughter or through slaughter swine market channels unless permission of the director is obtained. Feeder pigs may be transferred to an approved

pseudorabies quarantined feedlot as part of a pseudorabies herd agreement and herd cleanup plan. The pseudorabies herd agreement shall operate as the written permission of the director for movement from the quarantined premises.

(2) Feeder pigs may be sold, loaned, leased, or moved from a quarantined premises to an approved pseudorabies quarantined feedlot only when accompanied by a movement permit, a copy of which shall be forwarded to the director within 5 days of movement.

(3) Feeder pigs to be transferred shall be in compliance with all of the following:

(a) Bear official identification which contains the herd number assigned to the herd of origin by the director.

(b) Have been vaccinated for pseudorabies prior to movement using a differential vaccine specified and approved by the director.

(c) Be by direct movement from the herd of origin to the destination on the movement permit.

(d) Not move through a swine market or other facility or premises prior to arrival at the approved pseudorabies quarantined feedlot.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

### **287.823 Identification of feeder pigs.**

Sec. 23. (1) Feeder pigs shall be identified in a manner as described in subsection (2) in a manner that allows tracing to the herd of origin for the purpose of epidemiology and investigations to determine the spread of disease.

(2) Feeder pigs shall be identified before leaving the herd of origin with official identification that contains the herd number assigned to that herd by the director unless any of the following occur:

(a) They are consigned to a swine market or assembly point where they are identified by official ear tags which identify the market with a United States department of agriculture, animal and plant health inspection service, veterinary services prefix and a 4-digit number that allows tracing to the herd of origin by records maintained at the swine market or assembly point.

(b) They are sold to an approved pseudorabies quarantined feedlot where they are identified on entry in accordance with this act and rules promulgated pursuant to this act, and records are maintained that allow tracing to the herd of origin.

(c) They are sold to a broker who identifies the pigs by official ear tags which identify the broker with a United States department of agriculture, animal and plant health inspection service, veterinary services prefix and 4-digit number that allows tracing to the herd of origin by records maintained by the broker.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

### **287.825 Establishment of herd status; conducting official pseudorabies test; transfer of status; schedule; test requirements; herd number or designations; retesting.**

Sec. 25. (1) Beginning 90 days after the effective date of this act, each owner of any swine herd of unknown status shall cause an official test for pseudorabies to be conducted on such herd at the owner's expense for establishment of at least 1 of the following herd statuses:

(a) A qualified pseudorabies negative herd.

(b) A qualified pseudorabies negative gene-altered vaccinated herd.

(c) A feeder pig monitored herd.

(d) A vaccinated feeder pig monitored herd.

(e) An approved pseudorabies quarantined feedlot herd.

(f) An infected herd.

(g) A monitored feedlot.

(2) Herd status is not transferable to a herd moved to another swine premises without prior approval of the director.

(3) Approved pseudorabies quarantined feedlots shall establish pseudorabies status on a schedule prescribed by the director at the director's request and at the owner's expense.

(4) Except as otherwise provided in this subsection, an owner of a swine herd shall be responsible for all costs of tests required under this section. An owner in compliance with the test requirements of this section may receive a certificate of compliance on a form prescribed by the director. Testing of herds shall continue at the owner's expense until this state or the region of the state in which the herd is located is recognized by the United States department of agriculture as a state or region in stage III of the pseudorabies eradication state-federal-industry program standards or an equivalent low prevalence status by the director. A herd shall be quarantined if the owner does not cause a herd test to be performed within 60 days after notification from the director that a herd test is necessary. If the required testing is not performed within 30 days after issuance

of quarantine, the director may order that the herd be tested by a department veterinarian or an accredited veterinarian at the herd owner's expense.

(5) A person shall not sell, loan, lease, move, or otherwise transfer any swine unless it can be demonstrated that such person is a herd owner whose herd has been issued a herd number by the department or is a licensed broker.

(6) The director may adopt other acceptable herd designations for pseudorabies status as technology and program advances make them available.

(7) Vaccinated herds shall be retested annually. Vaccinated herds that are not retested on an annual basis within 60 days after the anniversary test date shall be quarantined. The director shall then notify the owner of the herd of the issuance of the quarantine and advise the owner that testing is due. Such herds shall be tested at the owner's expense within 30 days after notification by the director that testing is due and that the quarantine has been issued. If the required testing is not performed within 60 days after the date of quarantine, the director may order that the herd be tested by a department veterinarian or an accredited veterinarian at the herd owner's expense. Herds that test negative to pseudorabies by an official test and that have discontinued vaccinating may be reclassified as feeder pig monitored herds.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

#### **287.827 Pseudorabies and swine brucellosis control and eradication fund.**

Sec. 27. There is created within the department of treasury a pseudorabies and swine brucellosis control and eradication fund which shall be administered by the director. Fees assessed and collected pursuant to this act shall be remitted to the state treasury for credit to the pseudorabies and swine brucellosis control and eradication fund. Money in the pseudorabies and swine brucellosis control and eradication fund shall be used for the control, eradication, and surveillance of pseudorabies and swine brucellosis as determined by the director, with advice from the pseudorabies advisory committee. The pseudorabies and swine brucellosis control and eradication fund shall consist of money appropriated by the legislature and gifts, grants, fees, and charges from any source. A fee for the testing of swine for pseudorabies and brucellosis shall be determined by the commission of agriculture. Money placed into this fund shall not revert to the general fund and shall be carried forward in the fund from year to year.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

#### **287.829 Pseudorabies; diagnosis; availability of herd for testing.**

Sec. 29. (1) When pseudorabies is diagnosed in swine purchased from or sold to another producer in the preceding 12 months, the owners of both the herd of origin and the herd of destination shall make available their herds for testing on a schedule prescribed by the director at the director's request.

(2) When pseudorabies infection is diagnosed, any herd having contact with the infected herd, as determined by epidemiological evidence, or located in the surrounding area within 1-1/2 miles of the infected herd shall be tested for the presence of pseudorabies at the request of the director.

(3) Upon request of the director, owners of swine within the state of Michigan shall make available their swine for testing for pseudorabies or brucellosis. The owner shall provide necessary facilities for handling, restraint, and testing, and shall render reasonable assistance as may be required by the director. The department shall be responsible for all costs and personnel for the collection and analysis of test samples under this subsection.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

#### **287.831 Status as pseudorabies quarantined infected herd; agreements; herd cleanup plan; slaughter or other disposition; introduction of animals into infected herd; compliance; movement of vaccinated breeding swine; information furnished to department.**

Sec. 31. (1) Not later than 180 days after the effective date of this act, owners of all herds with the status as a pseudorabies quarantined infected herd shall enter into a pseudorabies herd agreement or an approved pseudorabies quarantined feedlot agreement with the director. When pseudorabies is diagnosed in a swine herd, the herd owner shall enter into a pseudorabies herd agreement and a herd cleanup plan within 90 days after the issuance of the quarantine. All herd cleanup plans shall be formulated with the goal of eradication of the pseudorabies virus from the herd within a maximum of 36 months from the date of the approval of the pseudorabies herd agreement by the official pseudorabies epidemiologist for this state. The herd cleanup plan shall be part of an approved pseudorabies herd agreement.

(2) If it is determined by the director that the control or eradication of swine brucellosis or pseudorabies warrants the slaughter or other disposition of infected or exposed swine, the director may order the slaughter or other disposition of the swine.

(3) The director may order slaughter or other disposition of herds whose owners do not enter into a pseudorabies herd agreement or an approved pseudorabies quarantined feedlot agreement.

(4) The director may prohibit the introduction of animals into an infected herd.

(5) A person shall not knowingly purchase, move, or import feeder swine or breeding swine from a seller who has not complied with the provisions of this act or rules promulgated pursuant to this act.

(6) Vaccinated breeding swine shall move only directly to slaughter or through slaughter market channels and shall not be sold, loaned, leased, or moved to another swine premises without the permission of the director.

(7) The owner of a herd in which pseudorabies infection has been diagnosed shall furnish the following information to the department:

(a) A list of all swine that are additions to the herd from another herd during the preceding 12 months including the number of animals added and the address of origin.

(b) A list of sales and movement of all swine from the herd within the preceding 12 months including number sold and the address of their destination.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

### **287.833 Identification of herd of origin; notification; availability of herd for official test.**

Sec. 33. (1) Brucellosis or pseudorabies positive swine shall be traced to the herd of origin. The director shall notify the owner of the herd of origin within 60 days after the date the department is notified of positive swine.

(2) When the herd of origin has been identified, the owner of the swine herd in this state shall, upon request by the director, make available his or her swine for an official test for the detection of brucellosis or pseudorabies and shall provide the necessary facilities for handling and restraining the swine, and shall render any reasonable assistance required by the director. The department shall provide personnel and assume expense for the collection and analysis of samples.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

### **287.835 Approved pseudorabies quarantined feedlot.**

Sec. 35. (1) The director shall issue a certificate to the owner of an approved pseudorabies quarantined feedlot for the acceptance of feeder pigs from a pseudorabies quarantined premises and for the purpose of feeding such pigs in isolation from other animals and for sale and direct movement to slaughter or another approved quarantined feedlot only.

(2) A person shall not accept swine from pseudorabies quarantined herds for any purpose other than slaughter unless prior permission is obtained from the director. The approved quarantined feedlot certificate may be issued by the director following inspection of the swine premises and receipt of a signed agreement between the feedlot owner and the director containing the following conditions:

(a) That swine on the premises are kept in isolation from other domestic livestock.

(b) That an approved pseudorabies quarantined feedlot be constructed and operated in order to prohibit swine in the feedlot from coming in contact with, or exposing other livestock to, a contagious infectious disease.

(3) An approved pseudorabies quarantined feedlot shall be maintained in a condition free from accumulation of manure or waste material. Other livestock shall not have access to manure or other waste material removed from the approved pseudorabies quarantined feedlot in accordance with the Michigan right to farm act, Act No. 93 of the Public Acts of 1981, being sections 286.471 to 286.474 of the Michigan Compiled Laws.

(4) Drainage from an approved pseudorabies quarantined feedlot shall not be permitted to flow into areas of access to other livestock.

(5) The facility must be constructed and maintained in such a manner that it can be cleaned and disinfected.

(6) Breeding swine shall not be allowed to enter into an approved pseudorabies quarantined feedlot. Breeding swine shall not be maintained on the premises of the approved pseudorabies quarantined feedlot at any time.

(7) Feeder pigs shall not be moved onto an approved pseudorabies quarantined feedlot from a quarantined herd unless the feeder pigs are accompanied by a movement permit, a copy of which shall remain at the premises as part of the permanent record of the feedlot.

(8) Swine that do not originate from a quarantined pseudorabies infected herd shall not be moved onto an approved pseudorabies quarantined feedlot unless such swine bear official identification and are vaccinated for pseudorabies with a pseudorabies veterinary biological approved by the director on or prior to entry into

the approved pseudorabies quarantined feedlot. Vaccination shall be performed at the approved pseudorabies quarantined feedlot at the owner's expense.

(9) Dead swine shall be kept in an area where domestic animals and wildlife cannot have contact with or have access to them and shall be disposed of in accordance with section 57 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.57 of the Michigan Compiled Laws.

(10) Individual swine shall only be kept in an approved pseudorabies quarantined feedlot for a maximum of 5 months and then shall be transferred as a direct movement to slaughter or through slaughter market channels to slaughter.

(11) Records of swine purchases and sales, including names of sellers and buyers, dates of purchase and sale, movement permits, proof of vaccination, numbers of head, and individual animal identification shall be kept for not less than 1 year by the approved quarantined feedlot owner. The director may inspect and make copies of the records of any approved pseudorabies quarantined feedlot at any time to determine the origin and disposition of any animals handled by the feedlot and to determine if provisions of the act or rules have been violated.

(12) A certificate issued to the owner of an approved pseudorabies quarantined feedlot shall expire 12 months after an agreement described in subsection (2) is entered into. The director shall issue a certificate for another 12-month period upon compliance of the feedlot owner with subsection (2).

(13) The director may revoke the certificate and prohibit entry of any swine to the approved pseudorabies quarantined feedlot premises at any time it is determined that the provisions of this act or rules promulgated pursuant to this act have been violated or it is determined by the director there has been failure to maintain compliance with this act or the rules promulgated pursuant to this act.

(14) The certificate shall expire not later than 90 days after the date on which notice is received from the director that the county where the approved pseudorabies quarantined feedlot is located has less than 10 quarantined infected herds. Swine shall not be added to an approved quarantined feedlot after expiration or revocation of the certificate until all swine have been removed and the premises cleaned by the operator then disinfected under the supervision of the director.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

### **287.837 Importing swine into state with prior entry permit; delivery to slaughterhouse or collection facility; compliance; requirements for breeding swine imported into state.**

Sec. 37. (1) A person shall not import into this state swine, other than swine consigned directly to a slaughterhouse or to an approved livestock auction market for sale as slaughter swine, without a prior entry permit obtained from the director.

(2) Swine brought into this state for slaughter shall be delivered only to a slaughterhouse approved by the director to receive livestock for slaughter, or to a collection facility approved by the director to receive swine for slaughter. The swine shall be killed within 48 hours after arrival at the slaughterhouse.

(3) Breeding swine brought into this state shall comply with 1 or more of the following:

(a) Be accompanied by proof that the swine have tested negative to an official test for brucellosis in the 1:25 dilution, conducted in a laboratory approved by the United States department of agriculture within 30 days before importation.

(b) Originate directly from a validated brucellosis-free herd of swine as set forth in title 9 of the code of federal regulations and the uniform methods and rules for brucellosis eradication approved by veterinary services of the animal and plant health inspection service of the United States department of agriculture which became effective on July 1, 1986, and all amendments thereafter adopted pursuant to rules promulgated by the director.

(c) Originate from a herd located in a brucellosis-free state as determined by the director.

(4) Breeding swine imported into this state shall test negative to an official pseudorabies test conducted within 30 days before importation, shall originate directly from a pseudorabies qualified negative herd as defined in title 9 of the code of federal regulations, or shall originate from a pseudorabies free state or region as determined by the director.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

### **287.839 Importation of swine; requirements; waiver.**

Sec. 39. (1) Breeding swine brought into this state shall remain at the destination stated on the official interstate health certificate or official interstate certificate of veterinary inspection until the herd owner obtains a negative official test for pseudorabies conducted not less than 30, or more than 60, days following the date of importation. The director may grant an exemption for infected herds under quarantine.

(2) Swine imported into this state shall bear official identification.

- (3) The importation of swine vaccinated for pseudorabies is prohibited.
- (4) A person shall not bring swine into this state from a livestock auction market or other collection facility where slaughter swine are handled except when importing swine for slaughter purposes only.
- (5) The director may waive specific requirements if it is determined that livestock imported from a certain area or state are not a threat to the health of native livestock.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

#### **287.841 Importation of feeder pigs; requirements; entry of feral swine.**

Sec. 41. (1) Feeder pigs imported into this state shall meet 1 of the following requirements:

- (a) Originate directly from a feeder pig monitored herd or qualified negative pseudorabies free herd.
- (b) Originate directly from a herd in a state which participates in a pseudorabies testing program that is approved by the director.
- (c) Originate directly from a pseudorabies free state or region as designated by the United States department of agriculture or as determined by the director.

(2) Feral swine shall not be allowed to enter the state of Michigan for any purpose without specific permission of the director.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

#### **287.843 Pseudorabies veterinary biological; use; conditions; distribution.**

Sec. 43. (1) The use of a pseudorabies veterinary biological is prohibited except when used or prescribed for use by an accredited veterinarian. A person shall not use or prescribe for use any pseudorabies veterinary biological for swine unless 1 of the following conditions is met:

- (a) The herd in which the vaccine is used is a pseudorabies vaccinated feeder pig monitored herd whose owner has been issued a certificate by the director which lists the type of vaccine used.
- (b) The herd in which the vaccine is used is a qualified pseudorabies negative gene-altered vaccinated herd as defined in title 9 of the code of federal regulation and whose owner has been issued a certificate by the director which lists the type of vaccine used.
- (c) The herd in which the vaccine is used is a pseudorabies quarantined herd and the vaccine is used as part of the pseudorabies herd agreement approved by the director and the herd owner is issued a certificate by the director which lists the type of vaccine used.
- (d) The herd in which the vaccine is used is an approved pseudorabies quarantined feedlot herd and the owner is issued a certificate by the director which lists the type of vaccine to be used.
- (e) Prior permission of the director is obtained.

(2) A vaccine for pseudorabies that is not a differential vaccine shall not be used or dispensed for use in this state.

(3) Distribution of a pseudorabies veterinary biological must be reported to the director by the accredited veterinarian within 30 days of administration, dispensing, sale, or prescribing for use any pseudorabies veterinary biological.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

**Compiler's note:** In subsection (1)(b), "code of federal regulation" evidently should read "code of federal regulations."

#### **287.845 Swine presented to livestock auction or collection point as entering interstate commerce.**

Sec. 45. All swine presented to a livestock auction or collection point licensed under Act No. 284 of the Public Acts of 1937, being sections 287.121 to 287.131 of the Michigan Compiled Laws, shall be considered to have entered interstate commerce and shall be identified prior to sorting and grouping in accordance with title 9 of the code of federal regulations, and all amendments thereafter adopted pursuant to rules promulgated by the director.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

#### **287.847 Livestock auction market, yards, and premises considered infected with organisms of infectious diseases of swine; moving or selling swine; identification; proof, test report, or permission required; copy of documents; feral swine entering facility for other than immediate slaughter.**

Sec. 47. (1) For the purpose of this act, a livestock auction market, public stockyard, auction sale yard, livestock yard, garbage feeding premises, and slaughterhouse premises shall be considered as infected with the organisms of infectious diseases of swine.

(2) Swine shall not be moved or sold from a livestock auction market, public stockyard, auction sale yard,

livestock yard, garbage feeding lot or premises, or slaughterhouse premises except for immediate slaughter.

(3) Swine, including feeder pigs, that are sold, loaned, leased, or otherwise transferred or moved within this state shall bear individual official identification.

(4) Breeding swine which are sold, loaned, leased, or otherwise transferred or moved within this state shall be accompanied by 1 of the following:

(a) Proof that the swine originate directly from a qualified pseudorabies negative herd or qualified pseudorabies negative gene-altered vaccinated herd as defined in title 9 of the code of federal regulations or other acceptable herd status as determined by the director. Proof may consist of a copy of a valid certificate issued by the department stating that the herd meets the requirements for such herd status as is acceptable to the department.

(b) An official test report that indicates that the swine have been tested for pseudorabies within 30 days before sale or movement and have received negative results.

(c) Proof that the breeding swine originate from an area or region recognized as a stage IV or equivalent low prevalence area as approved by the director.

(d) Prior permission of the director.

(5) A person who moves or sells swine shall, upon request, present for inspection the documents required by subsection (4), and a person who sells breeding swine shall provide to the purchaser a copy of the documents.

(6) Feral swine shall not be allowed to enter any facility for any purpose other than for immediate slaughter without the permission of the director.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

#### **287.849 Sale as feeding and breeding swine; requirements; conveyance; facilities approved as swine assembly point; pseudorabies test requirements; identification of swine consignment; removal of swine from premises.**

Sec. 49. (1) The director may approve the designation of a swine assembly point for swine to be assembled and grouped for sale as feeding and breeding swine when facilities are provided separate and apart from any slaughter hogs if these facilities, methods of operations, and management practices have been inspected and approved by the director. Swine within this state which are not subject to quarantine and which are handled in compliance with this act and all rules pursuant to this act may be sold from other than a swine assembly point for purposes other than immediate slaughter only when the swine are moved from the vehicles in which they were delivered and loaded directly onto vehicles in which the swine are removed from the sales premises.

(2) Swine offered for sale shall be clinically free of infectious, contagious, or toxicological diseases and shall not originate from a quarantined premises.

(3) A conveyance bringing swine to or removing swine from a swine assembly point or market shall be free of accumulated litter or manure.

(4) An approved swine assembly point for the sale of swine shall meet all of the following requirements:

(a) Be constructed in a manner to provide protection of the swine from inclement weather.

(b) Have floors constructed of an impervious material that can be easily cleaned.

(c) Have adequate drainage and proper disposal of waste material from the cleaning process.

(d) Have an adequate supply of potable water.

(e) Be constructed in a manner to provide ample penning facilities with adequate room in the pens.

(f) Be constructed to properly contain the animals.

(5) An approved swine assembly point shall be thoroughly cleaned and disinfected 48 hours before each sale day using a procedure approved by the director.

(6) Breeding swine shall meet the pseudorabies test requirements specified in this act.

(7) Feeder swine may be assembled, graded, and grouped for sale provided that each consignment of swine shall be individually identified to the consignor by official identification.

(8) Swine sold at an approved swine assembly point shall be removed from the premises within 24 hours after the sale. The director shall not approve a swine assembly point to handle both feeder pigs and breeding swine.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

#### **287.851 Pseudorabies advisory committee.**

Sec. 51. (1) The director may establish a pseudorabies advisory committee. The committee shall be composed of, but not limited to, swine producers, animal scientists, state and federal regulatory officials, veterinarians, representatives of organizations and cooperatives in the swine industry, auction markets, the packing industry, and extension specialists.

(2) The director may consult with the committee on issues which include, but are not limited to, intrastate regulations, interstate regulations, and progress of the state on pseudorabies and brucellosis control and eradication programs.

(3) The committee shall maintain liaison with other states and the federal government and with the national pseudorabies eradication program standards committee through state and national producer and livestock associations, organizations, and agencies.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

#### **287.853 Pseudorabies herd cleanup technical advisory committee.**

Sec. 53. (1) The director may establish and consult with a pseudorabies herd cleanup technical advisory committee.

(2) The pseudorabies herd cleanup technical advisory committee shall serve as a resource and, at the request of the director, shall do the following:

- (a) Evaluate progress made in accomplishing elimination of pseudorabies virus from an infected herd.
- (b) Assist in obtaining cooperation from herd owners.
- (c) Recommend adjustments in herd cleanup plans.
- (d) Make recommendations for depopulation of infected herds.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

#### **287.855 Violations; penalties; enforcement.**

Sec. 55. (1) A person who commits 1 or more of the following is guilty of a felony punishable by a fine of not less than \$1,000.00 or more than \$50,000.00, imprisonment of not more than 5 years, or both, and shall not be eligible to receive any indemnification payments, at the discretion of the director:

(a) Intentionally contaminating or exposing livestock to an infectious, contagious, or toxicological disease for the purpose of receiving indemnification from the state or causing the state to destroy affected livestock.

(b) Intentionally making a false statement on an application for indemnification or reimbursement from the state.

(c) Intentionally violating a condition of quarantine.

(d) Intentionally importing into this state, without permission from the director, diseased livestock or livestock exposed to an infectious, contagious, or toxicological disease.

(e) Intentionally misrepresenting the health, medical status, or prior treatment for an infectious, contagious, or toxicological disease of livestock to facilitate movement or transfer of ownership to another person.

(2) A person who violates this act or a rule promulgated under this act other than subsection (1) is guilty of a misdemeanor, punishable by a fine of not less than \$300.00 or imprisonment of not less than 30 days, or both.

(3) A person authorized by the director to enforce this act may issue an appearance ticket, as described and authorized by sections 9a to 9g of chapter 4 of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 764.9a to 764.9g of the Michigan Compiled Laws, for any violation of this act classified as a misdemeanor.

(4) Notwithstanding the provisions of this act, the department may bring an action to do either of the following:

(a) Obtain a declaratory judgment that a method, act, or practice is a violation of this act.

(b) Obtain an injunction against a person who is engaging, or about to engage, in a method, act, or practice that violates this act.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

#### **287.857 Rules.**

Sec. 57. The department of agriculture may promulgate rules for the implementation and enforcement of this act pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.

#### **287.859 Repeal of MCL 287.717, 287.725, 287.736, 287.737, and 287.738.**

Sec. 59. Sections 17, 25, 36, 37, and 38 of Act No. 466 of the Public Acts of 1988, being sections 287.717, 287.725, 287.736, 287.737, and 287.738 of the Michigan Compiled Laws, are repealed.

**History:** 1992, Act 239, Eff. Mar. 31, 1993.