

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1281

By: Weese

AS INTRODUCED

An Act relating to agriculture; amending Sections 6-281, 6-282, 6-283, 6-284, 6-285, 6-286 and 6-287, which relate to the Equine Infectious Anemia Eradication Act; modifying short title; modifying definitions; providing for certain testing program; requiring testing in certain cases; providing for assistance and payments; providing exemptions; providing for certain procedures; providing for promulgation of rules; providing for isolation; providing for avoidance of certain sales; authorizing release; authorizing additional tests; providing for certain marks and brands; requiring certain conditions for reactor and quarantine requirements; requiring certain testing of out-of-state equidae; requiring certain records and markings; requiring certain certificates; authorizing inspections; making certain actions unlawful; specifying penalties; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 2 O.S. 1991, Section 6-281, is amended to read as follows:

Section 6-281. ~~This act~~ Sections 6-282 through 6-287 of this title shall be known and may be cited as the "Equine Infectious Anemia Eradication Act".

SECTION 2. AMENDATORY 2 O.S. 1991, Section 6-282, is amended to read as follows:

Section 6-282. As used in ~~this act~~ the Equine Infectious Anemia Eradication Act unless the context otherwise requires:

1. "Equine infectious anemia" ~~or~~, "EIA" or "Coggins Disease" means the communicable, infectious disease which affects only equidae and is caused by the virus of equine infectious anemia;

2. "Board" means the Oklahoma State Board of Agriculture;

3. "Equidae" means a family of perissodactyl ungulate mammals containing a single genus, *Equus*, which includes horses, asses, jacks, jennies, hinnies, mules, donkeys, burros, ponies and zebras;

4. "Official test" means the Agar-Gel Immunodiffusion (AGID) test for equine infectious anemia which has been conducted in a laboratory approved by the Board or the United States Department of Agriculture for the purpose of conducting this test or any other test or examination for the detection of equine infectious anemia approved by the Department; ~~and~~

5. "Reactor" means any equidae which discloses a positive reaction to an official test for equine infectious anemia;

6. "Department" means the State Department of Agriculture; and

7. "Certificate" means an official certificate issued by a licensed veterinarian certifying the results of an official test, an official test chart, or other document authorized by the Board.

SECTION 3. AMENDATORY 2 O.S. 1991, Section 6-283, is amended to read as follows:

Section 6-283. A. Upon request by the Board, ~~all owners~~ any owner of equidae within the State of Oklahoma shall submit ~~their~~ his

animals for an official test for the detection of equine infectious anemia, or for application of official identification. Such ~~owners~~ owner shall provide the necessary facilities for conducting tests, or identifying animals, and shall render such assistance as may be required by the Board.

B. 1. When the Board has reasonable evidence of an outbreak of equine infectious anemia in a particular area of the state, the Board may initiate and conduct a program of testing for all equidae within that area only.

2. When the Board initiates such a program, all owners of equidae within the particular area described by the Board shall permit an employee of the Board to administer an official test of their animals for the detection of equine infectious anemia and to apply official identification to those animals.

3. The owners shall render reasonable assistance in testing and identifying their animals when requested by the Board.

4. All costs of administering the tests by the Board or employees of the Board shall be borne by the Board.

C. 1. Every equidae, except for equidae under six (6) months of age from a dam who has tested negative within the preceding six (6) months, which is sold, traded, exchanged, or otherwise involved in a change of ownership from one person, group, farm, corporation, association, or partnership to another entity shall be required to have been tested for equine infectious anemia within the preceding six (6) months and shall be accompanied by a certificate showing that the animal has been subjected to an official test for the disease and that the test results were negative at the time of the test.

2. Every equidae which is sold or offered for sale through an Oklahoma livestock market, public horse auction, or other event where equidae are offered for sale in Oklahoma shall be required to have been tested for equine infectious anemia within the preceding

six-month period and shall be accompanied by a certificate showing tha the animal has been subjected to an official test for the disease and that the test results were negative at the time of the test. Equidae bound for slaughter will be exempt from the negative test requirement. The person responsible for each sale or event where equidae are offered for sale shall ensure that each animal offered for sale is accompanied by the certification and shall not offer for sale or sell any animal not so certified.

3. When livestock auctions receive animals which tested positive to sell for slaughter on the same day negative tested animals are sold, proper segregation as prescribed by rule of the Board shall be maintained.

4. The seller of a horse or other member of the equidae family which is offered for sale at a market or auction and which fails to meet the certification requirements of this section may, with approval of the market or auction, sell the animal, have blood samples collected and submitted by a licensed veterinarian for equine infectious anemia testing, and the animal shall be isolated at the sale barn and remain there until test results are obtained.

5. The seller shall pay for all expenses related to testing and quarantine.

6. If equidae reacts positive for equine infectious anemia, the sale shall be void; the seller shall retain ownership of the animal, and it shall be treated as a reactor subject to the requirements of Section 4 of this act.

7. If the test results are negative, the horse or other equidae shall be released from quarantine.

8. The Board shall have the authority to promulgate all rules and regulations necessary to enforce the provisions of this section and is authorized to promulgate regulations regarding horse shows, trail rides, and other events or congregations of horses or other

equidae for the purpose of preventing the spread of equine infectious anemia.

SECTION 4. AMENDATORY 2 O.S. 1991, Section 6-284, is amended to read as follows:

Section 6-284. A. The Board may quarantine any animal which is determined to be a reactor; such animal shall be quarantined under conditions as specified by the Board. Reactors shall remain under quarantine until their natural death, slaughter or disposition by euthanasia or until released by a written notice from the Board. The Board shall require identification of reactors as deemed necessary.

B. 1. If any equidae within this state is found to be a reactor to an official test, the owner of the animal may request that an additional test for equine infectious anemia be administered to the animal within thirty (30) days by any United States Department of Agriculture-approved laboratory at the expense of the owner, provided the owner of the animal provides a split sample to the State Federal laboratory.

2. If any animal is a reactor to the official test administered by or at the direction of the Board and the owner does not request an additional test, or if any animal is a reactor to the official test administered by or at the direction of the Board and to an official test administered by a United States Department of Agriculture-approved laboratory pursuant to the request of the owner, the animal shall be subject to the following requirements:

- a. All reactors will be permanently identified by an employee of the Board or by an employee of the Veterinary Services of the United States Department of Agriculture. The identifying mark shall be "73" followed by the letter "A". The markings shall be not less than two inches (2") high and shall be applied to

the left side of the neck of the reactor. A hot brand will be employed for the marking of the reactor;

b. An official quarantine shall be issued by an agent of the Board or a licensed veterinarian to the effect that the reactor is:

(1) Confined to a single premises and is not to be transported without an official permit,

(2) Confined in such a manner that the reactor is two hundred (200) yards from other equidae. Written application for deviation from this regulation may be considered by the Board. A description of properly constructed isolation facilities, including exercise areas, will be furnished to the Board as part of the application. Any written request with a description of the quarantine facilities will be the official application, or

c. The owner of the infected equidae shall provide notice to such owners of adjoining property where the infected equidae is maintained or owners of other equidae in the same property where the infected equidae is maintained, as required by rule, of the Board; and

d. The infected equidae to be destroyed may be sent with an accompanying official permit confining them to an approved equine slaughtering facility or to a livestock market for sale directly to a slaughtering facility.

SECTION 5. AMENDATORY 2 O.S. 1991, Section 6-285, is amended to read as follows:

Section 6-285. A. The Board ~~may~~ shall require that all equidae be negative to an official test for equine infectious anemia prior

to entry into Oklahoma, ~~or movement within the state~~ pursuant to the provisions of this section.

B. Equidae entering this state for other than immediate slaughter shall be accompanied by an official certificate of veterinary inspection issued by an accredited veterinarian of the state of origin showing:

1. The name, breed, registration number if any, tattoo if any, sex, age, and color and markings of each animal listed on the certificate;

2. Record of physical examination of each animal, verifying freedom from visible evidence of any contagious, infectious, or communicable disease;

3. a. All equidae over six (6) months of age must be negative to an official test approved by the Board and the United States Department of Agriculture for equine infectious anemia (EIA) within six (6) months prior to entry. The testing results, name of the testing laboratory, case number, and date of testing shall be included on the certificate.

b. The laboratory conducting the test must be approved by the Animal and Plant Health Inspection Service, United States Department of Agriculture.

C. 1. Equidae may enter this state accompanied by the owner's waybill or official certificate of veterinary inspection consigning them to an approved equine slaughtering establishment or to a livestock market for sale directly to a slaughtering establishment.

2. If any reactor of Oklahoma origin is discovered in another state, the animal may enter this state if entry is in compliance with Title 9, Part 75.4 of the Code of Federal Regulations.

D. Every equidae brought into this state shall be accompanied by a certificate showing that the animal has been subjected to an official test for equine infectious anemia within the preceding six-

month period and that the animal was not a reactor at the time of the test.

SECTION 6. AMENDATORY 2 O.S. 1991, Section 6-286, is amended to read as follows:

Section 6-286. The Board ~~may~~ shall make and adopt reasonable rules ~~and regulations~~ for the administration and enforcement of ~~this act~~ the Equine Infectious Anemia Eradication Act. The Board, or its representatives, in performing the duties vested in it ~~under this act~~ pursuant to the Equine Infectious Anemia Eradication Act is empowered to enter, during usual working hours, any premises, barns, stables or other places where equidae are kept, for the purpose of administering ~~this act~~ the Equine Infectious Anemia Eradication Act.

SECTION 7. AMENDATORY 2 O.S. 1991, Section 6-287, is amended to read as follows:

Section 6-287. A. Any person who sells or exchanges ownership of any equidae in this state without having the required certificate or any person or chief official of a livestock market, public horse auction, or other sales event who sells or offers for sale equidae without proper certification shall be guilty of a misdemeanor and upon conviction thereof may be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). Each violation shall constitute a separate offense.

B. Any person bringing equidae into this state who fails or refuses to comply with the provisions of the Equine Infectious Anemia Eradication Act or any regulations issued thereunder shall, upon conviction, be guilty of a misdemeanor.

C. Any person who fails or refuses to test, brand, or quarantine equidae as required by the Equine Infectious Anemia Eradication Act and the regulations of the Board shall, upon conviction, be guilty of a misdemeanor.

D. Any person violating any provision of ~~this act~~ the Equine Infectious Anemia Eradication Act or of any rules, regulation or

order of the Board issued pursuant to ~~this act is guilty of a~~
~~misdemeanor~~ the Equine Infectious Anemia Eradication Act shall be
subject to administrative penalties pursuant to Section 11-1 of this
title.

SECTION 8. This act shall become effective September 1, 1993.

44-1-5129

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