SHORT TITLE: Agriculture; modifying location of certain brands; deleting antiquated language; repealers; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 985 By: Muegge

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 1991, Sections 1-3, as amended by Section 1, Chapter 296, O.S.L. 1992, 4-10, 6-4, 6-92, 6-94, 6-95 and 6-141 (2 O.S. Supp. 1995, Section 1-3), which relate to definitions, branding of cattle, disinfecting of livestock and places, and official tests; correcting terms and antiquated language; modifying location of certain brands; requiring certain test be recognized and listed by certain entity; repealing 2 O.S. 1991, Sections 2-22, 6-98 and 10-29, which relate to certain expenditures by State Department of Agriculture, testing and vaccination, and certain appropriation to State Board of Agriculture; repealing 83 O.S. 1991, Section 9, which relates to licensing of certain laboratories; and declaring an emergency.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 1-3, as amended by Section 1, Chapter 296, O.S.L. 1992 (2 O.S. Supp. 1995, Section 1-3), is amended to read as follows:

Section 1-3. A. For the purposes of this act, Section 1-1 et seq. of this title and as used herein, unless the context indicates otherwise:

~~(a)~~ 1. "Code" shall mean this act as originally enacted and hereafter amended;

~~(b)~~ 2. "Department" shall mean the State Department of Agriculture;

~~(c)~~ 3. "Board" shall mean the State Board of Agriculture;

~~(d)~~ 4. "President" shall mean the President of the State Board of Agriculture and shall also be designated as the Commissioner of Agriculture;

~~(e)~~ 5. "Director" shall mean the Director of the division indicated in the State Department of Agriculture;

~~(f)~~ 6. "Authorized agent" shall mean a person who has been authorized by the State Board of Agriculture to act on its behalf in making investigations or inspections or in performing other services or in doing any particular act or acts which have been vested by this act in the State Board of Agriculture; and a written or printed commission signed by the President of the State Board of Agriculture shall be accepted by all persons that the holder thereof has lawful authority to act on behalf of the State Board of Agriculture as indicated by such commission, and he shall thereby have the right and authority to enter any building or place of business, or go upon any premises, farm or other place, for the purpose of so acting for the Board;

~~(g)~~ 7. "Stop sale order" shall mean a written or printed order signed by the President or an authorized agent of the State Board of Agriculture, prohibiting the sale or offering for sale or exposure for sale of any agricultural product or any other thing, article or commodity covered by the terms of this act;

~~(h)~~ 8. "Person" shall mean any individual, company, corporation, partnership, society, association, or other legal entity; and

~~(i)~~ 9. "Livestock" and "animals" shall be deemed to include any ~~meat~~ neat cattle, horses, sheep, goats, asses, mules, swine, and

chickens, turkeys and other domesticated fowl, and any animal, ~~Ratite~~ ratite or ~~Psittacine~~ psittacine in captivity. For purposes of this act, dogs, cats and other household pets shall not be included in the definition of "livestock" and "animals".

SECTION 2. AMENDATORY 2 O.S. 1991, Section 4-10, is amended to read as follows:

Section 4-10. There is hereby reserved to the State of Oklahoma the brands of "B", "T", and "A" on the ~~left jaw~~ tailhead of cattle, and it shall be unlawful for any person other than authorized agents of the State Board of Agriculture to use any of such brands. Cattle carrying the brand "B" on the ~~left jaw~~ tailhead shall be recognized as reactors to Brucellosis Abortus (Bang's Disease). Cattle carrying the brand "T" on the ~~left jaw~~ tailhead shall be recognized as reactors to Bovine Tuberculosis. The brand "A" on the ~~left jaw~~ tailhead may be used to identify cattle that are carriers of Anaplasmosis.

SECTION 3. AMENDATORY 2 O.S. 1991, Section 6-4, is amended to read as follows:

Section 6-4. Whenever the State Board of Agriculture determines that any livestock is infected with, or has been exposed to, any contagious or infectious disease, the owner or person in possession of ~~such~~ the livestock may be directed by the Board, or by any authorized agent thereof, to cause ~~such~~ the livestock, or any place where ~~such~~ the livestock has been, to be disinfected in such manner as may be directed by the Board or ~~such~~ authorized agent; and if ~~such~~ the livestock or place is not so disinfected, within the time specified by the Board or ~~such~~ authorized agent, then the Board or ~~such~~ authorized agent shall have the right and authority to have ~~such~~ the livestock or place disinfected, and the owner or person in possession of ~~such~~ the livestock shall be obligated to pay to the Board all expenses incurred in having ~~such~~ the livestock or place disinfected, and the Board shall have a lien upon ~~such~~ the livestock

or place until such expense is paid, by filing notice thereof with the county clerk of the county in which ~~such~~ the livestock or place is located; and ~~such~~ the livestock or place shall not be removed or disposed of until ~~such~~ the expense is paid. When ~~such~~ the expense is paid it shall be deposited in the State Department of Agriculture Trust Fund. The term "place", as used in this section, shall include but not be limited to any building, lot, enclosure, premises, railroad car, ~~trust~~ truck or other vehicle.

SECTION 4. AMENDATORY 2 O.S. 1991, Section 6-92, is amended to read as follows:

Section 6-92. The official test for ~~Bang's disease~~ brucellosis shall be ~~an agglutination blood~~ any serologic or bacteriologic test ~~made~~ recognized by and listed in the United States Department of Agriculture Uniform Methods and Rules of Brucellosis Eradication or listed in the Code of Federal Regulations. An official test must be conducted at the joint State-Federal Brucellosis Laboratory, or other laboratory approved for such test by the State Board of Agriculture. The blood sample for such test shall be drawn by a person approved by the Board. Accredited veterinarians licensed to practice in this state may be granted a certificate by the Board to conduct such tests at their own laboratories. All blood tests will be confirmed by duplicate samples tested at the joint State-Federal Brucellosis Laboratory.

SECTION 5. AMENDATORY 2 O.S. 1991, Section 6-94, is amended to read as follows:

Section 6-94. A. If any animal has given a positive reaction to the official brucellosis test, and the reaction was not caused by official vaccination, the State Board of Agriculture shall declare the animal to be infected with brucellosis and shall immediately notify the person who drew the blood sample for the test, who shall place a permanent brand on the ~~left jaw~~ tailhead of each affected animal with the letter "B", which shall be not less than three (3)

inches in height, and affix a metal tag, inscribed "Brucellosis Reactor", to the left ear of the animal.

B. Animals that are part of a known infected herd shall be treated as exposed. Any such animal destined for feeding or slaughter purposes shall be permanently branded on the ~~left jaw~~ tailhead with the letter "S". The brand shall be not less than two (2) inches in height and width and shall be affixed by the person who drew the blood sample by which the reactor was detected. The branding fee shall be paid by the seller of the animal. Each packing plant in Oklahoma shall collect and identify a blood sample with all identification tags, as provided by the Board, from each bovine animal that shows the presence of first central incisors.

C. The owner of exposed animals or reactors shall present the animals for branding or tagging within fifteen (15) days after receiving notice of reaction or exposure. The failure of an owner to comply with the requirements of this subsection shall be a misdemeanor.

D. The removal of any permanent mark or brand, including metal ear tags, from any animal with a reportable disease or those classified as diseased in a herd being depopulated, without prior authorization from the State Board of Agriculture, shall be a felony.

SECTION 6. AMENDATORY 2 O.S. 1991, Section 6-95, is amended to read as follows:

Section 6-95. The Abortus Brucella Ring test made with whole milk or cream and an approved antigen, in a manner and by a person approved by the United States Agricultural Research Service and the State Board of Agriculture, may be used to indicate the possibility of the presence of reactors in the herd from which the milk or cream samples were taken. If the test indicates that reactors may be present in a herd, the Board shall conduct an official ~~agglutination~~ test of the herd in order to identify the reactors.

SECTION 7. AMENDATORY 2 O.S. 1991, Section 6-141, is amended to read as follows:

Section 6-141. All cattle found to be affected with tuberculosis, either by tuberculin test or physical examination by a veterinarian, shall be branded immediately on the ~~left jaw~~ tailhead in capital form with the Roman letter "T", not less than two (2) inches in width and not less than three (3) inches in length, and have affixed to the left ear a designated metal tag and shall be forever considered as affected with tuberculosis. The owner or owners of such tuberculosis-affected cattle shall permit any authorized agent or representative of the State Board of Agriculture or the United States Animal Disease Eradication Branch or Accredited Veterinarian to brand and tag all such animals for identification.

SECTION 8. REPEALER 2 O.S. 1991, Sections 2-22, 6-98 and 10-29, are hereby repealed.

SECTION 9. REPEALER 83 O.S. 1991, Section 9, is hereby repealed.

SECTION 10. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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