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BILL ANALYSIS



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House Bill 4567 (as passed by the House)
Sponsor: Representative Pat Somerville
House Committee: Agriculture
Senate Committee: Agriculture

Date Completed: 6-29-11

CONTENT

The bill would amend the Animal Industry Act to re-enact provisions regarding testing for equine infectious anemia (EIA) that expired on January 1, 2011. The bill would do all of the following:

- **Prohibit a person from moving equidae into Michigan from another state; entering equidae in exhibitions, expositions, or fairs; or changing the ownership and location of equidae within Michigan unless the equidae had an official EIA test with a negative result within the previous 12 months.**
- **Require all equidae entering, remaining at, or on the premises of horse auctions or sales markets to have an official EIA test with a negative result within the previous 12 months of sale.**
- **Exempt from testing requirements nursing equidae not over six months old.**
- **Require laboratories to report all EIA positive test results to the Michigan Department of Agriculture and Rural Development (MDARD).**
- **Require the owners of EIA test-positive equidae to provide certain records to MDARD.**
- **Require MDARD, at its expense, to test all equidae located within a quarter-mile of the area where an EIA test-positive equine was or had been contained.**
- **Specify laboratory and MDARD responsibilities after a positive EIA test result.**
- **Prohibit destruction or removal of EIA test-positive equidae without approval of the MDARD Director, and specify identification requirements if a test-positive animal were not destroyed.**
- **Specify movement restrictions for EIA test-positive equidae.**
- **Permit MDARD to establish a voluntary program for an equidae identification card system funded by a fee charged to participants.**
- **Specify that any information identifying an equine owner that was gathered by MDARD under the bill would be exempt from disclosure under the Freedom of Information Act.**

(The proposed provisions would be substantially the same as those that were repealed due to a sunset provision. Under the bill, the testing requirements would be based on a 12-month cycle, instead of a calendar year.)

Testing Requirements

The bill would prohibit a person from moving equidae into Michigan from another state unless the equidae had an official EIA test with a negative result within the previous 12

months of entry. The person in control of the animal would have to possess an official interstate health certificate or interstate certificate of veterinary inspection documenting the date, lab, accession number, and results of the latest EIA test, signed by an accredited veterinarian.

A person could not enter equidae in exhibitions, expositions, or fairs unless the animals had an official EIA test with a negative result within the previous 12 months that was documented on the EIA laboratory test form. A fair, exhibition, exposition, or show authority would be responsible for assuring that all participating equidae were test-negative for EIA.

A person could not change the ownership and location of equidae within Michigan unless the animals had an official EIA test with a negative result within the previous 12 months. All change of ownership and location transactions would have to be accompanied by a certificate signed by an accredited veterinarian documenting the date, lab, accession number, and results of the latest EIA test or by an EIA laboratory test form.

All equidae entering, remaining at, or on the premises of horse auctions or sales markets, whether or not licensed under Michigan law, would have to have an official EIA test with a negative result within the previous 12 months of sale. If an EIA test were not possible before each sale, the equidae would have to be held on the sale premises until the test results were known.

Lab Reports & MDARD Response

The owner or operator of an approved laboratory would have to report all positive results of EIA to MDARD as soon as practicable. A negative test would have to be reported within 10 business days after the test results were completed. A person who violated this requirement would be responsible for a civil violation and could be fined up to \$100.

These provisions would not prohibit an owner of equidae or organization sponsoring an event involving equidae from requiring an official EIA test for equidae that were involved in any equidae group activity or were commingling with or in proximity to other equidae.

At its own expense, MDARD would have to test all equidae located within a one-quarter mile radius of the perimeter of the area in which an EIA test-positive equine was or had been contained. If the MDARD Director determined that a large number of equidae were EIA test-positive, he or she could require testing of all equidae within a larger area.

The Director would have to quarantine equidae that tested positive to an official EIA test and their herd of origin. With the Director's approval, equidae that tested positive could be moved or quarantined to premises that confined them at least a quarter-mile away from any other equine. Equidae that tested positive also could be segregated and quarantined in an insect-free enclosure, with the Director's approval.

The owner or agent of an equine herd that was the source of an EIA test-positive equine would have to allow the Director to test, in accordance with a schedule specified in the bill, the complete source herd with an official EIA test after test-positive equidae had been removed or segregated from the herd in a manner approved by the Director.

The owner of an EIA test-positive equine would have to give MDARD records, reflecting the time period during which the animal both had been on the premises and had been a member of the equine herd. The records would have to be supplied within 30 days after positive test results were reported to the owner, or at a different time period agreed to by the Director.

The Director could conduct epidemiological investigations on all equidae that had possible exposure to official EIA test-positive equidae, to determine the need for additional quarantining and testing.

Destruction/Removal/Identification of EIA Test-Positive Equidae

The bill would prohibit a person from removing official EIA test-positive equidae from the original test location or premises, without prior permission from the MDARD Director. The owner could not destroy the animals without permission from the Director. The Director would have to issue a quarantine release and be present when an equine was destroyed, or an accredited veterinarian could document and certify that the animal had been destroyed.

Unless immediately destroyed, official EIA test-positive equidae would have to be identified by the Director with the freeze brand "34A" or be identified in another manner approved by the Director.

Movement of EIA Test-Positive & Exposed Equidae

Test-positive or exposed equidae could 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 number, or other unique official identification. The permit also would have to list the equine's name, age, sex, breed, color, and markings.

Test-positive equidae could move interstate under permit only to the following locations:

- A federally inspected slaughter facility.
- A federally approved diagnostic or research facility.
- A herd or farm of origin.

The individual issuing the permit would have to consult with the State animal health official in the state of destination for approval and would have to determine that the EIA test-positive equine to be moved interstate would be maintained in isolation sufficient to prevent the transmission of EIA to other equidae. The test-positive equine would have to remain quarantined under state authority at the location to which it was moved until natural death, slaughter, or euthanasia. The carcass would have to be disposed of as provided under Michigan law.

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

Voluntary ID Card Program

The Department could establish a voluntary program regarding an equidae ID card system, funded by a reasonable fee charged to the participants. The program would have to include at least the following:

- A pocket-size card made of durable material.
- 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.
- An indication of a negative result of an official EIA test, along with the date of the test.

FISCAL IMPACT

The bill would require no additional costs for the Department of Agriculture and Rural Development. The duties and responsibilities outlined in the bill are essentially the same as those the Department has performed since 2001, when initial legislation requiring a system of EIA testing and monitoring began under Public Act 33 of 2001. While this Act was subject to sunset as of January 1, 2011, the Department reports that it has continued to provide resources to meet the requirements of the legislation, and would continue to provide necessary resources to meet very similar requirements proposed under House Bill 4567.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.