

HOUSE BILL No. 4567

April 21, 2011, Introduced by Reps. Somerville, Denby, Muxlow and Daley and referred to the Committee on Agriculture.

A bill to amend 1988 PA 466, entitled
"Animal industry act,"
(MCL 287.701 to 287.746) by adding section 26a.

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) "CHANGE OF OWNERSHIP AND LOCATION" MEANS A TRANSFER OF
OWNERSHIP OF EQUIDAE FROM 1 PERSON TO ANOTHER PERSON THROUGH
SELLING, BARTERING, TRADING, LEASING, OR DONATING THE EQUINE ALONG
WITH A CHANGE OF LOCATION OF THE EQUIDAE.

1 (C) "EQUINE HERD" MEANS ANY OF THE FOLLOWING:

2 (i) ALL ANIMALS OF THE FAMILY EQUIDAE UNDER COMMON OWNERSHIP OR
3 SUPERVISION THAT ARE GROUPED ON 1 OR MORE PARTS OF ANY SINGLE
4 PREMISES, LOT, FARM, OR RANCH.

5 (ii) ALL ANIMALS OF THE FAMILY EQUIDAE UNDER COMMON OWNERSHIP
6 OR SUPERVISION ON 2 OR MORE PREMISES THAT ARE GEOGRAPHICALLY
7 SEPARATED BUT IN WHICH EITHER OR BOTH OF THE FOLLOWING HAVE
8 OCCURRED:

9 (A) THE EQUIDAE HAVE BEEN INTERCHANGED.

10 (B) EQUIDAE FROM 1 OF THE PREMISES HAVE HAD CONTACT WITH
11 EQUIDAE FROM A DIFFERENT PREMISES.

12 (iii) ALL ANIMALS OF THE FAMILY EQUIDAE ON COMMON PREMISES, SUCH
13 AS COMMUNITY PASTURES OR GRAZING ASSOCIATION UNITS, BUT OWNED BY
14 DIFFERENT PERSONS.

15 (D) "EQUINE INFECTIOUS ANEMIA" MEANS AN INFECTIOUS DISEASE OF
16 EQUIDAE CAUSED BY A LENTIVIRUS, EQUINE INFECTIOUS ANEMIA VIRUS.

17 (E) "EQUINE INFECTIOUS ANEMIA LABORATORY TEST FORM" MEANS THE
18 OFFICIAL FEDERAL GOVERNMENT FORM, VETERINARY SERVICES FORM 10-11,
19 REQUIRED TO SUBMIT BLOOD SAMPLES TO AN APPROVED LABORATORY FOR
20 EQUINE INFECTIOUS ANEMIA TESTING OR OTHER FORM APPROVED BY THE
21 DIRECTOR.

22 (F) "EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE" MEANS ANY
23 ANIMAL OF THE FAMILY EQUIDAE THAT HAS BEEN SUBJECTED TO AN OFFICIAL
24 EQUINE INFECTIOUS ANEMIA TEST WHOSE RESULT IS POSITIVE FOR EQUINE
25 INFECTIOUS ANEMIA.

26 (G) "EXPOSED EQUINE" OR "EXPOSED EQUIDAE" MEANS ANIMALS IN THE
27 FAMILY EQUIDAE THAT HAVE BEEN EXPOSED TO EQUINE INFECTIOUS ANEMIA

1 BY ASSOCIATING WITH EQUIDAE KNOWN OR LATER FOUND TO BE AFFECTED
2 WITH EQUINE INFECTIOUS ANEMIA.

3 (H) "OFFICIAL EQUINE INFECTIOUS ANEMIA TEST" MEANS ANY TEST
4 FOR THE LABORATORY DIAGNOSIS OF EQUINE INFECTIOUS ANEMIA THAT
5 UTILIZES A DIAGNOSTIC PRODUCT THAT IS BOTH OF THE FOLLOWING:

6 (i) PRODUCED UNDER LICENSE FROM THE SECRETARY OF AGRICULTURE OF
7 THE UNITED STATES DEPARTMENT OF AGRICULTURE OR THE SECRETARY'S
8 AUTHORIZED REPRESENTATIVE, UNDER THE VIRUS-SERUM-TOXIN ACT, 21 USC
9 151 TO 159.

10 (ii) CONDUCTED IN AN APPROVED LABORATORY.

11 (I) "PERMIT" MEANS AN OFFICIAL DOCUMENT, VS FORM 1-27 OR
12 COMPARABLE STATE FORM, THAT IS ISSUED BY A STATE OR FEDERAL
13 REPRESENTATIVE OR BY AN ACCREDITED VETERINARIAN, REQUIRED TO
14 ACCOMPANY ALL EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUIDAE AND
15 THOSE EXPOSED EQUIDAE THAT ARE BEING MOVED UNDER OFFICIAL SEAL
16 DURING THEIR MOVEMENT TO THE SPECIFIED DESTINATION.

17 (J) "RESTRICTED EQUIDAE" MEANS EQUINE INFECTIOUS ANEMIA TEST-
18 POSITIVE EQUIDAE OR EXPOSED EQUIDAE.

19 (2) A PERSON SHALL NOT MOVE EQUIDAE INTO THIS STATE FROM
20 ANOTHER STATE UNLESS THE EQUIDAE HAVE HAD AN OFFICIAL EQUINE
21 INFECTIOUS ANEMIA TEST WITH A NEGATIVE RESULT WITHIN THE PREVIOUS
22 12 MONTHS OF ENTRY. IN ADDITION, THE PERSON IN CONTROL OF THE
23 EQUIDAE SHALL BE IN POSSESSION OF AN OFFICIAL INTERSTATE HEALTH
24 CERTIFICATE OR INTERSTATE CERTIFICATE OF VETERINARY INSPECTION
25 DOCUMENTING THE DATE, LABORATORY, ACCESSION NUMBER, AND RESULTS OF
26 THE LATEST EQUINE INFECTIOUS ANEMIA TEST, SIGNED BY AN ACCREDITED
27 VETERINARIAN. THE TESTING REQUIREMENT OF THIS SUBSECTION DOES NOT

1 APPLY TO EQUIDAE THAT ARE BOTH 6 MONTHS OR YOUNGER AND NURSING.

2 (3) A PERSON SHALL NOT ENTER EQUIDAE IN EXHIBITIONS,
3 EXPOSITIONS, OR FAIRS UNLESS THE EQUIDAE HAVE HAD AN OFFICIAL
4 EQUINE INFECTIOUS ANEMIA TEST WITH A NEGATIVE RESULT WITHIN THE
5 PREVIOUS 12 MONTHS THAT IS DOCUMENTED ON THE EQUINE INFECTIOUS
6 ANEMIA LABORATORY TEST FORM. A FAIR, EXHIBITION, EXPOSITION, OR
7 SHOW AUTHORITY IS RESPONSIBLE FOR ASSURING THAT ALL PARTICIPATING
8 EQUIDAE ARE TEST-NEGATIVE FOR EQUINE INFECTIOUS ANEMIA. THE TESTING
9 REQUIREMENT OF THIS SUBSECTION DOES NOT APPLY TO EQUIDAE THAT ARE
10 BOTH 6 MONTHS OR YOUNGER AND NURSING.

11 (4) A PERSON SHALL NOT CHANGE THE OWNERSHIP AND LOCATION OF
12 EQUIDAE WITHIN THE STATE, UNLESS THE EQUIDAE HAVE HAD AN OFFICIAL
13 EQUINE INFECTIOUS ANEMIA TEST WITH A NEGATIVE RESULT WITHIN THE
14 PREVIOUS 12 MONTHS. ALL CHANGE OF OWNERSHIP AND LOCATION
15 TRANSACTIONS SHALL BE ACCOMPANIED BY A CERTIFICATE SIGNED BY AN
16 ACCREDITED VETERINARIAN DOCUMENTING THE DATE, LABORATORY, ACCESSION
17 NUMBER, AND RESULTS OF THE LATEST EQUINE INFECTIOUS ANEMIA TEST OR
18 BY AN EQUINE INFECTIOUS ANEMIA LABORATORY TEST FORM. THE TESTING
19 REQUIREMENT OF THIS SUBSECTION DOES NOT APPLY TO EQUIDAE THAT ARE
20 BOTH 6 MONTHS OR YOUNGER AND NURSING.

21 (5) ALL EQUIDAE ENTERING, REMAINING AT, OR ON THE PREMISES OF
22 HORSE AUCTIONS OR SALES MARKETS WHETHER OR NOT LICENSED UNDER 1974
23 PA 93, MCL 287.111 TO 287.119, AND 1937 PA 284, MCL 287.121 TO
24 287.131, MUST HAVE AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST WITH A
25 NEGATIVE RESULT WITHIN THE PREVIOUS 12 MONTHS OF SALE. IF AN EQUINE
26 INFECTIOUS ANEMIA TEST IS NOT POSSIBLE BEFORE EACH SALE, THEN THE
27 EQUIDAE MUST BE HELD ON THE SALE PREMISES UNTIL THE TEST RESULTS

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1 ARE KNOWN. THE TESTING REQUIREMENT OF THIS SUBSECTION DOES NOT
2 APPLY TO EQUIDAE THAT ARE BOTH 6 MONTHS OR YOUNGER AND NURSING.

3 (6) THE OWNER OR OPERATOR OF AN APPROVED LABORATORY SHALL
4 REPORT ALL POSITIVE RESULTS OF EQUINE INFECTIOUS ANEMIA TO THE
5 DEPARTMENT. A POSITIVE EQUINE INFECTIOUS ANEMIA TEST RESULT SHALL
6 BE REPORTED AS SOON AS PRACTICABLE AND A NEGATIVE TEST SHALL BE
7 REPORTED WITHIN 10 BUSINESS DAYS AFTER THE TEST RESULTS ARE
8 COMPLETED. THIS SECTION DOES NOT PROHIBIT AN OWNER OF EQUIDAE OR
9 ORGANIZATION SPONSORING AN EVENT INVOLVING EQUIDAE FROM REQUIRING
10 AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST FOR EQUIDAE INVOLVED IN
11 ANY EQUIDAE GROUP ACTIVITY OR THAT ARE COMMINGLING WITH OR IN
12 PROXIMITY TO OTHER EQUIDAE. NOTWITHSTANDING SECTION 44(1) AND (2),
13 A PERSON WHO VIOLATES THIS SUBSECTION IS RESPONSIBLE FOR A CIVIL
14 VIOLATION AND MAY BE FINED NOT MORE THAN \$100.00.

15 (7) THE DEPARTMENT SHALL TEST ALL EQUIDAE LOCATED WITHIN A
16 1/4-MILE RADIUS OF THE PERIMETER OF THE AREA IN WHICH THE EQUINE
17 INFECTIOUS ANEMIA TEST-POSITIVE EQUINE IS OR HAS BEEN CONTAINED AT
18 THE EXPENSE OF THE DEPARTMENT. IF THE DIRECTOR DETERMINES THAT A
19 LARGE NUMBER OF EQUIDAE ARE EQUINE INFECTIOUS ANEMIA TEST-POSITIVE,
20 THE DIRECTOR MAY REQUIRE TESTING OF ALL EQUIDAE WITHIN AN AREA
21 LARGER THAN THE 1/4-MILE RADIUS DESCRIBED IN THIS SUBSECTION
<<AT THE EXPENSE OF THE DEPARTMENT>>.

22 (8) THE DIRECTOR SHALL QUARANTINE EQUIDAE THAT TEST POSITIVE
23 TO AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST AND THEIR HERD OF
24 ORIGIN. EQUIDAE THAT TEST POSITIVE TO AN OFFICIAL EQUINE INFECTIOUS
25 ANEMIA TEST MAY, WITH APPROVAL FROM THE DIRECTOR, BE MOVED OR
26 QUARANTINED TO A PREMISES THAT CONFINES THEM A MINIMUM OF 1 QUARTER
27 MILE AWAY FROM ANY OTHER EQUINE. EQUIDAE THAT TEST POSITIVE TO AN

1 OFFICIAL EQUINE INFECTIOUS ANEMIA TEST MAY, WITH APPROVAL FROM THE
2 DIRECTOR, BE SEGREGATED AND QUARANTINED IN AN INSECT-FREE ENCLOSURE
3 AS DETERMINED BY THE DIRECTOR.

4 (9) THE OWNER OR AGENT OF AN EQUINE HERD THAT IS THE SOURCE OF
5 AN EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE SHALL ALLOW THE
6 DIRECTOR TO TEST, IN ACCORDANCE WITH THE FOLLOWING SCHEDULE, THE
7 COMPLETE SOURCE HERD WITH AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST
8 AFTER THE OFFICIAL EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUIDAE
9 HAVE BEEN REMOVED OR SEGREGATED FROM THE HERD IN A MANNER APPROVED
10 BY THE DIRECTOR:

11 (A) BETWEEN NOVEMBER 1 AND APRIL 30, A SOURCE HERD MAY BE
12 TESTED AT ANY TIME AND QUALIFY FOR QUARANTINE RELEASE IF ALL TESTED
13 EQUIDAE ARE NEGATIVE TO AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST.

14 (B) BETWEEN MAY 1 AND OCTOBER 31, A SOURCE HERD MAY BE TESTED
15 AFTER WAITING A MINIMUM OF 45 DAYS AFTER THE OFFICIAL EQUINE
16 INFECTIOUS ANEMIA TEST-POSITIVE EQUIDAE HAVE BEEN REMOVED OR
17 SEGREGATED FROM THE HERD. IF ALL EQUIDAE TESTED ARE NEGATIVE TO THE
18 OFFICIAL EQUINE INFECTIOUS ANEMIA TEST, THE QUARANTINE MAY BE
19 RELEASED.

20 (10) THE OWNER OF AN EQUINE INFECTIOUS ANEMIA TEST-POSITIVE
21 EQUINE SHALL PROVIDE TO THE DEPARTMENT RECORDS, REFLECTING THE TIME
22 PERIOD DURING WHICH THE EQUINE INFECTIOUS ANEMIA TEST-POSITIVE
23 EQUINE BOTH HAD BEEN ON THE PREMISES AND HAD BEEN A MEMBER OF THE
24 EQUINE HERD, THAT INCLUDE AT LEAST THE FOLLOWING INFORMATION:

25 (A) THE NAME AND ADDRESS OF THE PREVIOUS OWNER.

26 (B) TO THE BEST OF THE OWNER'S KNOWLEDGE, THE LOCATION OF
27 OTHER EQUIDAE THAT WERE POTENTIALLY EXPOSED TO THE EQUINE

1 INFECTIOUS ANEMIA TEST-POSITIVE EQUINE.

2 (11) WITHIN 30 DAYS AFTER POSITIVE TEST RESULTS ARE REPORTED
3 TO AN OWNER OF AN EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE OR
4 AT A DIFFERENT TIME PERIOD AGREED TO BY THE DIRECTOR, THE OWNER OF
5 AN EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE SHALL PROVIDE TO
6 THE DEPARTMENT THE RECORDS DESCRIBED IN SUBSECTION (10).

7 (12) THE DIRECTOR MAY CONDUCT EPIDEMIOLOGICAL INVESTIGATIONS
8 ON ALL EQUIDAE THAT HAVE POSSIBLE EXPOSURE TO OFFICIAL EQUINE
9 INFECTIOUS ANEMIA TEST-POSITIVE EQUIDAE TO DETERMINE THE NEED FOR
10 ADDITIONAL QUARANTINING AND OFFICIAL EQUINE INFECTIOUS ANEMIA
11 TESTING.

12 (13) A PERSON SHALL NOT DESTROY OR REMOVE OFFICIAL EQUINE
13 INFECTIOUS ANEMIA TEST-POSITIVE EQUIDAE FROM THE ORIGINAL TEST
14 LOCATION OR PREMISES WITHOUT PRIOR PERMISSION FROM THE DIRECTOR.

15 (14) THE OWNER SHALL NOT DESTROY THE OFFICIAL EQUINE
16 INFECTIOUS ANEMIA TEST-POSITIVE EQUINE WITHOUT PERMISSION FROM THE
17 DIRECTOR. THE DIRECTOR SHALL ISSUE A QUARANTINE RELEASE AND BE
18 PRESENT WHEN THE EQUINE IS DESTROYED OR AN ACCREDITED VETERINARIAN
19 MAY DOCUMENT AND CERTIFY THAT THE OFFICIAL EQUINE INFECTIOUS ANEMIA
20 TEST-POSITIVE EQUINE HAS BEEN DESTROYED.

21 (15) UNLESS IMMEDIATELY DESTROYED, OFFICIAL EQUINE INFECTIOUS
22 ANEMIA TEST-POSITIVE EQUIDAE SHALL BE IDENTIFIED BY THE DIRECTOR
23 WITH THE FREEZE BRAND 34A, WHICH SHALL BE IN CHARACTERS NOT LESS
24 THAN 2 INCHES IN HEIGHT AND PLACED ON THE LEFT CERVICAL AREA OF THE
25 NECK OR SHALL BE IDENTIFIED IN ANOTHER MANNER APPROVED BY THE
26 DIRECTOR.

27 (16) RESTRICTED EQUIDAE MAY MOVE INTERSTATE ONLY IF

1 ACCOMPANIED BY A PERMIT LISTING THE OWNER'S NAME AND ADDRESS,
2 POINTS OF ORIGIN AND DESTINATION, NUMBER OF EQUIDAE INCLUDED,
3 PURPOSE OF THE MOVEMENT, AND AT LEAST EITHER THE INDIVIDUAL EQUINE
4 REGISTERED BREED ASSOCIATION REGISTRATION TATTOO OR THE INDIVIDUAL
5 EQUINE REGISTERED BREED ASSOCIATION REGISTRATION NUMBER, OR OTHER
6 UNIQUE OFFICIAL IDENTIFICATION. THE PERMIT SHALL ALSO LIST THE
7 EQUINE'S NAME, AGE, SEX, BREED, COLOR, AND MARKINGS.

8 (17) EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUIDAE MAY ONLY
9 MOVE INTERSTATE UNDER PERMIT TO THE FOLLOWING LOCATIONS:

10 (A) A FEDERALLY INSPECTED SLAUGHTER FACILITY.

11 (B) A FEDERALLY APPROVED DIAGNOSTIC OR RESEARCH FACILITY.

12 (C) A HERD OR FARM OF ORIGIN.

13 (18) THE INDIVIDUAL ISSUING THE PERMIT SHALL CONSULT WITH THE
14 STATE ANIMAL HEALTH OFFICIAL IN THE STATE OF DESTINATION FOR
15 APPROVAL AND SHALL DETERMINE THAT THE EQUINE INFECTIOUS ANEMIA
16 TEST-POSITIVE EQUINE TO BE MOVED INTERSTATE WILL BE MAINTAINED IN
17 ISOLATION SUFFICIENT TO PREVENT THE TRANSMISSION OF EQUINE
18 INFECTIOUS ANEMIA TO OTHER EQUIDAE. THE EQUINE INFECTIOUS ANEMIA
19 TEST-POSITIVE EQUINE SHALL REMAIN QUARANTINED UNDER STATE AUTHORITY
20 AT THE LOCATIONS DESCRIBED IN SUBSECTION (17) UNTIL NATURAL DEATH,
21 SLAUGHTER, OR EUTHANASIA. THE CARCASS SHALL BE DISPOSED OF AS
22 PROVIDED IN 1982 PA 239, MCL 287.651 TO 287.683.

23 (19) INDIVIDUAL EXPOSED EQUIDAE MAY BE ALLOWED TO MOVE FROM A
24 QUARANTINED AREA FOR SPECIFIC PURPOSES IF THEY HAVE A NEGATIVE TEST
25 AT THE TIME OF MOVEMENT. THE EQUIDAE SHALL BE MOVED UNDER
26 QUARANTINE AND MAINTAINED UNDER QUARANTINE AT THE NEW PREMISES
27 UNTIL TESTED NEGATIVE TO AN OFFICIAL EQUINE INFECTIOUS ANEMIA TEST

1 AT LEAST 45 DAYS AFTER THE LAST KNOWN EXPOSURE TO AN EQUINE
2 INFECTIOUS ANEMIA TEST-POSITIVE EQUINE.

3 (20) THE DEPARTMENT MAY ESTABLISH A VOLUNTARY PROGRAM
4 REGARDING AN EQUIDAE IDENTIFICATION CARD SYSTEM, FUNDED BY A
5 REASONABLE FEE CHARGED TO THE PARTICIPANTS, THAT INCLUDES AT LEAST
6 THE FOLLOWING:

7 (A) A POCKET-SIZE CARD MADE OF DURABLE MATERIAL.

8 (B) A PHOTOGRAPHIC OR GRAPHIC LIKENESS OF THE EQUINE AND A
9 DESCRIPTION OF AT LEAST THE COLOR, BREED, SEX, AGE, MARKINGS, NAME
10 OF OWNER, AND LOCATION OR ADDRESS OF THE EQUINE.

11 (C) AN INDICATION OF A NEGATIVE RESULT FOR AN OFFICIAL EQUINE
12 INFECTIOUS ANEMIA TEST, ALONG WITH THE DATE OF THE TEST.

13 (21) ANY INFORMATION THAT IDENTIFIES THE OWNER OF AN EQUINE
14 THAT IS GATHERED BY THE DEPARTMENT UNDER THIS SECTION IS EXEMPT
15 FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
16 MCL 15.231 TO 15.246.