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## AMEND ANIMAL INDUSTRY ACT

House Bill 5049 (Substitute H-1)  
First Analysis (10-12-93)

Sponsor: Rep. Carl F. Gnottke  
Committee: Agriculture and Forestry

### ***THE APPARENT PROBLEM:***

The Animal Industry Act (Public Act 466 of 1988) is the major state law governing domestic food animal health. In consultation with the Michigan Farm Bureau, Michigan State University, the Michigan Veterinary Medical Association, the United States Department of Agriculture, and various livestock associations and individual livestock producers, the Department of Agriculture has proposed legislation that would update the act and make the importation of cattle into the state and the movement of cattle within the state less burdensome to the industry.

### ***THE CONTENT OF THE BILL:***

The bill would amend the Animal Industry Act (Public Act 466 of 1988) to eliminate existing (a) bluetongue testing requirements for imported cattle, sheep, and goats and (b) brucellosis testing and vaccination requirements for cattle, both those imported into Michigan and those moved inside the state. The bill also would recognize other brucellosis-free states, establish tuberculosis and brucellosis requirements for "captive cervidae," and revise and clarify certain of the act's provisions regarding indemnification, veterinary biologicals, and fairs and exhibitions.

Importation of animals in general. Currently, the act prohibits the importation of any species of animals quarantined by the director because the species "is likely to spread serious disease or parasites, or to otherwise endanger native wildlife, human life, livestock, domestic animals, or property." The bill would change this provision to prohibit the importation of any species which, in the director's view, had the potential to (1) spread serious diseases or parasites, (2) cause serious physical harm, or (3) otherwise endanger native wildlife, human life, livestock, domestic animals, or property.

Importation of livestock. The act currently defines "livestock" to include cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. The bill would revise the definition to include "captive cervidae" (i.e. farm-raised deer and elk), "ratites" (large, flightless birds, such as cassowaries, kiwis, ostriches, emus, and rheas), "aquaculture" (basically, farm-raised fish, mollusks, reptiles, and amphibians), and "new world camelids" (such as llamas, alpacas, vicunas, and guanacos).

Currently, livestock imported into the state must be accompanied by one of four documents: (1) an official interstate health certificate, (2) an official interstate certificate of veterinary inspection, (3) permission from the director of the MDA, or (4) if the livestock is consigned directly to slaughter or to a specifically approved stockyard for receiving brucellosis-free cattle and bison, an owner-shipper statement or sales invoice. The director may require a prior entry permit of certain classifications of livestock, and, if so, the person importing or transporting the livestock is responsible for obtaining the prior entry permit. Livestock cannot be sent to premises other than the destination site named on the accompanying official document (interstate health certificate, etc.), and the director of the MDA can refuse entry into the state of any livestock he or she believes may pose a threat to the health of native livestock.

The bill would allow the director of the MDA to refuse entry of livestock that, in his or her opinion, threatened either the health of livestock or the public health. The bill would exempt aquaculture from the existing documentary requirements, and would allow, in addition to the documents already listed, a form for participants in the National Poultry Improvement Plan (VS form 9-3) and, with prior approval of the director, a "permit for

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movement of restricted animals" (VS form 1-27). (Livestock imported for exhibition would have to be accompanied by a copy of an official interstate health certificate or an official interstate certificate of veterinary inspection issued by an accredited veterinarian in the state of origin. In addition, exhibition livestock would have to meet all of the requirements for imported breeding -- as opposed to slaughter -- livestock.) Under the bill, an owner-shipper statement or sales invoice would be required only if the livestock were consigned directly to slaughter, or, for nonnative neutered cattle, were imported directly to a cattle importation lot. The director could continue to require a prior entry permit for certain classifications of livestock, but the bill would say that it was the responsibility of the licensed livestock dealer or "consignee" ("the person within the state of Michigan receiving the animals at the point of destination named on" the accompanying required document) to ensure that the requirements of the official importation document were fulfilled and that a true copy was provided to the director of the MDA upon his or her request.

Currently, if animals are imported without required tests, the director of the MDA may require either that the tests be done or that the animals be returned to the state of origin within ten days. If the director does not receive, within 15 days, proof of the required tests or the return of the animals, he or she can order that a department veterinarian perform the tests at the importer's expense. Under the bill, if animals were imported without the required official tests or without the required accompanying official documents, the director of the department could do any of the following: (a) quarantine the animal, (b) require that the tests or documents be done or obtained at the owner's expense, or (c) require that the animal be returned to its state of origin within ten days after such notification. If the director hadn't received, within 15 days of notification, official test results or proof of shipment of the animal back to its state of origin, he or she could order a state veterinarian to perform the required tests at the owner's or importer's expense.

**Importation of cattle.** Generally, cattle imported into the state are classified in one of four ways: for immediate slaughter, as "feeder" cattle (that is, "steers, spayed heifers, and nongravid [i.e. nonpregnant] heifers under 20 months of age," but not "postparturient heifers," that is, young cows that

have given birth), as dairy cattle, and as "breeding" cattle. Imported dairy or breeding cattle and feeder heifers must have prior entry permits, and feeder heifers must, in addition, be identified in a department-approved manner. Except for feeder cattle that are segregated from native dairy or breeding cattle until slaughtered, all imported cattle must be free of tuberculosis (originate from an accredited tuberculosis-free state or herd or have a negative tuberculosis test within 60 days before importation) and test negative to bluetongue. Imported female cattle over 19 months old and bulls over six months old must test negative for brucellosis or originate directly from a federally-defined certified brucellosis-free herd. Female dairy or breeding cattle over 19 months old and bulls more than six months old are quarantined if they come from states classified brucellosis B and C by the federal government, cannot be sold or moved from where they are quarantined without the director's approval, and must test negative for brucellosis before being released from quarantine. Female cattle over four months old must be officially calf-hood vaccinated against brucellosis and have a visible vaccination tattoo (the letter "V" inside a U.S. registered shield). Anyone importing feeder cattle must notify the director of the MDA, within ten days after importation, of the destination of any feeder cattle dispersed or sold. The notification must include the complete name, address, date, number of head of cattle, and type of feeder cattle (including steers, spayed heifers, and non-pregnant or unbred heifers) involved in each transaction.

The bill would eliminate the requirement that imported cattle be tested for bluetongue, and would specifically prohibit the importation of any cattle either reactive for, or officially classified as suspected of being infected with, brucellosis or tuberculosis. The bill would allow importing female cattle over 19 months old and bulls over six months old without brucellosis testing if they originated directly from states certified as brucellosis-free for at least six years prior to the importation (as well as if they came from certified brucellosis-free herds). Imported female cattle over four months old wouldn't have to be officially vaccinated against brucellosis if they originated directly from a state that had been certified brucellosis-free for six consecutive years before they were imported.

Instead of exempting imported feeder cattle from the tuberculosis and brucellosis testing requirements

if they were kept segregated from native dairy or breeding cattle, the bill would say that "nonnative cattle capable of reproduction" imported into the state would have to be individually uniquely identified in a department-approved manner and, if they didn't meet the requirements for dairy or breeding cattle, would have to be placed in a cattle importation lot. All imported nonnative cattle -- both those who were capable of reproduction and those who were neutered -- would be exempted from the brucellosis and tuberculosis requirements if they were sent directly to slaughter or to a cattle importation lot (whether "directly" or, without commingling with other livestock, through a livestock auction market). Someone importing nonnative cattle -- either neutered or capable of reproduction -- to a livestock auction market would have to notify the director of the MDA within ten days after importation of the destination of any of the cattle dispersed or sold. The notification would have to include the complete name and address of the owner and the specific location of the cattle (if they weren't at the owner's address), the date, the number of head of cattle, the type of cattle involved in each transaction, and, for nonnative cattle capable of reproduction, the unique individual department-approved identification.

Nonnative cattle imported for exhibition wouldn't have to meet any testing or origination requirements if they weren't put in cattle importation lots.

Cattle importation lots. Currently, the act has provisions regulating various kinds of feeding yards and "finishing" facilities. For example, the act defines a "cattle feeding yard" to mean "a yarding facility or collection point where feeder cattle are assembled for redistribution to a feedlot," where a "feedlot" is defined as "premises used only to feed livestock in preparation for slaughter." A "cattle finishing facility" means "a facility approved by the director to be used only for cattle older than 19 months at the time of their entry." A "federally approved stockyard" is a yarding facility or collection point which meets certain federal requirements and where livestock are "assembled for redistribution."

The bill would delete provisions for these facilities and instead allow for "cattle importation lots" and "slaughter facility premises." A "cattle importation lot" would be defined as "premises registered with the department and used only to feed cattle in preparation for slaughter." "Slaughter facility

premises" would refer to "all facilities, buildings, structures, including all immediate grounds where slaughtering occurs under federal or state inspection, or otherwise authorized by the director."

The bill also would require all "non-native" cattle capable of reproduction that did not meet importation requirements to be placed in registered cattle importation lots. (The act defines "native" to mean "born and raised in this state, or legally imported into the state and having completed the quarantine requirements prescribed by the director, and having been maintained in the state for at least 45 days." So "non-native" cattle would include those not born and raised in Michigan or those that were legally imported from out-of-state and that had been in the state for less than 45 days.)

Intrastate movement of cattle. Currently, the act requires the testing and vaccination of dairy and breeding cattle in Michigan before they can be moved to market. The bill would delete the existing provisions regulating the sale, lease, and movement of dairy and breeding cattle within the state, keeping only the requirement that cattle (rather than "dairy or breeding cattle") sold at a livestock auction market be "handled and housed in facilities and pens in a manner approved by the director." The bill also would delete the act's existing provisions regarding the movement to market of female or breeding cattle intended for slaughter, and replace them with a provision that would prohibit animals born in slaughterhouses from being taken out of the facility without permission from the director of the MDA.

Importation of horses, sheep, goats, llamas, and poultry. Currently, "equine" (that is, horses and their relatives, such as mules, ponies, and zebras) imported into the state must test negative to equine infectious anemia. Imported sheep and goats (other than those consigned directly to a slaughterhouse or to an approved livestock market for sale as slaughter animals) must have prior entry permits and must test negative for bluetongue within 30 days before importation. (In addition, sheep must originate from flock free from clinical signs of foot rot, while goats must test negative for brucellosis and tuberculosis or originate from brucellosis-free or tuberculosis-free herds.) Imported llamas and alpacas need prior entry permits, must be individually identified (with an official tattoo or other identification), and test negative for brucellosis. Imported poultry and hatching eggs



must have an official interstate health certificate or official interstate certificate of veterinary inspection and meet all current requirements of the National Poultry Improvement Plan.

Under the bill, all of these animals (and not just poultry), when imported, would have to be accompanied by an official interstate health certificate or certificate of veterinary inspection. Sheep and goats no longer would have to be tested for bluetongue; references to llamas and alpacas would be replaced with "new world camelids"; and poultry (and poultry hatching eggs) could be accompanied by a "report of sales of hatching eggs, chicks, and poults" (VS form 9-3) for participants in the National Poultry Improvement Plan in place of an official interstate health certificate or official interstate certificate of veterinary inspection.

"Captive cervidae." The bill would establish brucellosis and tuberculosis requirements for "captive cervidae," that is, captive deer and deerlike animals. It would prohibit the importation of captive cervidae (deer and deerlike animals) without a prior entry permit from the director of the MDA and an official interstate health certificate or certificate of veterinary medicine. Imported captive cervidae also would have to be individually identified by an official identification (which itself would have to be listed on the official interstate health certificate or certificate of veterinary inspection) and, if they were six months old or older, would have to test negative for brucellosis (within 30 days before importation) and meet federal requirements regarding interstate tuberculosis testing. Captive cervidae who did not test negative for tuberculosis or brucellosis, or who were known to be exposed to or affected with either of these diseases, couldn't be imported without the permission of the director of the MDA. Imported captive cervidae consigned directly to a state or federally inspected slaughter facility would be exempted from all of these requirements except that of official identification.

Captive cervidae (six months old or older) being moved within the state would have to be accompanied by a copy of the current official test for tuberculosis or written permission from the director. In addition, the animals would have to meet one of the following requirements:

\* Animals that came directly from an accredited, qualified, or monitored herd (as defined in federal regulations) could be moved within the state without

further tuberculosis testing if they were accompanied by a certificate signed by an accredited veterinarian or the director stating that they had come directly from such a herd;

\* Animals from all other herds not known to be affected with or exposed to tuberculosis could be moved within the state if they were accompanied by a properly signed certificate saying that they had tested negative for tuberculosis within 90 days before they were moved.

Captive cervidae known to be affected by or exposed to tuberculosis or who had tested other than negative to a tuberculosis test could not be moved in the state without the director's permission.

Importation of wild and exotic animals. Currently, the act requires that wild animals not otherwise regulated by the state or federal governments have a prior entrance permit before being imported. In addition, the director may have the imported wild animal examined to determine its health status, to test negative (before entering the state) to specific official tests, and to be identified in an approved manner.

The bill would redefine "wild animal," define "exotic animal," and require prior entry permits for all wild animals or exotic animals not already regulated by the federal government or by the state of Michigan. The director could continue to require that otherwise unregulated wild or exotic animals, before they were imported, be physically examined ("by an accredited veterinarian"), have negative test results to specific official tests, and be identified in an approved manner.

The bill would redefine "wild animal" (which now means "those animals that are not traditionally domestic to North America or any cross of those animals not traditionally domestic to North America") to mean "any nondomesticated animal or any cross of a nondomesticated animal." (The bill also would redefine "domestic animal" to mean "those species of animals indigenous to North America which have lived under the husbandry of humans." Currently, a "domestic animal" refers to "those species of animals indigenous to North America which have traditionally lived under the dominion and control of man.") An "exotic animal" would mean "those animals that are not domestic or any cross of those animals not domestic to North America."

**Exhibitions.** The bill would make a number of changes to the act regarding fairs and exhibitions, including redefining "fair" (basically to refer to agricultural commodities and manufactured products) and defining "exhibition or exposition" (basically to refer to presenting livestock for show or competition). The bill also would make exhibitors responsible for ensuring that all testing, identification, and documentary requirements were met before animals were imported into the state and that proof that these requirements had been met was given to the director of the MDA, the fair, exposition, or show authority upon request. Currently, swine to be exhibited must have certain kinds of proof that they come from pseudorabies-free herds or have tested negative for pseudorabies within 45 days before exhibition. The bill would also allow proof that the swine came from department-recognized "low prevalence" pseudorabies areas. Currently, the act also requires that, upon request, anyone exhibiting swine present for inspection certain required reports; the bill would instead require that, upon request, anyone exhibiting livestock (not just swine) present for inspection all required accompanying reports, test charts, and appropriate health certificates. Finally, instead of requiring that exhibition buildings or yarding facilities be cleaned and disinfected at least seven days before livestock are admitted, the bill would say simply that the buildings or facilities would have to be cleaned and disinfected "with a USDA-approved disinfectant used in accordance with label instructions" before livestock was admitted.

**Indemnification.** The bill would prohibit indemnification of livestock imported into the state without meeting the import requirements (such as required testing and vaccination and official interstate health certificate or certificate of veterinary inspection). The bill also would reduce the amount of indemnification paid per animal by "any monetary value obtained to encourage disposal of infected or exposed livestock in accordance with a disease control or eradication program." (Indemnification currently is based on 75 percent of an animal's grade status fair market value, up to \$1,000,000, less any compensation received from any other source, including, but not limited to, indemnification by the federal government, insurance, or salvage value.)

**Veterinary biologicals.** Currently, the act prohibits the distribution of veterinary biologicals in the state

unless permission is obtained from the director and any of his or her stipulations are met. Importation of veterinary biologicals may not be imported into the state without the director's permission. Veterinary biologicals can be administered only by -- or under the supervision of -- licensed veterinarians, unless the veterinary biological is used in compliance with the Public Health Code (which exempts certain acts from the practice of veterinary medicine, such as owners administering to their own livestock, research, federal veterinarians, and routine vaccination and testing of poultry under the National Poultry Improvement Plan). The director of the MDA may restrict the sale of specific veterinary biologicals to licensed or accredited veterinarians or to a distributor who limits the sale of that veterinary biological to such veterinarians. Finally, the director can require that the use of a veterinary biological or diagnostic test be reported to the department within five days of its use (and the director can decide what information is required in the report).

The bill would redefine "veterinary biological," which currently 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." The bill would redefine "veterinary biological" to mean "all viruses, serums, toxins, and analogous products of natural or synthetic origin, or products prepared from any type of genetic engineering, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms, and the antigenic or immunizing components of microorganisms intended for use in the diagnosis, treatment, or prevention of diseases in animals." The bill also would prohibit companies, manufacturers, firms, mail or telephone order companies, establishments, outlets, or mobile distributors in other states from exporting veterinary biologicals for distribution or sale in Michigan without prior permission from the director of the MDA and without meeting any stipulations set forth in federal regulations. Companies or manufacturers making veterinary biologicals in Michigan also couldn't distribute or sell them without permission from the director and without meeting any stipulations set out in federal regulations. Existing provisions regarding the director's restricting the sale of specific veterinary biologicals would be deleted, and instead the bill would require the director to "pursue" restrictions on the distribution and use of veterinary biologicals when he or she

decided that such restrictions were necessary to protect domestic animals or the public health, interest, or safety (as set forth in federal regulations). Veterinary biologicals that were required by law (as set forth in federal regulations) to be administered by (or on the order of or under the supervision of) veterinarians would be distributed only to veterinarians, distributors that distributed only to veterinarians, or to pharmacies or other appropriate retail outlets that sold veterinary biologicals only on the prescription or order of veterinarians. Finally, the bill would say that the director could require anyone who sold, used, distributed, or administered veterinary biologicals or diagnostic tests to report the sale, use, distribution, or administration within five working days to the department (and would continue to allow the director of the department to decide what the report should include).

**Other provisions.** The bill would explicitly regulate, for the first time, "companion pigs" (such as Vietnamese potbellied pigs) by redefining "swine" and "breeding swine." It would define "swine" to mean "any of the ungulate mammals of the family suidae," and define "breeding swine" to mean not only "swine intended for use as breed stock," but also "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."

**Repealer.** The bill would repeal two sections of the Animal Industry Act: Section 21, which sets requirements for the exhibition of out-of-state livestock, and section 34, which restricts the movement of feeder cattle under certain circumstances.

MCL 287.703 et al.

### **BACKGROUND INFORMATION:**

The Animal Industry Act has been amended once since it took effect, by Public Act 40 of 1990 (enrolled Senate Bill 687).

### **FISCAL IMPLICATIONS:**

Fiscal information is not available. (10-12-93)

### **ARGUMENTS:**

#### **For:**

As the major animal health statute, the Animal Industry Act needs to be kept updated and accurate, and the proposed changes to the act would do just that. The bill would update the act, making it less burdensome, in particular, for producers to move cattle into and around the state without compromising public health or the health of the cattle or other livestock. Currently, before cattle, sheep, or goats can be imported into the state they must be tested for certain diseases -- bluetongue, brucellosis, and tuberculosis, in particular -- and before cattle can be moved around within the state they also must be tested for these diseases. The bill would change this existing testing and vaccination system from a focus on eradication to a system that focused on surveillance, and would recognize other brucellosis-free states. The bill also would eliminate the existing requirement that cattle, sheep, and goats be tested for a disease known as "bluetongue," since reportedly there have been no observable clinical cases of the disease in the state for some time now. Finally, the bill would recognize the growing importance of livestock industries involving the breeding, rearing, and importing of captive deer (and deerlike animals), of large, flightless land birds (such as ostriches), of new world camelids (such as llamas and alpacas), and of fish, mollusks, reptiles, and amphibians.

### **POSITIONS:**

The Department of Agriculture supports the bill. (10-6-93)

The Michigan Cattleman's Association supports the bill. (10-6-93)

The Michigan Farm Bureau supports the bill. (10-6-93)

The Michigan Horse Council supports the bill. (10-6-93)