

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 350

A bill to amend 1988 PA 466, entitled
"Animal industry act,"
by amending section 26a (MCL 287.726a), as added by 2000 PA 323;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 26a. (1) As used in this section:

2 ~~(a) "Agar gel immunodiffusion test (AGID)" means an offi-~~
3 ~~cial laboratory test for diagnosis of equine infectious anemia in~~
4 ~~which precipitates are formed by combination of equine infectious~~
5 ~~anemia antigens and antibodies that diffuse through gel and is~~
6 ~~also known as the Coggins test.~~

7 (A) ~~(b)~~ "Approved laboratory" means a state, federal, or
8 private veterinary diagnostic laboratory approved by the United
9 States department of agriculture, animal and plant health

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1 inspection service, veterinary services to conduct approved
2 official laboratory tests for equine infectious anemia.

3 (B) ~~(c)~~ "Calendar year" means the current ~~12-month~~
4 13-MONTH period commencing with ~~January~~ DECEMBER 1 and ending
5 December 31 OF THE FOLLOWING YEAR.

6 (C) ~~(d)~~ "Change of ownership AND LOCATION" means a trans-
7 fer of ownership of ~~equines~~ EQUIDAE from 1 person to another
8 person either through selling, bartering, trading, leasing, or
9 donating the equine ALONG WITH A CHANGE OF LOCATION OF THE
10 EQUIDAE.

11 (D) ~~(e)~~ "Equine herd" means any of the following:

12 (i) All animals of the family equidae under common ownership
13 or supervision that are grouped on 1 or more parts of any single
14 premises, lot, farm, or ranch.

15 (ii) All animals of the family equidae under common owner-
16 ship or supervision on 2 or more premises that are geographically
17 separated but in which the ~~equines~~ EQUIDAE have been inter-
18 changed or had contact with ~~equines~~ EQUIDAE from different
19 premises.

20 (iii) All animals of the family equidae on common premises,
21 such as community pastures or grazing association units, but
22 owned by different persons.

23 (E) ~~(f)~~ "Equine infectious anemia" means an infectious
24 disease of ~~equines~~ EQUIDAE caused by a lentivirus, equine
25 infectious anemia virus.

26 (F) ~~(g)~~ "Equine infectious anemia laboratory test form"
27 means the official federal government form, veterinary services

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1 form 10-11, required to submit blood samples to an approved
2 laboratory for equine infectious anemia testing.

3 (G) ~~(h)~~ "Equine infectious anemia test-positive equine"
4 means any animal of the family equidae that has been subjected to
5 an official equine infectious anemia test whose result is posi-
6 tive for equine infectious anemia.

7 (H) ~~(i)~~ "Exposed equine" OR "EXPOSED EQUIDAE" means ani-
8 mals in the family equidae that have been exposed to equine
9 infectious anemia by reason of associating with ~~equines~~ EQUIDAE
10 known or later found to be affected with ~~this disease~~ EQUINE
11 INFECTIOUS ANEMIA.

12 (I) ~~(j)~~ "Official equine infectious anemia test" means any
13 test for the laboratory diagnosis of equine infectious anemia
14 that utilizes a diagnostic product that is both of the
15 following:

16 (i) Produced under license from the secretary of agriculture
17 of the United States department of agriculture or the secretary's
18 authorized representative, under chapter 145, 37 Stat. 832,
19 21 U.S.C. 151, 154, 154a, 157, and 159, popularly known as the
20 virus-serum-toxin act of March 4, 1913.

21 (ii) Conducted in an approved laboratory.

22 (J) ~~(k)~~ "Permit" means an official document, vs form 1-27
23 or comparable state form, that is issued by a state or federal
24 representative or by an accredited veterinarian, required to
25 accompany all equine infectious anemia test-positive ~~equine~~
26 EQUIDAE and those ~~equine infectious anemia exposed equines~~

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1 EXPOSED EQUIDAE that are being moved under official seal during
2 their movement to the specified destination.

3 ~~(l) "Public highways, roads, or streets" means state high-~~
4 ~~way; county or township roads; city or village streets; or~~
5 ~~Michigan institutional roads as defined in 1951 PA 51,~~
6 ~~MCL 247.651 to 247.675.~~

7 (K) ~~(m)~~ "Restricted ~~equines~~ EQUIDAE" means equine infec-
8 tious anemia test-positive ~~equine~~ EQUIDAE or ~~equine~~ exposed
9 ~~to equine infectious anemia test positive equine~~ EQUIDAE.

10 (2) All ~~equines~~ EQUIDAE being moved into Michigan from
11 other states must have had an official equine infectious anemia
12 test with a negative result within the calendar year ~~or the pre-~~
13 ~~vious 30 days before~~ OF entry and must be accompanied by an
14 official interstate health certificate or official interstate
15 certificate of veterinary inspection documenting the date, labo-
16 ratory, accession number, and results of the latest equine infec-
17 tious anemia test, signed by an accredited veterinarian. THE
18 TESTING REQUIREMENT OF THIS SUBSECTION DOES NOT APPLY TO EQUIDAE
19 THAT ARE BOTH 6 MONTHS OR YOUNGER AND NURSING.

20 (3) All ~~equines~~ EQUIDAE entered in exhibitions, expositi-
21 ons, or fairs must have had an official equine infectious
22 anemia test with a negative result within the calendar year ~~or~~
23 ~~the previous 30 days which~~ THAT is documented on the equine
24 infectious anemia laboratory test form. A fair, exhibition,
25 exposition, or show authority is responsible for assuring that
26 all participating ~~equines~~ EQUIDAE are test-negative for equine
27 infectious anemia. THE TESTING REQUIREMENT OF THIS SUBSECTION

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1 DOES NOT APPLY TO EQUIDAE THAT ARE BOTH 6 MONTHS OR YOUNGER AND
2 NURSING.

3 (4) All ~~equines~~ EQUIDAE, before change of ownership AND
4 LOCATION within the state, must have had an official equine
5 infectious anemia test with a negative result within the calendar
6 year. ~~or previous 30 days.~~ All change of ownership AND LOCATION
7 transactions must be accompanied by a certificate signed by an
8 accredited veterinarian documenting the date, laboratory, acces-
9 sion number, and results of the latest equine infectious anemia
10 test or by an equine infectious anemia laboratory test form. THE
11 TESTING REQUIREMENT OF THIS SUBSECTION DOES NOT APPLY TO EQUIDAE
12 THAT ARE BOTH 6 MONTHS OR YOUNGER AND NURSING.

13 (5) All ~~equines~~ EQUIDAE entering, REMAINING AT, OR ON THE
14 PREMISES OF horse auctions or sales markets WHETHER OR NOT
15 licensed under 1974 PA 93, MCL 287.111 to 287.119, and 1937
16 PA 284, MCL 287.121 to 287.131, must have an official equine
17 infectious anemia test with a negative result within the calendar
18 year ~~or previous 30 days before~~ OF sale OR BE KEPT AT LEAST 1/4
19 MILE FROM THE PREMISES. If an equine infectious anemia test is
20 not possible before each sale, then the ~~equines~~ EQUIDAE must be
21 held on the sale premises until the test results are known. THE
22 TESTING REQUIREMENT OF THIS SUBSECTION DOES NOT APPLY TO EQUIDAE
23 THAT ARE BOTH 6 MONTHS OR YOUNGER AND NURSING.

24 ~~(6) Equines transported or providing transportation on~~
25 ~~public highways, roads, or streets must have an official equine~~
26 ~~infectious anemia test with a negative result within the calendar~~
27 ~~year or previous 30 days.~~

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Sub. SB 350 (H-2) as amended June 6, 2001

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1 (6) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
2 THAT ADDED THIS SENTENCE AND EXCEPT AS OTHERWISE PROVIDED FOR
3 EQUIDAE DESCRIBED IN SUBSECTION (2), (3), (4), OR (5), ALL EQUI-
4 DAE SHALL BE TESTED [BY APRIL 30, 2002.

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7 THE TESTING REQUIREMENT OF THIS SUBSECTION DOES NOT APPLY TO
8 EQUIDAE THAT ARE BOTH 6 MONTHS OR YOUNGER AND NURSING. THE OWNER
9 OR OPERATOR OF AN APPROVED LABORATORY SHALL REPORT ALL POSITIVE
10 RESULTS OF EQUINE INFECTIOUS ANEMIA TO THE DEPARTMENT. A POSI-
11 TIVE EQUINE INFECTIOUS ANEMIA TEST RESULT SHALL BE REPORTED AS
12 SOON AS PRACTICABLE AND A NEGATIVE TEST SHALL BE REPORTED WITHIN
13 10 BUSINESS DAYS AFTER THE TEST RESULTS ARE COMPLETED. THIS SEC-
14 TION DOES NOT PROHIBIT AN OWNER OF EQUIDAE OR ORGANIZATION SPON-
15 SORING AN EVENT INVOLVING EQUIDAE FROM REQUIRING AN OFFICIAL
16 EQUINE INFECTIOUS ANEMIA TEST FOR EQUIDAE INVOLVED IN ANY EQUIDAE
17 GROUP ACTIVITY OR THAT ARE COMMINGLING WITH OR IN PROXIMITY TO
18 OTHER EQUIDAE. NOTWITHSTANDING SECTION 44(1) AND (2), A PERSON
19 WHO VIOLATES THIS SUBSECTION IS RESPONSIBLE FOR A CIVIL VIOLATION
20 AND MAY BE FINED NOT MORE THAN \$100.00.

21 (7) THE DEPARTMENT SHALL TEST ALL EQUIDAE LOCATED WITHIN A
22 1/4-MILE RADIUS OF THE PERIMETER OF THE AREA IN WHICH THE EQUINE
23 INFECTIOUS ANEMIA TEST-POSITIVE EQUINE IS OR HAS BEEN CONTAINED
24 AT THE EXPENSE OF THE DEPARTMENT. IF THE DIRECTOR DETERMINES
25 THAT A LARGE NUMBER OF EQUIDAE ARE EQUINE INFECTIOUS ANEMIA
26 TEST-POSITIVE, THE DIRECTOR MAY REQUIRE TESTING OF ALL EQUIDAE

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1 WITHIN AN AREA LARGER THAN THE 1/4-MILE RADIUS DESCRIBED IN THIS
2 SUBSECTION.

3 (8) ~~(7)~~ The director shall quarantine ~~equines~~ EQUIDAE
4 that test positive to an official equine infectious anemia test
5 and their herd of origin. ~~Equines~~ EQUIDAE that test positive
6 to an official equine infectious anemia test may, with approval
7 from the director, be moved or quarantined to a premises that
8 confines them a minimum of 1 quarter mile away from any other
9 equine. ~~Equines~~ EQUIDAE that test positive to an official
10 equine infectious anemia test may, with approval from the direc-
11 tor, be segregated and quarantined in an insect-free enclosure as
12 determined by the director.

13 (9) ~~(8)~~ The owner or agent of an equine herd that is the
14 source of an equine infectious anemia test-positive equine shall
15 allow the director to test, in accordance with the following
16 schedule, the complete source herd with an official equine infec-
17 tious anemia test after the official equine infectious anemia
18 test-positive ~~equine~~ EQUIDAE have been removed or segregated
19 from the herd in a manner approved by the director:

20 (a) Between November 1 and April 30, a source herd may be
21 tested at any time and qualify for quarantine release if all
22 tested ~~equine~~ EQUIDAE are negative to an official equine infec-
23 tious anemia test.

24 (b) Between May 1 and October 31, a source herd may be
25 tested after waiting a minimum of 45 days after the official
26 equine infectious anemia test-positive ~~equine~~ EQUIDAE have been
27 removed or segregated from the herd. If all ~~equine~~ EQUIDAE

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1 tested are negative to the official equine infectious anemia
2 test, the quarantine may be released.

3 (10) THE OWNER OF AN EQUINE INFECTIOUS ANEMIA TEST-POSITIVE
4 EQUINE SHALL PROVIDE TO THE DEPARTMENT RECORDS, REFLECTING THE
5 TIME PERIOD DURING WHICH THE EQUINE INFECTIOUS ANEMIA
6 TEST-POSITIVE EQUINE BOTH HAD BEEN ON THE PREMISES AND HAD BEEN A
7 MEMBER OF THE EQUINE HERD, THAT INCLUDE AT LEAST THE FOLLOWING
8 INFORMATION:

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

10 (B) TO THE BEST OF THE OWNER'S KNOWLEDGE, THE LOCATION OF
11 OTHER EQUIDAE THAT WERE POTENTIALLY EXPOSED TO THE EQUINE INFEC-
12 TIOUS ANEMIA TEST-POSITIVE EQUINE.

13 (11) WITHIN 30 DAYS AFTER POSITIVE TEST RESULTS ARE REPORTED
14 TO AN OWNER OF AN EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE
15 OR AT A DIFFERENT TIME PERIOD AGREED TO BY THE DIRECTOR, THE
16 OWNER OF AN EQUINE INFECTIOUS ANEMIA TEST-POSITIVE EQUINE SHALL
17 PROVIDE TO THE DEPARTMENT THE RECORDS DESCRIBED IN SUBSECTION
18 (10).

19 (12) ~~-(9)-~~ The director may conduct epidemiological investi-
20 gations on all ~~equine~~ EQUIDAE that have possible exposure to
21 official equine infectious anemia test-positive ~~equine~~ EQUIDAE
22 to determine the need for additional quarantining and official
23 equine infectious anemia testing.

24 (13) ~~-(10)-~~ Official equine infectious anemia test-positive
25 ~~equine~~ EQUIDAE shall not be destroyed or removed from the orig-
26 inal test location or premises without prior permission from the
27 director.

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1 (14) ~~(11)~~ If the owner chooses to destroy the official
2 equine infectious anemia test-positive equine, permission shall
3 first be obtained from the director. The director shall issue a
4 quarantine release and be present when the ~~equine~~ EQUIDAE are
5 destroyed or an accredited veterinarian may document and certify
6 that the official equine infectious anemia test-positive equine
7 has been destroyed.

8 (15) ~~(12)~~ Unless immediately destroyed, official equine
9 infectious anemia test-positive ~~equine~~ EQUIDAE shall be identi-
10 fied by the director with the freeze brand 34a, which shall be in
11 characters not less than 2 inches in height and placed on the
12 left cervical area of the neck or shall be identified in another
13 manner approved by the director.

14 (16) ~~(13)~~ Restricted ~~equines~~ EQUIDAE may move interstate
15 only if accompanied by a permit listing the owner's name and
16 address, points of origin and destination, number of ~~equines~~
17 EQUIDAE included, purpose of the movement, and at least either
18 the individual equine registered breed association registration
19 tattoo or the individual equine registered breed association reg-
20 istration number, or other unique official identification. The
21 permit shall also list the animal's name, age, sex, breed, color,
22 and markings.

23 (17) ~~(14)~~ Equine infectious anemia test-positive ~~equine~~
24 EQUIDAE may only move interstate under permit to the following
25 locations:

26 (a) A Federally inspected slaughter facility.

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1 (b) A Federally approved diagnostic or research facility.

2 (c) A herd or farm of origin.

3 (18) ~~(15)~~ The individual issuing the permit must consult
4 with the state animal health official in the state of destination
5 for approval and must determine that the equine infectious anemia
6 test-positive equine to be moved interstate will be maintained in
7 isolation sufficient to prevent the transmission of equine infec-
8 tious anemia to other ~~equines~~ EQUIDAE. The reactor will remain
9 quarantined under state authority at the locations described in
10 subsection ~~(14)~~ (17) until natural death, slaughter, or
11 euthanasia. The carcass shall be disposed of according to provi-
12 sions of 1982 PA 239, MCL 287.651 to 287.683.

13 (19) ~~(16)~~ Individual exposed ~~equines~~ EQUIDAE may be
14 allowed to move from a quarantined area for specific purposes if
15 they have a negative test at the time of movement. The ~~equines~~
16 EQUIDAE must be moved under quarantine and maintained under quar-
17 antine at the new premises until tested negative to an official
18 equine infectious anemia test at least 45 days after the last
19 known exposure to an equine infectious anemia test-positive
20 equine.

21 (20) THE DEPARTMENT MAY ESTABLISH A VOLUNTARY PROGRAM
22 REGARDING AN EQUIDAE IDENTIFICATION CARD SYSTEM, FUNDED BY A REA-
23 SONABLE FEE CHARGED TO THE PARTICIPANTS, THAT INCLUDES AT LEAST
24 THE FOLLOWING:

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

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

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

6 (21) NOT LATER THAN 90 DAYS AFTER THE COMPLETION DATE FOR
7 TESTING UNDER SUBSECTION (6), THE DEPARTMENT SHALL ISSUE A REPORT
8 TO THE STANDING COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES
9 HAVING JURISDICTION OVER ANIMAL INDUSTRY MATTERS
10 DESCRIBING THE NUMBER OF EQUIDAE TESTED FOR EQUINE INFECTIOUS
11 ANEMIA IN THIS STATE, THE NUMBER OF EQUIDAE REPORTED TO THE
12 DEPARTMENT AS EQUINE INFECTIOUS ANEMIA TEST-POSITIVE, AND THE
13 EFFECTS, IF ANY, OF THE TESTING REQUIREMENTS IMPOSED UNDER THIS
14 SECTION.

15 (22) ANY INFORMATION THAT IDENTIFIES THE OWNER OF AN EQUINE
16 THAT IS GATHERED BY THE DEPARTMENT UNDER THIS SECTION IS EXEMPT
17 FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA
18 442, MCL 15.213 TO 15.246.

19 (23) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), A
20 PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME PUNISHABLE
21 AS PROVIDED IN SECTION 44.

22 (24) ~~(17)~~ This section ~~takes effect~~ IS REPEALED
23 EFFECTIVE January 1, ~~2001~~ 2011.