

"AN ACT TO PROVIDE PROCEDURES FOR THE CONTROL AND ERADICATION OF EQUINE INFECTIOUS ANEMIA; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. As used in this Act, the following terms shall have the meanings respectively ascribed to them:

- (a) "Commission" means the Arkansas Livestock and Poultry Commission.
- (b) "Equidae" means a family of perissodactyl ungulate mammals containing a single genus, equus, which includes horses, asses, jacks, jennies, hinnies, mules, donkeys, burros, ponies and zebras.
- (c) "Equine Infectious Anemia" or "EIA" means the communicable, infectious disease which affects only equidae and is caused by the virus of equine infectious anemia.
- (d) "Official test" means the Agar-Gel Immunodiffusion (AGID) test for equine infectious anemia which has been conducted in a laboratory approved by the Board or the United States Department of Agriculture for the purpose of conducting this test or any other test or examination for the detection of equine infectious anemia approved by the Department; and
- (e) "Reactor" means any equidae which discloses a positive reaction to an official test for equine infectious anemia.

SECTION 2. When the Commission has reasonable evidence of an outbreak of equine infectious anemia in a particular local area of the State, it may initiate and conduct a program of testing for all equidae within such local area only. When the Board initiates such program all owners of equidae within the particular local area described by the Commission shall permit an employee of the Commission to administer an official test of their animals for the detection of equine infectious anemia and to apply official identification to such animals. Such owners shall render reasonable assistance in testing and identifying their animals when requested by the Commission, but all costs of administering such tests by the Commission or employees of the Commission, shall be borne by the Commission.

SECTION 3. Equidae entering the State of Arkansas for other than immediate slaughter shall be accompanied by an official interstate health certificate issued by an accredited veterinarian of the State or origin showing:

- (a) The name, breed, registration number if any, tattoo if any, sex, age, and color and markings of each horse listed on the certificate;
- (b) Record of physical examination of each animal, verifying freedom from visible evidence of any contagious, infectious or communicable disease;
- (c) All equidae over twelve (12) months of age must be negative to an agar-gel immunodiffusion (AGID) test for EIA within six (6) months prior to entry. The laboratory conducting the test must be approved by the APHIS, USDA.

Provided, equidae may enter the State of Arkansas accompanied by an owner's waybill or official health certificate confining them to an approved equine slaughtering establishment or to a livestock market for sale directly to a slaughtering establishment. Provided further, that if any reactor is discovered in another state, the animal may enter the State of Arkansas if such entry is in compliance with Title 9, Part 75.4, Code of Federal Regulations.

SECTION 4. If any animal of the equidae family within the State of Arkansas is found to be a reactor to the official test administered by the Commission or an employee of the Commission, the owner of such animal may request that an additional test for equine infectious anemia be administered on such animal by any USDA approved laboratory at the expense of the owner. If any animal is a reactor to the official test administered by or at the direction of the Commission and the owner does not request an additional test or if any animal is a reactor to the test administered by or at the direction of the Commission and to a test administered by a USDA approved laboratory pursuant to request of the owner, such animal shall be subject to the following requirements:

(a) All reactors over twelve (12) months of age will be permanently identified by an employee of the Commission, an employee of Veterinary Services of the United States Department of Agriculture. The identifying mark shall be "71" followed by the letter "A". The markings shall be not less than two (2) inches high and shall be applied to the left side of the neck of the reactor. A hot iron or chemical brand, or a freezemarking will be employed for the marking of the reactor.

(b) All reactors under twelve (12) months of age may be quarantined and retested at twelve (12) months of age. If positive at that time, they shall be permanently identified and continued under quarantine.

(c) An official quarantine will be issued by an agent of the Commission to the effect that the reactor is:

(1) Confined to a single premise and is not to be transported without an official permit;

(2) Confined in such a manner that the reactor is two hundred (200) yards from other equidae. Written application for deviation from this regulation may be considered by the Commission. A description of properly constructed isolation facilities, including exercise areas, will be furnished to the Commission as part of the application. Any written request with a description of the quarantine facilities will be the official application.

SECTION 5. Every horse or other member of the equidae family brought into the State of Arkansas for sale at a public horse auction in this State shall be accompanied by a certificate showing that such animal has been subjected to an AGID test for equine infectious anemia within the preceding six (6) months period and that such animal was not a reactor at the time of the test.

SECTION 6. Any person bringing any equidae into the State who fails or refuses to comply with the provisions of this Act shall be guilty of a misdemeanor and upon conviction may be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

SECTION 7. Nothing in this Act shall be construed to repeal or supercede any other enactment of the Seventy-sixth General Assembly concerning the control of equide infectious anemia.

SECTION 8. It is hereby found and determined by the General Assembly that because of the case Ricarte v. State, CR 86-31, a question has arisen over the validity of Act 1212 of the Extended Session of 1976; that this Act is a reenactment of the former law; and that the immediate passage of this Act is necessary to clarify the state of the law on this issue. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED: April 14, 1987

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