

AN ACT

ENTITLED, An Act to revise the rule-making authority of the Animal Industry Board, to provide for promulgation of certain rules with regard to chronic wasting disease in cervidae, and to declare an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 40-5-8.6 be amended to read as follows:

40-5-8.6. The Animal Industry Board may promulgate rules, pursuant to chapter 1-26, governing actions or conditions that may be taken, required or regulated, in regard to any contagious, infectious, epidemic, communicable, or transmissible disease or disorder in or transmissible to livestock, including, but not limited to, quarantine, testing, inspection, regulation of transactions, seizure or destruction of animals, transportation or introduction of animals into the state, and other control measures.

Section 2. That ARSD 12:68:25 be amended by the adoption of the following new enumerated rules:

12:68:25:01. Definitions. Terms used in this chapter mean:

(1) "Accredited veterinarian," a veterinarian approved by the deputy administrator of veterinary services, animal and plant health inspection service, United States Department of Agriculture (USDA), and the state veterinarian in accordance with 9 C.F.R. Part 161 (January 1, 1997) to perform functions required by cooperative state-federal animal disease control and eradication programs;

(2) "Adjacent herd," a herd of cervidae occupying premises that border an affected herd, including herds separated by roads or streams; or a herd of cervidae occupying premises that were previously occupied by an affected herd within the past five years as determined by the designated epidemiologist;

(3) "Affected cervid herd," a cervid herd from which any animal has been diagnosed as affected

with CWD and which is not in compliance with the provisions of the control program for CWD as described in this chapter;

(4) "Approved laboratory," the National Veterinary Service Laboratory, Ames, Iowa, or laboratories accredited by the American Association of Veterinary Laboratory Diagnostitions;

(5) "CWD," "Chronic wasting disease," a transmissible spongiform encephalopathy of cervids;

(6) "CWD exposed," "exposed," a designation applied to cervidae that are either part of an affected herd or for which epidemiological investigation indicates contact with CWD affected animals or contact with animals from a CWD affected herd in the past five years;

(7) "CWD affected," a designation applied to cervidae diagnosed as affected with CWD based on laboratory results, clinical signs, or epidemiologic investigation;

(8) "CWD suspect," a designation applied to cervidae for which laboratory evidence or clinical signs suggest a diagnosis of CWD but for which laboratory results are inconclusive;

(9) "Monitored CWD cervid herd" a herd of cervidae that has complied with the CCWDSI program as defined in subdivision (15) of this section. Monitored herds shall be defined as one year, two year, three year, and four year monitored in accordance with the time in years such herds have complied with the CCWDSI program.

(10) "Certified CWD cervid herd," a herd of cervidae that has qualified for and has been issued a certified CWD cervid herd certificate signed by the state veterinarian;

(11) "Cervidae," deer, elk, moose, caribou, reindeer, and related species and hybrids thereof including all members of the cervidae family and hybrids thereof;

(12) "Cervid dealer," any individual or other legal entity that engages in buying, selling, trading, or negotiating the transfer of cervidae, but not persons who purchase cervidae exclusively for slaughter on their own premises;

(13) "Cervid herd," a group of cervidae or one or more groups of cervidae maintained on common ground or under common ownership or supervision that are geographically separated but

can have interchange or movement;

(14) "Cervid herd of origin," a cervid herd, or any farm or other premises, where the animals were born or where they are kept for at least one year before the date of shipping, if cervids from other premises have not been on the premises within one year before shipment;

(15) "Cervid CWD surveillance identification (CCWDSI) program," a CWD surveillance program requiring identification and laboratory diagnosis including brain tissue as directed by the state veterinarian on all deaths of cervids eighteen months of age or greater, including deaths by slaughter, hunting, illness, and injury. The diagnosis shall include examination of brain and any other tissue as directed by the state veterinarian. If tissues associated with a cervid death are not submitted for laboratory diagnosis due to post mortem changes or unavailability, the board shall determine compliance;

(16) "Certificate," an official document issued by the state veterinarian or federal animal health official or an accredited veterinarian at the point of origin containing information on the individual identification of the animals, the number of animals, the purpose of the movement, the points of origin and destination, the consignor, the consignee, and any other information required by the state animal health official for importation or translocation;

(17) "Designated epidemiologist," a state or federal veterinarian who has demonstrated the knowledge and ability to perform the functions required under this chapter and who has been selected by the state veterinarian;

(18) "Group," one or more cervidae;

(19) "Individual herd plan," a written herd management and testing plan that is designed by the herd owner, the owner's veterinarian if requested, and a designated epidemiologist, to identify and eradicate CWD from an affected, exposed, or adjacent herd;

(20) "Official cervid identification," an identification eartag that conforms to the alphanumeric National Uniform Eartagging System as defined in 9 C.F.R. Part 71.1 (January 1, 1994) or other

identification device which uniquely and permanently identifies each cervid;

(21) "Official cervid CWD test," an approved test conducted at an official laboratory to diagnose CWD;

(22) "Permit," an official document that is issued by the state veterinarian or area veterinarian-in-charge or an accredited veterinarian for movement of affected, suspect, or exposed animals;

(23) "Quarantine," an imposed restriction prohibiting movement of cervids to any location without specific written permits;

(24) "State," any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or Guam;

(25) "Traceback," the process of identifying the herd of origin of CCWDSI program positive animals, including herds that were sold for slaughter.

12:68:25:02. Supervision of the Cervidae CWD program. The state veterinarian shall provide routine supervision of the cervidae CWD control program.

12:68:25:03. Surveillance procedures. Surveillance procedures include the following:

(1) All cervidae eighteen months of age or greater slaughtered in slaughter establishments shall have the brain submitted at slaughter and examined for CWD by an approved laboratory;

(2) Surveillance for CWD as provided in subdivision (15) of § 12:68:25:01 shall be maintained for all cervid herds.

12:68:25:04. Official cervid tests. Official cervid tests for CWD are:

(1) Histopathology;

(2) Immunohistochemistry;

(3) Western blot;

(4) Negative stain electron microscopy;

(5) Bioassay; and

(6) Any other tests performed by an official laboratory to confirm a diagnosis of CWD.

12:68:25:05. Investigation of cervid CWD surveillance identification affected animals. Traceback shall be performed for all animals diagnosed as affected with CWD at an official laboratory. All herds of origin and all adjacent herds and herds having contact with affected animals as determined by the CCWDSI program shall be investigated epidemiologically. All herds of origin, adjacent herds, and herds having contact with affected animals or exposed animals shall be quarantined.

12:68:25:06. Duration of quarantine. Quarantines placed in accordance with this chapter shall be removed in accordance with the following:

(1) A herd of origin may be removed from quarantine after five years of compliance with all provisions of this chapter;

(2) A herd having contact with affected or exposed animals may be removed from quarantine after five years of compliance with the provisions of this chapter or as directed by the state veterinarian in consultation with the designated epidemiologist;

(3) An adjacent herd may be removed from quarantine as directed by the state veterinarian in consultation with the designated epidemiologist.

12:68:25:07. Herd plan. The herd owner and the designated epidemiologist shall develop a plan for eradicating CWD in each affected herd. The herd owner may request the participation of a veterinarian in the development of the plan. The plan shall be designed to reduce and then eliminate CWD within the herd, to prevent spread of the disease to other herds, and to prevent reintroduction of CWD after the herd becomes a certified CWD cervid herd. The herd plan shall be developed and signed within sixty days after the determination that the herd is affected.

The herd plan shall address herd management, and adherence to all provisions of this chapter. The plan shall be formalized as a memorandum of agreement between the owner and program officials, shall be approved by the state veterinarian, and shall include plans to obtain certified CWD cervid status.

12:68:25:08. Identification and disposal requirements. Affected and exposed animals shall remain

on the premises where they are found until they are identified and disposed of in accordance with direction from the state veterinarian.

12:68:25:09. Cleaning and disinfecting. Premises shall be cleaned and disinfected under state or federal supervision within fifteen days after affected animals have been removed.

12:68:25:10. Methods for obtaining certified CWD cervid herd status. Certified CWD cervid herd status must include all cervidae in the cervid herd. They may not be commingled with other cervids that are not certified. A herd may qualify for status as a certified CWD cervid herd as follows:

(1) Purchasing a certified CWD cervid herd: Upon request and with proof of purchase the board shall issue a new certificate in the new owner's name. The anniversary date and the herd number remain the same. If part or all of the purchased herd is moved directly to premises that have no other cervidae, the herd may retain certified CWD status, and the board shall issue a new certification number. The anniversary date of the new herd is the date of the most recent herd certification status certificate.

(2) Upon request and with proof by records, a herd owner shall be issued a certified CWD cervid herd certificate by complying with the CCWDSI program as defined in subdivision (15) of § 12:68:25:01 for a period of five years.

12:68:25:11. Recertification of certified CWD cervid herds. A herd is certified for twelve months. For continuous certification, adherence to the provisions in this chapter and all other state laws and rules pertaining to raising cervids is required. A herd's certification status is immediately terminated and a herd investigation shall be initiated if CWD affected or exposed animals are determined to be from the herd.

12:68:25:12. Movement into a certified CWD cervid herd. Animals originating from certified CWD cervid herds may move into another certified CWD cervid herd. Animals originating from herds not certified CWD cervid herds for movement into certified CWD cervid herds may not be certified until they remain in the certified CWD cervid herd for five years. Animals originating from CWD

monitored herds cannot be certified until the combination of the CWD monitored status and the years present in the certified CWD herd totals five years.

12:68:25:13. Movement into a monitored CWD cervid herd. Animals originating from a monitored CWD cervid herd may move into another monitored CWD cervid herd of the same status. Animals originating from a herd which is not a monitored CWD cervid herd or from a lower status monitored CWD cervid herd cannot be monitored until they have been in the monitored herd for a number of years equal to the destination herd's monitored status at time of entry.

12:68:25:14. Recognition of monitored CWD cervid herds. The state veterinarian shall issue a monitored CWD cervid herd certificate indicating CWD monitored herd status as CWD monitored one, or CWD monitored two, or CWD monitored three, or CWD monitored four; according to the number of years the herd has qualified for such status.

12:68:25:15. Recognition of certified CWD cervid herds. The state veterinarian shall issue a certified CWD cervid herd certificate when the herd first qualifies. For recertification, the state veterinarian shall issue a renewal form annually.

12:68:25:16. Intrastate movement requirements. All intrastate movements of cervidae other than to a state or federally inspected slaughter establishment shall be accompanied by an intrastate movement certificate of veterinary inspection signed by a licensed, accredited veterinarian. The intrastate movement certificate shall include the following:

- (1) Consignor's name, address, and animal industry board issued permit number;
- (2) Consignee's name, address, and animal industry board issued permit number; and
- (3) The permit number of the telephone permit to ship requested by the veterinarian signing the certificate and issued by the state veterinarian before movement and one of the following statements:

(a) "All cervidae identified on this certificate are offspring from or originate from a herd in which all cervidae have been kept for at least one year or into which they were born. There has been no exposure to or additions from any other source in the past year. There have been no diagnosis, signs,

or epidemiologic evidence of CWD in this herd for the past year. Records and causes of death for past year in this herd of origin are available to the state veterinarian;" or

(b) "All cervidae identified on this certificate originate from a herd with the stated monitored status"; or

(c) "All cervidae identified on this certificate originate from a certified CWD cervid herd."

12:68:25:17. Import requirements. All cervidae entering South Dakota shall be accompanied by an official certificate of veterinary inspection and a telephone entry permit number requested by the licensed, accredited veterinarian signing the certificate and issued by the state veterinarian before movement. One of the following statements shall appear on the certificate:

(1) "All cervidae identified on this certificate originate from a herd in which all cervidae have been kept for at least one year or into which they were born. There has been no exposure to or additions from any other source in the past year. There have been no diagnosis, signs, or epidemiologic evidence of CWD in this herd for the past year. Records and causes of death for the past year in this herd of origin are available to the animal health official of the state of origin"; or

(2) "All cervidae identified on this certificate originate from a herd which as been determined to have the stated monitored status by the animal health official of the State of South Dakota"; or

(3) "All cervidae identified on this certificate originate from a herd which has been determined to have certified CWD cervid herd status by the animal health official of the State of South Dakota."

12:68:25:18. CWD control in free roaming cervids. The Animal Industry Board in consultation with the Department of Game, Fish and Parks shall adopt a memorandum of understanding concerning the surveillance and control of CWD in free roaming wildlife in the state.

Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to revise the rule-making authority of the Animal Industry Board, to provide for promulgation of certain rules with regard to chronic wasting disease in cervidae, and to declare an emergency.

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I certify that the attached Act
originated in the
HOUSE as Bill No. 1034

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1034
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,
19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

=====
STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State