

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

457B0372

## HOUSE BILL NO. 1034

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
Animal Industry Board

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

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

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

6 40-5-8.6. The Animal Industry Board may promulgate rules, pursuant to chapter 1-26,  
7 governing actions or conditions that may be taken, required or regulated ~~pursuant to this chapter,~~  
8 in regard to any contagious, infectious, epidemic, communicable, or transmissible disease or  
9 disorder in or transmissible to livestock, including, but not limited to, quarantine, testing,  
10 inspection, regulation of transactions, seizure or destruction of animals, transportation or  
11 introduction of animals into the state, and other control measures.

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

14 12:68:25:01. Definitions. Terms used in this chapter mean:

15 (1) "Accredited veterinarian," a veterinarian approved by the deputy administrator of

1 veterinary services, animal and plant health inspection service, United States Department of  
2 Agriculture (USDA), and the state veterinarian in accordance with 9 C.F.R. Part 161 (January 1,  
3 1997) to perform functions required by cooperative state-federal animal disease control and  
4 eradication programs;

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

9 (3) "Affected cervid herd," a cervid herd from which any animal has been diagnosed as  
10 affected with CWD and which is not in compliance with the provisions of the control program  
11 for CWD as described in this chapter;

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

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

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

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

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

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

1 herds have complied with the CCWDSI program.

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

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

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

9 (13) "Cervid herd," a group of cervidae or one or more groups of cervidae maintained on  
10 common ground or under common ownership or supervision that are geographically separated  
11 but can have interchange or movement;

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

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

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

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

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

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

8 (20) "Official cervid identification," an identification eartag that conforms to the  
9 alphanumeric National Uniform Eartagging System as defined in 9 C.F.R. Part 71.1 (January 1,  
10 1994) or other identification device which uniquely and permanently identifies each cervid;

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

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

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

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

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

22 12:68:25:02. Supervision of the Cervidae CWD program. The state veterinarian shall provide  
23 routine supervision of the cervidae CWD control program.

24 12:68:25:03. Surveillance procedures. Surveillance procedures include the following:

25 (1) All cervidae slaughtered in slaughter establishments shall have the brain submitted at

1 slaughter and examined for CWD by an approved laboratory;

2 (2) Surveillance for CWD as provided in subdivision (15) of section 2 of this chapter shall  
3 be maintained for all cervid herds.

4 12:68:25:04. Official cervid tests. Official cervid tests for CWD are:

5 (1) Histopathology;

6 (2) Immunohistochemistry;

7 (3) Western blot;

8 (4) Negative stain electron microscopy;

9 (5) Bioassay; and

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

11 12:68:25:05. Investigation of cervid CWD surveillance identification affected animals.

12 Traceback shall be performed for all animals diagnosed as affected with CWD at an official  
13 laboratory. All herds of origin and all adjacent herds and herds having contact with affected  
14 animals as determined by the CCWDSI program shall be investigated epidemiologically. All  
15 herds of origin, adjacent herds, and herds having contact with affected animals or exposed  
16 animals shall be quarantined.

17 12:68:25:06. Duration of quarantine. Quarantines placed in accordance with this chapter shall  
18 be removed in accordance with the following:

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

21 (2) A herd having contact with affected or exposed animals may be removed from quarantine  
22 after five years of compliance with the provisions of this chapter;

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

25 12:68:25:07. Herd plan. The herd owner and the designated epidemiologist shall develop a

1 plan for eradicating CWD in each affected herd. The herd owner may request the participation  
2 of a veterinarian in the development of the plan. The plan shall be designed to reduce and then  
3 eliminate CWD within the herd, to prevent spread of the disease to other herds, and to prevent  
4 reintroduction of CWD after the herd becomes a monitored CWD cervid herd or a certified  
5 CWD cervid herd. The herd plan shall be developed and signed within sixty days after the  
6 determination that the herd is affected.

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

11 12:68:25:08. Identification and disposal requirements. Affected and exposed animals shall  
12 remain on the premises where they are found until they are identified and disposed of in  
13 accordance with direction from the state veterinarian.

14 12:68:25:09. Cleaning and disinfecting. Premises shall be cleaned and disinfected under state  
15 or federal supervision within fifteen days after affected animals have been removed.

16 12:68:25:10. Methods for obtaining certified CWD cervid herd status. Certified CWD cervid  
17 herd status must include all cervidae under common ownership. They may not be commingled  
18 with other cervids that are not certified. A herd may qualify for status as a certified CWD cervid  
19 herd as follows:

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

1 (2) Upon request and with proof by records, a herd owner shall be issued a certified CWD  
2 cervid herd certificate by complying with the CCWDSI program as defined in subdivision (15)  
3 of section 2 of this chapter for a period of five years.

4 12:68:25:11. Recertification of certified CWD cervid herds. A herd is certified for twelve  
5 months. For continuous certification, adherence to the provisions in this chapter and all other  
6 state laws and rules pertaining to raising cervids is required. A herd's certification status is  
7 immediately terminated and a herd investigation shall be initiated if CWD affected or exposed  
8 animals are determined to be from the herd.

9 12:68:25:12. Movement into a certified CWD cervid herd. Animals originating from certified  
10 CWD cervid herds may move into another certified CWD cervid herd. Animals originating from  
11 herds not certified CWD cervid herds for movement into certified CWD cervid herds may not  
12 be certified until they remain in the certified CWD cervid herd for five years. Animals originating  
13 from CWD monitored herds cannot be certified until the combination of the CWD monitored  
14 status and the years present in the certified CWD herd totals five years.

15 12:68:25:13. Movement into a monitored CWD cervid herd. Animals originating from a  
16 monitored CWD cervid herd may move into another monitored CWD cervid herd of the same  
17 status. Animals originating from a herd which is not a monitored CWD cervid herd or from a  
18 lower status monitored CWD cervid herd cannot be monitored until they have been in the  
19 monitored herd for a number of years equal to the destination herd's monitored status at time  
20 of entry.

21 12:68:25:14. Recognition of monitored CWD cervid herds. The state veterinarian shall issue  
22 a monitored CWD cervid herd certificate indicating CWD monitored herd status as CWD  
23 monitored one, or CWD monitored two, or CWD monitored three, or CWD monitored four;  
24 according to the number of years the herd has qualified for such status.

25 12:68:25:15. Recognition of certified CWD cervid herds. The state veterinarian shall issue

1 a certified CWD cervid herd certificate when the herd first qualifies. For recertification, the state  
2 veterinarian shall issue a renewal form annually.

3 12:68:25:16. Intrastate movement requirements. All intrastate movements of cervidae other  
4 than to a state or federally inspected slaughter establishment shall be accompanied by an  
5 intrastate movement certificate of veterinary inspection signed by a licensed, accredited  
6 veterinarian. The intrastate movement certificate shall include the following:

7 (1) Consignor's name, address, and animal industry board issued permit number;

8 (2) Consignee's name, address, and animal industry board issued permit number; and

9 (3) The permit number of the telephone permit to ship requested by the veterinarian signing  
10 the certificate and issued by the state veterinarian before movement and one of the following  
11 statements:

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

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

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

21 12:68:25:17. Import requirements. All cervidae entering South Dakota shall be accompanied  
22 by an official certificate of veterinary inspection and a telephone entry permit number requested  
23 by the licensed, accredited veterinarian signing the certificate and issued by the state veterinarian  
24 before movement. One of the following statements shall appear on the certificate:

25 (1) "All cervidae identified on this certificate originate from a herd in which all cervidae have

1 been kept for at least one year or into which they were born. There has been no exposure to or  
2 additions from any other source in the past year. There have been no diagnosis, signs, or  
3 epidemiologic evidence of CWD in this herd for the past year. Records and causes of death for  
4 the past year in this herd of origin are available to the animal health official of the state of origin";  
5 or

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

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

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

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