

Proposed Rules
of the
Tennessee Department of Agriculture
Division of Animal Industries

Chapter 0080-2-10
Regulations Concerning Horses and Other Equidae

Presented herein is the proposed new rule and amendments of Division of Animal Industries, Department of Agriculture submitted pursuant to T.C.A. §44-5-202 in lieu of a rulemaking hearing. It is the intent of the Division of Animal Industries, Department of Agriculture to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed new rule and amendments are published. Such petition to be effective must be filed with the Department of Agriculture, 440 Hogan Road, Nashville, Tennessee 37220, and the Department of State, 8th Floor, William R Snodgrass Tower, 312 Eighth Avenue North, Nashville, Tennessee 37243-0307, and must be signed by twenty-five (25) persons who will be affected by the new rule and amendments, or submitted by a municipality which will be affected by the new rule and/or amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For copies of the entire text of the proposed new rule and amendments, contact: Dr. Ronald B. Wilson, State Veterinarian, Department of Agriculture, P. O. Box 40627, Nashville, Tennessee, 37204, 615-837-5120.

The text of the proposed new rule and amendments are as follows:

New Rules

Table of Contents

0080-2-10-.06 Laboratories Conducting Testing for Equine Infectious Anemia

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- (1) Laboratories conducting testing for Equine Infectious Anemia in Tennessee must be certified as required by the provisions 9 C.F.R. § 75.4 and approved by the Commissioner of Agriculture or his designated representative.

Authority: T.C.A. §§ 44-2-102 and 4-3-203.

Amendments

Rule 0080-2-10-.01 Test of Public Sale Horses is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

0080-2-10-.01 Equine Infectious Anemia Test Requirements for Tennessee Horses

- (1) Test for Change of Ownership – All horses or other Equidae except foals less than six (6) months of age in the company of their negative dam must have a negative official Equine Infectious Anemia test conducted within six (6) months prior to sale. This test is not required for equine entering an approved livestock market for sale. Equine Infectious Anemia testing shall be the responsibility of the seller.
- (2) Approved Livestock Market Testing – All horses or other Equidae offered for sale at approved livestock markets shall have evidence of a negative official Equine Infectious Anemia test conducted within six (6) months, or shall have blood collected for testing prior to sale. Equidae sold with a results-pending market test shall be confined at the market, or the buyer shall sign an agreement to maintain such equine at a specified location until test results are known. Equidae testing negative may move in normal trade channels.

Authority: T.C.A. §§ 44-2-102 and 4-3-203.

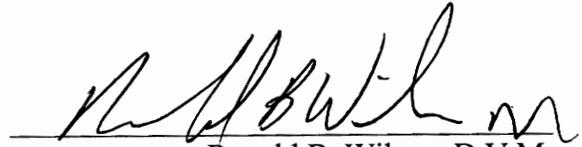
Legal Contact and/or party who will approve final copy: Patricia Clark, General Counsel
Department of Agriculture
P. O. Box 40627
Nashville, TN 37204
615-837-5093

Contact for disk acquisition: Patricia Clark, General Counsel
Department of Agriculture
P. O. Box 40627
Nashville, TN 37204
615-837-5093

Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:

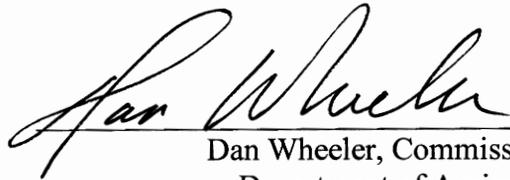

Ronald B. Wilson, D.V.M.
State Veterinarian

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Department of Agriculture on the 29 day of May, 2001.



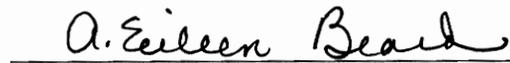
Ronald B. Wilson, D.V.M.
State Veterinarian

The Secretary of State is hereby instructed that, in the absence of a petition for rulemaking hearing being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.



Dan Wheeler, Commissioner
Department of Agriculture

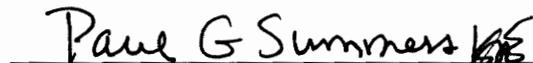
Subscribed and sworn to before me this the 29 day of May, 2001.



Notary Public

My commission expires on the 31 day of January, 2004.

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.



Paul G. Summers
Attorney General and Reporter

The proposed rules set out herein were properly filed in the Department of State 28th day of September, 20 02, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 20 02.

Riley C. Darnell
Riley C. Darnell
Secretary of State

By: Shawna Gw (Signature)

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