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Sequence Number: 12-03-10
 Notice ID(s): 1536
 File Date: 12/06/10

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Department of Agriculture
Division:	Regulatory Services
Contact Person:	Keith Hodges
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Liz Sneed
Address:	P.O. Box 40627, Nashville, Tennessee 37204
Phone:	(615) 837-5116
Email:	liz.sneed@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Tennessee Department of Agriculture		
Address 2:	Ellington Agricultural Center – Porter Building Conference Room		
Address 3:	440 Hogan Road		
City:	Nashville, Tennessee		
Zip:	37220		
Hearing Date :	Tuesday, January 18, 2011		
Hearing Time:	1:00 p.m.	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0080-02-10	Regulations Concerning Horses and Other Equidae
Rule Number	Rule Title
0080-02-10-.01	Equine Infectious Anemia Test Requirements for Tennessee Horses

Amendments

Chapter 0080-02-10 Regulations Concerning Horses and Other Equidae

Rule 0080-02-10-.01 Equine Infectious Anemia Test Requirements for Tennessee Horses is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended, the new rule shall read:

0080-02-10-.01 Equine Infectious Anemia – Requirements for Change of Ownership

- (1) **Non-Livestock Market Sales** — Persons assembling for sale, offering for sale, or selling horses or other Equidae at sales other than livestock markets, whether for one's own account or for the account of another person, shall have proof that each individual animal tested negative on an official test for Equine Infectious Anemia conducted within twelve (12) months prior to sale.
- (2) **Livestock Markets** — Persons assembling for sale, offering for sale, or selling horses or other Equidae at livestock markets, whether for one's own account or for the account of another person, shall:
 - (a) Have proof that each individual animal tested negative on an official test for Equine Infectious Anemia conducted within twelve (12) months prior to sale. Such horses or other Equidae shall be identified by a legible, unique tattoo or brand; a microchip; a valid equine passport; or an EIA paper with digital photos of the animal (including the animal's entire left and right sides and front view) as part of the document. Tennessee licensed livestock markets hosting all-registered Equine sales may use breed registry papers as long as the breed registry papers match the official EIA negative test chart; or
 - (b) Have blood collected on-site for EIA testing by a Tennessee-licensed and USDA-accredited veterinarian prior to the sale.
- (3) Foals less than six (6) months of age in the company of their EIA-negative dams are not subject to the rules above.

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

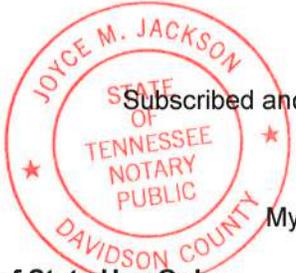
I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: December 3, 2010

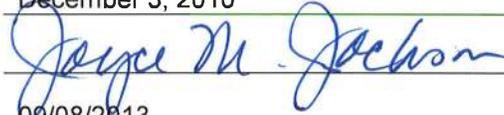
Signature: 

Name of Officer: Terry J. Oliver

Title of Officer: Commissioner



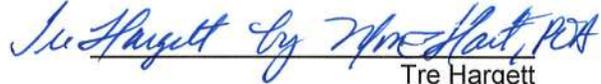
Subscribed and sworn to before me on: December 3, 2010

Notary Public Signature: 

My commission expires on: 09/08/2013

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Filed with the Department of State on: 12/6/10


Tre Hargett
Secretary of State