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**TITLE 345 INDIANA STATE BOARD OF
ANIMAL HEALTH**

Proposed Rule
LSA Document #04-158

DIGEST

Adds 345 IAC 6-2 to establish procedures for importing horses from contagious equine metritis (CEM) regions to approved CEM quarantine facilities including quarantine and testing procedures. Effective 30 days after filing with the secretary of state.

345 IAC 6-2

SECTION 1. 345 IAC 6-2 IS ADDED TO READ AS FOLLOWS:

Rule 2. Contagious Equine Metritis (CEM)

345 IAC 6-2-1 Definitions and general provisions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2; IC 15-2.1-3-13; IC 15-2.1-3-18

Sec. 1. The definitions in IC 15-2.1-2 and the following definitions apply throughout this rule:

- (1) "Accredited" means accredited by the United States Department of Agriculture under 9 CFR Subchapter J.
- (2) "Approved CEM quarantine facility" means a facility that is approved by the state veterinarian under section 3 of this rule.
- (3) "CEM" means the disease contagious equine metritis.
- (4) "Owner" means the owner of an animal or his or her authorized agent.
- (5) "Quarantine" means restricting, including prohibiting, the movement and housing of animals.
- (6) "USDA" means the United States Department of Agriculture.

(Indiana State Board of Animal Health; 345 IAC 6-2-1)

345 IAC 6-2-2 Incorporation by reference

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-3-18

Sec. 2. The following USDA regulations, in effect on January 1, 2004, are incorporated by reference into this rule:

- (1) 9 CFR 93.301(c).
- (2) 9 CFR 93.301(d).
- (3) 9 CFR 93.301(e).
- (4) 9 CFR 93.301(f).

(Indiana State Board of Animal Health; 345 IAC 6-2-2)

345 IAC 6-2-3 CEM quarantine facility

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-3-18

Sec. 3. (a) The state veterinarian may enter into agreements with the United States Department of Agriculture to qualify the state for USDA approval under 9 CFR 93.301 to receive stallions or mares over seven hundred thirty-one (731) days of age imported from a CEM-affected region.

(b) If the state is approved by the USDA under subsection (a), a person may apply to the board for approval to operate

a CEM quarantine facility in the state. A person that wants to operate a CEM quarantine facility in the state shall submit a complete and accurate application for CEM quarantine facility approval to the state veterinarian prior to receiving any animals under section 4 of this rule.

(c) The state veterinarian shall evaluate each request for CEM quarantine facility approval and approve the facility if the requirements in section 5 of this rule are met.

(d) Approval of a CEM quarantine facility shall be for a period of two (2) years and then the approval will expire. A person may reapply for CEM quarantine facility approval.

(e) The state veterinarian may suspend or revoke a CEM quarantine facility approval under any of the following circumstances:

- (1) State or federal officials are unable to provide the personnel or other resources necessary to quarantine animals, monitor the CEM quarantine facility, and meet the requirements in this rule.
- (2) The CEM quarantine facility presents a health hazard to animals or humans.
- (3) The operator violates a provision of IC 15-2.1, a provision of this rule, or a condition of approval of the facility.
- (4) The approval of USDA described in subsection (a) is:
 - (A) suspended;
 - (B) revoked;
 - (C) withdrawn;
 - (D) relinquished; or
 - (E) otherwise nullified.

A suspension or revocation may be for all or part of the approval. (*Indiana State Board of Animal Health; 345 IAC 6-2-3*)

345 IAC 6-2-4 Movement into the state restricted

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-3-18

Sec. 4. (a) A person may move into the state to a CEM quarantine facility a horse imported from a region where CEM exists or a region that trades horses freely with a region in which CEM exists as listed in 9 CFR 93.301(c)(1) only if the following requirements are met:

- (1) The person receives a preentry permit for entry into the state from the state veterinarian. The state veterinarian shall approve a permit for entry into the state if the applicable requirements in IC 15-2.1, 345 IAC 1-3, and this rule are met. The state veterinarian may refuse to approve a permit for entry into the state to a CEM quarantine facility if state or federal resources are limited in a manner that the state veterinarian or federal officials would be unable to complete the requirements of this rule.
- (2) Each animal is accompanied by a certificate of veterinary inspection as required under 345 IAC 1-3.
- (3) The animal is identified with official identification as defined in 345 IAC 1-3-3.
- (4) The animal meets any testing, vaccination, or other applicable requirements in 345 IAC 1-3.
- (5) The animal meets the requirements in 9 CFR 93.301(d).

(b) Animals moving into the state under a permit issued under this section must move directly to an approved CEM quarantine facility without stopping and unloading elsewhere in the state.

(c) Horses exempt from CEM import restrictions as described in 9 CFR 93.301(c)(2) and 9 CFR 93.301(g) are exempt from the movement restrictions in this section.

(d) Horses that are imported for no more than ninety (90) days to compete in specified events may be moved into the state if the conditions in 9 CFR 93.301(f) and subsection (a) are met. (*Indiana State Board of Animal Health; 345 IAC 6-2-4*)

345 IAC 6-2-5 Approved CEM quarantine facility

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-3-18

Sec. 5. (a) A person desiring to accept horses moved into the state under section 4 of this rule must submit a written request

to the state veterinarian for approval of their facility as a CEM quarantine facility prior to moving any horses to the facility. A person may not accept any horses moved into the state under section 4 of this rule until such time as the receiving facility is approved as a CEM quarantine facility under this rule.

(b) The state veterinarian may approve a facility as a CEM quarantine facility if the following requirements are met:

- (1) The facility is sufficient to keep quarantined horses separate from other horses.
- (2) The facility operator has procured the services of a licensed and accredited veterinarian to perform the procedures required by this rule. The state veterinarian may require a written acknowledgement by the veterinarian that they are willing and able to perform the required procedures.
- (3) The applicable provisions of this rule have been met.

(c) The state veterinarian may prescribe items necessary to protect animals from disease and facilitate operation of the CEM quarantine facility that are conditions of CEM quarantine facility approval, including the following:

- (1) Training that is required for the CEM quarantine facility owner and agents.
- (2) Training that is required for the veterinarian for the facility.
- (3) Limitations on the days or times that state or federal officials will be available to perform official functions under this rule.
- (4) Designation of the laboratory or laboratories that must be used for testing.
- (5) Limitations on the sex of animals permitted at the facility.

(d) The operator of a CEM quarantine facility shall provide state and federal officials access to the facility and any animals in the facility upon request so that compliance with this rule may be achieved and verified.

(e) The state veterinarian may consult with the USDA on approving laboratories to conduct CEM cultures and tests under 9 CFR 93.301(i). (*Indiana State Board of Animal Health; 345 IAC 6-2-5*)

345 IAC 6-2-6 CEM quarantine facility procedures

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-3-18

Sec. 6. (a) The state veterinarian shall quarantine a horse moved into the state under this rule to an approved CEM quarantine facility until such time as the applicable requirements in this section are completed.

(b) The state veterinarian shall quarantine any mare that is used to test stallions for CEM until the mares are eligible for release from quarantine under 9 CFR 93.301(e)(4).

(c) The operator of a CEM quarantine facility shall keep quarantined animals separate from all other equine.

(d) The owner of a horse moved into the state under this rule must procure the services of a veterinarian to complete the following procedures:

- (1) Stallions shall be treated in accordance with 9 CFR 93.301(e)(3).
- (2) Mares shall be treated in accordance with 9 CFR 93.301(e)(5).

(e) Mares used to test stallions shall be handled and treated in accordance with 9 CFR 93.301(e)(4). (*Indiana State Board of Animal Health; 345 IAC 6-2-6*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 20, 2005 at 9:35 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed rules to establish procedures for importing horses from contagious equine metritis (CEM) regions to approved CEM quarantine facilities including quarantine and testing procedures. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh, D.V.M.
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Indiana State Board of Animal Health