

## Equine Infectious Anemia

This segment contains statutes and administrative regulations that deal with Equine Infectious Anemia (EIA or swamp fever). These laws require regular blood tests (Coggins test) to determine whether a horse is infected with the virus. Often, these laws prohibit the showing of a horse that does not have a current negative Coggins test. Sometimes, the ban even extends to such events as organized trail rides. A negative Coggins test is ordinarily required for the importation of a horse from another state or country. A positive test result requires that the horse be euthanized or quarantined for the rest of its life.

For an article that discusses equine infectious anemia, go to *Your Horse*, *Equine Infectious Anemia*, and the *Law in the HorseLaw* segment.

Most states regulate this disease through a combination of legislative enactments (statutes) and administrative regulations promulgated pursuant to statutory authority. Some states have only statutes and some states have only regulations.

You may obtain recorded summary information on health certificate requirements for import of horses into your state by calling the United States Department of Agriculture's toll free number: 800-545-8732.

The statutes and regulations were reviewed and updated as needed in October 2001.

### New York Equine Infectious Anemia Statutes and Regulations

#### NEW YORK STATUTES

#### AGRICULTURE AND MARKETS LAW

#### CHAPTER 69 OF THE CONSOLIDATED LAWS

#### ARTICLE 5--DISEASES OF DOMESTIC ANIMALS; CALVES AND VEAL; PURE BRED STOCK; CERTIFICATES OF REGISTRY

##### 95-c. Examination of horses for equine infectious anemia

1. The commissioner or his authorized agent may cause to be administered to any horse within the state any test he finds appropriate for ascertaining the presence or absence of equine infectious anemia, also known as "swamp fever." Upon order of the commissioner or his authorized agent, the owner, custodian or harbinger of any horse shall confine, present, control and restrain such animal or animals for the examinations, tests and identification procedures the commissioner deems necessary and if exposure to equine infectious anemia is apparent, the commissioner shall order confinement for a period up to sixty days or until a negative test can be obtained. During the period of such test, and until the commissioner or his agent shall otherwise direct, the owner, custodian or harbinger of any animal being tested shall keep such animal in segregation or confinement as the commissioner's agent shall direct, and no person shall remove a horse under test from the premises where the test is being conducted, nor remove from the horse, or alter

or deface any temporary identification marks or devices affixed for the purpose of the test, except with the written consent of the commissioner's authorized agent.

2. (a) Any horse found by the commissioner after testing to be infected with equine infectious anemia may be freeze branded in a manner prescribed by the commissioner. Upon notification of the results of such test, the owner, custodian or harbinger of any animal found by the commissioner to be infected with equine infectious anemia shall confine, present and restrain such animal for freeze branding by any duly authorized agent of the commissioner at such time as he may direct.

(b) Notwithstanding any other provisions of law, the owner, harbinger or custodian of any horse freeze branded pursuant to this section shall not be indemnified for any loss in value of such animal.

(c) The term "horse" as used throughout this section shall apply to the entire family of equidae. The commissioner may by regulation exclude from the provisions of this section horses within defined age categories.

3. No person shall import or bring into the state any horse unless such horse has been tested for equine infectious anemia and reacted negatively within a period prior to entry, and in a manner, prescribed by the commissioner in regulations.

4. No person shall transport on any public highway within this state any horse unless such horse has been tested for equine infectious anemia and reacted negatively within a period prior to such transportation, and in a manner, prescribed by the commissioner in regulations.

5. No person shall sell, exchange, barter or give away any horse unless such horse has been tested for equine infectious anemia and reacted negatively within a period prior to such transfer of ownership, and in a manner, prescribed by the commissioner in regulations.

6. Subdivisions three, four and five of this section shall not apply to horses which are imported, sold, exchanged, bartered, given away or transported under permit from the commissioner or his authorized agent for immediate slaughter, research or such other purposes as the commissioner finds are consistent with the control and eradication of equine infectious anemia, as prescribed by the commissioner in regulations.

CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK  
TITLE 1. DEPARTMENT OF AGRICULTURE AND MARKETS  
CHAPTER II. ANIMAL INDUSTRY  
SUBCHAPTER A. DISEASES OF DOMESTIC ANIMALS; GARBAGE FEEDING  
PART 64. MOVEMENT AND TRANSFER OF HORSES AND OTHER EQUIDAE

Section 64.1 Importation prohibited without health certificate.

No horse or other equid, unless exempted by the provisions of section 64.5 or 64.9 of this Part, shall be imported into the State unless accompanied by a certificate of health signed by a veterinarian licensed and accredited by the state or country in which a physical examination of the animal was made and, further provided, that no such animal shall enter the State until the original of said certificate has been placed in the mail for delivery first class to the chief veterinarian of the state or country where the examination was made.

64.2 Form of certificate.

(a) The information of the aforesaid health certificate shall include the name of the owner or trainer of the animal or animals with address, the consignee or destination in New York with address, the date of examination, the number of animals examined, the establishment or premises at which the animals were examined, and the name, registration number if any, breed, brand, tattoo if any, sex, age, color and markings of each animal listed on the certificate.

(b) Said certificate shall also contain, or have attached thereto, a report of a negative agar gel immunodiffusion test a competitive ELISA test or other U.S.D.A. approved test for equine infectious anemia which complies with the provisions of section 64.4 of this Part.

64.4 Test requirements for importation.

(a) No horse or other equidae six months or more of age, unless exempted by the provisions of section 64.5 or 64.9 of this Part, shall be imported or brought into the State unless the custodian of such animal has in his possession at the time of entry a report of a negative agar gel immunodiffusion test, a competitive ELISA test or other U.S.D.A. approved test for equine infectious anemia for such animal.

(b) Said test shall have been conducted during the 12-month period prior to entry into the State.

(c) Said test shall have been conducted by a laboratory approved for the purpose by the United States Department of Agriculture and by the New York State Department of Agriculture and Markets.

(d) Said test report shall include:

(1) a complete description of the animal, including name, registration number if any, breed, brand, tattoo if any, sex, age, color and markings;

(2) the name and address of the owner;

(3) the date the test was conducted; and

(4) the name and address of the laboratory that conducted the test.

(e) Said test report shall be signed by:

(1) a duly licensed veterinarian;

(2) the director of the laboratory where the test was conducted; or

(3) the chief livestock health official of the state or country of origin of such animal.

(f) Said test report shall be retained by the custodian of such animal for a period of 90 days after the date of importation, or until the animal changes ownership in accord with the provisions of section 64.8 of this Part, and during such period said report shall be made available for examination by the Commissioner of Agriculture and Markets or his authorized agent on request at all reasonable times.

#### 64.5 Importation for immediate slaughter.

The provisions of the foregoing sections of this Part notwithstanding, any horse or other equid may be imported for immediate slaughter, and only for such purpose, without a health certificate or negative test of equine infectious anemia, by making application to the Commissioner of Agriculture and Markets and by complying with the provisions set forth in an application agreement required by the commissioner prior to importation.

#### 64.7 Test requirements for transport.

(a) No horse or other equidae six months or more of age, unless exempted by the provisions of section 64.5 or 64.9 of this Part, shall be transported on any public highway within the State unless the custodian of such animal has in his possession during the period of such movement a report of a negative agar gel immunodiffusion test, a competitive ELISA test or other U.S.D.A. approved test for equine infectious anemia for such animal.

(b) Said test shall have been conducted during the calendar year in which the movement takes place or in the preceding calendar year.

(c) Said test shall have been conducted by a laboratory approved for the purpose by the United States Department of Agriculture and by the New York State Department of Agriculture and Markets.

(d) Said test report shall include:

(1) a complete description of the animal, including name, registration number if any, breed, brand, tattoo if any, sex, age, color and markings;

- (2) the name and address of the owner;
- (3) the date the test was conducted; and
- (4) the name and address of the laboratory that conducted the test.

(e) Said test report shall be signed by:

- (1) a duly licensed veterinarian;
- (2) the director of the laboratory where the test was conducted; or
- (3) the chief livestock health official of the state or country of origin of such animal.

64.8 Test requirements for sale or other change of ownership.

(a) No horse or other equidae six months or more of age, unless exempted by the provisions of section 64.5 or 64.9 of this Part, shall be sold, exchanged, bartered or given away, unless such animal has been subjected to an agar gel immunodiffusion test, a competitive ELISA test or other U.S.D.A. approved test for equine infectious anemia and reacted negatively within 12 months prior to such transfer of ownership.

(b) Said test shall have been conducted by a laboratory approved for the purpose by the United States Department of Agriculture and by the New York State Department of Agriculture and Markets.

(c) At the time of such transfer of ownership, the transferor shall deliver, personally or by certified mail, to the transferee a copy of the report of such negative test, which shall include:

- (1) a complete description of the animal, including name, registration number if any, breed, brand, tattoo if any, sex, age, color and markings;
- (2) the name and address of the owner;
- (3) the date the test was conducted; and
- (4) the name and address of the laboratory that conducted the test.

(d) Said test report shall be signed by:

- (1) a duly licensed veterinarian;
- (2) the director of the laboratory where the test was conducted; or
- (3) the chief livestock health official of the state or country of origin of such animal.

64.9 Other authorized movement or transfer.

(a) The provisions of sections 64.1, 64.4, 64.7 and 64.8 of this Part shall not apply to any horse or other equidae which is imported, sold, exchanged, bartered, given away or transported for purposes of immediate slaughter if an owner/shipper statement accompanies the horse from the premise of origin to the livestock market. Such statement shall include the name of the consignor, the name of the market, individual identification of the horses present and the number of horses in the shipment. Upon arrival at the livestock market, such horses will be identified with a green equine waybill backtag applied to the left hip which will serve as a permit for their movement to slaughter within 14 days of the date of purchase. Buyers wishing to purchase animals identified with the equine waybill backtag may do so at their own risk provided that an equine infectious anemia test sample is drawn by a veterinarian prior to movement from the market and the equine waybill backtag remains affixed to the animal until the negative results are received.

(c) The commissioner hereby finds that the exemptions set forth in this section are consistent with the control and eradication of equine infectious anemia.

CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK  
TITLE 1. DEPARTMENT OF AGRICULTURE AND MARKETS  
CHAPTER VII. AGRICULTURAL FAIRS AGRICULTURE AND DOMESTIC ARTS  
PART 351. ANIMAL HEALTH REQUIREMENTS FOR EXHIBITION AT FAIRS

351.7 Horses.

To be admitted to or permitted on the premises during a fair, a horse 180 days or more of age must be accompanied by a certificate or statement showing that the horse has tested negative to an agar gel immunodiffusion test, competitive ELISA test or other U.S.D.A. approved test for equine infectious anemia (swamp fever) during the calendar year in which the fair is held or during the preceding calendar year which shall be presented to the commissioner's authorized agent.

(a) The agar gel, immunodiffusion test, competitive ELISA or the other U.S.D.A. approved test must have been conducted by a laboratory approved for the purpose by the U.S.D.A.

(b) The required certificate shall include a complete identification of the horse, the date of the test, and the name and address of the laboratory that conducted the test.

(c) The certificate must be signed by a duly licensed veterinarian and the director of the laboratory where the test was conducted.

CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK  
TITLE 9. EXECUTIVE DEPARTMENT  
SUBTITLE T. NEW YORK STATE RACING AND WAGERING BOARD  
CHAPTER I. RACING  
SUBCHAPTER B. STATE HARNESS RACING COMMISSION  
PART 4106. IDENTIFICATION OF HORSES

Section 4106.6 Importation prohibited without document.

(a) No horse shall enter the State of New York unless accompanied by a certificate of equine examination signed by a veterinarian accredited and licensed by the state in which the examination required by the certificate was made and further provided that no horse shall enter the State of New York until the original of said certificate has been placed in the mail for delivery first class to the state veterinarian of the state in which the required examination was conducted.

(b) Form of certificate.

(1) The information on the certificate shall include the name of the owner or trainer with address, the consignee or destination in New York with address, the date of examination, the number of horses examined, the establishment or premises at which the horses were examined, the name, registration number if any, tattoo if any, sex, age, rectal temperature and color and markings of each horse listed on the certificate.

(2) The certificate shall include the following statement signed by the examining veterinarian:

I hereby certify that I am accredited and licensed in the State of (State) and that the (number) horse or horses described above was or were examined by me on the date indicated and found to be free from symptoms of any infectious or communicable disease. I further certify that the temperature of each horse was as recorded above.

Signature: \_\_\_\_\_ Address: \_\_\_\_\_

(Accredited Veterinarian)

(3) The certificate shall make provision for the recording of test results by the state veterinarian of the state of origin and shall include the following statement for subsequent counter-signature by such state veterinarian:

This certifies that the issuing veterinarian is accredited and licensed to practice in the State of (State) ..... and that the test results recorded above are correct to the best of my knowledge and belief.

Signature: .....

(State Veterinarian)

Date Countersigned:.....

(c) Time limitation of certificates. A certificate of equine examination shall be valid for the purposes of this Part until the 10th day following the date of examination appearing on the certificate.

4106.7 Importation prohibited.

(a) All persons, associations or corporations, their agents, officers and employees and any person acting by or at their behest, are hereby forbidden to bring into this State, or cause to be brought into this State, any horse affected with or having been exposed to the disease known as equine infectious anemia (swamp fever). Every horse brought into this State or caused to be brought into this State shall be accompanied by a statement signed by a veterinarian of recognized standing in his state or country of residence certifying that such animal is not suffering from and has not been exposed to equine infectious anemia.

(b) Manure from any horse suffering from equine infectious anemia shall not be brought or caused to be brought into this State.

(c) Every person, association or corporation, and any agent, officer or employee thereof, failing to obey this order shall be subject to the fines and penalties provided by law.

CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK  
TITLE 9. EXECUTIVE DEPARTMENT  
SUBTITLE T. NEW YORK STATE RACING AND WAGERING BOARD  
CHAPTER I. RACING  
SUBCHAPTER C. STATE QUARTER HORSE RACING COMMISSION  
PART 4209. IDENTIFICATION OF HORSES

Section 4209.6 Importation prohibited without document.

(a) No horse shall enter the State of New York unless accompanied by a certificate of equine examination signed by a veterinarian accredited and licensed by the State in which the examination required by the certificate was made and further provided that no horse shall enter the State of New York until the original of said certificate has been placed in the mail for delivery first class to the State veterinarian.

(b) Form of certificate.

(1) The information on the certificate shall include the name of the owner or trainer with address, the consignee or destination in New York with address, the data of examination, the number of horses examined, the establishment or premises at which the horses were examined, the name, registration number if any, tattoo if any, sex, age, rectal temperature and color and markings of each horse listed on the certificate.

(2) The certificate shall include the following statement signed by the examining veterinarian:

"I hereby certify that I am accredited and licensed in the State  
of ..... and that ..... horse or horses

(State) (Number)

described above was or were examined by me on the date indicated and found to be free from symptoms of any infectious or communicable disease. I further certify that the temperature of each horse was as recorded above.

Signature: ..... Address: ....."

(Accredited Veterinarian)

(3) The certificate shall make provision for the recording of test results by the State veterinarian of the State of origin and shall include the following statement for subsequent counter-signature by such State veterinarian:

"This certifies that the issuing veterinarian is accredited and licensed to practice in the State of ..... and that the test results recorded above are correct to the best of my knowledge and belief.

Signature: .....

(State Veterinarian)

Dated Countersigned ....."

(c) Time limitation of certificate. A certificate of equine examination shall be valid for the purposes of this Part until the 10th day following the date of examination appearing on the certificate.

#### 4209.7 Importation prohibited.

(a) All persons, associations or corporations, their agents, officers and employees and any person acting by or at their behest, are hereby forbidden to bring into this State or cause to be brought into this State, any horse affected with or having been exposed to the disease known as equine infectious anemia (swamp fever). Every horse brought into this State or caused to be brought into this State shall be accompanied by a statement signed by a veterinarian of recognized standing in his state or country of residence certifying that such animal is not suffering from and has not been exposed to equine infectious anemia.

(b) Manure from any horse suffering from equine infectious anemia shall not be brought or caused to be brought into this State.

(c) Every person, association or corporation, and any agent, officer or employee thereof, failing to obey this section shall be subject to the fines and penalties provided by law.