

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**CHAPTER 15 - ANIMAL INDUSTRY**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**35:15-1-2. Definitions**

The following words or terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise:

**"Accredited veterinarian"** means a veterinarian approved by the United States Department of Agriculture (USDA) to perform functions required for state or cooperative state and federal animal disease control and eradication programs.

**"Animal disease traceability"** means the ability to trace an animal to its site of application of official identification and/or premises of origin as set out in 9 CFR Parts 71, 77, 78, 86, et al. Traceability for Livestock Moving Interstate; Final Rule.

**"Approved tagging site"** means a premises, authorized by APHIS, State, or Tribal animal health officials, where livestock may be officially identified on behalf of their owner or the person in possession, care, or control of the animals when they are brought to the premises.

**"Backtag"** means a USDA approved identification system consisting of a tag of special tough paper, bearing identification codes relating to origin of animals, which are stuck to animals a few inches from the midline and just behind the shoulder with very strong glue. The backtag is designed as temporary identification for easy reading in livestock auction markets to help trace the origin of livestock in Department investigations.

**"Certificate of veterinary inspection"** means an official document or its electronic equivalent approved by the chief livestock official of the state of origin issued by an accredited veterinarian at the point of origin of a shipment of animals that includes the name and address of the consignor; the name and address of the consignee; the entry permit number, if applicable; the age, sex, number, and breed of the animal; sufficient identifying marks or tags to positively identify each animal; purpose of shipment; and the results of all required tests. It shall also include a record of a physical examination of the animal verifying that each animal is free from visible evidence of any contagious, infectious, or communicable diseases and that the animals do not originate from an area of quarantine, infestation, or infection. A certificate of veterinary inspection is valid for thirty (30) days after the date of issuance. The term certificate of veterinary inspection shall also include an official health certificate, an official certificate, or a certificate.

**"Commuter herd"** means all cattle under common ownership or supervision, that are located on one (1) or more premises in two (2) or more states and there is an interchange or interstate movement of animals between premises in those states as part of the normal farming, breeding or ranching operation without a change of ownership. A commuter herd agreement shall be completed and approval of commuter herd status shall be obtained from each chief animal health official of all states in which the herd resides.

**"Designated epidemiologist"** means an epidemiologist selected by the State Veterinarian who has been designated to perform those functions necessary for the classification

of livestock suspected to be infected with a particular disease, based on an evaluation of test results and consideration of the animal and herd history, as well as other epidemiological factors.

**“Livestock Special Sale”** means a consignment, production, or farm sale, other than a regular livestock auction, where livestock are sold.

**"Official identification"** means any official method of identification approved by USDA, as described by 9 C.F.R. § 86.1, or the State Veterinarian. Official identification for specific species may be further defined within the applicable section of the Oklahoma Administrative Code. Backtags shall not be considered official identification unless the animal is shipped directly to slaughter. The term "official ear tag" is synonymous with "official identification."

**"Owner-Shipper statement"** means a statement signed by the owner or shipper of the livestock being moved stating the location from which the animals are moved interstate; the destination of the animals; the number of animals covered by the statement; the species of animal covered; the name and address of the owner at the time of the movement; the name and address of the shipper; and the identification of each animal, as required by the regulations, unless the regulations specifically provide that the identification does not have to be recorded.

**"Quarantine"** means a written notice or order issued by an authorized agent of the Department showing the boundaries of the area or premise affected, the animals restricted, and conditions, if any. No livestock held under quarantine may be moved or released without a written permit or quarantine release signed by an authorized agent.

**"Resident herd of origin"** means a group of livestock that have been maintained as a herd or flock on the same premises for at least four (4) months.

**“Special sale permit”** means a permit from ODAFF Animal Industry Services to hold a consignment, production, farm, or special sale.

**"State animal health official"** means the state animal health official, or designee, who is responsible for the livestock and poultry disease control and eradication programs in a state.

### **35:15-1-7. Change of ownership for cattle within Oklahoma**

**(a) The following cattle shall be individually identified by official identification:**

**(1) All dairy cattle;**

**(2) All "M" branded cattle including any commingled domestic cattle; and**

**(3) All roping, exhibition, event, and rodeo cattle.**

**(b) Sellers shall maintain records of the official identification and the purchasers name and contact information for five (5) years. The records shall be made available to Department personnel upon request in a disease trace back or cattle theft case.**

**(c) Cattle that are sold or consigned to move from a resident herd of origin to a state or federally approved slaughter establishment within seven (7) days of the change of ownership, where they are harvested within three days of arrival at the establishment, are exempt from the requirement of subsection (a) of this section.**

## **SUBCHAPTER 13. TESTING AND INSPECTION FOR DISEASE AND RELEASE OF LIVESTOCK AT AUCTION MARKETS**

### **35:15-13-6. Movement of livestock through livestock auction markets**

- a) All certificates of veterinary inspection, permits, and other documents, including out-of-state documents accompanying livestock into Oklahoma livestock auction markets, that are incomplete or have been altered in any way are void and shall not be accepted. This includes documents that are incomplete as to official identification number and description of animal it represents. In order to be accurate and acceptable, the prefix of each official identification number shall be recorded.
- (b) All livestock shipped or exported from the State of Oklahoma shall meet the state of destination importation requirements.
- (c) Dairy cattle or Mexican cattle to be tuberculosis tested after change of ownership that are not held at the livestock auction for testing shall be consigned to the purchaser's accredited veterinarian of choice accompanied by a VS 1-27 form to verify the arrival of the animal for testing.
- (d) Cattle tagged with a Slaughter Only Tag shall not be diverted from slaughter channels and shall be transported to a slaughter establishment or an approved feedlot within seven (7) days of sale. It shall be a violation of this rule to re-consign an animal tagged "Slaughter Only" to another Livestock Auction Market. Auctioneers shall notify potential buyers that "Slaughter Only" cattle are being sold and must be sent to slaughter within 3 days.
- (e) It shall be a violation of Oklahoma Administrative Code to present feral swine to a livestock auction market or to sell feral swine at livestock auction markets.

## SUBCHAPTER 15. EQUINE INFECTIOUS ANEMIA (EIA)

### Part 1- GENERAL PROVISIONS

#### 35:15-15-4. Definitions

The following words or terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Adjacent herds"** means a group or groups of Equidae sharing common pasture or having any direct contact with an affected herd or positive animal and includes any herd containing an animal purchased from or exchanged with the affected herd. Herds separated by a distance of less than two hundred (200) yards are adjacent herds.

**"Affected herd"** means a herd of Equidae that contains or has contained one or more animals infected with equine infectious anemia and that has not passed all tests required for release from quarantine.

**"Approved laboratory"** means a laboratory approved prior to operating by the State Veterinarian and the Federal Area Veterinarian In Charge to conduct an official test for equine infectious anemia.

**"Approved market"** means a stockyard, livestock market, or other premises approved by the Board, where horses or other Equidae are assembled for sale purposes.

**"Direct shipment to slaughter"** means the shipment of equine infectious anemia positive or exposed Equidae from the premises of origin or a quarantined holding facility to a slaughter establishment operated under state or federal inspection without diversion of any type.

**"Equidae"** means a family of perissodactyl ungulate mammals containing a single genus Equus, which includes but is not limited to horses, asses, jacks, jennies, hennies, mules, donkeys, burros, ponies, and zebras.

**"Equine infectious anemia (EIA)"** means a blood borne viral infection of Equidae.

**"Exposed animals"** means Equidae that have been in contact with, associated with, or adjacent to animals known to be equine infectious anemia positive. Untested animals sold for slaughter at approved markets shall be considered exposed.

**"Herd"** means one or more Equidae maintained on common ground and includes all Equidae under single or multiple ownership or supervision that are geographically separated but can have an interchange or movement without regard to health status.

**"Herd plan"** means a herd management and testing agreement designed by a state or federal veterinarian and a herd owner to control and eradicate equine infectious anemia from an affected, adjacent, or exposed herd of Equidae.

**"Livestock dealer"** means any person engaged in the business of buying or selling Equidae in commerce or any person registered and bonded under the provisions of the Federal Packers and Stockyards Act of 1921, as amended, who buys Equidae. The term livestock dealer shall not include a farmer or rancher who buys or sells Equidae in the ordinary course of their farming or ranching operation, unless they are registered and bonded under the Federal Packers and Stockyards Act of 1921, as amended.

**"Market veterinarian"** means any accredited veterinarian who has entered into a written agreement to work a specified market.

**"Negative animals"** means Equidae that show a negative response to an official test for equine infectious anemia or have been classified negative by the designated epidemiologist, based on history, supplemental tests, or other epidemiological evidence.

**"Official Equine Passport" or "Equine Interstate Event Permit Extended Equine Certificate of Veterinary Inspection"** means an approved document issued by an accredited veterinarian at the point of origin of a shipment of equine originating in a state with an ~~equine passport agreement or equine interstate event permit~~ **Extended Equine Certificate of Veterinary Inspection** agreement.

**"Official in charge"** means any manager, superintendent, secretary, or other person responsible for an equine exhibition.

**"Official test"** means the agar gel immunodiffusion (AGID) or "Coggins" test, the enzyme-linked immunosorbent assay (ELISA) test, or any other diagnostic test approved by the State Veterinarian.

**"Owner"** means any person with the legal right of possession or having control over any Equidae, and shall include but not be limited to agents, caretakers, and other persons acting on behalf of that person.

**"Permit"** means an official document that shall accompany positive or exposed Equidae to a quarantined holding facility, an approved slaughter establishment, or approved quarantined premise. The permit shall be issued by the Board, a representative of USDA, or an accredited veterinarian. The permit shall list the name, breed, any registration number, any tattoo, any brand, sex, age, color, and markings sufficient to positively identify each Equidae listed on the form and shall also include the owner's name and address, origin and destination locations, and the purpose of the movement.

**"Positive"** means any Equidae which discloses a positive reaction to an official test for equine infectious anemia.

**"Quarantined holding facility"** means a quarantined premise approved by the Board to handle positive or exposed Equidae for a period of not more than thirty (30) days prior to direct shipment to an approved slaughter establishment.

**"State or federal veterinarian"** means any veterinarian employed by a state or federal regulatory agency.

**"Test eligible"** means all Equidae other than foals less than six (6) months of age accompanied by their negative tested dam.

**"VS Form 10-11"** means the official USDA Equine Infectious Anemia Laboratory Test form labeled VS Form 10-11 or an approved electronic version.

## **Part 11 - REQUIREMENTS FOR EQUIDAE ENTERING OKLAHOMA**

### **35:15-15-111. General requirements for Equidae entering Oklahoma**

(a) All test eligible Equidae entering Oklahoma for any purpose other than consignment to a veterinarian's clinic or an approved slaughter facility or livestock auction market shall be accompanied by one of the following:

(1) A record of a negative official test for EIA conducted within the previous twelve (12) months and An Official Equine Passport Extended Equine Certificate of Veterinary Inspection.

(2) A record of a negative official test for EIA conducted within the previous twelve (12) months and a certificate of veterinary inspection.

(3) An equivalent certificate as approved by the State Veterinarian.

(4) A copy of a VS Form 10-11 shall be considered an official record of test when accompanied by a properly completed certificate of veterinary inspection.

(5) An exception to import test requirements may be issued by the Department. To qualify for the exception, the person seeking the exception shall:

(A) Apply for an entry permit during the Department's office hours.

(B) Obtain a certificate of veterinary inspection issued no more than thirty (30) calendar days prior to entry;

(C) Test the Equidae for EIA within thirty (30) days after entry; and

(D) Immediately quarantine the Equidae entering Oklahoma pursuant to this subsection until the Equidae is tested negative for EIA.

(b) ~~An Official Equine Passport shall include the following:~~

~~(1) The name, breed, sex, age, color, and an electronic identification, a unique brand, or a tattoo to positively identify each Equidae listed on the form, provided that any owner using electronic identification shall carry and maintain a functional reader or scanner.~~

~~(2) A record of a physical examination of each Equidae verifying freedom from visible evidence of any contagious, infectious, or communicable diseases at the time of the examination.~~

~~(3) The negative test results of an official test for EIA, including the name of the approved laboratory, the case or accession number, and the date of the most recent test.~~

~~(4) A VS Form 10-11 or equivalent EIA test chart for each animal.~~

~~(e) The Official Equine Passport shall be valid and meet import requirements for a period of six (6) months when accompanied by proof of an official negative VS Form 10-11 or equivalent EIA test chart. In no instance shall a permit expiration date exceed twelve (12) months after the date of a negative EIA test.~~

~~(d) An Official Equine Passport Extended Equine Certificate of Veterinary Inspection shall be accepted from states approved by the State Veterinarian participating in the Extended Equine Certificate of Veterinary Inspection program.~~

## **SUBCHAPTER 22. SWINE PSEUDORABIES AND BRUCELLOSIS**

### **35:15-22-3. Change of ownership requirements**

(a) All swine, six (6) months of age or older, shall be tested and found negative to pseudorabies and brucellosis within the previous thirty (30) days prior to changing ownership, or originate from a V/Q herd with current test status.

(b) Swine, six (6) months of age or older, moving directly from a premises of origin to an approved slaughter facility, or through a livestock auction market to an approved slaughter facility, are exempt from testing requirements provided identity to the herd of origin is maintained.

(1) Livestock dealers who purchase swine six (6) months of age or older without premises identification tags by private treaty shall place premises identification tags with a management number and keep records of such to ensure traceability to the premises of origin.

(c) Feeder swine moving directly from a premises of origin or through a livestock auction market for feeding purposes only are exempt from testing requirements, provided identification to the herd of origin is maintained.

### **35:15-22-4. Requirements for livestock auction markets**

(a) All swine six (6) months of age or older consigned to a livestock auction market shall have:

(1) a Premises Identification Tag ~~official identification~~ already in place ~~official identification shall be recorded by the livestock auction market;~~ or

(2) a Premises Identification Tag with a management number shall be official identification applied and the market shall keep a record of the seller ~~official identification shall be recorded by the livestock auction market.~~

(b) ~~The market operator shall maintain a record of all official identifications and the corresponding consignee's name and address.~~ Feeder swine less than six (6) months of age shall be tagged with an official identification tag and records kept to maintain traceability to the seller.

(c) All swine over six (6) months of age not purchased or reconsigned as direct to slaughter shall be tested for brucellosis and pseudorabies prior to leaving the livestock auction market.

## **SUBCHAPTER 36. SCRAPIE**

### **35:15-36-1. Incorporation by reference of federal regulations**

Regulations of the United States Department of Agriculture concerning scrapie in sheep and goats found at 9 CFR Part 79 (2017 Revision) are adopted by reference with the exception of the deleted regulations specified in 35:15-36-2.

### **35:15-36-2. Deleted regulations**

The following sections of the Federal regulations governing scrapie in sheep and goats (9 CFR, Part 79 et seq.) (2017 Revision) of the USDA incorporated by reference under 35:15-36-1 are deleted and are not rules of the Oklahoma Department of Agriculture, Food, and Forestry: 79.6 and 79.7.

### **35:15-36-3. Requirements for identification**

(a) All sheep and goats imported into Oklahoma shall be identified by an official USDA approved official identification device.

(b) All sheep and goats shall be officially identified prior to movement for sale or exhibition.

- (1) If moving to a livestock market, identification may be applied by the market before sale.
- (2) The state veterinarian may grant a written exception for the official identification of wethers on an individual basis.

## **SUBCHAPTER 49. MISCELLANEOUS ANIMAL DISEASES**

### **Subchapter 49. Miscellaneous Animal Diseases**

#### 35:15-49-7. Equine Herpes Virus

(a) The State Veterinarian or any state or federal veterinarian acting under authority of the State Veterinarian may cause an official test to be conducted on any test eligible Equidae known or suspected to be infected with or exposed to Equine Herpes Virus.

(b) If the owner refuses or neglects to comply with the testing requirements, the Equidae shall be quarantined and the movement of any Equidae from the premises shall be prohibited.