

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND  
FORESTRY  
CHAPTER 15. ANIMAL INDUSTRY**

**SUBCHAPTER 5. BIOLOGICAL PRODUCTS AND LABORATORIES**

**35:15-5-2. Laboratories**

**(a) Privately owned laboratories requesting authority to perform certain procedures.**

Privately owned laboratories requesting authority to perform certain official laboratory procedures must apply for said approval on an application provided by the Assistant Director (AD) of the United States Department of Agriculture (USDA) Animal Plant Health Inspections Service (APHIS) Veterinary Services (VS) Surveillance Preparedness Response Service (SPRS) which provides for a joint signature of recommendation for approval of the AD and the State Veterinarian or designee.

**(b) Initial request for laboratory approval.** All initial requests for laboratory approval shall be made to the AD or State Veterinarian or designee. Laboratories must specify those ~~terms~~ tests which they are requesting approval to perform. These tests include, but are not limited to, Bluetongue, Bovine Leukosis, Equine Infectious Anemia, Johne's Disease, Pseudorabies, Bovine Trichomoniasis, and those diseases that are reportable to the Department.

**(c) Requirements prior to approval of laboratory.** Prior to approval of any laboratory to conduct any official laboratory procedure, the following requirements must be met:

(1) An authorized representative of the Department or USDA will review with laboratory officials the responsibilities, regulatory and technical, inherent in conducting and reporting official tests.

(2) The physical facilities of the laboratory will be inspected by a Federal or State representative. Inspection results will be recorded on a laboratory inspection worksheet. This inspection must be determined as satisfactory before approval will be considered.

**(d) Procedures to be followed by approved laboratories.**

(1) Only antigen licensed by APHIS or supplied by National Veterinary Services Laboratories (NVSL) and accompanying antiserum will be used.

(2) All tests will be conducted according to protocol provided by NVSL.

(3) Official test results will be reported promptly to State or Federal regulatory officials and the veterinarian submitting the sample.

(4) Only samples submitted by a licensed veterinarian, state or federal animal health official, or military veterinarian will be accepted.

(5) Information with sample submission shall include:

(A) Name and address of submitting veterinarian.

(B) Name and address of owner.

(C) Location (including county) or animal(s) at time of test.

(D) Age, breed, and sex of animal tested.

(E) Identification of animal(s) tested, which may include eartag, tattoo, registration number or physical description adequate to provide positive individual identification of animal(s) tested.

(6) Periodic proficiency testing will be required for continuous authority to conduct approved testing. NVSL will supply the samples and evaluate test results.

(7) If any proficiency test is failed, the approved laboratory shall immediately notify the Department and shall suspend further testing until recertified by NVSL.

(8) Incomplete tests charts shall not be accepted and the sample shall not be tested until the chart is completed.

(e) **Training.**

(1) Personnel who perform any approved official test must be recognized as qualified by Veterinary Services and the Department. The AD and the State Veterinarian or designee must recommend personnel for approval and training by NVSL.

(2) The person(s) responsible for conducting official tests for private laboratories will be trained by NVSL.

(3) With approval of the AD and the State Veterinarian or designee, personnel previously trained by NVSL for Federal, State, and University laboratories may train others in the laboratory to conduct official tests. Training will include regulatory responsibility.

(4) NVSL will certify training of personnel for Federal, State, and University laboratories by proficiency testing which must be completed in accordance with standards established by NVSL, and maintained by periodic proficiency testing.

(f) **Evaluation of personnel.** The AD, State Veterinarian or designee, and NVSL will evaluate personnel who do not successfully complete proficiency testing in order to determine if additional training is necessary.

(g) **Laboratories approved to conduct official tests.** Laboratories approved to conduct official tests must notify in writing the AD, State Veterinarian or designee and NVSL when any person trained by NVSL to conduct official tests is no longer employed. If no one with approved training is available to conduct these tests, approval of the laboratory will be cancelled.

(h) **Recommendation for approval.** The AD and the State Veterinarian or designee must recommend approval of the laboratory prior to obtaining official status. A jointly signed memorandum and the originals of all completed documents of application and approval shall be mailed through the appropriate Regional Director of APHIS for his or her concurrence to the Director of NVSL.

(i) **Approval of laboratories.** After the requirements of training have been satisfactorily completed, the laboratory will be approved by the Director of NVSL and will be so notified of approval by a telegram or a letter signed by the Director of NVSL.

(j) **Removal or suspension of laboratory approval.**

(1) Laboratory approval will be removed or suspended by the Director of NVSL or State Veterinarian or designee when any criteria are not met. If the laboratory is approved to perform tests for more than one disease, removal or suspension will apply only to the disease for which proficiency is not maintained. The laboratory will be informed of removal or suspension by a telegram signed by the Director of NVSL, or by certified letter from the Department, or both.

(2) Failure to maintain competency or failure to perform within any established protocol, shall constitute a violation of this Section and shall submit the laboratory to actions outlined under the Administrative Procedures Act of the State of Oklahoma, above and beyond any action deemed appropriate by APHIS.

## SUBCHAPTER 11. IMPORTATION OF LIVESTOCK, POULTRY, AND PETS

### PART 1. GENERAL

#### 35:15-11-1. General import requirements

- (a) All persons importing livestock, as defined in 2 O.S. Section 6-150, shall have a certificate of veterinary inspection with the following exceptions:
- (1) Livestock transported as part of a commuter herd with a copy of the commuter herd agreement;
  - (2) Livestock transported directly to an Oklahoma veterinarian for treatment if returned to the premises of origin within two (2) days following cessation of treatment;
  - (3) Livestock transported from a premises of origin in another state to an approved tagging site or approved livestock market and they are accompanied by an owner-shipper statement;
  - (4) Livestock transported from a premises of origin in another state directly to a slaughtering establishment and they are accompanied by an owner-shipper statement or a completed Drive-In document; or
  - (5) Livestock transported as a restricted movement accompanied by a VS form 1-27.
- (b) The Commissioner of Agriculture or the State Veterinarian shall be authorized to impose pre-entry test requirements on any species if it becomes known that the threat of disease exists which could place the livestock industries of Oklahoma at risk or could become a public health hazard.
- (c) Import requirements of this section may be in addition to import requirements for a species or disease found in this subchapter.
- (d) The owner of the livestock, the shipper and the operator of the vehicle transporting the livestock shall be equally and individually responsible for meeting all requirements regarding certificates of veterinary inspection, permits, and the movement of livestock into this state.

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

#### 35:15-13-1. Definitions

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

**"Approved veterinarian"** means a licensed accredited veterinarian who has complied with all Department regulations and educational requirements, and who has been approved by the Department to conduct necessary tests, vaccinations, inspections, and other duties.

**"Drive-in"** means a written record of livestock in a single consignment. Information on a drive-in shall include name and address of the consignor, license tag number of vehicle used to haul livestock, list and brief description of livestock and corresponding backtags applied, and any special notes or instructions concerning the livestock.

**"Livestock auction market veterinarian"** means a licensed, accredited veterinarian who has been approved to represent the Department by performing the veterinarian's duties at livestock auction markets.

**"Official forms"** means forms furnished or approved by the State Board of Agriculture or Animal and Plant Health Inspection Service of the United States Department of Agriculture.

**"Slaughter only"** means to go directly to a slaughter establishment or to a registered commercial feed lot to be fed to go directly to slaughter.

**"Slaughter only tag"** means a cardboard tag with the words, "For Slaughter Only" applied to the hip of an animal that is to be taken directly to a slaughter establishment or to a registered commercial feed lot to be fed before going directly to slaughter.

**"Brucellosis test eligible cattle"** means all cattle eighteen (18) months of age, as determined by the loss of first pair of temporary incisor teeth, except exposed cattle which have been "S" branded, steers, and spayed heifers.

### **35:15-13-3. General requirements for a livestock auction market**

(a) Any person owning, operating, conducting, or maintaining a livestock auction market shall be required to:

- (1) Submit an application for a license to the Department on an official form prior to operation.
- (2) Bond the market pursuant to 2 O.S. § 9-132, as amended or according to the provisions of the Federal Packers and Stockyards Act as amended.
- (3) Employ a livestock auction market veterinarian for auctions selling cattle, horses, swine, or other species as determined by the state veterinarian.

(b) The livestock auction market license shall cost Twenty Five Dollars (\$25.00) per year and shall expire on December 31 of each year.

(c) Both the buyer's and seller's invoices shall include the name, address of the owner, and description of the cattle as to breed, sex, and age. Invoices for swine shall show the predominate breed and shall show them to be feeding, breeding, or slaughter swine.

(d) The livestock auction market veterinarian or sale company shall not be responsible for results of any tests that are conducted properly or for any reactor animals or responder animals found in the market.

(e) Refusal or failure to comply with the Department rules shall be just cause for the revocation or suspension of the livestock auction market license.

(f) No person owning, operating, conducting, or maintaining a livestock auction market shall allow any of the following animals to leave the livestock auction market unless it is individually identified by an official identification with an exception for weak cattle or cattle that pose a greater than normal risk of being injured or injuring a person:

- (1) All beef cattle eighteen (18) months of age or older, except terminal fed steers and heifers, going directly to a feedlot or slaughter which will not be reintroduced into the breeding herd;
- (2) All dairy cattle;
- (3) All "M" branded cattle including any commingled cattle, and
- (4) All roping, exhibition, event, and rodeo cattle.

(g) Weak cattle or cattle that pose a greater than normal risk of being injured or injuring a person may be sold with a back tag and slaughter only tag to be transported directly to slaughter.

(h) The owner or operator of the livestock auction market shall keep records of each animal consigned or delivered to the livestock auction market for a period of five (5) years for disease traceback purposes, including but not limited to the following:

- (1) "Drive-in" or any other documents identifying the backtag, owners name and address, and license tag of mode of transportation;
- (2) Any records kept pursuant to the Livestock Auction Market Act;

- (3) Records of any official identification applied to the animal or already existing with the animal; ~~and~~
  - (4) Any records available regarding the purchaser of the animals; and
  - (5) Records of official identification shall be sufficiently legible and accurate to facilitate successful tracebacks.
- (i) Each livestock auction market shall sign and have on record with the Department the most current livestock market contract for each of the species sold at the market.
  - (j) The livestock auction market shall make the above records available to ODAFF personnel when requested.

**35:15-13-5. Approval and responsibilities of veterinarians in livestock auction markets**

- (a) The veterinarian shall make application for approval to the Department and shall be examined as to his or her ability to function as a livestock auction market veterinarian.
- (b) The livestock auction market veterinarian shall inspect cattle, bison, horses, swine, or other species as determined by the State Veterinarian at the livestock auction market for the purposes of determining the condition of health and freedom from infectious or contagious diseases.
- (c) The livestock auction market veterinarian shall arrive at the market in sufficient time to do all required testing, official identification, and inspection prior to the beginning of the sale.
- (d) The livestock auction market veterinarian is responsible for completion of state and federal forms necessary for the release of livestock from markets and other state and federal forms required for disease traceability, control, and eradication programs. These state and federal forms shall be sufficiently legible and accurate to facilitate successful tracebacks.
- (e) In the event that an official identification is already present in the animal being tested, the livestock auction market veterinarian shall use this tag instead of retagging, and include all prefixes and numbers in recording the tag on test charts and official documents.
- (f) The livestock auction market veterinarian shall use separate bleeding needles or separate syringes for each animal. The use of the same syringe or needle for ~~at~~ multiple animals is prohibited.
- (g) If the livestock auction market veterinarian cannot determine the class of livestock to be shipped by the description on the purchaser's invoice, the livestock auction market veterinarian shall look at each shipment prior to release.
- (h) All reactor or responder cattle received for sale shall be examined as to official identification by the livestock auction market veterinarian prior to sale.
- (i) Copies of all forms shall be forwarded to the office of the State Veterinarian by the livestock auction market veterinarian immediately after sale.
- (j) All official ear tags, forms, certificates of veterinary inspection, or documents and official stamps and signature stamps, shall be kept in the exclusive possession of the livestock auction market veterinarian and shall be dated and signed by him or her only at the time it is filled out and issued. Under no circumstances shall any official document be pre-signed or pre-stamped by the livestock auction market veterinarian. Use of any official stamp by persons other than the livestock auction market veterinarian or a state or federal employee is expressly prohibited. The livestock auction market veterinarian shall be solely responsible for the unauthorized or improper issuance of any official document or the use of any official stamp or signature stamp.
- (k) The livestock auction market veterinarian shall ensure another livestock auction market veterinarian is available at the market when the regular livestock auction market veterinarian is absent from the market.

- (l) The livestock auction market veterinarian shall not resign his duties without written notice to the sale company and State Veterinarian's office at least ten (10) days prior to resignation.
- (m) The livestock auction market veterinarian's failure or neglect to perform any of the functions in this Section shall be cause for disapproval and immediate removal from the livestock auction market.

**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 a commercial feedlot within seven (7) days of sale.

**SUBCHAPTER 15. EQUINE INFECTIOUS ANEMIA (EIA)**

**PART 3. PROCEDURES**

**35:15-15-34. Requirements for approved EIA testing laboratories**

- (a) No person shall operate an EIA testing laboratory without first obtaining approval from the Board.
- (b) Conditions of approval.
  - (1) Submit a complete application to the office of the State Veterinarian.
  - (2) Upon receipt of an application, the facility shall be inspected by an authorized agent of the Board.
  - (3) A report of the inspection shall be submitted to the State Veterinarian and identify the EIA testing laboratory's compliance with the minimum standards for facilities, equipment, and personnel.
  - (4) The applicant shall agree in writing to operate the laboratory in conformity with the Department rules and the requirements of the USDA and shall continually meet all requirements during operation of the laboratory.
  - (5) A determination by the Department that an additional EIA laboratory is necessary in the area.
- (c) Operating requirements.
  - (1) All personnel conducting an official test at an approved laboratory shall receive training prescribed by the National Veterinary Services Laboratories (NVSL).

- (2) Approved laboratories shall use USDA licensed antigen and follow standard test protocols prescribed by NVSL.
  - (3) Approved laboratories shall maintain a work log clearly identifying each individual sample and test results.
  - (4) Approved laboratories shall maintain a work log and a file of all submission forms for a period of not less than two (2) years.
  - (5) All approved laboratories shall report all positive results to an official test for EIA to the State Veterinarian's office within twenty four (24) hours.
  - (6) A copy of all test charts for positive Equidae shall be sent to the State Veterinarian's office within seventy two (72) hours.
  - (7) Negative results shall be reported to the office of the State Veterinarian on a monthly basis.
  - (8) Approved laboratories shall not test samples until an officially completed test chart is received.
- (d) Inspections, proficiency tests, and licenses.
- (1) The Board shall randomly and without prior notification collect samples and inspect the facilities and records of all EIA laboratories in Oklahoma at a minimum of once per year.
  - (2) All records required to be maintained by approved laboratories shall be open to inspection by state or federal employees during normal business hours.
  - (3) All approved laboratories shall pass annual proficiency test requirements administered by the NVSL.
  - (4) All approved laboratories shall pass any additional proficiency test requirements administered by the Board.
  - (5) The Board shall charge a fee to the approved laboratory for administering each additional proficiency test in the amount of Fifty Dollars (\$50.00).
  - (6) Each approved laboratory shall obtain a license on an annual basis.
    - (A) The annual license fee shall be \$250.00.
    - (B) The annual license shall expire on January 31 of each calendar year.
    - (C) The renewal license application shall be submitted no later than January 31 of each calendar year.
    - (D) A renewal application received or postmarked after January 31 shall be in violation of these rules.
    - (E) Failure to renew may result in disapproval of the laboratory.
    - (F) A fee waiver may be granted to an EIA laboratory at a university or state agency.
- (e) An EIA laboratory may have its approval cancelled if the Board finds that the laboratory has failed to meet the requirements or has falsified records or reports.
- (f) Any action taken by the Board to cancel laboratory approval shall conform to the Administrative Procedures Act.
- (g) The Department may deny the application of any EIA laboratory if it fails to meet any criteria required by the Department.
- (h) Approved laboratories shall only perform the ELISA test.
- (i) The Department may at its discretion in limited and approved circumstances grant approved laboratories the ability to perform the AGID test for equine being exported from

Oklahoma to a foreign country or for horses not residing in Oklahoma. The limited exception shall be detailed in a written agreement between the Department and the approved laboratory.

(j) Any approved EIA laboratory shall resubmit all application information for approval by the Department upon a change in ownership of the facility or a change in location of the facility.

## **SUBCHAPTER 16. CONTAGIOUS EQUINE METRITIS**

### **35:15-16-1. Incorporation by reference**

(a) The contagious equine metritis regulation found in Title 9 of the Code of Federal Regulations (CFR) (~~2015~~ 2016 Revision), Section 93-301 and USDA VS Guidance Document 13406.1 (2013) Revision are hereby adopted in their entirety.

(b) All words and terms defined or used in the federal regulation incorporated by reference by the Department shall mean the state equivalent or counterpart to those words or terms.

## **SUBCHAPTER 17. BOVINE AND BISON BRUCELLOSIS**

### **PART 3. RULES ADOPTED FROM USDA UNIFORM METHODS AND RULES (UM&R) FOR BRUCELLOSIS ERADICATION**

#### **35:15-17-52. Heifers to be spayed**

Heifers less than test eligible age and are to be spayed may be released from an auction market to a licensed approved veterinarian's clinic within the state of Oklahoma. These heifers shall be accompanied by an official permit. All heifers spayed be marked with ~~aspade~~ a spade brand on the ~~tailhead~~ tail head. "S" branded females shall not be released to a veterinarian's clinic for spaying.

## **SUBCHAPTER 34. FERAL SWINE**

### **35:15-34-2. Definitions**

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

**"Captive feral swine hunter"** means a person of any age who procures a hunt at any of the licensed feral swine hunting facilities in Oklahoma.

**"Feral swine"** means any hog, pig, or swine species (*Sus scrofa*) including, but not limited to, Russian and European wild boar that are running at large, free roaming, or wild upon public or private lands in this state, and shall also include any hog, pig, or swine species that has lived any part of its life running at large, free roaming, or wild. The term feral swine shall also include any feral phenotype swine, whether or not running at large, free roaming, or wild.

**"Feral swine facility"** means a handling facility, ~~holding pen~~, or sporting facility.

**"Feral Swine Free Zone"** means any region of the state defined by the Board of Agriculture where hunting feral swine or taking feral swine from the region is restricted and the licensing of feral swine facilities or movement of feral swine into or across the region is prohibited.

**"Handling facility"** means any premises maintaining feral swine in captivity for the purpose of temporary holding, breeding, slaughter, re-sale, dog training, competition, exhibition, personal use, or any other purpose.



**"Sporting facility"** means any premises maintaining feral swine in captivity intended for hunting and feral swine are only removed from the premises through hunting.

**"Transport"** means intrastate or interstate movement of one or more feral swine.

### **35:15-34-5. Transporter license**

- (a) All persons that transport live feral swine in this state shall be required to obtain a transporter license from the Department.
- (b) Transporter licenses shall be active for a period of one (1) year and shall not be transferable.
- (c) Transporter licenses shall expire each June 30 but may be renewed. ~~Five-year licenses issued by the Department prior to the effective date of these rules shall not be grandfathered and shall expire on June 30, 2017.~~
- (d) Application for a transporter license shall be on a form prescribed by the Department and shall include the following:
  - (1) Name, mailing address, physical address, email address, and telephone number of the applicant,
  - (2) Drivers license number of the transporter;
  - (3) A brief statement describing the area for which the applicant typically transports feral swine, and
  - (4) A description of the vehicles, used to transport feral swine, including any license tag numbers.
- (e) Live feral swine shall not be removed from the transport vehicle until released or unloaded pursuant to subsection (f) of this section.
- (f) Any person transporting feral swine pursuant to a valid 24 hour permit may park the transport vehicle at ~~a location~~ the home premises of a licensed transporter specified in the 24 hour permit, so long as a new 24 hour permit is obtained prior to further transport of the feral swine to a location specified in subsection (g) of this section.
- (g) Live feral swine shall only be released or unloaded at the following locations:
  - (1) A licensed sporting facility;
  - (2) A licensed handling facility;
  - (3) A slaughter facility, or
  - (4) A location designated in an order issued by the State Veterinarian.
- (h) Feral swine shall not be commingled with any domestic livestock species at any point during transportation. Common cages or enclosures, water sources or food sources accessible by both domestic livestock species and feral swine shall be prohibited.

#### **35:15-34-5.1. 24 hour permit**

- (a) A transporter shall apply for a 24 hour permit to transport feral swine using an online system provided by the Department or by phone during regular business hours. The transporter may either request immediate approval or request advance approval by specifying the 24 hour period that the transporter intends to transport feral swine.
- (b) If the transporter requests immediate approval, the 24 hour permit shall be valid for twenty-four (24) hours following approval by the Department. The online system shall provide automatic approval for 24 hour permits after the following information is provided:
  - (1) The date feral swine are transported;
  - (2) The number of feral swine transported;

- (3) The name of the county in which the feral swine were acquired;
  - (4) The name of the owner of the property on which the feral swine were acquired;
  - (5) A description of the acquisition method (capture or purchase); and
  - (6) The name and license number of destination facility or consignee.
- (c) If the transporter requests advance approval, the 24 hour permit shall specify the 24 hour period in which the transporter is authorized to transport feral swine.
- ~~(d) The 24 hour permit shall describe the number and destination of feral swine transported.~~
- ~~(e)~~ (d) The transporter shall carry paper copy of the approved 24 hour permit in the vehicle transporting feral swine or carry an electronic device capable of accessing and displaying an electronic version of the approved 24 hour permit.

### **35:15-34-6. Sporting facilities**

- (a) No new sporting facilities shall be licensed by the Department. The Department may issue a license to an unlicensed sporting facility in operation prior to January 27, 2015 and holding a Commercial Hunting Area license issued by the Oklahoma Department of Wildlife Conservation. Licenses for existing sporting facilities shall be renewable and transferrable.
- (b) The owner or operator of a sporting facility shall comply with the following requirements:
- (1) The owner or operator of a sporting facility shall maintain a perimeter fence at least forty-eight (48) inches tall made of solid walls, game fence, or other material constructed in a manner adequate to reasonably prevent the escape of enclosed feral swine, and the unsolicited additions of feral swine from outside the enclosure.
  - (2) The owner or operator of a sporting facility shall keep the following records using forms provided by the Department:
    - (A) The name and license number for each consignor releasing feral swine into the sporting facility with the corresponding date and number of feral swine released; and
    - (B) The name of each captive hog hunter killing a feral hog at the sporting facility with the corresponding date and number of feral swine killed.
  - (3) Any person renewing or procuring a sporting facility license shall provide the following information on a form prepared by the Department:
    - (A) Name, mailing address, email address, and telephone number of the owner;
    - (B) Name, mailing address, email address, and telephone number of the operator, if different from the owner;
    - (C) Name, physical address, and county of the sporting facility;
    - (D) Legal description to the nearest quarter section and GPS coordinates, if available, of the sporting facility;
    - (E) A map showing topography of the area with a diagram of the facility structures, fencing plan, and perimeter clearly marked;
    - (F) Whether the applicant has been convicted of a felony, misdemeanor, administrative, or civil violation of any natural resources requirements, including but not limited to wildlife, forestry, fisheries, environment, or animal health within the past three (3) years in Oklahoma or any other jurisdiction;
    - (G) Whether the property where the sporting facility is located is owned or leased;
    - (H) Driving directions from the nearest town; and
    - (I) Signature under oath "I certify under penalty of law this document, all attachments, and information submitted are to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for knowingly

submitting false, inaccurate, or incomplete information, including the possibility of fines for each violation."

(4) The owner or operator of a sporting facility shall submit a report describing all feral swine released into or killed at the sporting facility in a month by the 10<sup>th</sup> day of the following month using forms provided by the Department.

(5) The owner or operator of a sporting facility shall verify that each person who hunts feral swine on the facility has a valid Oklahoma Feral Swine Hunters License.

(c) Sporting facilities may have a gate device installed in the perimeter fence that allow for the ingress of additional feral swine but does not allow the egress of captive feral swine. These devices shall be inspected and approved by the Department within seven (7) days of installation.

(d) Sporting facilities shall be licensed for one year terms beginning July 1 of each calendar year and ending on June 30 of the following calendar year. Applications for the renewal of a sporting facility license shall be due on April 1 of each calendar year.

(e) Feral swine shall not be commingled with any domestic livestock species in any sporting facility. Common pens, water sources or food sources accessible by both domestic livestock species and feral swine shall be prohibited. This subsection is not intended to prohibit a licensee from constructing a feral swine facility along the licensee's property line.

(f) Live feral swine shall not be transported from a sporting facility to any other location.

~~(g) The owner or operator of a sporting facility shall collect a captive hog hunter's fee from each hunter using the sporting facility and remit fees collected to the Department on the 10<sup>th</sup> day of the month following the hunter's visit.~~ verify that each person who hunts feral swine in the facility has a captive feral swine hunters license. The captive ~~hog~~ feral swine hunter's fee license:

- (1) Shall be collected only once from each hunter during a calendar year;
- (2) Shall be valid for the calendar year in which it is purchased;
- (3) Shall not restrict the number feral swine the hunter is permitted to kill; and
- (4) Shall not restrict the number of visits a hunter may make to any sporting facility.

### **35:15-34-14. Modify, suspend, cancel, or revoke licenses**

(a) The license of any owner or operator may be revoked if the owner or operator is convicted of violating any provisions of the Oklahoma Agricultural Code.

(b) In the event a license is denied, revoked, cancelled, or suspended, the owner or operator is not eligible to reapply until after the date the license would have expired.

~~(d)~~ (c) The Department shall not issue a license in the following circumstances:

- (1) The facility was not inspected by the Department.
- (2) The owner or operator had any equivalent license denied, revoked, or suspended by any authority.

~~(e)~~ (d) Using information from the application and from the State's files, the Department shall determine:

- (1) The accuracy of all materials in the application;
- (2) The applicant can reasonably be expected to comply with all legal requirements; and
- (3) The proposed facility is adequate and complies with all legal requirements and would not result in harm to domestic swine.

### **35:15-34-15. Holding pens**

~~(a) A handling facility license shall not be required of any feral swine facility that is a temporary holding pen where no individual feral swine is held for more than seven (7) days.~~

- ~~(b) Any owner or operator shall consent to inspections by the Department to determine compliance with this provision and shall provide any available documentation to show compliance with this provision.~~
- ~~(c) Any owner of a holding pen shall hold a valid transporter license.~~
- ~~(d) The perimeter fence of a holding pen shall be constructed in a manner to prevent the escape of enclosed feral swine and unsolicited additions of feral swine from outside the enclosure.~~

## 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 (2015 2016 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.) (2015 2016 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.

## SUBCHAPTER 38. BOVINE TRICHOMONIASIS

### 35:15-38-1. Definitions

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

**"Acceptable specimen"** means a specimen determined satisfactory for diagnostic testing by the testing laboratory, including complete documentation.

**"Approved ~~Feedlot~~ feedlot"** means a confined animal feeding operation (CAFO) licensed by the Department.

**"Approved laboratory"** means any laboratory designated and approved by the state veterinarian for examining T. foetus samples.

**"Approved veterinarian"** means a licensed accredited veterinarian who has complied with all Department regulations and educational requirements, and who has been approved by the Department to conduct necessary tests, vaccinations, inspections, and other duties.

**"Bovine"** means any sexually intact male and female animal of the genus bos.

**"Change of ownership"** means control of an animal being transferred between two (2) persons by sale, lease, or lending.

**"Commingle"** means animals of opposite sex and/or belonging to different owners in the same enclosure or pasture with a reasonable opportunity for sexual contact.

**"Exposed bull"** means an untested bull that has had an opportunity to breed exposed female cattle.

**"Exposed Female female"** means a female bovine animal that is sexually intact and sexually mature that could have been exposed to a positive T. foetus bull.

**"Herd"** means the group of animals consisting of all male and female bovines over twelve (12) months of age that have commingled during the last twelve (12) months.

**"Negative T. foetus bull"** means a bull that qualifies by one of the following:

(A) originate from a herd not known to be infected and has had a negative official T. foetus bull test within the last year;

(B) originate from a positive herd but has a series of three negative official T. foetus bull tests at intervals of at least one week; or

(C) a negative official T. foetus bull test within sixty (60) days prior to entry with no sexual activity for one (1) week prior to the test and between the test and movement.

**"Official T. foetus laboratory testing"** means the laboratory procedures that shall be approved by the state veterinarian for culture and identification of T. foetus.

**"Official T. foetus bull test"** means the sampling of the preputial content of a bull by a licensed, accredited and trichomoniasis certified veterinarian or a veterinarian from the Oklahoma Department of Agriculture, Food, and Forestry. The test shall be conducted after a one week separation from all female bovine and the bull and sample shall be officially identified and documented for laboratory submission. The test may consist of three (3) culture tests at least one (1) week apart or one (1) Real Time PCR test. Pooled samples are acceptable

**"Oklahoma trichomoniasis certified free herd"** means a herd of cattle that has been determined to be free of bovine trichomoniasis by following the requirements of OAC 35:15-38-4.

**"Pooled sample"** means a method of sampling where a sample from each bull is submitted in an individual transport pouch and the laboratory mixes aliquots from up to five (5) samples together to economize the test cost.

**"Positive T. foetus bull"** means a bull that has had a positive T. foetus test.

**"Positive T. foetus herd"** means the group of all bovines which have had any opportunity for sexual contact in the previous breeding season and in which any male or female animal has had a positive diagnosis for T. foetus.

~~**"Negative T. foetus bull"** means a bull that qualifies by one of the following:~~

~~(A) originate from a herd not known to be infected and has had a negative official T. foetus bull test within the last year;~~

~~(B) originate from a positive herd but has a series of three negative official T. foetus bull tests at intervals of at least one week; or~~

~~(C) a negative official T. foetus bull test within sixty (60) days prior to entry with no sexual activity for one (1) week prior to the test and between the test and movement.~~

**"Rogue Bull"** means a bull that leaves the pasture of his owner and potentially breeds female cattle belonging to another producer.

**"Suspect T. foetus bull"** means a bull from a positive T. foetus herd that has not yet had three (3) consecutive negative official T. foetus bull tests.

~~**"Trichomonas (Tritrichomonas) Tritrichomas foetus"**~~ or **"T. foetus"** means a contagious venereal protozoan parasite disease of the trichomonas foetus species that frequently results in lifetime infection of male bovidae as an inapparent carrier and causes infertility, pyometra, abortions and reproductive inefficiency in female bovidae.

**"Unacceptable sample"** means a sample that is deemed not diagnostic by the official testing laboratory.

**"Virgin bull"** means a sexually intact male bovine less than twelve (12) months of age or a sexually intact male bovine between twelve (12) and eighteen (18) months of age that has had no breeding and no potential breeding contact with females.

"Virgin bull affidavit" means a signed affidavit from the owner, manager, or veterinarian that verifies the bull is between twelve (12) and eighteen (18) months of age and has had no breeding and no potential breeding contact with females.

### **35:15-38-2.1. Intrastate change of ownership requirements for bulls**

- (a) Any bull greater than twelve (12) months of age changing ownership within the state of Oklahoma shall have a negative official T. foetus test within sixty (60) days prior to change of ownership with no exposure to females from seven (7) days prior to the test to the time of change of ownership.
- (b) Exceptions to this rule shall include the following:
  - (1) A bull between twelve (12) and twenty-four (24) months of age accompanied by a virgin bull affidavit;
  - (2) A bull sold directly to slaughter;
  - (3) A bull sold for feeding and slaughter to be fed in a ~~registered~~ approved feedlot only and leaves the feedlot only to be slaughtered; or
  - ~~(4) A bull for intrastate change of ownership may be considered a virgin bull up to twenty four (24) months of age with a signed virgin bull affidavit from the owner.~~
- (c) Any bull presented for sale at a livestock auction market without a virgin bull affidavit (if between twelve (12) and twenty-four (24) months of age) or verification of a negative official T. foetus test:
  - (1) Shall be tagged for slaughter only and sold for slaughter only;
  - (2) May go to the purchaser's destination so long as the market veterinarian takes a sample for an official T. foetus test and the purchaser agrees to keep the bull under quarantine at the destination until receipt of negative test results.
- (d) A livestock auction market shall not be liable for a virgin bull affidavit and shall not be liable for the results of a market veterinarian's sampling and results for an official T. foetus test.

### **35:15-38-3.2 Exposed bulls**

Exposed bulls shall be isolated, officially identified and:

- (1) Officially tested for at least one week and less than thirty (30) days from the last exposure to female cattle; or
- (2) Sold to be slaughtered.

### **35:15-38-3.3 Rogue bulls**

The owner of a rogue bull shall on the request of the person whose female cattle were exposed to the bull cause the bull to be officially tested for trichomoniasis at least one week and less than twenty one (21) days from the time the bull was returned to the owner.

### **35:15-38-4. Oklahoma trichomoniasis free herd certification**

Herd owners who enroll in the Trichomoniasis Herd Certification Program shall sign a herd agreement with the department and maintain the herd in accordance with the herd agreement and following conditions:

- (1) All non-virgin breeding bulls shall be tested annually for T. foetus for three consecutive years as required by the herd agreement.
- (2) During the three year inception period, all non-virgin breeding bulls that are sold, leased, gifted, exchanged or otherwise change possession shall be tested for T. foetus

within thirty (30) days prior to such change in possession. The test must be completed and test results known prior to the time a bull(s) is physically transferred to the receiving premises or herd.

(3) Negative T. foetus bulls will be identified with official identification.

(4) All slaughter bulls removed from the herd must be tested for T. foetus. The test may be performed at a slaughter facility if prior arrangement with a certified veterinarian and an appropriate agreement with the slaughter facility management are made.

(5) Bovine females added to a certified herd shall not originate from a known T. foetus infected herd. Female herd additions must originate from a certified T. foetus free herd or qualify in one of the following categories:

(A) Calf at side and no exposure to other than known negative T. foetus bulls;

(B) Checked by an accredited veterinarian, at least one hundred and twenty (120) days pregnant and so recorded;

(C) Virgin; or

(D) Heifers exposed as virgins only to known negative T. foetus infected bulls and not yet one hundred and twenty (120) days pregnant.

(6) Records must be maintained for all tests including all non-virgin bulls entering the herd and made available for inspection by a designated accredited veterinarian or state animal health official.

(7) All non-virgin bulls shall be tested for T. foetus every two years after the initial three year inception period to maintain certification status.

(8) Herd premises must have perimeter fencing adequate to prevent ingress or egress of cattle.

(9) All bulls originating from a Trichomoniasis Certified Free Herd that are maintained in accordance with this section and the herd agreement are exempt from the testing requirements found in OAC 35:15-38-2.1.

## **SUBCHAPTER 40. BOVINE TUBERCULOSIS**

### **PART 1. DEFINITIONS**

#### **35:15-40-1. Definitions**

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

**"Accredited free state"** means a state that maintains full compliance with all of the provisions of the USDA Uniform Methods and Rules for bovine tuberculosis eradication and where no evidence of bovine tuberculosis has been disclosed for five (5) or more years.

**"Accredited herd"** means a herd of cattle, bison, or dairy goats that passed at least two (2) consecutive negative caudal fold tuberculin tests at an interval of not less than ten (10) months nor more than fourteen (14) months, has no other evidence of bovine tuberculosis, and meet the standards of this Subchapter.

**"Affected herd"** means a herd of cattle, bison, or dairy goats that contains, or has recently contained, one (1) or more animals infected with *Mycobacterium bovis* and has not passed the required tests necessary for release from quarantine.

**"Annual tests"** means those tests conducted at intervals of not less than ten (10) months nor more than fourteen (14) months.

**"Approved feedlot"** means a confined dry lot area for the finish feeding of animals on a concentrated feed with no facilities for pasturing or grazing that is licensed as a Confined Animal Feeding Operation by ODAFF's Agriculture Environmental Management Services Division.

**"Auction"** means a public sale of cattle, bison, or dairy goats to the highest bidder.

**"Bison"** means a bovine-like animal (genus Bison) commonly referred to as American buffalo or buffalo.

**"Bovine Tuberculosis"** means a disease in cattle, bison, or dairy goats caused by Mycobacterium bovis.

**"Cattle"** means all domestic bovine (genus Bos).

**"Caudal Fold Tuberculin Test"** or **"CFT"** means the intradermal injection of 0.1 milliliters of USDA bovine purified protein derivative (PPD) tuberculin into either side of the caudal fold, with reading by visual observation and palpation seventy-two (72) hours (+ or - 6 hours) following injection. Animals or herds of unknown status shall not be subjected to retest at intervals of less than sixty (60) days.

**"Commission firm"** means a person, partnership, or corporation that buys or sells livestock as a third party and reports to the seller or to the buyer details of the transactions whether or not a fee is charged for the services.

**"Comparative Cervical Tuberculin Test"** or **"CCT"** means the intradermal injection of biologically balanced bovine PPD tuberculin and avian PPD tuberculin at separate sites in the cervical area and a determination as to the probable presence of bovine tuberculosis (M. bovis) by comparing the responses of the two (2) tuberculins seventy-two (72) hours (+ or - 6 hours) following injection.

**"Dairy cattle"** means any typical dairy framed animals as determined by the inspecting veterinarian.

**"Dairy goats"** means domestic caprine (genus Capra) kept for the purpose of producing milk for human consumption.

**"Dealer"** means any person, firm, or partnership engaged in the business of buying or selling cattle, bison, or dairy goats in commerce, either on the dealer's own account or as the employee or agent of the vendor or purchaser, or any person engaged in the business of buying or selling cattle, bison, swine, sheep, or dairy goats in commerce on a commission basis. The term shall not include any person who buys or sells cattle, bison, or dairy goats as a part of their own bona fide breeding, feeding, or dairy operation; is not engaged in negotiating the transfer of cattle, bison, or dairy goats; or receives cattle, bison, or dairy goats exclusively for immediate slaughter on the person's own premise.

**"Eradication"** means the complete elimination of bovine tuberculosis from cattle and bison in the state so that the disease does not appear unless introduced from another species or from outside the state.

**"Exposed animals"** means cattle, bison, or dairy goats that have been exposed to bovine tuberculosis by reason of associating with known tuberculous animals.

**"Feedlot"** means a confined dry lot area for the finish feeding of animals on a concentrated feed with no facilities for pasturing or grazing.

**"Herd"** means one or more cattle, bison, or dairy goats maintained on common ground or two (2) or more groups of cattle, bison, or dairy goats under common 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 plan designed by a state or federal regulatory veterinarian and the herd owner that will control and eventually eradicate bovine tuberculosis from an affected, adjacent, or exposed herd.

**"High risk cattle"** means cattle from countries, states, or areas that are not considered Bovine Tuberculosis free, including but not limited to, dairy cattle, exhibition cattle, rodeo cattle, and Mexican origin cattle.

**"Mexican origin"** means cattle that originate or have ever resided in Mexico.

**"Modified Accredited Advanced State"** means a state that is actively participating in the eradication of bovine tuberculosis and that maintains its status in accordance with the provisions of the USDA Uniform Methods and Rules for Bovine Tuberculosis Eradication.

**"Modified Accredited State"** means a state that is actively participating in the eradication of bovine tuberculosis and that maintains its status in accordance with the provisions of the USDA Uniform Methods and Rules for Bovine Tuberculosis Eradication.

**"Natural additions"** means animals born and raised in a herd.

**"No Gross Lesion Animals"** or **"NGL"** means any cattle, bison, or dairy goats that do not reveal a lesion of bovine tuberculosis upon postmortem inspection. Any animal with skin lesions alone shall be considered a NGL animal.

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

**"Official tuberculin test"** means a test for tuberculosis conducted and reported by approved personnel in accordance with this Subchapter and the USDA Uniform Methods and Rules for bovine tuberculosis eradication. The official tuberculin tests are the caudal fold test, the comparative cervical test, the single cervical test, gamma interferon test, or any other test that is approved by the United States Department of Agriculture (USDA).

**"Permit"** means a VS 127 issued by an authorized agent of the State Board of Agriculture, a representative of USDA APHIS Veterinary Services or an accredited veterinarian that is required to accompany any reactor, suspect, or exposed animals to slaughter.

**"Reactor"** means any animal that may be classified as a reactor by the designated epidemiologist based on supplemental diagnostic tests results from approved laboratories or other information.

~~**"Restricted feedlot"** means a feedlot that has the ability to manage higher risk cattle in such a way as to assure they do not expose cattle in the feedlot that will not go directly to slaughter. A restricted feedlot must agree to identify high risk cattle and handle them in such a way as to prevent the exposure of other cattle and trace the high risk cattle in case of a disease traceback.~~

**"Rodeo bulls"** means sexually intact male cattle kept for the purposes of performances at rodeos, bucking events, exhibition purposes, or for breeding to produce rodeo bulls.

**"Suspect"** means any cattle, bison, or goats that show a response to the caudal fold tuberculin test and are not classified as reactors, and cattle, bison, or goats that are classified suspects by a comparative cervical test.

**"Tuberculin"** means a product that is approved by and produced under USDA license for injection into cattle, bison, or goats for the purpose of detecting bovine tuberculosis.

### **PART 3. GENERAL TUBERCULOSIS RULES**

#### **35:15-40-46. Quarantine procedures**

- (a) All herds with reactor animals shall be quarantined. Exposed animals shall remain on the premises where disclosed unless a state or federal permit is obtained. Movement for immediate slaughter shall be directly to an approved slaughtering establishment where state or federal inspection is administered. Animals shall be identified by official identification. Use of the "S" brand is required on cattle and bison or animals shipped in a sealed vehicle.
- (b) Sale of feeder calves from quarantined herds shall be restricted. Feeder calves under twelve (12) months of age that have passed a caudal fold tuberculin test within sixty (60) days may be permitted to move intrastate to ~~a restricted~~ an approved feedlot.
- (c) Herds in which mycobacterium bovis infection is confirmed shall remain under quarantine if not depopulated and shall pass two tuberculin tests of intervals of at least sixty (60) days and one (1) additional test after one hundred eighty (180) days. All animals moved from the farm shall be shipped directly to slaughter and shall be accompanied by slaughter permit issued by a state or federal representative.
- (d) Herds in which only NGL reactor(s) occur and in which no evidence of mycobacterium bovis infection is disclosed may be released from quarantine after a sixty (60) day negative caudal fold retest of the entire herd.
- (e) Suspects in herds where only suspect animals are disclosed shall be quarantined on the premises until retested and classified negative or shipped directly to slaughter under permit. If an animal is slaughtered as a comparative cervical test reactor following two (2) CCT tests as a suspect and shows no gross lesions, results in an entire herd retest at sixty (60) days by caudal fold test and released from quarantine as in 35:15-40-46(d). If animals are slaughtered as suspects, but show no gross lesions, a sixty (60) day herd retest is recommended.
- (f) Herds indicated as the source of slaughter trace back case investigations shall be placed under quarantine within thirty (30) days of notification, and a herd test scheduled.
- (g) The issuance of a quarantine may be waived if the State Board of Agriculture or the State Veterinarian enters into a formal cooperative agreement with the affected party that will control and eradicate bovine tuberculosis.

#### **35:15-40-49.1. Dairy cattle change of ownership**

- (a) All dairy cattle shall be individually identified with an official identification prior to change of ownership.
- (b) Sexually intact dairy cattle six (6) months of age or older and weighing four hundred fifty (450) pound or more shall:
  - (1) Test negative for tuberculosis no more than sixty (60) days prior to a change in ownership;
  - (2) Be quarantined and test negative for tuberculosis within ten (10) days after the change of ownership date; or
  - (3) Originate from an accredited tuberculosis free herd.
- (c) Any dairy cattle that do not meet the testing requirements in subsection (b) shall be tagged as slaughter only and sent either directly to slaughter or to ~~a restricted~~ an approved feedlot.
- (d) For purposes of this section, dairy cattle shall include typical dairy framed animals and dairy crossbred animals as determined by the inspecting veterinarian.

## PART 7. IMPORT REQUIREMENTS

### **35:15-40-90. Requirements for cattle entering Oklahoma from a tuberculosis free state or zone**

- (a) Cattle that test positive for tuberculosis shall not enter Oklahoma.
- (b) Cattle from herds quarantined for tuberculosis shall not enter Oklahoma.
- (c) All dairy cattle shall be individually identified by official identification and accompanied by a certificate of veterinary inspection.
  - (1) Originate from a tuberculosis free herd;
  - (2) Test negative no more than sixty (60) days prior to entry with the results recorded on the certificate of veterinary inspection; or
  - (3) Be sent directly to slaughter or to ~~a restricted~~ an approved feedlot.

### **35:15-40-90.1. Requirements for cattle entering Oklahoma from a modified accredited advanced state or zone**

- (a) Cattle that test positive for tuberculosis shall not enter Oklahoma.
- (b) Cattle from herds quarantined for tuberculosis shall not enter Oklahoma.
- (c) All cattle shall be accompanied by a permit number and a certificate of veterinary inspection that was approved by the Oklahoma State Veterinarian prior to entry into Oklahoma.
- (d) Cattle or bison may move directly to slaughter at an approved slaughtering facility.
- (e) Sexually intact heifers may move to ~~a restricted~~ an approved feedlot.
- (f) Steers or spayed heifers may move into Oklahoma so long as they meet one of the following:
  - (1) Cattle or bison are individually identified by an official identification and the cattle or bison:
    - (A) Are accompanied by the original certificate of veterinary inspection at all times;
    - (B) Are placed at a single location for grazing; and
    - (C) Are only removed from the single location directly to ~~a restricted~~ an approved feedlot or directly to slaughter;
  - (2) Cattle or bison enter on a state or federal identification number for the premise of origin and premise of destination with an approved Group Lot Number and the group lot:
    - (A) Is accompanied by the original certificate of veterinary inspection at all times;
    - (B) Is placed at a single location for grazing;
    - (C) Remains as a group lot;
    - (D) Does not commingle with other cattle or bison; and
    - (E) Is only removed from the single location directly to ~~a restricted~~ an approved feedlot or directly to slaughter; or
  - (3) Cattle or bison are individually identified by an official identification and test negative to an official tuberculosis test conducted within sixty (60) days prior to movement into Oklahoma.
- (g) Cattle or bison from an accredited herd may enter Oklahoma with a certificate of veterinary inspection that includes complete herd tuberculosis negative test results within one (1) year prior to entry.
- (h) Sexually intact cattle or bison, not from an accredited herd, shall be individually identified and accompanied by a certificate of veterinary inspection stating the cattle or bison tested

negative to an official tuberculin test conducted within sixty (60) days prior to the date of movement.

(i) The state veterinarian may grant a variance to this section so long as the variance is consistent with federal law.

### **35:15-40-91. International importation of sexually intact cattle or bison**

(a) All sexually intact cattle and bison from any foreign country or part thereof with a status less than Modified Accredited Advanced as compared to the UM&R standards of the U.S. Bovine Tuberculosis Eradication program and imported for reasons other than immediate slaughter or feeding for slaughter shall meet the following criteria:

- (1) Obtain a permit issued by the Oklahoma Department of Agriculture, Food, and Forestry prior to entry; and
- (2) Be quarantined to the premise approved in the entry permit pending two (2) consecutive negative tuberculosis tests, with the first test conducted not less than ninety (90) days nor more than 120 days after arrival and the second test conducted not less than 210 days nor more than 240 days after arrival in the state.

(b) All sexually intact cattle and bison from any foreign country or part thereof with no recognized tuberculosis status comparable to the UM&R standards of the U.S. Bovine Tuberculosis Eradication program of Modified Accredited Advanced or above and imported for immediate slaughter or feeding for slaughter shall meet the following criteria:

- (1) Obtain a permit issued by the Oklahoma Department of Agriculture, Food, and Forestry prior to entry; and
- (2) Be consigned direct to an approved slaughter establishment or ~~restricted~~ an approved feedlot with no diversion from the permitted destination.

### **35:15-40-92. Mexican origin cattle**

(a) Mexican origin steers and spayed heifers imported as stocker, feeder, slaughter animals may enter Oklahoma provided they test negative for tuberculosis in accordance with the Norma Oficial Mexicana (NOM) within sixty (60) days prior to entry into Oklahoma and a telephone entry permit providing the following information has been obtained prior to entering Oklahoma:

- (1) A certificate of veterinary inspection containing the individual identification and all tag numbers, tuberculosis testing information, statement that the animals are "Mexican Origin Cattle," and complete consignor or consignee information including telephone numbers; and
- (2) A VS 17-30 form.

(b) Mexican origin steers, spayed heifers, and any commingled cattle shall not be diverted from or separated from the main group within the stocker, feeder, slaughter channel.

(c) Mexican origin steers and spayed heifers shall not be commingled with any cattle other than stocker, feeder, slaughter cattle. Any commingled cattle assume the same status as the Mexican cattle.

(d) Holstein and Holstein-cross steers and spayed heifers from Mexico shall not enter Oklahoma regardless of test history.

(e) Mexican stocker, feeder, slaughter steers, and spayed heifers which are separated from their imported group shall:

- (1) Be accompanied by evidence of a negative tuberculosis test no more than sixty (60) days prior to a change in ownership;

- (2) Be quarantined and tested for tuberculosis within ten (10) days after the change of ownership date;
  - (3) Be consigned to ~~a restricted~~ an approved feedlot; or
  - (4) Be tagged for slaughter only and transported directly to a slaughter facility or to a ~~restricted~~ an approved feedlot.
- (f) Mexican origin steers and spayed heifers and U.S. origin Corriente cattle utilized as rodeo stock prior to entry into Oklahoma shall obtain an entry permit, provide individual identification and all tag numbers, and be accompanied by a negative tuberculosis test that meets one of the following:
- (1) Performed by a U.S. accredited veterinarian within the previous 365 days; or
  - (2) Performed in accordance with the Norma Oficial Mexicana (NOM), the animal is accompanied by a VS 17-30 form, and the animal is quarantined upon entry into Oklahoma until retested by a U.S. accredited veterinarian within sixty (60) to one hundred twenty (120) days of the original tuberculosis test.
- (g) Mexican origin steers and spayed heifers and U.S. origin Corriente cattle utilized as rodeo stock moving within the state shall meet the following requirements:
- (1) Be accompanied by a negative tuberculosis test performed by an accredited veterinarian within the previous 365 days;
  - (2) Be identified with an official identification; and
  - (3) There is no change of ownership since the date of the last official test.
- (h) No sexually intact Mexican origin rodeo stock shall enter Oklahoma unless the animal is accompanied by documentation establishing that USDA requirements for entry of sexually intact Mexican cattle have been completed.
- (i) The official in charge of an event shall be responsible for verifying that all Mexican origin cattle utilized as rodeo stock entering any exhibition meet all testing requirements.
- (1) The official in charge of an event shall not be held responsible for recording or accepting falsified or erroneous information provided by an owner.
  - (2) Any person providing erroneous or fictitious information shall be in violation of these rules.
- (j) Any official in charge of an event who knowingly, negligently, or willfully allows an untested or positive animal to enter an exhibition shall be in violation of these rules and the official in charge and the owner of the positive or untested animal shall be equally and individually in violation of these rules.
- (k) For the purposes of this section and OAC 35:15-40-92.1, "stocker, feeder, slaughter" means the steps of beef production in which cattle are grazed, finished at a feed lot, and sent to a slaughter establishment.

**35:15-40-92.1. Diversion or separation of Mexican origin cattle**

If Mexican origin steers, spayed heifers, or any commingled cattle are diverted from or separated from the main group within the stocker, feeder, slaughter channel in violation of OAC 35:15-40-92(c), the diverted or separated cattle shall:

- (1) Have a negative tuberculosis test performed within ten (10) days after the change of ownership date; or
- (2) Be tagged as slaughter only and sent either directly to slaughter or to ~~a restricted~~ an approved feedlot.

## SUBCHAPTER 47. CHRONIC WASTING DISEASE (CWD) IN CERVIDS

### PART 3. HERD CERTIFICATION STANDARDS

#### **35:15-47-6. Minimum requirements for herd certification**

- (a) Regulations of the United States Department of Agriculture concerning the control of CWD found at 9 CFR Part 55 (~~2015~~ 2016 Revision) are adopted by reference.
- (b) The Board shall issue a quarantine on any herd that contained a CWD positive cervid. The quarantined herd shall not participate in the herd certification program until all herd plan requirements are completed.
- (c) All deaths of cervids twelve (12) months of age or older, regardless of cause of death, shall have the obex and medial retropharyngeal lymph nodes sampled and submitted to an approved laboratory by a certified CWD sample collector. CWD sample collectors shall submit written test results to the Department within seven (7) days after receiving said test results from the laboratory.
- (d) If eligible animal deaths are not tested due to a missed sample, improper sample, or untestable sample, an additional live animal over twelve (12) months of age shall be sacrificed for sampling, status suspended, status decreased, or combination thereof.
- (e) Freezing animal heads or other acts that delay or inhibit quality sampling and testing may result in the suspension, decrease, or loss of CWD status.
- (f) The State Veterinarian may relax the minimum requirements for herd certification for extraordinary circumstances.
- (g) Herd owners shall report any animals displaying clinical signs of CWD, which may include but are not limited to, weight loss, behavioral changes, excessive salivation, increased drinking and urination, and depression.
- (h) Herd owners shall complete an annual herd inventory with an approved veterinarian during the dates assigned by the Department.

## SUBCHAPTER 49. MISCELLANEOUS ANIMAL DISEASES

#### **35:15-49-3. Separation requirements**

- (a) Any person holding female wildebeest within Oklahoma shall maintain ~~sufficient~~ 0.5 miles separation, or another safe distance as determined by the State Veterinarian, of all wildebeest, including male and female, from cervidae, bovidae, giraffidae, and antilocapridae.
- (b) If wildebeest were legally occupants of a premises prior to another owner locating other livestock within the 0.5 mile radius, the new livestock owner shall maintain the livestock at his own risk.
- ~~(b)~~ (c) ~~In no case shall any~~ No person holding wildebeest shall allow any of the above listed species to be held in any enclosure sharing a common fence with wildebeest.
- ~~(c)~~ (d) The requirements of this rule shall not be applicable to any zoological park licensed by USDA APHIS Animal Care.