

State Veterinarian, Duty of in Inspecting Tuberculosis Animals Supplying Milk to the Public. Tuberculosis Animals Supplying Milk to the Public, Regulation Of. Milk, Quarantine of Animals Supplying.

The owner of a tuberculosis animal supplying milk to the public has the right to either retain the animal in quarantine, under such restriction, rules and regulations as the state live stock board may direct, or he may, if he so desires, have the animal shipped within the boundaries of the state to an abattoir where meat inspection is maintained; and in the event the latter course is impossible or impracticable, then the animal may be slaughtered by order of the board, unless the owner desires to keep the animal in quarantine under the rules and regulations of the board.

May 10, 1911.

Dr. M. E. Knowles,
State Veterinarian,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of May 5th, requesting me to interpret Section 4 of substitute for House Bill No. 139, enacted by the last legislative assembly, advising you as to whether or not the live stock sanitary board may disregard the first two provisions of this section providing for the disposal of tuberculosis animals and issue an order requiring the slaughter of all reacting animals at place of inspection.

The bill referred to is now Chapter 146 of the Twelfth Session Laws of the state of Montana, but in comparing Section 4, of this chapter with the enrolled bill I find that there is an error in the latter part of the section, and I therefore quote the section from the enrolled bill which is as follows:

"Section 4. Whenever tuberculosis is discovered in any Bovine animal supplying milk to the public, or any male Bovine animal in a herd supplying milk to the public, the owner of such tuberculous animal must either retain such animal or animals in quarantine under such restrictions, rules and regulations as the state live stock sanitary board may direct, or such owner may ship such tuberculous animal or animals within the boundaries of this state under the direction of said board to any abattoir where meat inspection is maintained under the supervision of the United States Bureau of animal industry, or where such inspection is maintained by any official inspector of the state; in the event that such animal or animals are shipped to any abattoir where such meat inspection is maintained and such animal or animals are sold, the owner shall receive the net proceeds of the sale thereof and shall have no further claim against the state on account of such slaughter. In the event that it is impracticable or impossible to ship such tuber-

culous animals to an abattoir where meat inspection is so maintained, then the animal may be slaughtered by order of the state live stock sanitary board."

This section applies only to tuberculosis discovered in Bovine animals supplying milk to the public, or Bovine animals in a herd supplying milk to the public. Under the provisions of the section the owner of the animal must either (1) retain such animal or animals in quarantine under such restrictions, rules and regulations as the state live stock sanitary board may direct, or (2) such owner may ship such tuberculous animal or animals within the boundaries of the state under the direction of said board to any abattoir where meat inspection is maintained under the supervision of the United States bureau of animal industry, or where such inspection is maintained by any official inspector of the state, in which latter event the owner of the animal is entitled to receive the net proceeds of the sale thereof, and shall have no further claim against the state on account of such slaughter; and (3) in the event it is impracticable or impossible to ship such tuberculous animal to an abattoir where meat inspection is so maintained, then the animal may be slaughtered by order of the state live stock sanitary board.

Under my interpretation of this section the owner of the animal has the right to either retain the animal in quarantine under such restrictions, rules and regulations as the state live stock sanitary board may direct; or he may, if he so desires, have the animal shipped within the boundaries of the state, under the direction of said board to any abattoir where meat inspection is maintained as provided in the section. In the event the latter course is impossible or impracticable, then the animal may be slaughtered by order of the state live stock sanitary board unless the owner desires to keep the animal in quarantine under such restrictions, rules and regulations as the board may provide.

You are therefore advised that the board has no authority to disregard the first two provisions of the section and order the slaughter of all reacting animals at place of inspection. The evident intention of the section is to give the owner the alternative of keeping the animal quarantined under the directions of the board or to ship it to some slaughter house where meat inspection is maintained by the United States bureau of animal industry or by an official inspector of the state, and in the event it is impossible or impracticable to ship the animal to such slaughter house, then it may be killed by order of the state live stock sanitary board or kept in quarantine under such rules as the board may prescribe, as the owner may elect.

Yours very truly,

ALBERT J. GALEN,

Attorney General.