

Chapter 146, Laws of 1911, Construction Of. Tuberculin Test, Necessity For. Tuberculosis, Number of Temperature Tests. Veterinarian, Duty Of in Testing.

Under the provisions of Chap. 146, Laws of 1911, the veterinarian making tests for tuberculosis in dairy herds may use the number of tests which in his judgment are necessary, but, when tuberculosis is actually discovered, before any animal may be condemned, the veterinarian must take the number of tests provided in Sec. 6 of said act.

May 12, 1911.

Dr. M. E. Knowles, D. V. S.,
State Veterinarian,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 1st inst., wherein you request my opinion in construction of Section 6, Chapter 146, Laws of 1911, providing for the inspection of dairy cattle. You state in your letter that,

"There are certain conditions which make this provision of the law practically impossible to be carried out and in the opinion of the sanitary board, in general with competent authorities, it is believed that this number of temperatures is not necessary either anti or post."

From an examination of the entire act it is apparent that the object is to provide for the eradication of tuberculosis among the dairy herds in the state. In Section 4 of said act it provides in substance that whenever tuberculosis is discovered, then it becomes the duty of the veterinarian to quarantine or condemn the animals suffering from such disease.

Section 6 provides in substance that the tuberculin test shall consist of not less than six anti nor less than six post injection temperatures.

In view of the fact that in the opinion of competent authorities this number of temperatures is not necessary, it is my opinion that for the purpose of preliminary inspection of a dairy herd the veterinary making such inspection may use the number of tests which in his judgment and in accordance with the best authorities on the subject are necessary, but when by any test and inspection tuberculosis is actually discovered in the animal, then in accordance with the provisions of Section 6, the veterinary would necessarily be required to take not less than six anti, nor less than six post injection temperatures before he would be authorized to condemn the animal. Those tests are required before the animals can be condemned under the statute; however, the presence of tuberculosis may be discovered by other means. The provisions of said Section 6, being apparently enacted for

the benefit and protection of the owner is in no wise binding upon the veterinarian in the preliminary test.

Yours very truly,

ALBERT J. GALEN,

Attorney General.