SENATE BILL NO. 158

INTRODUCED BY GRAHAM

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

IN THE SENATE

January 16, 1981 Introduced and referred to Committee on Agriculture. Livestock and Irrigation. January 29, 1981 Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached. January 30, 1981 Bill printed and placed on members' desks. January 31, 1981 Second reading, do pass. February 2, 1981 Correctly engrossed. February 3, 1981 Third coading, passed. Transmitted to House. IN THE HOUSE Pebruary 4, 1981 Introduced and referred to Committee on Agriculture. March 5, 1981 Committee recommend bill be concurred in. Report adopted. March 6, 1981 Motion pass consideration to 51st legislative day. Second reading, concurred in. March 7, 1981 March 10, 1981 Third reading, concurred in. Ayes, 96; Noes, 1.

IN THE SENATS

March 11, 1981

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Returned from House. Concurred in. Sent to enrolling.

Reported correctly enrolled.

LC 0753/01

Starte BILL NO. 1.58 1 INTRODUCED BY 2

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE 6 APPLICATION FOR AND THE POSSESSION OF A PERMIT AND A HEALTH 7 CERTIFICATE, UNLESS THE CERTIFICATE IS MAIVED, BEFORE 8 CERTAIN ANIMALS, ANIMAL SEMEN, OR ANIMAL BIOLOGICS MAY BE 9 IMPORTED INTO MONTANA; AND PROVIDING FOR AN IMMEDIATE 10 EFFECTIVE DATE."

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12 3E IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. This part may be cited as the
"Animal Importation Permit and Health Certificate Act of
1981".

Section 2. Definitions. As used in this part, the following definitions apply:

18 (1) "Animals" means livestock, dogs, cats, rabbits,
19 rodents, game animals, fur-bearing and wild animals, and
20 poultry and other birds.

(2) "Biologics" means medicinal preparations made from
living organisms and their products. It includes but is not
limited to serums, vaccines, antigens, and antitoxins.

24 (3) "Department" means the department of livestock.
25 (4) "Health certificate" means a legible record

written on an official health certificate form of the state of origin or on an equivalent form of the U.S. department of agriculture attesting that the animals, animal semen, or animal biologics described thereon have been visually inspected by a federally accredited veterinarian and found to meet the entry requirements of the state of Montana.

14

7 (5) "Livestock" means cattle, horses, mules, asses,
a sheep, swine, and goats.

9 (6) "Permit" means an official document issued by the 10 department after proper application that allows the movement 11 of animals, animal semen, or animal biologics into Montana. 12 (7) "Poultry" means domesticated birds, including but 13 not limited to chickens, turkeys, ducks, geese, ouinea fowl, 14 pigeons, and pheasants.

15 Section 3. Documents required for importation --16 exemption. (1) Except as provided in subsection (4), in all 17 cases, no animal, animal semen, or animal biologic may be 18 brought into the state without a permit and also a health 19 certificate. The health certificate, but not the permit, may 20 be waived by the department as provided in subsection (5). 21 (2) The requirements of subsection (1) apply regardless of species, breed, sex, class, age, point of 22 23 origin, place of destination, or purpose of movement.

24 (3) All required documents must be attached to the25 waybill or be in possession of the driver of the

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transporting vehicle or of the person in charge of the 1 2 animals. When a single permit or health certificate is 3 issued for animals being moved in more than one vehicle, the driver of each vehicle shall have in his possession a copy 4 5 of the permit and, where applicable, a health certificate. 6 (4) Animals, animal semen, or animal biologics being 7 moved through the state with no intent to unload or deliver in the state are exempted from this part. In an emergency 8 9 situation, such transitory cargo may be unloaded in 10 compliance with the guarantine rules promulgated by the 11 department.

12 (5) A waiver of the requirement for a health 13 certificate shall be based upon evidence that there will be 14 no significant danger to the public health if the exemption 15 is granted.

Section 4. Quarantine for illegal entry -- liability for expenses. (1) Animals, animal semen, or animal biologics which enter the state of Montana without the required importation papers or in violation of any rules of the department shall be held in quarantine at the risk of the owner.

22 (2) The quarantine may be released only after the 23 department has been satisfied, by appropriate means, that 24 the animals, animal semen, or animal biologics under 25 guarantine meet the requirements of law and the rules of the 1 department.

2 (3) The owner of animals, animal semen, or animal 3 biologics quarantined under this part is liable for all 4 department expenses resulting from that guarantine except 5 the expense of the salary of the supervising officer 6 representing the department. Expenses include, but are not limited to, the expense of inspecting, testing, supervision 7 8 of guarantine, supervision of dipping, supervision of 9 disinfection, supervision of treatment, and laboratory 10 testina.

11 Section 5. Lien resulting from quarantine foreclosure of lien. (1) In accordance with the provisions 12 13 of 81+2-109, the expenses of guarantine detailed in [section 4] are a lien on the animals, semen, or biologics and the 14 department may retain possession of them until the charges 15 and expenses are paid. The lien is dependent on possession 16 and may be foreclosed in the name of the agent of the 17 18 department by sale at public auction of the animals, semen, or biologics or as much of them as may be necessary to pay 19 the expenses. 20

(2) Posting notice for 10 days at three public places
in the county is required prior to auction. The lien may
also be foreclosed by filing an action against the owner of
the property to recover the amount of charges and expenses
in a court of competent jurisdiction.

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Section 6. Consignment requirements. (1) All animals,
 animal semen, or animal biologics brought into Montana,
 other than transitory cargo, must be consigned to or in the
 care of a person, entity, or authorized agent of either
 located in Montana.

6 (2) The person, entity, or authorized agent must
7 notify the department of its intent to receive any animals,
8 animal semen, or animal biologics and is responsible for
9 acquiring all required permits and ensuring that they are
10 accompanied by all required health certificates.

11 (3) No person consigning, transporting, or receiving 12 animals, animal semen, or animal biologics into Montana may 13 authorize, order, or carry out any diversion of them or any 14 portion thereof to a destination or consignee other than as 15 set forth on the permit or health certificate without first 16 obtaining written permission from the department.

Section 7. Department rulemaking power. The department
may promulgate, administer, and enforce rules necessary to
implement this part.

20 Section 8. Penalty. A person convicted of violating 21 [this act] shall be fined not more than \$500, be imprisoned 22 in the county jail for a term not to exceed 6 menths, or 23 both.

24 Section 9. Codification Instruction. This act is 25 intended to be codified as a new part in Title S1, chapter 1 2, and the provisions of Title B1, chapter 2, part 1, apply

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- 2 to this act.
- 3 Section 19. Effective date. This act is effective on
- 4 passage and approval.

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| 1 | STATEMENT OF INTENT |
|----|--------------------------------------------------------------|
| 2 | SENATE BILL 158 |
| 3 | Senate Agriculture, Livestock and Irrigation Committee |
| 4 | |
| 5 | A Statement of Intent is required for this bill because |
| 6 | it delegates rulemaking authority to the Department of |
| 7 | Livestock in Section 8. |
| 8 | It is the intent of this bill that the Department |
| 9 | maintain its present rules, and update them when necessary, |
| 10 | regarding the importation of animals, animal semen, and |
| 11 | animal biologics. However, these rules should be reviewed to |
| 12 | ensure that they are in compliance with this bill and to |
| 13 | eliminate any redundancy created by passage of this bill. |
| 14 | First adopted by the Senate Agriculture, Livestock and |
| 15 | Irrigation Committee on the 28th day of January 1981. |

47th Legislature

\$8 0158/02

Approved by Committee on Agrigulture Livestock & Irrigation

| 1 | SENATE BILL NO. 158 |
|----|-----------------------------------------------------------------|
| Z | INTRODUCED BY GRAHAM |
| 3 | BY REQUEST OF THE DEPARTMENT OF LIVESTOCK |
| 4 | |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE |
| 6 | APPLICATION FOR AND THE POSSESSION OF A PERMIT AND A HEALTH |
| 7 | CERTIFICATE, UNLESS THE <u>PERMIT OR</u> CERTIFICATE IS WAIVED. |
| 8 | BEFORE CERTAIN ANIMALS, ANIMAL SEMEN, OR ANIMAL BIOLOGICS |
| 9 | MAY BE IMPORTED INTO MONTANA; AND PROVIDING FOR AN IMMEDIATE |
| 10 | EFFECTIVE DATE." |
| 11 | |
| 12 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 13 | Section 1. Short title. This part may be cited as the |
| 14 | "Animal Importation Permit and Health Certificate Act of |
| 15 | 1931". |
| 16 | Section 2. Definitions. As used in this part, the |
| 17 | following definitions apply: |
| 18 | (1) "Animals" means livestock, dogs, cats, rabbits, |
| 19 | rodents, game animals, fur-bearing and wild animals, and |
| 20 | poultry and other birds. |
| 21 | (2) "Biologics" means medicinal preparations made from |
| 22 | living organisms and their products. It includes but is not |
| 23 | limited to serums, vaccines, antigens, and antitoxins. |
| 24 | (3) "Department" means the department of livestock. |
| 25 | (4) "Health certificate" means a legible record |

1 written on an official health certificate form of the state Z of origin or on an equivalent form of the U.S. department of 3 agriculture attesting that the animals, animal semen, or 4 animal biologics described thereon have been visually -5 inspected by a federally accredited veterinarian and found to meet the entry requirements of the state of Montana. 6 7 (5) "Livestock" means cattle, horses, mules, asses, 8 sheep, swine, and goats. 9 (6) "Permit" means an official document issued by the 10 department after proper application that allows the movement 11 of animals, animal semen, or animal biologics into Montana. 12 (7) "Poultry" means domesticated birds, including but 13 not limited to chickens, turkeys, ducks, geese, guinea fowl, 14 pigeons, and pheasants. 15 Section 3. Documents required for importation --16 exemption. (1) Except as provided in subsection-f4; --all 17 cases, SUBSECTION (6) no animal, animal semen, or animal 18 biologic may be brought into the state without a permit and 19 also a health certificate. The -health-certificate--but-not 20 the-permity-may-be-waived-by-the-department-as--provided--in 21 subsection-(5)+ 22 (2) THE DEPARTMENT SHALL ISSUE A PERMIT IF NO 23 SIGNIFICANT DANGER TO THE PUBLIC HEALTH WILL ENSUE UPON IMPORTATION OF THE ANIMAL INTO THE STATE. 24 25 (3) THE DEPARTMENT MAY WAIVE THE REQUIREMENT FOR A

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SECOND READING

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1 HEALTH CERTIFICATE OR A PERMIT AS PROVIDED IN SUBSECTION

2 (7).

3 (2)(4) The requirements of subsection (1) apply
4 regardless of species, breed, sex, class, age, point of
5 origin, place of destination, or purpose of movement.

(3)(5) All required documents must be attached to the ó 7 waybill or be in possession of the driver of the transporting vehicle or of the person in charge of the 8 animals. When a single permit or health certificate is 9 10 issued for animals being moved in more than one vehicle. the driver of each vehicle shall have in his possession a copy 11 12 of the permit and, where applicable, a health certificate. (4)(6) Animals, animal semen, or animal biologics 13 being moved through the state with no intent to unload or 14 15 deliver in the state are exempted from this part. In an 16 emergency situation, such transitory cargo may be unloaded 17 in compliance with the guarantine rules promulgated by the 18 department.

19 (5)(7) A waiver of the requirement for a health 20 certificate <u>OR A PERMIT</u> shall be based upon evidence that 21 there will be no significant danger to the public health if 22 the exemption is granted.

23 Section 4. Quarantine for illegal entry -- liability 24 for expenses. (1) Animals. animal sement or animal biologics 25 which enter the state of Montana without the required

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importation papers or in violation of any rules of the
 department shall be held in quarantine at the risk of the
 owner.

4 (2) The quarantine may be released only after the 5 department has been satisfied, by appropriate means, that 6 the animals, animal semen, or animal biologics under 7 quarantine meet the requirements of law and the rules of the 8 department.

(3) The owner of animals, animal semen, or animal 9 biologics quarantined under this part is liable for all 10 department expenses resulting from that quarantine except 11 the expense of the salary of the supervising officer 12 representing the department. Expenses include, but are not 13 limited to, the expense of inspecting, testing, supervision 14 of quarantine, supervision of dipping, supervision of 15 disinfection+ supervision of treatment+ and laboratory 16 17 testing.

Section 5. Lien resulting from quarantine 18 19 foreclosure of lien. (1) In accordance with the provisions of 81-2-109, the expenses of guarantine detailed in [section 20 21 4) are a lien on the animals, semen, or biologics and the department may retain possession of them until the charges 22 and expenses are paid. The lien is dependent on possession 23 and may be foreclosed in the name of the agent of the 24 department by sale at public auction of the animals. semen. 25

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or biologics or as much of them as may be necessary to pay
 the expenses.

3 (2) Posting notice for 10 days at three public places 4 in the county is required prior to auction. The lien may 5 also be foreclosed by filing an action against the owner of 6 the property to recover the amount of charges and expenses 7 in a court of competent jurisdiction.

8 Section 6. Consignment requirements. (1) All animals, 9 animal semen, or animal biologics brought into Montana, 10 other than transitory cargo, must be consigned to or in the 11 care of a person, entity, or authorized agent of either 12 located in Montana.

(2) The person, entity, or authorized agent must
notify the department of its intent to receive any animals.
animal semen, or animal biologics and is responsible for
acquiring all required permits and ensuring that they are
accompanied by all required health certificates.

18 [3] No person consigning, transporting, or receiving animals, animal semen, or animal biologics into Montana may authorize, order, or carry out any diversion of them or any portion thereof to a destination or consignee other than as set forth on the permit or health certificate without first obtaining written permission from the department.

24 Section 7. Department rulemaking power. The department 25 may promulgate, administer, and enforce rules necessary to 1 implement this part.

2 Section 8. Penalty. A person convicted of violating 3 [this act] shall be fined not more than \$500, be imprisoned 4 in the county jail for a term not to exceed 6 months. or 5 both.

Section 9. Codification instruction. This act is
intended to be codified as a new part in Title 81, chapter
and the provisions of Title 81, chapter 2, part 1, apply
to this act.

10 Section 10. Effective date. This act is effective on 11 passage and approval.

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| 1 | STATEMENT OF INTENT |
|----|--------------------------------------------------------------|
| 2 | SENATE BILL 158 |
| 3 | Senate Agriculture, Livestock and Irrigation Committee |
| 4 | |
| 5 | A Statement of Intent is required for this bill because |
| 6 | it delegates rulemaking authority to the Department of |
| 7 | Livestock in Section 8. |
| 8 | It is the intent of this bill that the Department |
| 9 | maintain its present rules, and update them when necessary, |
| 10 | regarding the importation of animals, animal semen, and |
| 11 | animal biologics. However, these rules should be reviewed to |
| 12 | ensure that they are in compliance with this bill and to |
| 13 | eliminate any redundancy created by passage of this bill. |
| 14 | First adopted by the Senate Agriculture, Livestock and |
| 15 | Irrigation Committee on the 28th day of January 1981. |

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| 1 | SENATE BILL NO. 158 | ı | written on an official health certificate form of the state | | |
|-----|---------------------------------------------------------------------|----|---------------------------------------------------------------------|--|--|
| 2 | INTRODUCED BY GRAHAM | 2 | of origin or on an equivalent form of the U-S- department of | | |
| 3 | BY REQUEST OF THE DEPARTMENT OF LIVESTOCK | 3 | agriculture attesting that the animals, animal semen, or | | |
| 4 | | 4 | animal biologics described thereon have been visually | | |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE | 5 | inspected by a federally accredited veterinarian and found | | |
| 6 | APPLICATION FOR AND THE POSSESSION OF A PERMIT AND A HEALTH | 6 | to meet the entry requirements of the state of Montana. | | |
| 7 | CERTIFICATE, UNLESS THE <u>PERMIT</u> OR CERTIFICATE IS WAIVED, | 7 | {5} "Livestock" means cattle, horses, mules, asses, | | |
| B | BEFORE CERTAIN ANIMALS, ANIMAL SEMEN, OR ANIMAL BIOLOGICS | 8 | sheep, swine, and goats. | | |
| 9 | MAY BE IMPORTED INTO MONTANA; AND PROVIDING FOR AN IMMEDIATE | 9 | (6) "Permit" means an official document issued by the | | |
| 10 | EFFECTIVE DATE." | 10 | department after proper application that allows the movement | | |
| 11 | | 11 | of animals, animal semen, or animal biologics into Montana. | | |
| 12 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: | 12 | (7) "Poultry" means domesticated birds, including but | | |
| 13 | Section 1. Short title. This part may be cited as the | 13 | not limited to chickens, turkeys, ducks, geese, guinea fowl, | | |
| 14 | "Animal Importation Permit and Health Certificate Act of | 14 | pigeons, and pheasants. | | |
| 15 | 1981"• | 15 | Section 3. Documents required for importation | | |
| 16 | Section 2. Definitions. As used in this part, the | 16 | exemption. (1) Except as provided in subsection-{4}*-inall | | |
| 17 | following definitions apply: | 17 | eesesy SUBSECTION [6] no animaly animal semeny or animal | | |
| 18 | "Animals" means livestock, dogs, cats, rabbits, | 18 | biologic may be brought into the state without a permit and | | |
| 19 | rodents, game animals, fur-bearing and wild animals, and | 19 | also a health certificate. The-health-certificatebut-not | | |
| 20 | poultry and other birds. | 20 | the-permity-may-be-waived-by-the-department-asprovidedin | | |
| 21 | (2) "Biologics" means medicinal preparations made from | 21 | subsection-(5)+ | | |
| 2 Z | living organisms and their products. It includes but is not | 22 | 12) THE DEPARTMENT SHALL ISSUE A PERMIT IF NO | | |
| 23 | limited to serums, vaccines, antigens, and antitoxins. | 23 | SIGNIFICANT DANGER TO THE PUBLIC HEALTH WILL ENSUE UPON | | |
| 24 | (3) "Department" means the department of livestock. | 24 | IMPORTATION OF THE ANIMAL INTO THE STATE. | | |
| 25 | (4) "Health certificate" means a legible record | 25 | (3) THE DEPARTMENT MAY WAIVE THE REQUIREMENT FOR A | | |
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| | | | -2- \$8 158 | | |

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\$8 158 THIRD READING

1 HEALTH CERTIFICATE OR A PERMIT AS PROVIDED IN SUBSECTION

2 (7).

3 (2)(4) The requirements of subsection (1) apply
4 regardless of species, breed, sex, class, age, point of
5 origin, place of destination, or purpose of movement.

(3)(5) All required documents must be attached to the 6 waybill or be in possession of the driver of the 7 transporting vehicle or of the person in charge of the 8 animals. When a single permit or health certificate is 9 issued for animals being moved in more than one vehicle, the 10 driver of each vehicle shall have in his possession a copy 11 of the permit and, where applicable, a health certificate. 12 (4)(6) Animals, animal semen, or animal biologics 13 being moved through the state with no intent to unload or 14 deliver in the state are exempted from this part. In an 15 emergency situation, such transitory cargo may be unloaded 16 in compliance with the quarantime rules promulgated by the 17 18 department.

19 <u>(5)(7)</u> A waiver of the requirement for a health 20 certificate <u>OR A PERNIF</u> shall be based upon evidence that: 21 there will be no significant danger to the public health if 22 the exemption is granted.

23 Section 4. Quarantine for illegal entry -- liability 24 for expenses. (1) Animals, animal semen, or animal biologics 25 which enter the state of Montana without the required

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importation papers or in violation of any rules of the
 department shall be held in guarantine at the risk of the
 owner.

4 (2) The quarantine may be released only after the 5 department has been satisfied, by appropriate means, that 6 the animals, animal semen, or animal biologics under 7 quarantine meet the requirements of law and the rules of the 8 department.

(3) The owner of animals, animal semen, or animal 9 biologics quarantined under this part is liable for all 10 department expenses resulting from that quarantine except 11 the expense of the salary of the supervising officer 12 representing the department. Expenses include, but are not 13 limited to, the expense of inspecting, testing, supervision 14 of quarantine, supervision of dipping, supervision of 15 disinfection, supervision of treatment, and laboratory 16 17 testing.

quarantine Section 5. Lien resulting from 18 foreclosure of lien. [1] In accordance with the provisions 19 of 81-2-109, the expenses of quarantine detailed in [section 20 4] are a lien on the animals, semen, or biologics and the 21 department may retain possession of them until the charges 22 and expenses are paid. The lien is dependent on possession .23 and may be foreclosed in the name of the agent of the 24 department by sale at public auction of the animals, semen, 25

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or biologics or as much of them as may be necessary to pay
 the expenses.

3 (2) Posting notice for 10 days at three public places 4 in the county is required prior to auction. The lien may 5 also be foreclosed by filing an action against the owner of 6 the property to recover the amount of charges and expenses 7 in a court of competent jurisdiction.

8 Section 6. Consignment requirements. (1) All animals,
9 animal semen, or animal biologics brought into Montana,
10 other than transitory cargo, must be consigned to or in the
11 care of a person, entity, or authorized agent of either
12 located in Montana.

13 (2) The person, entity, or authorized agent must
14 notify the department of its intent to receive any animals,
15 animal semen, or animal biologics and is responsible for
16 acquiring all required permits and ensuring that they are
17 accompanied by all required health certificates.

18 (3) No person consigning, transporting, or receiving animals, animal semen, or animal biologics into Montana may authorize, order, or carry out any diversion of them or any portion thereof to a destination or consignee other than as set forth on the permit or health certificate without first obtaining written permission from the department.

24 Section 7. Department rulemaking power. The department 25 may promulgate, administer, and enforce rules necessary to

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1 ... implement this part.

2 Section 8. Penalty. A person convicted of violating
3 [this act] shall be fined not more than \$500, be imprisoned
4 in the county jail for a term not to exceed 6 months, or
5 both.

Section 9. Codification instruction. This act is
intended to be codified as a new part in Title 81, chapter
and the provisions of Title 81, chapter 2, part 1, apply
to this act.

Section 10. Effective date. This act is effective onpassage and approval.

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| L | STATEMENT OF INTENT |
|----|--------------------------------------------------------------|
| 2 | SENATE BILL 158 |
| 3 | Senate Agriculture, Livestock and Irrigation Committee |
| 4 | |
| 5 | A Statement of Intent is required for this bill because |
| 6 | it delegates rulemaking authority to the Department of |
| 7 | Livestock in Section 7. |
| 8 | It is the intent of this bill that the Department |
| 9 | maintain its present rules, and update them when necessary, |
| 10 | regarding the importation of animals, animal semen, and |
| 11 | animal biologics. However, these rules should be reviewed to |
| 12 | ensure that they are in compliance with this bill and to |
| 13 | eliminate any redundancy created by passage of this bill. |
| 14 | First adopted by the Senate Agriculture, Livestock and |
| 15 | Irrigation Committee on the Z3th day of January 1981. |

47th Legislature

SB 0158/02

| ı | SENATE BILL NO. 158 | 1 |
|----|-----------------------------------------------------------------|----|
| 2 | INTRODUCED BY GRAHAN | z |
| 3 | BY REQUEST OF THE DEPARTMENT OF LIVESTOCK | 3 |
| 4 | | 4 |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE | 5 |
| 6 | APPLICATION FOR AND THE POSSESSION OF A PERMII AND A HEALTH | 6 |
| 7 | CERTIFICATE, UNLESS THE <u>PERMIT OR</u> CERTIFICATE IS WAIVED, | ſ |
| 8 | BEFORE CERTAIN ANIMALS, ANIMAL SEMEN, OR ANIMAL BIOLOGICS | e |
| 9 | MAY BE IMPORTED INTO MONTANA; AND PROVIDING FOR AN IMMEDIATE | 9 |
| 10 | EFFECTIVE DATE." | 10 |
| 11 | | 11 |
| 12 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: | 12 |
| 13 | Section 1. Short title. This part may be cited as the | 13 |
| 14 | "Animal Importation Permit and Health Certificate Act of | 14 |
| 15 | 1981 **• | 1 |
| 16 | Section 2. Definitions. As used in this part, the | 14 |
| 17 | following definitions apply: | 1 |
| 18 | (1) "Animals" means livestock, dogs, cats, rabbits, | 1 |
| 19 | rodents, game animals, fur-bearing and wild animals, and | 1 |
| 20 | poultry and other birds. | 2 |
| 21 | (2) "Biologics" means medicinal preparations made from | 2 |
| 22 | living organisms and their products. It includes but is not | 2 |
| 23 | limited to serums, vaccines, antigens, and antitoxins. | 2 |
| 24 | (3) "Department" means the department of livestock. | 2 |

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25 (4) "Health certificate" means a legible record

3 agriculture attesting that the animals, animal semen, or 4 animal biologics described thereon have been visually 5 inspected by a federally accredited veterinarian and found 6 to meet the entry requirements of the state of Montana. 7 {5} "Livestock" means cattle, horses, mules, asses, 8 sheep, swine, and goats. 9 (6) "Permit" means an official document issued by the 10 department after proper application that allows the movement

written on an official health certificate form of the state of origin or on an equivalent form of the U.S. department of

11 of animals, animal semen, or animal biologics into Montana.
12 (7) "Poultry" means domesticated birds, including but
13 not limited to chickens, turkeys, ducks, geese, guinea fowl,
14 pigeons, and pheasants.

5 Section 3. Documents required for importation ---exemption= (1) Except as provided in subsection-(4)v-in-all 6 7 cosesy SUBSECTION (6) no animal, animal sement or animal 8 biologic may be brought into the state without a permit and Q. also a health certificate. The health-certificate. But-not 0 the permity-may-be-waived-by-the-department-as--provided--in Ŧ subsection-(5)+ 2 (2) THE DEPARTMENT SHALL ISSUE A PERMIT IF NO 23 SIGNIFICANT DANGER TO THE PUBLIC HEALTH WILL ENSUE UPON 4 IMPORTATION OF THE ANIMAL INTO THE STATE.

25 (3) THE DEPARIMENT MAY WAIVE THE REQUIREMENT FOR A REFERENCE BILL -2-

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L HEALTH CERTIFICATE OR A PERMIT AS PROVIDED IN SUBSECTION 2 (7).

3 (2)(4) The requirements of subsection (1) apply
4 regardless of species, breed, sex, class, age, point af
5 origin, place of destination, or purpose of movement.

6 +3+(5) All required documents must be attached to the 7 waybill or be in possession of the driver of the 8 transporting vehicle or of the person in charge of the 9 animals. When a single permit or health certificate is 10 issued for animals being moved in more than one vehicle, the 11 driver of each vehicle shall have in his possession a copy of the permit and, where applicable, a health certificate. 12 13 (4)(6) Animals, animal semen, or animal biologics being moved through the state with no intent to unload or 14 15 deliver in the state are exempted from this part. In an 16 emergency situation, such transitory cargo may be unloaded 17 in compliance with the guarantine rules promulgated by the 18 department.

19 (5)(7) A waiver of the requirement for a health 20 certificate <u>OR A PERMIT</u> shall be based upon evidence that 21 there will be no significant danger to the public health if 22 the exemption is granted.

23 Section 4. Quarantine for illegal entry -- liability 24 for expenses. (1) Animals, animal semen, or animal biologics 25 which enter the state of Montana without the required SB 0158/02

importation papers or in violation of any rules of the
 department shall be held in quarantine at the risk of the
 owner.

4 (2) The quarantine may be released only after the 5 department has been satisfied, by appropriate means, that 6 the animals, animal semen, or animal biologics under 7 quarantine meet the requirements of law and the rules of the 8 department.

9 (3) The owner of animals, animal semen, or animal 10 biologics guarantined under this part is liable for all 1 2 department expenses resulting from that quarantine except 12 the expense of the salary of the supervising officer 13 representing the department. Expenses include, but are not limited to, the expense of inspecting, testing, supervision 14 15 of guarantine, supervision of dipping, supervision of disinfection, supervision of treatment, and laboratory 16 17 testing.

18 Section 5. Lien resulting from quarantine 19 foreclosure of lien. (1) In accordance with the provisions 20 of 81-2-109+ the expenses of guarantine detailed in | section 4] are a lien on the animals, semen, or biologics and the 21 22 department may retain possession of them until the charges and expenses are paid. The lien is dependent on possession 23 and may be foreclosed in the name of the agent of the 24 25 department by sale at public auction of the animals, semen,

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or biologics or as much of them as may be necessary to pay
 the expenses.

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3 (2) Posting notice for 10 days at three public places 4 in the county is required prior to auction. The lien may 5. also be foreclosed by filing an action against the owner of 6 the property to recover the amount of charges and expenses 7 in a court of competent jurisdiction.

8 Section 6. Consignment requirements. (1) All animals, 9 animal semen, or animal biologics brought into Montana, 10 other than transitory cargo, must be consigned to or in the 11 care of a person, entity, or authorized agent of either 12 located in Montana.

(2) The person, entity, or authorized agent must
notify the department of its intent to receive any animals,
animal semen, or animal biologics and is responsible for
acquiring all required permits and ensuring that they are
accompanied by all required health certificates.

18 (3) No person consigning, transporting, or receiving animals, animal semen, or animal biologics into Montana may authorize, order, or carry out any diversion of them or any portion thereof to a destination or consignee other than as set forth on the permit or health certificate without first obtaining written permission from the department.

24 Section 7. Department rulemaking power. The department 25 may promulgate, administer, and enforce rules necessary to

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1 implement this part.

Section 8. Penalty. A person convicted of violating
[this act] shall be fined not more than \$500, be imprisoned
in the county jail for a term not to exceed 6 months, or
both.
Section 9. Codification instruction. This act is

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7 intended to be codified as a new part in Title 81, chapter 8 2, and the provisions of Title 81, chapter 2, part 1, apply 9 to this act.

10 Section 10. Effective date. This act is effective on

11 passage and approval.

-End-

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