

HB 780 INTRODUCED BY SCHYE, ET AL.
ALLOW PERSONS TO ADMINISTER RABIES VACCINE TO THEIR
OWN FARM ANIMALS

2/16 INTRODUCED
2/16 REFERRED TO HUMAN SERVICES & AGING
2/17 HEARING
2/18 COMMITTEE REPORT--BILL PASSED
2/23 2ND READING NOT PASSED

87 9

1 House BILL NO. 780
 2 INTRODUCED BY Dehye Cady
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW PERSONS TO
 5 ADMINISTER RABIES VACCINE TO THEIR OWN FARM ANIMALS AND TO
 6 PERMIT THE SALE OF RABIES VACCINE BY A LICENSED VETERINARIAN
 7 TO A PERSON FOR USE IN IMMUNIZING HIS FARM ANIMALS TO
 8 PREVENT THEM FROM CONTRACTING RABIES; AND AMENDING SECTION
 9 81-2-102, MCA."
 10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 81-2-102, MCA, is amended to read:
 13 "81-2-102. Powers of department. (1) The department
 14 may:

15 (a) supervise the sanitary conditions of livestock in
 16 this state, under the provisions of the constitution and
 17 statutes of this state and the rules adopted by the
 18 department. The department may quarantine a lot, yard, land,
 19 building, room, premises, enclosure, or other place or
 20 section in this state which is or may be used or occupied by
 21 livestock and which in the judgment of the department is
 22 infected or contaminated with an infectious, contagious,
 23 communicable, or dangerous disease or disease-carrying
 24 medium by which the disease may be communicated. The
 25 department may quarantine livestock in this state when the

1 livestock is affected with or has been exposed to disease or
 2 disease-carrying medium. The department may prescribe
 3 treatments and enforce sanitary rules which are necessary
 4 and proper to circumscribe, extirpate, control, or prevent
 5 the disease.

6 (b) foster, promote, and protect the livestock
 7 industry in this state by the investigation of diseases and
 8 other subjects related to ways and means of prevention,
 9 extirpation, and control of diseases or to the care of
 10 livestock and its products and to this end may establish and
 11 maintain a laboratory, may make or cause to be made biologic
 12 products, curatives, and preventative agents, and may
 13 perform any other acts and things as may be necessary or
 14 proper in the fostering, promotion, or protection of the
 15 livestock industry in this state;

16 (c) impose and collect such fees as the department
 17 considers appropriate for the tests and services performed
 18 by it at the laboratory or elsewhere and for biologic
 19 products, curatives, and preventative agents made or caused
 20 to be made by the department. In fixing these fees the
 21 department shall take into consideration the costs, both
 22 direct and indirect, of the tests, services, products,
 23 curatives, and agents. All fees shall be deposited in the
 24 state special revenue fund for the use of the animal health
 25 functions of the department.



1 (d) adopt rules and orders which it considers
 2 necessary or proper to prevent the introduction or spreading
 3 of infectious, contagious, communicable, or dangerous
 4 diseases affecting livestock in this state and to this end
 5 may adopt rules and orders necessary or proper governing
 6 inspections and tests of livestock intended for importation
 7 into this state before it may be imported into this state;

8 (e) adopt rules and orders which it considers
 9 necessary or proper for the inspection, testing, and
 10 quarantine of all livestock imported into this state;

11 (f) adopt rules and orders which it considers
 12 necessary or proper for the supervision, inspection, and
 13 control of the standards and sanitary conditions of
 14 slaughterhouses, meat depots, meat and meat food products,
 15 dairies, milk depots, milk and its byproducts, barns, dairy
 16 cows, factories, and other places and premises where meat or
 17 meat foods, milk or its products, or any byproducts thereof
 18 intended for sale or consumption as food are produced, kept,
 19 handled, or stored. An authorized representative of the
 20 department may take samples of a product so produced, kept,
 21 handled, or stored for analysis or testing by the
 22 department. The records of the samples and their analysis
 23 and test, when identified as to the sample by the oath of
 24 the officer taking it and verified as to the analysis or
 25 test by the oath of the chemist or bacteriologist making it,

1 are prima facie evidence of the facts set forth in them when
 2 offered in evidence in a prosecution or action at law or in
 3 equity for violation of part 1, 2, or 3 of this chapter,
 4 81-9-201 through 81-9-207, 81-20-101, 81-21-102, 81-21-103,
 5 or a rule or order of the board adopted thereunder. These
 6 standards, insofar as they relate to dairies or milk and its
 7 byproducts, may not include standards of weight or
 8 measurement.

9 (g) adopt rules and orders which seem necessary or
 10 proper for the supervision and control of manufactured and
 11 refined foods for livestock and the manufacture,
 12 importation, sale, and method of using a biologic remedy or
 13 curative agent for the treatment of diseases of livestock.
 14 However, as far as practicable the standards approved by the
 15 United States department of agriculture shall be adopted.

16 (h) install an adequate system of meat inspection, at
 17 any time and in such places as public welfare may demand,
 18 under the rules which may provide fees for the maintenance
 19 of such inspection and which shall provide ways and means
 20 for shipping home-grown and home-killed meats into any city
 21 in this state. As far as practicable, the rules shall
 22 conform with the meat-inspection requirements of the United
 23 States department of agriculture.

24 (i) slaughter or cause to be slaughtered any livestock
 25 in this state known to be affected with or which has been

1 exposed to an infectious, contagious, communicable, or
 2 dangerous disease, when such slaughter is necessary for the
 3 protection of other livestock, and destroy or cause to be
 4 destroyed all barns, stables, sheds, outbuildings, fixtures,
 5 furniture, or personal property infected with any such
 6 infectious, contagious, communicable, or dangerous disease
 7 when they cannot be thoroughly cleaned and disinfected and
 8 the destruction is necessary to prevent the spreading of the
 9 disease;

10 (j) indemnify the owner of any property destroyed by
 11 order of the department or pursuant to any rules adopted by
 12 the department under parts 1, 2, or 3 of this chapter,
 13 81-9-201 through 81-9-207, 81-20-101, 81-21-102, 81-21-103;

14 (k) require persons, firms, and corporations engaged
 15 in the production or handling of meat, meat food products,
 16 dairy products, or any byproducts thereof to furnish
 17 statistics of the quantity and cost of the food and food
 18 products produced or handled and the name and address of
 19 persons supplying them any of the products.

20 (2) When in the exercise of its powers or the
 21 discharge of its duties it becomes necessary for employees
 22 of the department to investigate facts and conditions, they
 23 may administer oaths, take affidavits, and compel the
 24 attendance and testimony of witnesses.

25 (3) Nothing in this section may be construed to

1 prohibit a person from administering to his own farm animals
 2 any rabies biologic that is approved by the United States
 3 department of agriculture if such biologic is properly used
 4 as a vaccine in accordance with the recommendations of the
 5 manufacturer and the regulations of the department.

6 (4) Nothing in this section may be interpreted to
 7 prohibit the sale of rabies biologic by a licensed
 8 veterinarian to a person for use in immunizing his own farm
 9 animals, except as may be required to assure proper use and
 10 distribution."

11 NEW SECTION. Section 2. Extension of authority. Any
 12 existing authority of the department of livestock to make
 13 rules on the subject of the provisions of this act is
 14 extended to the provisions of this act.

-End-

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