

ARTICLE 6. EQUINE

Rule 1. Equine Communicable Disease Control (*Repealed*)

(Repealed by Indiana State Board of Animal Health; filed Dec 17, 1979, 12:45 pm: 3 IR 194)

Rule 1.1. Equine Infectious Anemia (E.I.A.) Control

345 IAC 6-1.1-1 Definitions

Authority: IC 15-17-3-21

Affected: IC 15-17-2; IC 15-17-4

Sec. 1. (a) The definitions in IC 15-17-2 and the following definitions apply throughout this rule:

- (1) "Accredited veterinarian" means a veterinarian that has been approved by the United States Department of Agriculture in accordance with 9 CFR 161.
- (2) "Board" means the Indiana state board of animal health or its authorized representative.
- (3) "Coggins test" means the agar gel immunodiffusion test for the diagnosis of E.I.A.
- (4) "E.I.A." means the infectious disease equine infectious anemia caused by a lentivirus, equine infectious anemia virus (EIAV).
- (5) "Equine" means all animals in the family equidae (genus equus) including the following:
 - (A) Horses.
 - (B) Asses.
 - (C) Jacks.
 - (D) Jennies.
 - (E) Hinnies.
 - (F) Mules.
 - (G) Donkeys.
 - (H) Burros.
 - (I) Ponies.
 - (J) Zebras.
- (6) "Official test" shall have the meaning set forth in section 4.5 of this rule.
- (7) "Owner" means the legal owner, or the legal owner's agent, including the person in possession of or caring for the animal.
- (8) "Quarantine" means the act of placing an animal in isolation from other animals on a premises or in areas specified by the board, not moving the animal from the premises or area, and not allowing other animals to enter the premises or area.
- (9) "Reactor" means an equine that tests positive for E.I.A.
- (10) "Reporting date" means the date that an E.I.A. test result is reported out of the laboratory as recorded on the test report.
- (11) "State veterinarian" means the state veterinarian appointed under IC 15-17-4 or a designee.
- (12) "Test report" means the official form used by a laboratory to report the results of an E.I.A. test. The report must include a complete description of the animal being tested including the following information about the animal:
 - (A) Identifiable descriptive markings.
 - (B) Breed.
 - (C) Color.
 - (D) Age.
 - (E) Sex.
 - (F) Registration number, electronic identification number, tattoo, and brand, if present.

(b) The following apply throughout this rule:

- (1) An animal tests negative for a disease, passes a test for a disease, or is a negative animal when a test conducted in accordance with Indiana law and generally accepted testing procedures indicates that the animal is not infected with the disease.
- (2) An animal is a positive animal or fails, responds to, or has a response to a test for a disease when a test conducted in accordance with Indiana law and generally accepted testing procedures indicates that an animal is or may be infected with the disease.

(Indiana State Board of Animal Health; Reg 79-2, Title I; filed Dec 17, 1979, 12:45 p.m.: 3 IR 194; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1381; filed Feb 7, 2000, 3:28 p.m.: 23 IR 1373; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May

9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)

345 IAC 6-1.1-2 Health certificate and testing required for importation; exception (Repealed)

Sec. 2. (Repealed by Indiana State Board of Animal Health; filed Feb 13, 1987, 2:15 pm: 10 IR 1382)

345 IAC 6-1.1-3 Sale of horses through auction markets; quarantined feed lots (Repealed)

Sec. 3. (Repealed by Indiana State Board of Animal Health; filed Feb 13, 1987, 2:15 pm: 10 IR 1383)

345 IAC 6-1.1-4 Assembly of horses other than auction markets (Repealed)

Sec. 4. (Repealed by Indiana State Board of Animal Health; filed Feb 13, 1987, 2:15 pm: 10 IR 1383)

345 IAC 6-1.1-4.5 E.I.A. testing

Authority: IC 15-17-3-21

Affected: IC 15-17

Sec. 4.5. (a) The state veterinarian may do the following:

(1) Require that all animals tested for E.I.A. be temporarily identified until such time as the test results from the initial test and all retests are known.

(2) Utilize board funds to pay a licensed, accredited veterinarian to conduct E.I.A. tests or other work related to controlling E.I.A.

(b) "Official test" means the official test for the detection of E.I.A. Official tests must:

(1) be conducted in a laboratory approved by the state veterinarian to conduct official E.I.A. tests;

(2) be one (1) of the following:

(A) Agar gel immunodiffusion test (AGID), also known as the Coggins test.

(B) Enzyme-linked immunosorbent assay test (ELISA).

(C) Any other recognized E.I.A. test that is approved by the state veterinarian; and

(3) utilize blood drawn by a licensed, accredited veterinarian.

(c) The western blot test, also called the immunoblot test, may be used to clarify equivocal results of official tests or to resolve conflicting results. To be an official test, the western blot test must be run at the United States Department of Agriculture National Veterinary Services Laboratory.

(d) The state veterinarian may approve a laboratory to conduct official E.I.A. tests if the laboratory can conduct the tests in a timely, accurate, and efficient manner. When considering laboratories for E.I.A. test approval, the state veterinarian may consider and base a decision on United States Department of Agriculture standards, licenses, and approvals. (*Indiana State Board of Animal Health; 345 IAC 6-1.1-4.5; filed Feb 7, 2000, 3:28 p.m.: 23 IR 1374; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

345 IAC 6-1.1-4.6 EIA requirements for horses entering Indiana

Authority: IC 15-17-3-21

Affected: IC 15-17-3-13

Sec. 4.6. (a) All equines moved into Indiana must have tested negative for EIA within the twelve (12) months prior to the animal entering Indiana. The animal must be accompanied by an official laboratory test report indicating the negative EIA test. The following animals are exempt from the testing required in this subsection:

(1) Suckling foals if they are accompanied by their dam and the dam meets the testing requirements in this subsection.

(2) Equine sold for slaughter.

(3) The state veterinarian may exempt equine from the import test required in this subsection to accommodate unique and emergency situations if the waiver does not subject Indiana equine to a substantial risk of EIA infection.

(4) Animals exempted under subsection (b).

(b) A person may move an equine animal into the state directly to an Indiana licensed livestock market without the negative test for EIA described in subsection (a) if the market facility collects a sample and submits it for EIA testing immediately upon the animal's arrival at the market.

(c) The state veterinarian may order any equine not tested for EIA prior to entry into Indiana be tested for EIA after entry into Indiana. (*Indiana State Board of Animal Health; 345 IAC 6-1.1-4.6; filed Aug 22, 2014, 4:04 p.m.: 20140917-IR-345140057FRA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

345 IAC 6-1.1-5 E.I.A. positive animals

Authority: IC 15-17-3-21

Affected: IC 15-17

Sec. 5. (a) The owner must quarantine a reactor to the owner's premises from the time the owner is notified of the animal's reactor status until such time as a permit to move the animal is obtained from the state veterinarian. The state veterinarian may issue a permit to move a reactor if moving the animal furthers the goal of containing the spread of E.I.A.

(b) The owner of a reactor may elect to have the animal retested for E.I.A. one (1) time before identification is applied under subsection (c) and a disposition is chosen under subsection (d) if the following requirements are met:

(1) The retest must be conducted by board personnel or a licensed, accredited veterinarian designated by the state veterinarian.

(2) The retest must be completed within fourteen (14) days of the reporting date from the first test.

(c) A reactor must be permanently branded on the left side of the neck with the number 32 followed by the letter A, (32A). The following apply to the branding required in this subsection:

(1) The brand must be applied by a board employee or a person designated by the state veterinarian.

(2) The brand must be applied not later than fourteen (14) days after the reporting date from the E.I.A. positive test or retest, whichever is later.

(3) The brand must be:

(A) at least two (2) inches in size; and

(B) applied using a chemical brand or freeze-marking technique.

(d) The owner of a reactor must handle the reactor by complying with one (1) of the following requirements:

(1) Confining the reactor to the owner's premises in an area that is not less than two hundred (200) yards from any other area used to hold equines that are not reactors. Reactors must be separated from E.I.A. negative animals at all times. Reactors must be housed in a fly controlled environment. The owner must implement a fly control program utilizing at least one (1) of the following:

(A) Fly baits or strips.

(B) Electric bug killers.

(C) Application of a registered pesticide according to its label.

(2) Euthanizing the reactor. The owner shall notify the state veterinarian not later than forty-eight (48) hours prior to euthanizing the animal. The state veterinarian may require that a board employee witness the euthanasia or that the owner submit proof of the act.

(3) Delivering the reactor to a slaughter establishment or to a market to be sold for slaughter. The owner shall secure a slaughter permit from the state veterinarian or his agent by contacting the board not less than forty-eight (48) hours prior to loading a reactor for shipment. The state veterinarian may order that the reactor must move under official seal issued by the board.

(e) The owner of a reactor must do the following:

(1) Notify the board of the method chosen to handle the E.I.A. reactor under subsection (d) not more than fourteen (14) days after the reporting date for the E.I.A. positive test or retest, whichever is later.

(2) Comply with the requirements for the method chosen to handle the E.I.A. reactor under subsection (d) not later than thirty (30) days after the reporting date for the E.I.A. positive test or retest, whichever is later.

(f) The board will not pay any indemnity or loss of value for any animal that tests positive for E.I.A. (*Indiana State Board of*

Animal Health; Reg 79-2, Title V; filed Dec 17, 1979, 12:45 p.m.: 3 IR 196; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1382; filed Feb 7, 2000, 3:28 p.m.: 23 IR 1375; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)

345 IAC 6-1.1-5.5 Animals exposed to E.I.A.

Authority: IC 15-17-3-21

Affected: IC 15-17

Sec. 5.5. (a) Whenever an equine tests positive for E.I.A., all equine in the owner's herd are quarantined to the premises until such time as they test negative for E.I.A. pursuant to the testing required in subsection (b).

(b) Whenever an equine tests positive for E.I.A., all equine in the owner's herd that are not reactors must be tested, or retested as the case may be, for E.I.A. The tests required in this subsection must be conducted as follows:

(1) All equine in the owner's herd that are under one hundred eighty (180) days of age on the date the last known reactor is removed from the herd must be tested between two hundred forty (240) and two hundred seventy (270) days of age.

(2) All other equine must be tested between forty-five (45) and sixty (60) days after all known reactors are removed from the herd. The state veterinarian must determine the exact length of time between forty-five (45) and sixty (60) days for the retest based on the epidemiology of the situation.

(c) The state veterinarian may issue a permit to move a quarantined animal if moving the animal furthers the goal of containing and eradicating E.I.A.

(d) The state veterinarian must conduct an epidemiological investigation into E.I.A. positive equine to determine the incidence and distribution of the disease. The state veterinarian may order any equine on any premises be tested for E.I.A. to further the epidemiological investigation. *(Indiana State Board of Animal Health; 345 IAC 6-1.1-5.5; filed Feb 7, 2000, 3:28 p.m.: 23 IR 1375; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

345 IAC 6-1.1-6 Prohibited actions; cooperation

Authority: IC 15-17-3-21

Affected: IC 15-17

Sec. 6. (a) No person may present or otherwise use an E.I.A. laboratory test report for an equine for the purpose of identifying or establishing E.I.A. status for a different equine.

(b) No person may remove any identification utilized for the purpose of E.I.A. testing until the animal is released from quarantine under this rule.

(c) When board representatives are conducting tasks pursuant to this article, an equine owner must cooperate, including:

(1) presenting animals for testing or identification;

(2) restraining animals;

(3) identifying animals;

(4) allowing access to animals, facilities, and equipment;

(5) refraining from direct or indirect interference with board representatives;

(6) providing complete, accurate, and timely information.

(Indiana State Board of Animal Health; Reg 79-2, Title VI; filed Dec 17, 1979, 12:45 p.m.: 3 IR 196; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1382; filed Feb 7, 2000, 3:28 p.m.: 23 IR 1376; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)

345 IAC 6-1.1-7 Severability *(Repealed)*

Sec. 7. *(Repealed by Indiana State Board of Animal Health; filed Feb 7, 2000, 3:28 p.m.: 23 IR 1377)*

Rule 2. Contagious Equine Metritis (CEM)

345 IAC 6-2-1 Definitions and general provisions

Authority: IC 15-17-3-21

Affected: IC 15-17-2

Sec. 1. The definitions in IC 15-17-2 and the following definitions apply throughout this rule:

- (1) "Accredited" means accredited by the United States Department of Agriculture under 9 CFR Subchapter J.
- (2) "Approved CEM quarantine facility" means a facility that is approved by the state veterinarian under section 3 of this rule.
- (3) "CEM" means the disease contagious equine metritis.
- (4) "Owner" means the owner of an animal or his or her authorized agent.
- (5) "Quarantine" means restricting, including prohibiting, the movement and housing of animals.
- (6) "USDA" means the United States Department of Agriculture.

(Indiana State Board of Animal Health; 345 IAC 6-2-1; filed Apr 6, 2005, 4:00 p.m.: 28 IR 2353; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Nov 1, 2011, 3:50 p.m.: 20111130-IR-345110312RFA; readopted filed Jul 17, 2017, 9:06 a.m.: 20170816-IR-345170165RFA)

345 IAC 6-2-2 Incorporation by reference

Authority: IC 15-17-3-21

Affected: IC 15-17-3-13; IC 15-17-3-19

Sec. 2. The following USDA regulations, in effect on January 1, 2013, and the amendments to these regulations in 78 Fed. Reg. 9577 (February 11, 2013) are incorporated by reference into this rule:

- (1) 9 CFR 93.301(c).
- (2) 9 CFR 93.301(d).
- (3) 9 CFR 93.301(e).
- (4) 9 CFR 93.301(f).

(Indiana State Board of Animal Health; 345 IAC 6-2-2; filed Apr 6, 2005, 4:00 p.m.: 28 IR 2353; readopted filed Nov 1, 2011, 3:50 p.m.: 20111130-IR-345110312RFA; filed Dec 16, 2013, 9:15 a.m.: 20140115-IR-345130229FRA; readopted filed Jul 17, 2017, 9:06 a.m.: 20170816-IR-345170165RFA)

345 IAC 6-2-3 CEM quarantine facility

Authority: IC 15-17-3-21

Affected: IC 15-17-3-13; IC 15-17-3-19

Sec. 3. (a) The state veterinarian may enter into agreements with the United States Department of Agriculture to qualify the state for USDA approval under 9 CFR 93.301 to receive stallions or mares over seven hundred thirty-one (731) days of age imported from a CEM-affected region.

(b) If the state is approved by the USDA under subsection (a), a person may apply to the board for approval to operate a CEM quarantine facility in the state. A person that wants to operate a CEM quarantine facility in the state shall submit a complete and accurate application for CEM quarantine facility approval to the state veterinarian prior to receiving any animals under section 4 of this rule.

(c) The state veterinarian shall evaluate each request for CEM quarantine facility approval and approve the facility if the requirements in section 5 of this rule are met.

(d) Approval of a CEM quarantine facility shall be for a period of two (2) years and then the approval will expire. A person may reapply for CEM quarantine facility approval.

(e) The state veterinarian may suspend or revoke a CEM quarantine facility approval under any of the following circumstances:

- (1) State or federal officials are unable to provide the personnel or other resources necessary to quarantine animals, monitor the CEM quarantine facility, and meet the requirements in this rule.
- (2) The CEM quarantine facility presents a health hazard to animals or humans.

- (3) The operator violates a provision of IC 15-17, a provision of this rule, or a condition of approval of the facility.
- (4) The approval of USDA described in subsection (a) is:
 - (A) suspended;
 - (B) revoked;
 - (C) withdrawn;
 - (D) relinquished; or
 - (E) otherwise nullified.

A suspension or revocation may be for all or part of the approval. (*Indiana State Board of Animal Health; 345 IAC 6-2-3; filed Apr 6, 2005, 4:00 p.m.: 28 IR 2353; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Nov 1, 2011, 3:50 p.m.: 20111130-IR-345110312RFA; readopted filed Jul 17, 2017, 9:06 a.m.: 20170816-IR-345170165RFA*)

345 IAC 6-2-4 Movement into the state restricted

Authority: IC 15-17-3-21

Affected: IC 15-17-3-13; IC 15-17-3-19

Sec. 4. (a) A person may move into the state to a CEM quarantine facility a horse imported from a region where CEM exists or a region that trades horses freely with a region in which CEM exists as listed in 9 CFR 93.301(c)(1) only if the following requirements are met:

- (1) The person receives a preentry permit for entry into the state from the state veterinarian. The state veterinarian shall approve a permit for entry into the state if the applicable requirements in IC 15-17, 345 IAC 1-3, and this rule are met. The state veterinarian may refuse to approve a permit for entry into the state to a CEM quarantine facility if state or federal resources are limited in a manner that the state veterinarian or federal officials would be unable to complete the requirements of this rule.
- (2) Each animal is accompanied by a certificate of veterinary inspection as required under 345 IAC 1-3.
- (3) The animal is identified with official identification as defined in 345 IAC 1-3-3.
- (4) The animal meets any testing, vaccination, or other applicable requirements in 345 IAC 1-3.
- (5) The animal meets the requirements in 9 CFR 93.301(d) and 9 CFR 93.301(e).

(b) Animals moving into the state under a permit issued under this section must move directly to an approved CEM quarantine facility without stopping and unloading elsewhere in the state.

(c) Horses exempt from CEM import restrictions as described in 9 CFR 93.301(c)(2) and 9 CFR 93.301(g) are exempt from the movement restrictions in this section.

(d) Horses that are imported for no more than ninety (90) days to compete in specified events may be moved into the state if the conditions in 9 CFR 93.301(f) and subsection (a) are met. (*Indiana State Board of Animal Health; 345 IAC 6-2-4; filed Apr 6, 2005, 4:00 p.m.: 28 IR 2353; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Nov 1, 2011, 3:50 p.m.: 20111130-IR-345110312RFA; filed Dec 16, 2013, 9:15 a.m.: 20140115-IR-345130229FRA; readopted filed Jul 17, 2017, 9:06 a.m.: 20170816-IR-345170165RFA*)

345 IAC 6-2-5 Approved CEM quarantine facility

Authority: IC 15-17-3-21

Affected: IC 15-17-3-13; IC 15-17-3-19

Sec. 5. (a) A person desiring to accept horses moved into the state under section 4 of this rule must submit a written request to the state veterinarian for approval of their facility as a CEM quarantine facility prior to moving any horses to the facility. A person may not accept any horses moved into the state under section 4 of this rule until such time as the receiving facility is approved as a CEM quarantine facility under this rule.

(b) The state veterinarian may approve a facility as a CEM quarantine facility if the following requirements are met:

- (1) The facility is sufficient to keep quarantined horses separate from other horses.
- (2) The facility operator has procured the services of a licensed and accredited veterinarian to perform the procedures required by this rule. The state veterinarian may require a written acknowledgement by the veterinarian that they are willing and able to perform the required procedures.

(3) The applicable provisions of this rule have been met.

(c) The state veterinarian may prescribe items necessary to protect animals from disease and facilitate operation of the CEM quarantine facility that are conditions of CEM quarantine facility approval, including the following:

(1) Training that is required for the CEM quarantine facility owner and agents.

(2) Training that is required for the veterinarian for the facility.

(3) Limitations on the days or times that state or federal officials will be available to perform official functions under this rule.

(4) Designation of the laboratory or laboratories that must be used for testing.

(5) Limitations on the sex of animals permitted at the facility.

(d) The operator of a CEM quarantine facility shall provide state and federal officials access to the facility and any animals in the facility upon request so that compliance with this rule may be achieved and verified.

(e) The state veterinarian may consult with the USDA on approving laboratories to conduct CEM cultures and tests under 9 CFR 93.301(i). (*Indiana State Board of Animal Health; 345 IAC 6-2-5; filed Apr 6, 2005, 4:00 p.m.: 28 IR 2354; readopted filed Nov 1, 2011, 3:50 p.m.: 20111130-IR-345110312RFA; readopted filed Jul 17, 2017, 9:06 a.m.: 20170816-IR-345170165RFA*)

345 IAC 6-2-6 CEM quarantine facility procedures

Authority: IC 15-17-3-21

Affected: IC 15-17-3-13; IC 15-17-3-19

Sec. 6. (a) The state veterinarian shall quarantine a horse moved into the state under this rule to an approved CEM quarantine facility until such time as the applicable requirements in this section are completed.

(b) The state veterinarian shall quarantine any mare that is used to test stallions for CEM until the mares are eligible for release from quarantine under 9 CFR 93.301(e)(4).

(c) The operator of a CEM quarantine facility shall keep quarantined animals separate from all other equine.

(d) The owner of a horse moved into the state under this rule must procure the services of a veterinarian to complete the following procedures:

(1) Stallions shall be treated in accordance with 9 CFR 93.301(e)(3).

(2) Mares shall be treated in accordance with 9 CFR 93.301(e)(5).

(e) Mares used to test stallions shall be handled and treated in accordance with 9 CFR 93.301(e)(4). (*Indiana State Board of Animal Health; 345 IAC 6-2-6; filed Apr 6, 2005, 4:00 p.m.: 28 IR 2354; readopted filed Nov 1, 2011, 3:50 p.m.: 20111130-IR-345110312RFA; readopted filed Jul 17, 2017, 9:06 a.m.: 20170816-IR-345170165RFA*)

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