

State of Alaska

**DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL HEALTH**



18 AAC 36
Animal Health

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CHAPTER 36. ANIMAL HEALTH.**Article****1. General Animal Health Requirements (18 AAC 36.001 – 18 AAC 36.030)**

[IMPORTATION OF ANIMALS (18 AAC 36.005 -- 18 AAC 36.065)]

2. Specific Importation Requirements (18 AAC 36.105 -- 18 AAC 36.185) [ANIMAL DISEASE CONTROL AND ERADICATION (18 AAC 36.100 -- 18 AAC 36.130)]**3. Disease Control (18 AAC 36.205 -- 18 AAC 36.295) [IMPORTATION AND USE OF BIOLOGICAL PRODUCTS (18 AAC 36.200 -- 18 AAC 36.210)]****4. Intrastate Movement (18 AAC 36.310)****5. Importation and Use of Biological Products (18 AAC 36.400 -- 18 AAC 36.420)****6. Animal Care Standards (18 AAC 36.500 – 18 AAC 36.540)****9. General Provisions (18 AAC 36.900 -- 18 AAC 36.990 [18 AAC 36.930])**

Editor's Note: The regulations in this chapter, effective _____, _____, 2016, Register _____, includes a reorganization of the specific requirements for importation of various animal species. It also includes new regulations on animal care standards, acquisition of health certificates, premise registration, and animal identification.

[THE REGULATIONS IN THIS CHAPTER, EFFECTIVE SEPTEMBER 1, 1982 AND DISTRIBUTED IN REGISTER 83, CONSTITUTE A COMPREHENSIVE REORGANIZATION AND REVISION OF THIS MATERIAL. THEY REPLACE REGULATIONS IN 11 AAC 38, WHICH WERE REPEALED SIMULTANEOUSLY WITH THE ADOPTION OF THIS CHAPTER PURSUANT TO EXECUTIVE ORDER NO. 51, WHICH TRANSFERRED FUNCTIONS FROM THE DEPARTMENT OF NATURAL RESOURCES TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THE

HISTORY LINE AT THE END OF EACH SECTION DOES NOT NECESSARILY REFLECT THE HISTORY OF THE REPLACED PROVISIONS BEFORE SEPTEMBER 1, 1982 NOR IS THE SECTION NUMBERING RELATED TO THE NUMBERING BEFORE THAT DATE.]

ARTICLE 1. GENERAL ANIMAL HEALTH REQUIREMENTS [IMPORTATION OF ANIMALS]

Section

001. Purpose and applicability

005. **Prohibited acts** [IMPORTATION OF ANIMALS]

010. **Importation permit** [PERMITS]

015. Health certificate **or certificate of veterinary inspection**

016. Exportation health certificates

020. Immediate slaughter exemption

025. Vehicles

030. Quarantine

035. **Repealed** [EQUINES]

040. **Repealed** [CATTLE AND BISON]

045. **Repealed** [GOATS]

050. **Repealed** [SHEEP]

055. **Repealed** [SWINE]

060. **Repealed** [DOGS AND CATS]

065. **Repealed** [POULTRY AND HATCHING EGGS]

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.001. Purpose and applicability. (a) The purpose of this chapter is to establish animal importation regulations, prevent the introduction of animal disease that could infect Alaska's domestic and wildlife populations, establish animal care standards, provide for quarantine, vaccination, or depopulation in the event of a disease outbreak, ensure accurate

disease diagnosis, prevent the spread of infectious, contagious, communicable and dangerous diseases affecting domestic animals within this state, and carry out state and federal animal disease control and eradication programs.

(b) The requirements of this chapter apply to a person who

- (1) imports animals and animal products into the state;
- (2) owns animals;
- (3) moves animals intrastate; or
- (4) manufactures, transports, or imports veterinary biologics within the state.

(Eff. ____/____/____, Register ____)

Authority:	AS 03.05.011	AS 03.05.090	AS 03.55.100
	AS 03.05.013	AS 03.45.010	AS 03.55.110
	AS 03.05.040	AS 03.45.020	AS 03.55.130
	AS 03.05.050	AS 03.45.030	AS 03.55.190
	AS 03.05.075		

18 AAC 36.005 is repealed and readopted to read:

18 AAC 36.005. Prohibited acts. (a) A person may not, unless otherwise authorized under this chapter, import an animal that

- (1) is affected with an infectious, contagious, or communicable disease;
- (2) is known by that person to have been exposed to an infectious, contagious, or communicable disease in the last 30 days; or
- (3) originates from a quarantine area as designated by another state, the federal government, or a foreign country.

(b) Unless exempted under 18 AAC 36.020, a person who imports an animal listed in 18 AAC 36.010(a) must obtain an importation permit under 18 AAC 36.010 and a health certificate or certificate of veterinary inspection under 18 AAC 36.015 before importing the animal into the state. The importation permit and health certificate or certificate of veterinary inspection must be attached to the waybill for the animal and must accompany the animal or be in the possession of the driver of the vehicle transporting the animal or the person responsible for the animal under 18 AAC 36.010(b)(1). (Eff. 9/1/82, Register 83; am ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030

18 AAC 36.010 is repealed and readopted to read:

18 AAC 36.010. Importation permit. (a) A person who intends to import the following must obtain an importation permit before importing the animal into the state:

- (1) an equine;
- (2) cattle, bison, or a yak;
- (3) a goat;
- (4) a sheep;
- (5) a swine;
- (6) a dog, cat, or ferret that originates from an area under rabies quarantine;
- (7) poultry or hatching eggs;
- (8) a cervid; or
- (9) a camelid, as allowed by the Department of Fish and Game under that

agency's regulations at 5 AAC 92.029.

(b) An application submitted under this section must identify

(1) the name, address, and contact information of the person who

(A) is importing the animal; and

(B) will be responsible for the animal in this state, if different from (A) of

this subparagraph;

(2) the age, sex, and breed of each animal to which the importation permit will

apply;

(3) the physical address or point of origin and destination of shipment;

(4) the proposed method of transportation from the point of origin to destination;

and

(5) other information the state veterinarian may require, including vaccination

history, exposure to disease, and identification of the animal such as an ear tag, tattoo, or

microchip information.

(c) The state veterinarian may, if the state veterinarian determines that it does not threaten animal or public health, issue an importation permit. The importation permit number issued must be affixed to the health certificate or certificate of veterinary inspection described in 18 AAC 36.015 and identified on any other official document as "Alaska Permit No. _____."

(d) An importation permit is valid for 30 days after issuance and may not be transferred.

(Eff. 9/1/82, Register 83; am ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030

18 AAC 36.015 is amended to read:

18 AAC 36.015. Importation health [HEALTH] certificate or certificate of veterinary inspection. (a) Except as provided in 18 AAC 36.020, a person who intends to import any

animal into the state shall obtain a health certificate or certificate of veterinary inspection from a licensed and accredited veterinarian in the state or country of origin. The [A] health certificate **or certificate of veterinary inspection** must contain [, IN ADDITION TO INFORMATION REQUIRED FOR A PARTICULAR SPECIES, THE FOLLOWING:]

(1) the [COMPLETE] name, [AND] address, **and contact information** of the **person who** [CONSIGNOR AND THE CONSIGNEE;]

(A) is importing the animal; and

(B) will be responsible for the animal in this state, if different from

(A) of this subparagraph;

(2) the **physical address or** point of origin and destination of shipment;

(3) a certification that each animal to which the health certificate **or certificate of veterinary inspection** applies is free from clinical evidence of infectious, **contagious,** or communicable disease or known recent exposure to such a disease;

(4) an accurate description of each animal shipped, including breed, sex, age, color and markings, brands, **and official animal identification number,** [OR] ear tag or tattoo number, **or microchip information** [AND IF REGISTERED, THE NAME AND REGISTRY NUMBER OF EACH ANIMAL];

(5) the dates and records of required tests or vaccinations;

(6) the date and place of examination; [AND]

(7) the **name, contact information, and signature** [APPROVAL] of the **licensed and accredited veterinarian** [HEALTH CERTIFICATE BY THE LIVESTOCK OFFICIAL] of the state **or country** of origin **certifying the accuracy of the information on the health certificate or certificate of veterinary inspection** [OR THE ANIMAL AND PLANT

HEALTH INSPECTION SERVICES OF THE UNITED STATES DEPARTMENT OF AGRICULTURE,] dated before the animal is imported; **and**

(8) the additional information required for

(A) an equine under 18 AAC 36.105;

(B) cattle, bison, or yak under 18 AAC 36.115;

(C) a goat under 18 AAC 36.125;

(D) a sheep under 18 AAC 36.135;

(E) a swine under 18 AAC 36.145;

(F) a dog, cat, or ferret under 18 AAC 36.155.

(G) poultry or hatching eggs under 18 AAC 36.165;

(H) a cervid under 18 AAC 36.175; and

(I) a camelid under 18 AAC 36.185.

(b) A health certificate **or certificate of veterinary inspection** is valid for 30 days after [ITS] issuance.

(c) A veterinarian who writes a health certificate or certificate of veterinary inspection for import shall provide one copy of the health certificate or certificate of veterinary inspection to the state veterinarian. (Eff. 9/1/82, Register 83; am

_____/_____/_____, Register _____)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030

[AS 03.05.020]

Editor’s note: Contact information for the Office of the State Veterinarian, can be found at www.dec.alaska.gov/eh/vet/index.htm.

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.016. Exportation health certificates. (a) A veterinarian in this state must obtain or purchase health certificates for export from the department or a source approved by the department.

(b) A veterinarian in this state, when issuing a health certificate for export, shall provide

- (1) one copy of the health certificate to the person who is exporting the animal;
- (2) one copy to the state veterinarian; and
- (3) one copy to the state or country of destination, as required.

(Eff. ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030

18 AAC 36.020 is amended to read:

18 AAC 36.020. Immediate slaughter exemption. A person who intends to import an animal into the state is not required to obtain [MAY BE SHIPPED INTO THE STATE WITHOUT] a health certificate or certificate of veterinary inspection described in 18 AAC 36.015 if that animal is imported for immediate slaughter and

- (1) an importation [A] permit obtained under 18 AAC 36.010 [FROM THE STATE VETERINARIAN BEFORE SHIPMENT] accompanies the animal shipment;
- (2) the waybill that accompanies the animal shipment states that the animal is for immediate slaughter;
- (3) the animal is consigned to an official USDA approved slaughter establishment operating under state or federal inspection;
- (4) the animal shipment is [WILL BE] shipped directly to the consigned slaughter establishment; and

(5) the animal will be slaughtered within 10 days after arrival at the consigned slaughter establishment **except where the state veterinarian grants a time extension under this section.** [OR WITHIN AN EXTENDED DATE GRANTED BY THE STATE VETERINARIAN.] **A request for a time extension must be in writing to the state veterinarian and must include**

(A) the name and contact information of the person making the request;

(B) the number of animals and their official animal identification numbers;

(C) the number of additional days requested; and

(D) the reason for the request. (Eff. 9/1/82, Register 83; am _____/_____/_____, Register _____)

Authority: **AS 03.05.011** **AS 03.45.020** **AS 03.45.030**
[AS 03.05.020]

18 AAC 36.025 is amended to read:

18 AAC 36.025. Vehicles. A person who provides a truck, trailer, car, railway car, aircraft, vessel, or other vehicle used to transport [TRUCKS, RAILWAY CARS, OR OTHER CONVEYANCES USED FOR THE TRANSPORTATION OF] animals **shall ensure that the vehicle is** [MUST BE]

(1) appropriate for the species and number of animals being transported;

(2) free from any hazards that may injure the animal; and

(3) maintained in a sanitary condition. (Eff. 9/1/82, Register 83; am _____/_____/_____, Register _____)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030

[AS 03.05.020]

18 AAC 36.030 is amended to read:

18 AAC 36.030. Quarantine. (a) The state veterinarian may, if the veterinarian determines it serves the interests of animal or public health, order [MAY QUARANTINE]

an animal [WHICH] quarantined if the animal

(1) enters the state without the [REQUIRED] importation permit required by 18 AAC 36.010 or health certificate or certificate of veterinary inspection described in

18 AAC 36.015; or

(2) [WHICH, UPON INSPECTION,] exhibits clinical evidence of an infectious, contagious, or communicable disease.

(b) The owner must quarantine the animal at the owner's [HIS] expense until the state veterinarian releases the animal from quarantine or orders the animal euthanized, slaughtered, or destroyed [ITS DISPOSAL]. (Eff. 9/1/82, Register 83; am ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.05.050 AS 03.45.030

AS 03.05.013 [AS 03.05.060] [AS 03.45.050]

[AS 03.05.020] AS 03.45.020

18 AAC 36.035 is repealed:

18 AAC 36.035. Equines. Repealed. (Eff. 9/1/82, Register 83; repealed ____/____/____, Register ____)

18 AAC 36.040 is repealed:

18 AAC 36.040. Cattle and bison. Repealed. (Eff. 9/1/82, Register 83; repealed
_____/_____/_____, Register _____)

18 AAC 36.045 is repealed:

18 AAC 36.045. Goats. Repealed. (Eff. 9/1/82, Register 83; repealed
_____/_____/_____, Register _____)

18 AAC 36.050 is repealed:

18 AAC 36.050. Sheep. Repealed. (Eff. 9/1/82, Register 83; repealed
_____/_____/_____, Register _____)

18 AAC 36.055 is repealed:

18 AAC 36.055. Swine. Repealed. (Eff. 9/1/82, Register 83; repealed
_____/_____/_____, Register _____)

18 AAC 36.060 is repealed:

18 AAC 36.060. Dogs and cats. Repealed. (Eff. 9/1/82, Register 83; repealed
_____/_____/_____, Register _____)

18 AAC 36.065 is repealed:

18 AAC 36.065. Poultry and hatching eggs. Repealed. (Eff. 9/1/82, Register 83;
repealed _____/_____/_____, Register _____)

ARTICLE 2. SPECIFIC IMPORTATION REQUIREMENTS [ANIMAL DISEASE CONTROL AND ERADICATION]

Section

100. **Repealed** [CATTLE]

105. Equine

110. **Repealed** [GOATS]

115. Cattle, bison, and yak

120. **Repealed** [EQUINES; EQUINE INFECTIOUS ANEMIA TESTING]

125. Goats

130. **Repealed** [REPORTS AND FORMS REQUIRED]

135. Sheep

145. Swine

155. Dogs, cats, and ferrets

165. Poultry and hatching eggs

175. Cervids

185. Camelids

18 AAC 36.100 is repealed:

18 AAC 36.100. Cattle. Repealed. (Eff. 9/1/82, Register 83; repealed _____/_____/_____, Register _____)

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.105. Equine. In addition to the requirements of 18 AAC 36.010 – 18 AAC 36.015, a person who intends to import equine six months of age or older into the state shall

ensure that the health certificate or certificate of veterinary inspection includes certification that each equine tested negative for equine infectious anemia at a laboratory approved by the USDA within 180 days before importation. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030

Editor's Note: The subject matter addressed in 18 AAC 36.105 was formerly addressed in 18 AAC 36.035. The history for 18 AAC 36.105 does not include the history of the earlier section.

18 AAC 36.110 is repealed:

18 AAC 36.110. Goats. Repealed. (Eff. 9/1/82, Register 83; repealed ____/____/____, Register ____)

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.115. Cattle, bison, and yak. (a) In addition to the requirements of 18 AAC 36.010 – 18 AAC 36.015, a person who intends to import cattle, bison, or yak into the state shall ensure that the health certificate or certificate of veterinary inspection includes certification that each animal

(1) originates from an established herd in a state or country designated by USDA as free of brucellosis and tuberculosis or from a designated brucellosis surveillance area;

(2) is free of ectoparasites or has been treated for ectoparasites within 10 days before importation with an insecticide or medication approved by the USDA, FDA, or EPA, as appropriate; and

(3) is identified with official animal identification.

(b) Cattle from a designated brucellosis surveillance area must test negative for brucellosis within 30 days before importation.

(c) Cattle older than six months must test negative for anaplasmosis and bluetongue within 60 days before importation.

(d) Bulls older than 18 months must test negative for trichomoniasis within 60 days before importation.

(e) The state veterinarian may, if the state veterinarian determines that testing serves the interests of animal or public health, require the owner of imported cattle, bison, or yak to

(1) retest each imported animal for brucellosis or tuberculosis 45 to 120 days after arrival in the state; and

(2) if retested, keep each animal isolated from other resident livestock until retests are confirmed negative or the state veterinarian approves release of the animal. (Eff.

_____/_____/_____, Register _____)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030

Editor’s note: USDA approves biological medications, FDA approves parenteral medications, and EPA approves topical medications.

The subject matter addressed in 18 AAC 36.115 was formerly addressed in 18 AAC 36.040. The history for 18 AAC 36.115 does not include the history of the earlier section.

18 AAC 36.120 is repealed:

18 AAC 36.120. Equines; equine infectious anemia testing. Repealed. (Eff. 9/1/82, Register 83; am 2/19/93, Register 125; repealed ____/____/_____, Register _____)

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.125. Goats. (a) In addition to the requirements of 18 AAC 36.010 – 18 AAC 36.015, a person who intends to import a goat into the state shall ensure that the health certificate or certificate of veterinary inspection includes certification that each goat

(1) originates from a state or country designated by USDA as free of brucellosis and tuberculosis;

(2) is not a scrapie suspect, exposed, a high risk animal, or a flock mate from a scrapie infected, source, trace, or exposed flock;

(3) is free of ectoparasites or has been treated for ectoparasites within 10 days before importation with an insecticide or medication, approved by the USDA, FDA, or EPA, as appropriate; and

(4) is identified by official animal identification.

(b) The state veterinarian may, if the state veterinarian determines that testing serves the interests of animal or public health, require the owner of an imported goat to

(1) retest the imported goat for brucellosis or tuberculosis within 45 to 120 days after its arrival in the state; and

(2) if selected for retesting, keep the goat isolated from other resident livestock until retests are confirmed negative or the state veterinarian approves release of the goat. (Eff.

_____/_____/_____, Register _____)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030

Editor's Note: USDA approves biological medications, FDA approves parenteral medications, and EPA approves topical medications.

The subject matter addressed in 18 AAC 36.125 was formerly addressed in 18 AAC 36.045. The history for 18 AAC 36.125 does not include the history of the earlier section.

18 AAC 36.130 is repealed:

18 AAC 36.130. Reports and forms required. Repealed. (Eff. 9/1/82, Register 83; repealed ____/____/____, Register ____)

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.135. Sheep. (a) In addition to the requirements of 18 AAC 36.010 – 18 AAC 36.015, a person who intends to import a sheep into the state shall ensure that the health certificate or certificate of veterinary inspection includes certification that each sheep

(1) originates from a USDA certified scrapie free flock, or has been genetically tested and shows “QR” or “rRR” at the 171 codon or AA at codon 136;

(2) is not a scrapie suspect, exposed, a high risk animal, or a flock mate from a scrapie infected, source, trace, or exposed flock;

(3) if a breeding ram, originates from a brucellosis free herd or has tested negative for brucellosis ovis;

(4) is free of ectoparasites or has been treated for ectoparasites within 10 days before importation with an insecticide or medication approved by the USDA, FDA, or EPA, as appropriate; and

(5) is identified by official animal identification.

(b) Sheep older than six months must test negative for bluetongue within 60 days before importation.

(c) The owner shall ensure that each ram imported into the state is identified with a flock identification number within 60 days after entry into the state.

(d) The state veterinarian may, if the state veterinarian determines that testing serves the interests of animal or public health, require the owner of an imported sheep to

(1) retest the imported sheep for brucellosis within 45 to 120 days after its arrival in the state; and

(2) if selected for retesting, keep the sheep isolated from other resident livestock until retests are confirmed negative or the state veterinarian approves release of the sheep. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030

Editor’s Note: USDA approves biological medications, FDA approves parenteral medications, and EPA approves topical medications.

The subject matter addressed in 18 AAC 36.135 was formerly addressed in 18 AAC 36.050. The history for 18 AAC 36.135 does not include the history of the earlier section.

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.145. Swine. (a) In addition to the requirements of 18 AAC 36.010 – 18 AAC 36.015, a person who intends to import swine into the state shall ensure that the health certificate or certificate of veterinary inspection includes certification that each swine

(1) originates from a state or country that has been designated by USDA as free of brucellosis and is qualified by USDA as pseudorabies stage IV or V, or has tested negative for brucellosis and pseudorabies within 30 days before importation;

(2) will be reinspected within 10 days before shipment by an accredited veterinarian in the state or country of origin; and

(3) is identified with official animal identification, an official tattoo, ear notch, or USDA compliant microchip.

(b) A person may not import a swine into the state if that swine

(1) originates from a state or country in which there is a quarantine for swine disease imposed by USDA or a state animal health official;

(2) is vaccinated for pseudorabies;

(3) has been fed raw garbage at any time; or

(4) is feral.

(c) The state veterinarian may, if the state veterinarian determines that testing serves the interests of animal or public health, require the owner of an imported swine to

(1) retest the imported swine for brucellosis or pseudorabies within 45 to 120 days after its arrival in the state; and

(2) if selected for retesting, keep the swine isolated from other resident livestock until retests are confirmed negative or the state veterinarian approves release of the swine. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030

Editor’s Note: The subject matter addressed in 18 AAC 36.145 was formerly addressed in 18 AAC 36.055. The history for 18 AAC 36.145 does not include the history of the earlier section.

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.155. Dogs, cats, and ferrets. In addition to the requirements of 18 AAC 36.010 – 18 AAC 36.015, a person who intends to import a dog, cat, or ferret into the state shall ensure that each animal is accompanied by a current rabies certificate that complies with the

requirements at 7 AAC 27.022. If the initial rabies vaccination was administered less than 30 days prior to import, the owner or custodian must confine the animal for the balance of the 30 days. (Eff. ____/____/____, Register _____)

Authority: AS 03.05.011

Editor's note. The subject matter addressed in 18 AAC 36.155 was formerly addressed in 18 AAC 36.060. The history for 18 AAC 36.155 does not include the history of the earlier section.

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.165. Poultry and hatching eggs. In addition to the requirements of 18 AAC 36.010 – 18 AAC 36.015, a person who intends to import poultry or hatching eggs into the state shall ensure that the health certificate or certificate of veterinary inspection includes certification that the poultry or hatching eggs

(1) originate from a flock that tested negative for pullorum and typhoid disease;

or

(2) were produced in full compliance with the *National Poultry Improvement Plan*, adopted by reference at 18 AAC 36.920, and have a state and federal National Poultry Improvement Plan code number described in 9 C.F.R. 145.1 – 9 C.F.R. 145.54. VS Form 9-3, *Report of Sales of Hatching Eggs, Chicks and Poults*, may be substituted for the health certificate or certificate of veterinary inspection described in 9 C.F.R. 145.1 – 9 C.F.R. 145.54 and the Auxiliary Provisions of National Poultry Improvement plan set out in 9 C.F.R. 147.1 – 9 C.F.R. 147.48. (Eff. ____/____/____, Register _____)

Authority: AS 03.05.011

Editor's Note: The subject matter addressed in 18 AAC 36.165 was formerly addressed in 18 AAC 36.065. The history for 18 AAC 36.165 does not include the history of the earlier section.

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.175. Cervids. (a) In addition to the requirements of 18 AAC 36.010 – 18 AAC 36.015, a person who intends to import a cervid into the state shall ensure that the health certificate or certificate of veterinary inspection includes certification that each cervid

(1) originates from a herd designated by the state as free of brucellosis and tuberculosis or has tested negative for brucellosis and tuberculosis within 60 days before importation;

(2) has not resided within 10 miles of a cervid diagnosed with chronic wasting disease for 60 months prior to shipment;

(3) originates from a herd that participates in a USDA or state chronic wasting disease herd certification program and area has achieved 60 months or five year chronic wasting disease certified status prior to shipment.

(4) is free of ectoparasites or was treated for ectoparasites within 10 days before importation with an insecticide or medication approved by the USDA, FDA, or EPA, as appropriate;

(5) has received an appropriate anthelmintic medication approved by the USDA, FDA, or EPA, as appropriate, within 20 days before importation; and

(6) does not originate from, or has ever been located, east of 97° west longitude.

(b) The state veterinarian may, if the state veterinarian determines that testing serves the interests of animal or public health, require an owner of an imported cervid to

(1) retest the imported animal for brucellosis or tuberculosis within 45 to 120 days after its arrival in the state; and

(2) if retested, keep the cervid isolated from other resident livestock until retests are confirmed negative or the state veterinarian approves release of the animal.

(c) Except as provided in this section, a person may not import any whole or partial cervid carcasses. Carcass parts from *Cervidae* that may be imported are

(1) de-boned or processed meat which has been cut and wrapped commercially or privately;

(2) quarters or other meat portions with no spinal column, including dorsal root ganglion, or head attached;

(3) hides with no head attached;

(4) clean and disinfected skull plates or whole skull (European mount), with no meat or nervous tissue attached;

(5) antlers with no meat or tissue attached;

(6) teeth; and

(7) taxidermy mounts or trophies.

(d) A person who is notified that a carcass imported into Alaska tested positive for chronic wasting disease shall report these findings to the state veterinarian within seven days.

(Eff. ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.05.075

Editor's Note: USDA approves biological medications, FDA approves parenteral medications, and EPA approves topical medications.

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.185. Camelids. In addition to the requirements of 18 AAC 36.010 – 18 AAC 36.015, a person who intends to import a camelid into the state shall ensure that the health certificate or certificate of veterinary inspection includes certification that each camelid

(1) originates from a state or country designated by USDA as free of brucellosis and tuberculosis or has tested negative for brucellosis and tuberculosis within 60 days before importation;

(2) is free of ectoparasites or was treated for ectoparasites within 10 days before importation with an insecticide or medication approved by USDA, FDA, or EPA, as appropriate; and

(3) is identified by a tattoo, ear tag, USDA approved hairclip, or microchip information. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011

Editor's Note: USDA approves biological medications, FDA approves parenteral medications, and EPA approves topical medications.

ARTICLE 3. DISEASE CONTROL [IMPORTATION AND USE OF BIOLOGICAL PRODUCTS]

Section

200. **Repealed** [MANUFACTURE AND IMPORTATION RESTRICTIONS]

205. Animal testing

209. Animal quarantine and depopulation

210. **Repealed** [USE RESTRICTIONS]

215. Disease identification and reporting

220. Emergency appointment of private individuals for disease control activities

225. Equine infectious anemia

235. Brucellosis and tuberculosis eradication

240. Ruminants used for cheese production

245. Scrapie in sheep and goats

255. Pseudorabies in swine

260. Brucellosis in swine

265. Johne's disease

275. Brucellosis in captive cervids

280. Tuberculosis in cervids

285. Chronic wasting disease in cervids

290. Animal feed recalls

295. Animal identification systems

18 AAC 36.200 is repealed:

18 AAC 36.200. Manufacture and importation restrictions. Repealed. (Eff. 9/1/82, Register 83; repealed ____/____/____, Register _____)

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.205. Animal testing. (a) When animals are to be tested by the state veterinarian, the animal owner shall ensure that

(1) they are presented in a confined manner;

(2) facilities are provided and used to assure convenient and safe examination and testing activities; these facilities may include corrals, chutes, and stanchions; and

(3) animals are handled by the owner during test activities.

(b) Testing shall be conducted at the owner’s expense, except for testing conducted by the department to confirm the presence of a disease.

(c) Only a veterinarian licensed under AS 08.98 may collect a sample for laboratory testing that is required by this chapter. (Eff. ____/____/____, Register _____)

Authority: AS 03.05.011 AS 03.05.040 AS 03.45.030
AS 03.05.013 AS 03.45.020 AS 44.46.025

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.209. Animal quarantine and depopulation. (a) Owners of animals designated for quarantine or depopulation must:

(1) maintain the animals in the quarantine area or holding site designated by the state veterinarian according to the animal care standards in this chapter;

(2) maintain the animals at their own expense;

(3) allow access to the animals and property for purposes of observation, testing, and destruction as deemed necessary by the department for disease control; and

(4) allow for disposal of the animals which may include burial of the animals on their property if deemed appropriate by the department.

(b) Owners may not attempt to move any animals out of a designated quarantine area without permission from the state veterinarian. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.05.040 AS 03.05.050

18 AAC 36.210 is repealed:

18 AAC 36.210. Use restrictions. Repealed. (Eff. 9/1/82, Register 83; repealed ____/____/____, Register ____)

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.215. Disease identification and reporting. (a) The following persons shall report the discovery of, the existence of, or the suspected existence of a disease listed in this section within any animal in this state to the department as set out in this section:

- (1) a veterinarian;
- (2) the animal owner; or
- (3) the designated representative of a laboratory that conducts animal disease testing.

testing.

(b) A person set out in (a) of this section shall, on the day of discovery, report by telephone, electronic mail, or facsimile transmission to the state veterinarian the discovery of, the existence of, or the suspected existence of the following foreign or eradicated diseases:

- (1) African horse sickness;

- (2) African swine fever;
- (3) bovine spongiform encephalopathy;
- (4) caprine and ovine brucellosis;
- (5) classical swine fever (hog cholera);
- (6) contagious bovine pleuropneumonia;
- (7) contagious equine metritis;
- (8) contagious agalactia;
- (9) contagious caprine pleuropneumonia;
- (10) dourine;
- (11) enterovirus encephalomyelitis (exotic strains);
- (12) epizootic lymphangitis;
- (13) equine piroplasmiasis;
- (14) exotic (velogenic and mesogenic strains) Newcastle disease;
- (15) foot and mouth disease;
- (16) glanders;
- (17) heartwater;
- (18) horse pox;
- (19) Japanese encephalitis;
- (20) lumpy skin disease;
- (21) malignant catarrhal fever (foreign strain);
- (22) Nairobi sheep disease;
- (23) ovine pulmonary adenomatosis;
- (24) peste des petits ruminants;

- (25) rift valley fever;
- (26) rinderpest;
- (27) salmonellosis (*Salmonella abortus ovis*);
- (28) screwworm;
- (29) pox in sheep or goats;
- (30) surra (*Trypanosoma evansi*);
- (31) theileriasis (*Theileria parva*, *T. annulata* and other foreign species);
- (32) trypanosomiasis (*Trypanosoma congolense*, *T. vivax*, *T. brucei brucei*); and
- (33) Venezuelan equine encephalomyelitis.

(c) A person set out in (a) of this section shall, on the day of discovery, report by telephone, electronic mail, or facsimile transmission to the state veterinarian the discovery of, the existence of, or the suspected existence of the following diseases:

- (1) anthrax;
- (2) fowl plague (highly pathogenic avian influenza);
- (3) rabies;
- (4) swine vesicular disease;
- (5) sylvatic plague;
- (6) vesicular stomatitis; and
- (7) West Nile virus.

(d) A person set out in (a) of this section shall, at least the next working day after discovery, report by telephone, electronic mail, or facsimile transmission to the state veterinarian the discovery of, the existence of, or the suspected existence of the following diseases:

- (1) brucellosis where there is

- (A) positive serology;
 - (B) abortion; or
 - (C) bacterial culture;
- (2) contagious ecthyma where there are
- (A) clinical signs; or
 - (B) virus isolation;
- (3) chronic wasting disease where there are
- (A) clinical signs;
 - (B) histopathology; or
 - (C) chemical histopathology;
- (4) eastern or western equine encephalitis where there are
- (A) clinical signs;
 - (B) histopathology; or
 - (C) positive serology with increasing titer;
- (5) fowl typhoid
- (A) bacterial culture; or
 - (B) positive serology;
- (6) infectious coryza where there are
- (A) clinical signs;
 - (B) bacterial culture; or
 - (C) positive serology;
- (7) laryngotracheitis where there are
- (A) clinical signs;

- (B) viral culture; or
- (C) positive serology;
- (8) lyme disease where there are
 - (A) clinical signs; or
 - (B) positive serology;
- (9) ornithosis or psittacosis in birds where there are
 - (A) bacterial culture;
 - (B) positive serology; or
 - (C) other positive laboratory diagnostic tests;
- (10) pullorum disease (*Salmonella Pullorum*) where there are
 - (A) bacterial culture; or
 - (B) positive serology;
- (11) Potomac horse fever where there are
 - (A) clinical signs; or
 - (B) positive serology;
- (12) pseudorabies where there is positive serology;
- (13) scrapie where there are
 - (A) clinical signs;
 - (B) histopathology; or
 - (C) chemical histopathology;
- (14) tuberculosis where there are
 - (A) clinical signs or history of exposure;
 - (B) responses to a tuberculin test;

(C) granuloma submitted to a laboratory as a possible tuberculosis lesion;
(D) acid fast organisms not identified as Johne's or benign types;
(E) bacterial culture positive for *M. tuberculosis*, *M. bovis* or *M. avium* in a mammal; or

(F) other laboratory tests positive for *M. tuberculosis*, *M. bovis* or *M. avium* in a mammal; and

(15) tularemia where there are

- (A) clinical signs;
- (B) serology; or
- (C) bacterial culture.

(e) A person set out in (a) of this section shall, by the fifth working day of each month, report to the state veterinarian the first case of the following diseases as diagnosed by a laboratory performing testing or diagnostic procedures on any animal during the previous month:

- (1) anaplasmosis;
- (2) atrophic rhinitis;
- (3) avian infectious bronchitis;
- (4) avian tuberculosis;
- (5) babesiosis;
- (6) blue tongue;
- (7) bovine genital campylobacteriosis;
- (8) caprine arthritis/encephalitis;
- (9) cysticercosis;
- (10) dermatophilosis (*Dermatophilus congolensis*);

- (11) duck viral enteritis;
- (12) duck viral hepatitis;
- (13) echinococcosis/hydatidosis;
- (14) enzootic abortion of ewes (ovine psittacosis, *Chlamydia psittaci*);
- (15) enzootic bovine leukosis;
- (16) equine infectious anemia;
- (17) equine influenza (virus type A);
- (18) equine rhinopneumonitis (1 and 4);
- (19) equine viral arteritis;
- (20) fowl cholera (*Pasteurella multocida*);
- (21) fowl pox;
- (22) hemorrhagic septicemia (*Pasteurella multocida*);
- (23) horse mange;
- (24) infectious bursal disease (gumboro disease);
- (25) infectious bovine rhinotracheitis/infectious pustular vulvovaginitis;
- (26) infectious hematopoietic necrosis;
- (27) leptospirosis;
- (28) maedi-visna/ovine progressive pneumonia;
- (29) Marek's disease;
- (30) mycoplasmosis (*Mycoplasma gallisepticum*);
- (31) ovine epididymitis (*B. ovis*);
- (32) paratuberculosis (johne's disease);
- (33) porcine reproductive and respiratory syndrome;

- (34) Q Fever (*Coxiella burnetti*);
- (35) transmissible gastroenteritis; and
- (36) trichomoniasis.

(f) A person set out in (a) of this section shall, by the tenth working day of each month, report to the state veterinarian the first case of the following diseases where there are clinical signs or as diagnosed by a laboratory performing testing or diagnostic procedures on any animal during the previous month:

- (1) Aleutian disease in mink;
- (2) atrophic rhinitis;
- (3) blackleg;
- (4) bovine viral diarrhea;
- (5) botulism;
- (6) campylocateriosis;
- (7) coccidiosis (clinical cases only);
- (8) distemper in dogs or mink;
- (9) edema disease;
- (10) equine protozoal myeloencephalitis;
- (11) equine viral rhinopneumonia;
- (12) erysipelas;
- (13) heartworm;
- (14) histoplasmosis;
- (15) influenza in swine or equine;
- (16) leptospirosis;

- (17) bovine leukosis;
- (18) listeriosis;
- (19) malignant edema in equine or cattle;
- (20) malignant catarrhal fever;
- (21) mycotic stomatitis;
- (22) infectious mastitis in cattle or goats;
- (23) Newcastle disease (lentogenic or low pathogenic strain);
- (24) salmonellosis (including *paratyphi* and *enteritidis* and *typhimurium* in poultry, DT 104, *S. dublin* and *S. newport* in cattle, and any salmonella outbreaks in equine);
- (26) scabies in swine or other small animals (nonotodectic mange);
- (27) strangles (confirmed *S. equi*);
- (28) tetanus (*C. tetani*);
- (29) transmissible encephalopathy in mink; and
- (30) toxoplasmosis.

(g) The department may request a report on an animal disease other than those listed in this section for statistical purposes to assist with disease control measures if the department determines that such reporting serves the interests of animal or public health.

(h) A veterinarian may report any other disease if the veterinarian determines such reporting assists disease control measures or serves the interests of animal or public health.

(i) Case definitions for the diseases listed in this section are included in the *Terrestrial Animal Health Code*, 2015, adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030

Editor's Note: The *Terrestrial Animal Health Code* is available for viewing at the Office of the State Veterinarian. Copies may also be obtained from the World Organization for Animal Health (OIE) at <http://www.oie.int/international-standard-setting/terrestrial-code/access-online/> or by requesting a copy from OIE at 12 rue de Prony 75017 Paris, France; phone: + 33 (0) 1 44 15 18 88; or by electronic mail at oie@oie.int.

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.220. Emergency appointment of private individuals for disease control activities. The commissioner may designate private veterinarians or other persons to assist in disease control activities in an emergency situation when extra personnel resources are needed to manage the situation. Such designees must

(1) take directions from the state veterinarian or their designee; and

(2) be a USDA accredited veterinarian if they are involved in an animal health emergency or a disease investigation, such as, collecting samples or performing diagnostic tests.

(Eff. ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.05.013

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.225. Equine infectious anemia. Equine infectious anemia disease control activities in this state will be conducted in accordance with the *Equine Infectious Anemia: Uniform Methods and Rules*, adopted by reference at 18 AAC 36.920. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.235. Brucellosis and tuberculosis eradication. (a) Brucellosis disease control activities in this state will be conducted in accordance with the USDA publication *Brucellosis Eradication: Uniform Methods and Rules*, adopted by reference at 18 AAC 36.920.

(b) Tuberculosis disease control activities in this state will be conducted in accordance with the USDA publication *Bovine Tuberculosis Eradication Uniform Methods and Rules*, adopted by reference at 18 AAC 36.920. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.240. Ruminants used for cheese production. Goats and other ruminants milked for commercial cheese production must test negative for brucellosis, tuberculosis, and any other disease the state veterinarian may designate as harmful to public health. Additions to the herd must meet the requirements of this section within 30 days before introduction into the herd. The state veterinarian shall direct all disease testing procedures in accordance with state and national standards for animal health. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.245. Scrapie in sheep and goats. Scrapie disease control activities in this state will be conducted in accordance with the USDA publication *Scrapie Eradication Uniform Methods and Rules*, adopted by reference at 18 AAC 36.920. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.255. Pseudorabies in swine. Pseudorabies disease control activities in this state will be conducted in accordance with the USDA publication *Pseudorabies Eradication, State-Federal-Industry Program Standards*, adopted by reference at 18 AAC 36.920. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.260. Brucellosis in swine. Brucellosis disease control activities relating to swine in this state will be conducted in accordance with the USDA publication *Swine Brucellosis Control/Eradication, State-Federal-Industry Uniform Methods and Rules*, adopted by reference at 18 AAC 36.920. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.265. Johne’s disease. Johne’s disease control activities will be conducted in accordance with the USDA publication *Uniform Program Standards for the Voluntary Bovine Johne’s Disease Control Program*, adopted by reference at 18 AAC 36.920. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.275. Brucellosis in domestic or captive cervids. Brucellosis disease control activities relating to captive cervids in this state will be conducted in accordance with the

USDA publication *Brucellosis in Cervidae: Uniform Methods and Rules*, adopted by reference at 18 AAC 36.920. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.05.075

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.280. Tuberculosis in domestic or captive cervids. Tuberculosis disease control activities relating to cervids in this state will be conducted in accordance with the USDA publication *Bovine Tuberculosis Eradication Uniform Methods and Rules*, adopted by reference at 18 AAC 36.920. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.05.075

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.285. Chronic wasting disease in cervids. Chronic wasting disease control activities relating to cervids in this state will be conducted in accordance with the USDA publication *Chronic Wasting Disease Program Standards*, adopted by reference at 18 AAC 36.920. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.05.075

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.290. Animal feed recalls. (a) The department may stop the sale or feeding of animal feed that is determined to be a threat to animal or public health.

(b) The department may confiscate samples of such feed as needed for laboratory testing and analysis, without reimbursement to the owner. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.295. Animal identification systems. (a) The department may develop and maintain a data base for tracking intrastate movements of animals as needed for animal health purposes.

(b) The department shall operate a voluntary premise registration program for livestock owners, veterinary clinics, and other places where livestock may gather. The program will conform to the USDA *Animal Disease Traceability Program* described in 9 C.F.R 70.1 – 9 C.F.R 89.5, adopted by reference at 18 AAC 36.920.

(c) The department may assist livestock owners with voluntary animal identification systems, including Animal Disease Traceability Program or state identification systems. (Eff. _____/_____/_____, Register _____)

Authority: AS 03.05.011

18 AAC 36 is amended by adding new sections to read:

ARTICLE 4. INTRASTATE MOVEMENT

Section

310. Cervids

18 AAC 36.310. Cervids. (a) A person who intends to transport a cervid intrastate, other than for immediate slaughter or exhibition at a fair, must first obtain an intrastate cervid movement permit from the department.

(b) An application submitted under this section must include

(1) the name and contact information of the person who

(A) is transporting the cervid; and

(B) will be responsible for the cervid while in transport, if different from

(A) of this subparagraph;

(2) the age and sex of each animal to which the intrastate cervid movement permit will apply;

(3) the physical address or point of origin and destination of shipment;

(4) the proposed method of transportation from the place of origin to destination;

(5) certification that each cervid over six months of age has tested negative for brucellosis; and

(6) other information the state veterinarian may require, including vaccination history or exposure to disease and identification of the animal such as an ear tag, tattoo, or microchip information.

(c) The state veterinarian may, if the state veterinarian determines that it does not threaten animal or public health, issue an intrastate cervid movement permit.

(d) An intrastate cervid movement permit is valid for 30 days after issuance and may not be transferred.

(e) Each cervid shall be identified by an ear tag, registered ear notch, tattoo, or microchip information prior to transport. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.05.075

18 AAC 36 is amended by adding new sections to read:

ARTICLE 5. IMPORTATION AND USE OF VETERINARY BIOLOGICS.

Section

410. Manufacture, transport, and import

18 AAC 36.410. Manufacture, transport, and import. (a) A person may not manufacture, transport, or introduce a veterinary biological product in the state without a permit from the department. The permit application must include the

- (1) name and contact information of the applicant;
- (2) name and use of each product;
- (3) USDA product code; and
- (4) copy of the applicant's USDA-issued biologic license under that agency's

regulations at 9 C.F.R. 101.1 – 9 C.F.R. 124.

(b) The state veterinarian may, if the state veterinarian determines that it does not threaten animal or public health, issue a permit under this section with or without sale or use restrictions.

(c) The state veterinarian may revoke or suspend a permit issued under this section if the state veterinarian determines that it serves the interests of animal or public health. (Eff.

_____/_____/_____, Register _____)

Authority: AS 03.05.011 AS 03.05.013

Editor's Note: The subject matter addressed in 18 AAC 36.410 was formerly addressed in 18 AAC 36.200 and 18 AAC 36.210. The history for 18 AAC 36.410 does not include the history of the earlier sections.

18 AAC 36 is amended by adding new sections to read:

ARTICLE 6. ANIMAL CARE STANDARDS

Section

500. General care standards

510. Equines

520. Cattle and small ruminants

530. Swine

540. Dogs

18 AAC 36.500. General care standards. (a) Determinations regarding whether animal care standards outlined in this article are met must take into account the age, breed, type, size, physiologic condition, production level, stage of development, daily maintenance requirements necessary for that particular animal, and environmental conditions.

(b) Animals with body conditions lower than standards may be permitted for a reasonable period of time if stage or level of production, physiologic conditions, or other factors result in such an appearance, during which time the animal's management is being altered to improve the condition. For purposes of assessing body condition, "a reasonable period of time" means the amount of time it would be expected to take to restore an animal to an acceptable condition, using diligent efforts to do so.

(c) An animal may not be deprived of food or water for 24 consecutive hours, except:

(1) animals being transported may not be deprived of food or water for 28 consecutive hours;

(2) day old poultry may be transported without food and water, provided they are delivered within 72 hours of hatching, and food and water is provided immediately following unloading;

(3) food may be kept from adult poultry during an induced molt for no longer than 14 days. Mortality and body weight loss must be monitored daily throughout the molt. Feed must be returned if the average weight loss exceeds 30 percent of pre-molt weight or if mortality increases.

(d) Sick or injured animals shall be promptly treated utilizing available medical care or humanely euthanized.

(e) Animals must be transported or housed in an area with adequate drainage and sanitation to prevent excessive buildup of feces, urine, or water. "Excessive" is defined as adequate to cause visible skin or hoof disease.

(f) When necessary, euthanasia must be administered in a humane manner that conforms to the American Veterinary Medical Association publication, *Guidelines for the Euthanasia of Animals: 2013 Edition*, adopted by reference. In cases where gunshot is the only practical euthanasia method to prevent possible human exposure to rabies, and it is necessary to preserve the brain for laboratory testing, the gunshot may be to the heart area rather than the head.

(g) Nothing in these rules shall prohibit owners from providing medical care and treatment to their own animals provided it is performed in a sanitary manner, in such a way as to minimize pain, and in compliance with all local, state, and federal laws.

(h) Nothing in these rules shall prohibit de-horning or disbudding, removing extra teats, tail docking, tattooing, branding, castrating, or other routine animal husbandry practices provided that they are performed in a sanitary manner and in such a way as to minimize pain.

(i) No person shall cause, sponsor, arrange, hold, or encourage any animal to fight, menace, or injure another animal for the purpose of sport, amusement, or pecuniary gain.

(Eff. ____/____/____, Register ____)

Authority: AS 03.55.100 AS 03.55.130 AS 03.55.190

AS 03.55.110

Editor's Note: The publication *Guidelines for the Euthanasia of Animals: 2013 Edition* is available from the Office of the State Veterinarian. Copies may also be obtained from the American Veterinary Medical Association at <https://www.avma.org/KB/Policies/Documents/euthanasia.pdf>.

18 AAC 36.510. Equines. (a) Each equine must have daily access to sufficient and nutritious feed to allow for growth and maintenance of adequate body weight or body condition to score at least a level 2.0 on the body condition scoring method described in C.L. Carroll and P.J. Huntington's publication, *Body Condition and Scoring and Weight Estimation of Horses*, Equine Veterinary Journal, 1988, adopted by reference.

(b) Each equine shall have daily access to water in sufficient quantity and quality to satisfy the animal's physiologic needs as evidenced by the animal's hydration status.

(c) Equines being transported shall not be held on a transport vehicle for more than 28 consecutive hours.

(d) Transport vehicles must be designed and constructed in a manner that protects the health and well-being of the equine, with adequate ventilation and no sharp protuberances. The vehicle must be of sufficient size to allow the equine to stand with head and neck extended to its fullest postural height. The vehicle must be equipped with doors and ramps of sufficient size and location to provide for safe loading and unloading.

(e) All equines must have routine hoof care. (Eff. ____/____/____, Register ____)

Authority: AS 03.55.100 AS 03.55.110 AS 03.55.190

Editor's Note: The publication *Body Condition and Scoring and Weight Estimation of Horses* is available from the Office of the State Veterinarian. Copies may also be obtained from the British Equine Veterinary Association (BEVA) bookshop at <http://www.beva.org.uk/bookshop>, or by requesting a copy from BEVA by mail at Mulberry House, 31 Market Street, Fordham, Ely, Cambridgeshire, CB7 5LQ; by phone at 01638 723 555; or by electronic mail at info@beva.org.uk. Photographs and explanatory diagrams derived from the publication can be found at <http://www.horserescueunited.net/info-bodyscore.html>.

18 AAC 36.520. Cattle and other ruminants. (a) Dairy cows must have daily access to sufficient and nutritious feed to allow for growth and maintenance of adequate body weight or body condition to score at least a level 2.0 on the body condition scoring method described in R.A. Patton, H.F. Bucholtz, M.K. Schmidt, and F.M. Hall's, *Body Condition Scoring –A Management Tool*, Department of Animal Science, Michigan State University, September 1988 adopted by reference.

(b) Replacement dairy heifers must have daily access to sufficient and nutritious feed to allow for growth and maintenance of adequate body weight or body condition to score at least a level 2.0 on the body condition scoring method described in M.A. Wattiaux's publication, *Body Condition Scores, Chapter 12, Dairy Essentials*, Babcock Institute for International Dairy Research and Development, University of Wisconsin-Madison, 1999, adopted by reference.

(c) Beef cattle must have daily access to sufficient and nutritious feed to allow for growth and maintenance of adequate body weight or body condition to score at least a level 2.0

on the body condition score method described in M.L. Westendorf and R.C. Mickel's publication, *Beef Cow Condition Scoring*, Rutgers Cooperative Extension, New Jersey Agricultural Experiment Station, 1994, adopted by reference.

(d) Other cattle and ruminants for which body condition score standards and methods are not published must meet or exceed an appearance comparable to the most appropriate method described above.

(e) Cattle and other ruminants shall have daily access to water in sufficient quantity and quality to satisfy the animal's physiologic needs as evidenced by the animal's hydration status.

(f) Cattle being transported shall not be held on a transport vehicle for more than 28 consecutive hours.

(g) Cattle transported for any purpose must be handled and transported in a manner that minimizes injury, illness, and death. They must be able to stand in normal posture within the vehicle and should not be overcrowded so as to cause unnecessary injury or hyperthermia.

(h) Cattle shall be grouped according to size and behavior when in a vehicle.

(i) Non-ambulatory disabled cattle and other animals unable to move shall be separated from ambulatory cattle for transport. Such animals shall not be dragged while conscious, except when necessary to provide lifesaving treatment.

(j) Cattle shall be handled humanely at all times, even if they are to be slaughtered or euthanized, so as not to cause unnecessary pain and injury.

(k) For cattle intended to be raised as veal, the owner must provide an environment that prevents injury to calves and allows proper ventilation, temperature and humidity control. The calves must be permitted to stretch, stand and lie down comfortably.

(l) Ruminants not in transit may be tied using neck halters or neck bands in their stalls or to stationary objects for up to 12 hours if feed and water are not available, or for longer periods of time if feed and water are offered at reasonable intervals and they can lie down safely. (Eff. ____/____/____, Register ____)

Authority: AS 03.55.100 AS 03.55.110 AS 03.55.190

Editor's Note: The publication *Body Condition Scoring –A Management Tool* is available from the Office of the State Veterinarian. Additional descriptions and photographs for dairy cows can also be found at http://www.uaex.edu/Other_Areas/publications/PDF/FSA-4008.pdf.

The publication *Body Condition Scores, Chapter 12, Dairy Essentials* is available from the Office of the State Veterinarian. Copies may also be obtained from the University of Wisconsin-Madison at https://kb.wisc.edu/images/group226/52745/de_12.en.pdf.

The publication *Beef Cow Condition Scoring* is available from the Office of the State Veterinarian. Copies may also be obtained from Rutgers Cooperative Extension, New Jersey Agricultural Experiment Station at <http://njaes.rutgers.edu/pubs/publication.asp?pid=FS764>.

18 AAC 36.530. Swine. (a) Swine must have daily access to sufficient and nutritious feed to allow for growth and maintenance of adequate body weight or body condition to score at least a level 2.0 on the body condition score method described in R.D. Coffey, K.M. Laurent, and G.R. Parker's publication *Assessing Sow Body Condition*, Cooperative Extension Service, College of Agriculture, University of Kentucky, 1999, adopted by reference.

(b) Each swine shall have daily access to water in sufficient quantity and quality to satisfy the animal's physiologic needs as evidenced by the animal's hydration status.

(c) Swine being transported shall not be held on a transport vehicle for more than 28 consecutive hours.

(d) Swine transported for any purpose must be handled and transported in a manner that minimizes injury, illness, and death. They must be able to stand in normal posture within the vehicle.

(e) Swine shall be grouped according to size and behavior when in a vehicle.

(f) Non-ambulatory disabled swine unable to move shall be separated from ambulatory animals for transport. Such animals shall not be dragged while conscious, except when necessary to provide lifesaving treatment.

(g) Swine shall be handled humanely at all times, even if they are to be slaughtered or euthanized, so as not to cause unnecessary pain and injury.

(h) Stalls may be used to feed and monitor individual sows and gilts and to minimize injury to piglets. For each stall,

(1) the sow's head must not have to rest on an adjacent feeder;

(2) the sow's rear quarters must not be in contact with the back of the stall with her nose in contact with the front of the stall;

(3) the sow's head must not have to rest in the water trough; and

(4) a pregnant sow's stall must be wide enough to allow the sow to stand up and lie down unimpeded, rest, and move its head freely. (Eff. ____/____/____, Register ____)

Authority: AS 03.55.100 AS 03.55.110 AS 03.55.190

Editor's Note: The publication *Assessing Sow Body Condition* is available from the Office of the State Veterinarian. Copies may also be obtained from the Cooperative Extension

Service, College of Agriculture, University of Kentucky at
<http://www.ca.uky.edu/agc/pubs/asc/asc158/asc158.pdf>.

18 AAC 36.540. Dogs. (a) The dog’s environment must provide relief from the elements such as excessive wind, excessive temperature, and excessive precipitation that results in hyperthermia or hypothermia detrimental to the dog’s health.

(b) Relief from the elements can be accomplished with natural environmental elements including but not limited to trees, land, windbreaks, overhangs, or other natural weather barriers or constructed shelters. If constructed shelters are used, they must be of sufficient size to allow the dog to stand up, turn around and stretch out inside the shelter.

(c) Dogs kept on chains shall be provided at least a five foot tangle-free chain radius.

(Eff. ____/____/____, Register ____)

Authority: AS 03.55.100 AS 03.55.110 AS 03.55.190

ARTICLE 9. GENERAL PROVISIONS**Section**

900. Waiver of requirements

910. Mutilation, obliteration, or removal of identification prohibited

915. Fees

920. Adoption by reference [OF FEDERAL REGULATIONS]

930. Expedited hearings**940. Informal reviews and non-expedited hearings**

990. Definitions

18 AAC 36.900 is amended to read:

18 AAC 36.900. Waiver of requirements. (a) The department will, **if the department finds that animal and public health is protected and the purpose of the requirement is otherwise satisfied** [IN ITS DISCRETION], waive a requirement of this chapter [IF AN ALTERNATIVE METHOD OF PROTECTION IS ESTABLISHED AND THE HEALTH AND SAFETY OF THE PUBLIC ARE REASONABLY ASSURED].

(b) **A person seeking a waiver under this section shall submit an** [AN] application [FOR A WAIVER] **to the department. The application** must be made in writing and must [INCLUDE]

(1) **specify** [IDENTIFICATION OF] the requirement for which the waiver is **sought** [REQUESTED];

(2) **state the** reasons why the requirement cannot be met; and

(3) **describe** [A DESCRIPTION OF] the alternative method proposed for meeting the purpose of the requirement [TO BE WAIVED].

(c) **The department will grant or deny a request for a waiver, with or without conditions, in writing** within 30 days **after the application is received** [A REQUEST FOR A WAIVER WILL BE ANSWERED IN WRITING]. (Eff.9/1/82, Register 83; am _____/_____/_____, Register _____)

Authority: **AS 03.05.011** [AS 03.05.010]

18 AAC 36.910 is amended to change the statutory authority only:

Authority: **AS 03.05.011** **AS 03.45.010** [AS 03.45.050]
[AS 03.05.020]

18 AAC 36.915 is amended by adding a new subsection to read:

(c) For this section, normal working hours are defined as 8:00 am to 5:00 pm, Monday through Friday. (Eff. 8/2/2006, Register 179; am _____/_____/_____, Register _____)

Authority: AS 44.46.020 AS 44.46.025 AS 03.05.011

18 AAC 36.920 is amended to read:

18 AAC 36.920. Adoption by reference [OF FEDERAL REGULATIONS]. (a) [PARTS 160 – 162 OF THE REGULATIONS GOVERNING THE ACCREDITATION OF VETERINARIANS AND SUPERVISION OR REVOCATION OF SUCH ACCREDITATION BY THE UNITED STATES DEPARTMENT OF AGRICULTURE AS CONTAINED IN TITLE 9, CHAPTER I, CODE OF FEDERAL REGULATIONS, REVISED JANUARY 1, 1981, ARE ADOPTED BY REFERENCE.] **The following**

(1) federal regulations are adopted by reference:

- (A) 9 C.F.R. 78.1 - 9 C.F.R. 78.43, Brucellosis, revised as of January 1, 2016;**
- (B) 9 C.F.R. 145.1 – 9 C.F.R. 145.54, National Poultry Improvement Plan, revised as of January 1, 2016;**
- (C) 9 C.F.R. 147.1 – 9 C.F.R. 147.48, Auxiliary Provisions of National Poultry Improvement Plan, revised as of January 1, 2016;**
- (D) 9 C.F.R. 70.1 – 9 C.F.R. 89.5, Animal Disease Traceability Program, revised as of January 1, 2016;**
- (E) 9 C.F.R. 160.1 – 9 C.F.R. 162.13, Accreditation of Veterinarians and Suspension or Revocation of Such Accreditation, revised as of January 1, 2016;**
- (2) documents are adopted by reference:**
- (A) USDA, APHIS 91-55-064, *Equine Infectious Anemia: Uniform Methods and Rules*, effective January 10, 2007, except for Testing Requirements at (E)(1)(a), (b) and (c), and Control Procedures at (H)(2), (3), and (4);**
- (B) USDA, APHIS 91-45-013, *Brucellosis Eradication: Uniform Methods and Rules*, effective October 1, 2003;**
- (C) USDA, APHIS 91-45-011, *Bovine Tuberculosis Eradication Uniform Methods and Rules*, effective January 1, 2005;**
- (D) USDA, APHIS 91-55-079, *Scrapie Eradication Uniform Methods and Rules*, effective June 1, 2005;**
- (E) USDA, APHIS 91-55-071, *Pseudorabies Eradication, State-Federal-Industry Program Standards*, effective November 1, 2003;**

(F) USDA, APHIS 91-55-042, Swine Brucellosis Control/Eradication, State-Federal-Industry Uniform Methods and Rules, effective April 1998;

(G) USDA, APHIS 91-45-016, Uniform Program Standards for the Voluntary Johne’s Disease Control Program, effective September 1, 2010;

(H) USDA, APHIS 91-45-16, Brucellosis in Cervidae: Uniform Methods and Rules, effective September 30, 2003;

(I) USDA, APHIS, Chronic Wasting Disease Program Standards, effective May 2014;

(J) USDA, APHIS, Scrapie Program Standards Volume 2: Scrapie Free Flock Certification Program, effective June 2013.

(b) Repealed. ____/____/____. (Eff. 9/1/82, Register 83; am ____/____/____, Register _____)

Authority: **AS 03.05.011** **AS 03.45.010** [AS 03.45.050]
 [AS 03.05.020] **AS 03.45.020**
 AS 03.05.075 **AS 03.45.030**

Editor’s Note: The documents adopted by reference in 18 AAC 36.920 may be reviewed at the Office of the State Veterinarian in Anchorage. The C.F.R. can be accessed via the internet at <http://www.gpoaccess.gov/cfr/index.html>. The USDA APHIS Uniform Methods and Rules and Program Standards documents are available from APHIS Legislative and Public Affairs Office at (301) 734-7799 or via the internet at <http://www.aphis.usda.gov>.

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.930. Expedited hearings. (a) If the state veterinarian determines that an animal poses an immediate threat to the health or safety of an animal or the public, the department may take custody, destroy, impose a quarantine, place an embargo, or take other action as to an animal by serving written notice on the owner or person responsible for the animal.

(b) If the state veterinarian determines that the animal does not pose an immediate threat to the health or safety of an animal or the public, the notice will inform the owner or person responsible of the opportunity to request an expedited hearing within 10 days after receiving the notice of action. In this case, the notice of action shall not be effective until after the 10 day period or after any expedited hearing under (c) of this section is concluded, whichever is later.

(c) Upon receiving a timely request for expedited hearing under (b) of this section, the commissioner will refer the matter to the Office of Administrative Hearings for an expedited hearing and recommended decision to the commissioner or the commissioner's designee. The expedited hearing will be held under 2 AAC 64.100 – 2 AAC 64.990 within 14 days after the department receives the request for expedited hearing. The commissioner or the commissioner's designee will issue a final decision within seven days of receiving the recommended decision from the Office of Administrative Hearings after the conclusion of the expedited hearing. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011

18 AAC 36 is amended by adding a new section to read:

18 AAC 36.940. Informal reviews and non-expedited hearings. If the department denies a permit, rejects a health certificate, or denies any approval, the owner or person

responsible for an animal may request an informal review under 18 AAC 15.185 or may request an AS 44.62 (Administrative Procedures Act) adjudicatory hearing. An adjudicatory hearing is requested by submitting a request for hearing to the commissioner within 30 days of the issuance by the department of the denial or rejection. If a timely request for adjudicatory hearing is received, the commissioner will refer the matter to the Office of Administrative Hearings for a hearing and recommended decision to the commissioner or the commissioner's designee under 2 AAC 64.100-64.990. (Eff. ____/____/____, Register ____)

Authority: AS 03.05.011

18 AAC 36.990 is repealed and readopted to read:

18 AAC 36.990. Definitions. Unless the context indicates otherwise, in this chapter

- (1) "accredited veterinarian" means a veterinarian licensed by the Board of Veterinary Examiners under 12 AAC 68 and accredited by USDA under 9 C.F.R. 160.1 – 9 C.F.R. 161.2 to practice veterinary medicine, surgery, and dentistry.
- (2) "animal" has the meaning given at AS 03.05.100.
- (3) "APHIS" means the USDA Animal and Plant Health Inspection Service.
- (4) "camelid" means all species of alpaca, llama, camel, or other member of the family *Camelidae*.
- (5) "captive cervid" means a cervid raised under confinement or agricultural conditions for the production of food, for sport, as a pet, or for exhibition.
- (6) "cattle" means a cow, bull, steer, heifer, or other member of the species *Bos taurus*.

(7) “cervid” means all species of deer, elk, moose, or other member of the family *Cervidae* that are raised under confinement or agricultural conditions for the production of food, for sport, or for exhibition.

(8) “clinical signs” means evidence or symptoms of a disease exhibited by an animal that a person can observe, touch, smell, or hear.

(9) “communicable disease” means a disease due to a specific infectious agent or its toxic products transmitted from an infected person, animal, or inanimate reservoir to a susceptible host, either directly or indirectly, through an intermediate plant or animal host, vector, or the environment.

(10) “contagious disease” means a communicable disease that is capable of being easily transmitted from one animal to another animal or a human.

(11) “department” means the Department of Environmental Conservation.

(12) “domestic animal” has the meaning given at AS 03.35.070.

(13) “EPA” means the United States Environmental Protection Agency.

(14) “equine” means a horse, mule, ass, pony, zebra, or other member of the family *Equidae*.

(15) “established herd” means a group of animals that has been maintained as a herd for at least two years with no purchased additions to the herd.

(16) “exposed animal” means an animal that has been on an infected premise or that has associated with another animal known to be infected with any infectious, contagious, or communicable disease, as determined by the state veterinarian.

(17) “fair” means an event that primarily consists of displays, exhibitions, demonstrations, contests, or promotions of agricultural concern.

(18) “FDA” means the United States Food and Drug Administration.

(19) “flock identification number” means a unique flock identification number assigned by the department to the owner of each flock of sheep or goats participating in the voluntary scrapie flock certification program described at 18 AAC 36.245.

(20) “flock” means a group of sheep or goat that are kept, fed, and herded together under single or multiple ownership. “Flock” is interchangeable with the term “herd” and applies to purebred and commercial sheep.

(21) “goat” means all species of the genus *Capra*.

(22) “group” means two or more animals that are kept together.

(23) “hatching egg” means an egg derived from poultry for purposes of hatching poultry.

(24) “herd of origin” means a herd, or any farm or other premises, where an animal was born or kept for at least four months before shipping. “Herd of origin” has the same meaning as place of origin, premises of origin, and farm of origin.

(25) “herd test” means an official USDA test conducted on all test-eligible animals in a herd.

(26) “herd” means a group of animals maintained on common ground or a group of animals geographically separated but under common ownership or supervision.

(27) “high risk animal” means

(A) an animal described in the USDA publication *Scrapie Program Standards Volume 2: Scrapie Free Flock Certification Program*, adopted by reference at 18 AAC 36.920; and

(B) an animal that is

(i) the progeny of a reactor;

(ii) born in the same herd or flock as a reactor during the same birthing season; or

(iii) born during the same birthing season as a reactor in a source or track herd or flock.

(28) “immediate slaughter” means delivery from the premise of origin directly to an inspected slaughter facility operating under the permission of USDA or the department without stopping, unloading, or diverting.

(29) “importation” means to transport or otherwise move an animal into the state.

(30) “infectious disease” means a clinical disease of humans or animals resulting from an infection with an infectious agent that may or may not be communicable or contagious.

(31) “laboratory” means a state or federal veterinary diagnostic laboratory that is approved to conduct a particular type of testing by USDA and state animal health authorities.

(32) “livestock” has the meaning given in AS 09.45.235(d)(2).

(33) “official animal identification” means an ear tag, a tattoo, a brand, or a microchip that is permanently applied to an animal and that is compliant with USDA requirements at 9 C.F.R. 86.4.

(34) “owner” means a person that has legal or rightful title to an animal regardless of any liens held on the animal and includes a person designated by an owner as the representative of the owner.

(35) “person” has the meaning given in AS 01.10.060.

(36) “person responsible” means a person that the owner has designated to care for an animal.

(37) “poultry” means domesticated fowl, including chickens, turkeys, waterfowl, doves, pigeons, and game birds, that are kept for the production of food or feathers, for sport, or for exhibition.

(38) “premises” means the ground, area, buildings, and equipment occupied by one or more animals.

(39) “purchased addition” means an animal that is acquired into a herd from another herd.

(40) “quarantine area” means a designated area under the direct supervision and control of the state veterinarian or a USDA animal health official.

(41) “quarantine” means the act of placing an imposed restriction prohibiting movement of an animal or animal product from a quarantine area without specific written permission of the state veterinarian or a USDA animal health official to prevent the transmission of a disease.

(42) “reactor” means an animal diagnosed as infected with a disease based on laboratory results, clinical signs, or epidemiologic investigation.

(43) “ruminant” means an animal that has more than one stomach and that swallows food and then brings it back up again to continue chewing it, such as cattle, sheep, and goats.

(44) “sheep” means all species of the genus *Ovis*.

(45) “state animal health official” means a veterinary official who supervises and performs the official animal health work in the state concerned.

(46) “state veterinarian” means a veterinarian employed by the department under AS 03.05.013.

(47) “suspect” means an animal that shows clinical signs or a response to a test but neither classified as a reactor or negative.

(48) “USDA” means the United States Department of Agriculture or a program recognized as equivalent by the USDA.

(49) “veterinary biologic” or “veterinary biological” or “veterinary biological product” mean all viruses, serums, toxins and analogous products of natural or synthetic origin, or products prepared from any type of genetic engineering, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms, and the antigenic or immunizing components of microorganisms intended for use in the diagnosis, treatment, or prevention of diseases in animals.

(50) “waybill” means a document that gives details of animal shipment, contact information of the person shipping the animal and the person receiving the animal, and special handling instructions. (Eff. 9/1/82, Register 83; am ____/____/____, Register ____)

Authority: AS 03.05.011 AS 03.05.013