

DEPARTMENT OF ENVIRONMENTAL CONSERVATION



18 AAC 36

ANIMAL HEALTH

Amended as of August 2, 2006

Frank Murkowski
Governor

Kurt Fredriksson
Commissioner

THE REGULATIONS REPRODUCED HERE HAVE BEEN PROVIDED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AS A PUBLIC COURTESY. WHILE EVERY EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THEIR REPRODUCED VERSION, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION CANNOT GUARANTEE ITS ABSOLUTE ACCURACY. PAPER COPIES OF THE REGULATIONS AS ORIGINALLY FILED BY THE LIEUTENANT GOVERNOR ARE AVAILABLE FROM THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

THE REGULATIONS HAVE AN EFFECTIVE DATE OF AUGUST 2, 2006, ARE IN REGISTER 179, AND WILL APPEAR IN OFFICIAL PUBLISHED FORM IN THE OCTOBER 2006 SUPPLEMENT TO THE ALASKA ADMINISTRATIVE CODE.

CHAPTER 36. ANIMAL HEALTH.

Article

1. Importation of Animals (18 AAC 36.005 -- 18 AAC 36.065)
2. Animal Disease Control and Eradication (18 AAC 36.100 -- 18 AAC 36.130)
3. Importation and Use of Biological Products (18 AAC 36.200 -- 18 AAC 36.210)
9. General Provisions (18 AAC 36.900 -- 18 AAC 36.930)

Editor's Note. 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 They replace regulations in 11 AAC 38, which were repealed simultaneously with the adoption of this chapter pursuant to Executive Order No. 51, which transferred functions from the Department of Natural Resources to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 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. IMPORTATION OF ANIMALS.**Section**

- 005. Importation of animals
- 010. Permits
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18 AAC 36.005. Importation of Animals. (a) A person may not import, transport or otherwise move an animal into the state unless the person complies with this chapter.

(b) A person may not import, transport, or otherwise move into the state an animal that is affected with an infectious or communicable disease, which is known by that person to have been exposed to an infectious or communicable disease; or which originates from a quarantine area designated by state or federal government.

(c) Unless exempted under 18 AAC 36.020 or 18 AAC 36.060 an animal transported or otherwise moved into the state must be accompanied by a permit and health certificate which must be attached to the waybill for the animal and must accompany the animal or be in the possession of either the driver of the vehicle transporting or moving the animal or the person in charge of the animal. (Eff. 9/1/82, Register 83)

Authority: AS 03.05.020

18 AAC 36.010. Permits. (a) An application for a permit to the state veterinarian must include

(1) the name and address of consignor and the consignee;

(2) a reasonable estimate of the number, age, sex, and breed of animals to which the permit will apply, and other information the state veterinarian may require; and

(3) the proposed method of transporting the animals

(b) A permit is valid for 30 days after its issuance.

(c) If necessary, the state veterinarian will, in his discretion, issue a permit number by telephone. A permit number issued by telephone must be affixed to the health certificate and any other official document as "Alaska Permit No. _____." (Eff. 9/1/82, Register 83)

Authority: AS 03.05.020

18 AAC 36.015. Health Certificate. (a) A health certificate must contain in addition to the information required for a particular species, the following;

- (1) the complete name and address of the consignor and the consignee
 - (2) the point of origin and destination of shipment;
 - (3) a certification that each animal to which the health certificate applies is free from clinical evidence of infectious 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, ear tag or tattoo number 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 approval of the health certificate by the livestock official of the state of origin or the Animal and Plant Inspection Service of the United States Department of Agriculture dated before the animal is imported; and
- (b) A health certificate is valid for 30 days after its issuance. (Eff. 9/1/82, Register 83)

Authority: AS 03.05.020

18 AAC 36.020. Immediate Slaughter Exemption. An animal may be shipped into the state without a health certificate if

- (1) a permit obtained from the state veterinarian before shipment accompanies the shipment;
 - (2) the waybill states that the animal is for immediate slaughter;
 - (3) the animal is consigned to an official slaughter establishment operating under state or federal inspection;
 - (4) the animal 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 or within an extended date granted by the state veterinarian. (Eff. 9/1/82, Register 83)

Authority: AS 03.05.020

18 AAC 36.025. Vehicles. Trucks, railway cars, or other conveyances used for the transport of animals must be maintained in a sanitary condition. (Eff. 9/1/82, Register 83; am)

Authority: AS 03.05.020

18 AAC 36.030. Quarantine. The state veterinarian may quarantine an animal which enters the state without the required permit or health certificate, or which upon inspection, exhibits clinical evidence of an infectious or communicable disease. The owner must quarantine the animal at his expense until the state veterinarian releases the animal from quarantine or orders its disposal. (Eff. 9/1/82, Register 83)

Authority: AS 03.05.011 AS 03.05.050 AS 03.45.050
AS 03.05.020 AS 03.05.060

18 AAC 36.035. Equines. An equine imported into the state must be accompanied by a permit and a health certificate which, for an equine over six months old, must include certification that the equine has been test negative for Equine Infectious Anemia (EIA) within 60 days before the date of importation. The EIA test must have been performed at a laboratory approved by the United States Department of Agriculture to conduct that test, (Eff. 9/1/82, Register 83)

Authority: AS 03.05.020

18 AAC 36.040. Cattle and Bison. (a) Cattle and bison imported into the state must be accompanied by a permit and a health certificate which, for cattle or bison over six months of age, must include certification that within 30 days before importation the cattle or bison test negative to the following tests at laboratories approved by the United States Department of Agriculture to conduct such tests:

(1) a brucellosis test unless that animal is under 18 months of age and has been officially vaccinated and permanently identified as an official brucellosis test.

(2) an anaplasmosis test: and

(3) a blue tongue test.

(b) Cattle and bison over six months of age must be negative to a tuberculin test within 30 days before importation.

(c) The health certificate required by (a) of this section must indicate that the animals are free of ectoparasites or have been dipped or sprayed within 10 days after importation with an insecticide approved by the United States Department of Agriculture.

(d) Cattle and bison imported into Alaska are subject to being retested 30 to 120 days after arrival in the state at the discretion of the state veterinarian.. Imported cattle and bison must be kept isolated from resident livestock until retests are concluded or the state veterinarian has approved release of the animals.(Eff. 9/1/82, Register 83)

Authority: AS 03.05.020

18 AAC 36.045. Goats. (a) A goat imported into the state must be accompanied by a permit and a health certificate which, for a goat over six months of age, must include certification that the goat has tested negative to a tuberculin test and to a brucellosis test conducted at a laboratory approved by the United States Department of Agriculture to conduct such a test. Both tests must have been performed within 30 days before importation.

(b) The health certificate required by (a) of this section must indicate that the goat is free from ectoparasites or has been dipped or sprayed within 10 days before importation with an insecticide approved by the United States Department of Agriculture.

(c) An imported goat is subject to being retested 30 to 120 days after its arrival in the state at the discretion of the state veterinarian. An imported goat must be kept isolated from resident livestock until retests are concluded or the state veterinarian has approved the release of the goat. (Eff. 9/1/82, Register 83)

Authority: AS 03.05.020

18 AAC 36.050. Sheep. (a) A sheep imported into the state must be accompanied by a permit and a health certificate. If the sheep does not originate from a state-approved scabies-free area, as described in 9 C.F.R. 79 (as revised January 1, 1981) the sheep must be dipped under the supervision of an accredited veterinarian within 14 days before importation in a solution approved by the United States Department of Agriculture.

(b) A sheep imported into the state must originate from a flock which is not under state restriction or federal restriction imposed under 9 C.F.R.(Eff. 9/1/82, Register 83)

Authority: AS 03.05.020

18 AAC 36.055. Swine. (a) A swine imported into the state must be accompanied by a permit and a health certificate which, for a swine over four months of age, must include a certification that within 30 days before importation the swine has tested negative to the following tests in laboratories approved by the United States Department of Agriculture to conduct such tests:

(1) an official brucellosis test unless the swine is from a swine herd validated to be brucellosis-free; and

(2) a serum neutralization (SN) test or other pseudorabies test approved by the United States Department of Agriculture, unless the swine is from a swine herd certified by an accredited inspecting veterinarian to have had no clinical evidence of pseudorabies in the previous 12 months.

(b) A swine imported into the state must be inspected within 10 days before shipment and must be identified by an ear tag, tattoo, or other permanent identification.

(c) A swine which has at any time been fed raw garbage may not be imported into the state.

(d) A swine imported into the state may not originate from a state in which there is imposed a United States Department of Agriculture quarantine for a swine disease.

(e) A swine imported into the state must be isolated from resident swine for 30 days after arrival. (Eff. 9/1/82, Register 83)

Authority: AS 03.05.020

18 AAC 36.060. Dogs and Cats . (a) Only dogs and cats imported into the state from a rabies quarantine area must be accompanied by a permit.

(b) A dog or cat imported into the state must be accompanied by an official health certificate which includes certification that

(1) the dog or cat has not been exposed to rabies; and

(2) the dog or cat has been vaccinated against rabies according to procedures recommended in the latest version of the United States Public Health Compendium for Rabies Vaccine; the certificate must include the rabies tag serial number. (Eff. 9/1/82, Register 83)

Authority: AS 03.05.020 AS 03.05.070

Editor's note. The United States Public Health Compendium for Animal Rabies Control referred to in 18 AAC 36.060(b) may be obtained from the National Association of State Public Health Veterinarians, Inc., P.O. 13528, Baltimore, Maryland 21203.

18 AAC 36.065. Poultry and Hatching Eggs. (a) Poultry and hatching eggs imported into the state must be accompanied by a permit and a health certificate which includes certification that

(1) the flock from which the poultry or hatching eggs have originated tested negative for Pullorum and Typhoid disease;

(2) the poultry or hatching eggs were produced in full compliance with the National Poultry Improvement Plan described in 9 C.F.R. 445-447 (as revised January 1, 1981); and

(3) the poultry or hatching eggs originated from flocks or areas not under state or federal restriction.

(b) The applicable National Poultry Improvement Plan forms must accompany the shipment. (Eff. 9/1/82, Register 83)

Authority: AS 03.05.020

ARTICLE 2. ANIMAL DISEASE CONTROL AND ERADICATION.**Section**

- 100. Cattle.
- 110. Goats
- 120. Equines; Equine Infectious Anemia Testing
- 130. Reports and forms required.

18 AAC 36.100. Cattle. (a) Cattle brucellosis vaccination must comply with the following:

(1) brucella abortus vaccine must be approved and manufactured under license of the United States Department of Agriculture;

(2) brucella abortus vaccine must be administered by an accredited veterinarian or a person authorized by the state veterinarian;

(3) brucellosis vaccination must be performed at the age required, and in accordance with the identification procedures prescribed by the recommended Uniform Methods and Rules, Brucellosis Eradication Publication (APHIS 91-1), United States Department of Agriculture, as described in 9 C.F.R. 78.1 (j) (as revised January 1, 1981); and

(4) brucellosis-vaccinated calves may be identified only by an accredited veterinarian or by a person authorized by the state veterinarian.

(b) Cattle brucellosis tests must comply with the following:

(1) Blood samples for laboratory testing must be drawn only by or under the supervision of an accredited veterinarian or a person authorized by the state veterinarian.

(2) laboratory blood-serum test results are official only if the test is conducted at
a
laboratory approved by the United States Department of Agriculture to conduct brucellosis tests;

(3) interpretation of blood-serum test results must conform to that prescribed in the Recommended Uniform Methods and Rules, Brucellosis Eradication Publication (APHIS 91-1), United States Department of Agriculture, as described in 9 C.F.R. 78.1(j) (as revised January 1, 1981); and

(4) brucellosis reactor cattle must be identified by a numbered "Brucellosis Reactor" tag in each ear; the ear-tagging may be done only by an accredited veterinarian or a person authorized by the state veterinarian.

(c) Cattle quarantines must comply with the following:

(1) herds that contain one or more brucellosis reactors must be quarantined to the premises, and the animals, reactors and nonreactors, may be removed only for immediate slaughter by permit from the state veterinarian; and

(2) two consecutive negative tests, as determined under (b)(3) of this section, are required for release of quarantine with the first test occurring not less than 30 days after removal and slaughter of all reactors and the second negative test to occur not less than 90 days following the first negative test.

(d) Cattle sold for purposes other than slaughter must meet one of the following requirements:

(1) certification of a negative brucellosis test within 30 days of sale must accompany the animals;

(2) calves under six months of age may be sold without a brucellosis test unless they are from herds under quarantine;

(3) cattle under 18 months of age which have proof of being brucellosis-vaccinated may be sold without test or permit, unless they are from herds under quarantine; or

(4) the state veterinarian must provide a waiver for the sale. (Eff. 9/1/82, Register 83)

Authority: AS 03.05.020 AS 03.45.050

18 AAC 36.110. Goats. (a) Goats are subject the requirements of 18 AAC 36.100(b) and (d)(1), (2), and (4).

(b) Goats classified as brucellosis reactors are subject to immediate slaughter and disposal under the supervision of an accredited veterinarian. (Eff. 9/1/82, Register 83)

Authority: AS 03.05.020 AS 03.45.050

18 AAC 36.120. Equines; Equine Infectious Anemia Testing. (a) Equine Infectious Anemia (EIA) testing must comply with the following:

(1) positive diagnosis of EIA must be by the serum immuno-diffusion test (Coggin Test) or other approved tests conducted at laboratories approved by the United States Department of Agriculture to perform tests for the diagnosis of EIA;

(2) blood samples for EIA testing must be collected by an accredited veterinarian or an individual authorized by the state veterinarian at the owner's request and expense;

(3) complete description and identification of the equine at the time of blood collection for EIA testing must be made on forms furnished by the state; and

(4) equine owners requesting EIA testing must sign an agreement on forms furnished by the state before blood sample collection, agreeing to the disposition of EIA reactor equines as provided in this section.

(b) EIA reactors must be quarantined to the premises of origin.

(c) EIA reactors diagnosed while on premises other than their owner's may be moved to the owner's premises for quarantine with written permission from the state veterinarian.

(d) EIA reactors must be kept segregated from other equines on the premises in an insectproof enclosure or by other means of isolation determined by the state veterinarian.

(e) Equines on premises where EIA reactors are located must be quarantined and may not be moved until after a negative EIA test.

(f) The state veterinarian will release a quarantine only if

(1) the EIA reactor dies, is removed for slaughter by permission of the state veterinarian, or is otherwise legally removed from the state; and

(2) other equines on the quarantine premises are negative to an approved EIA test within seven days of death or removal of the EIA reactor equine.

(g) EIA reactors must be branded as follows:

(1) the number "96" and the letter "A," not less than two inches in height, shall be applied to the left shoulder with a hot or cold brand;

(2) branding may be done only by an accredited veterinarian or a person authorized by the state veterinarian;

(3) proper restraint of the animal must be provided by the owner to avoid injury to the equine or person applying the brand; and

(4) branding costs must be borne by the owner.

(h) EIA reactors may not be sold, traded, leased, or given away.

(i) A person who submits a blood sample to the department for an EIA test shall pay the testing fee at the time the test is requested as follows

(1) for an EIA testing performed during normal working hours: \$10;

(2) for an EIA testing performed outside normal working hours: \$50 per hour with

a one hour minimum. (Eff. 9/1/82, Register 83; am 2/19/93, Register 125)

Authority: AS 03.05.020 AS 03.45.050 AS 44.46.025

18 AAC 36.130. Reports and forms required. Reports and forms required by the department in the enforcement of 18 AAC 36.100 – 18 AAC 36.120 must be in a form and contain information as prescribed by the department and are due at the time and place prescribed by the department. (Eff. 9/1/82, Register 83)

Authority: AS 03.05.020 AS 03.45.050

ARTICLE 3. IMPORTATION AND USE OF BIOLOGICAL PRODUCTS.

Section

200. Manufacture and importation restrictions

210. Use restrictions

18 AAC 36.200. Manufacture and importation restrictions. A person may not manufacture in the state, or transport or introduce into the state biological products without first obtaining a permit from the state veterinarian. (Eff. 9/1/82, Register 83)

Authority: AS 03.05.010

18 AAC 36.210. Use Restrictions. A person who is not a licensed veterinarian may not use biological products for veterinary purposes without a permit from the state veterinarian. (Eff. 9/1/82, Register 83)

Authority: AS 03.05.010

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. Appeal of department decision
- 990. Definitions

18 AAC 36.900. WAIVER OF REQUIREMENTS. (a) The department will, 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) An application for a waiver must be made in writing and must include

- (1) identification of the requirement for which the waiver is requested;
- (2) reasons why the requirement cannot be met; and
- (3) a description of the alternative method proposed for meeting the purpose of the requirement to be waived.

(c) A request for a waiver will be answered in writing within 30 days. (Eff. 9/1/82, Register 83)

Authority: AS 03.05.010

18 AAC 36.910. Mutilation, Obliteration, or Removal of Identification Prohibited. .

A person may not obliterate, mutilate, or remove an identification mark, brand, tattoo, or ear tag required by this chapter. (Eff. 9/1/82, Register 83)

Authority: AS 03.05.020 AS 03.45.050

18 AAC 36.915. Fees. (a) The following fees apply to requests to the department for laboratory analysis and testing for:

- (1) avian influenza: \$45;
- (2) Newcastle disease virus: \$45;
- (3) West Nile virus: \$45.

(b) The department may conduct analyses after normal state laboratory working hours as follows:

(1) after normal working hours, except as provided in (2) of this subsection, the fee will be one and one-half times the fee set out in (a) of this section; and

(2) on a Sunday or holiday, the fee will be twice the fee set out in (a) of this section. (Eff. 08/02/2006, Register 179)

Authority: AS 03.05.010 AS 44.46.020
AS 03.05.011 AS 44.46.025

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.

(b) References in the federal regulations adopted by reference in (a) of this section to United States governmental officials and agencies will be construed to refer to the corresponding officials and agencies of the State of Alaska. (Eff. 9/1/82, Register 83)

Authority: AS 03.05.020 AS 03.45.050

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

(1) "Animals" means wild or feral animals, domestic animals, and poultry;

(2) "biological products," sometimes referred to as a biologicals, biologics, viruses, or vaccines, means those products used in the treatment or immunization of animals which have as their components live, modified live, or attenuated virus, bacteria, or pathogens capable of transmission and spread of transmissible diseases of animals;

(3) "cattle" means all cattle kept for the production of milk or meat for human consumption;

(4) "commissioner" means the commissioner of the Department of Environmental Conservation;

(5) "department" means Department of Environmental Conservation;

(6) "EIA reactor" means an equine which has reacted positively to the Coggins test or other approved test conducted at an approved laboratory;

(7) "equine" means a horse, mule, ass, or other member of the genus equidae;

(8) "goat" means a goat kept for the production of milk or meat for human consumption;

(9) "hatching egg" means a hatching egg derived from poultry as defined in (16) of this section;

(10) "health certificate" means a legible certification executed on an official form of the state of origin or of the Animal and Plant Health Inspection Service of the United States Department of Agriculture by a veterinarian in its employ or an accredited veterinarian of the state of origin;

(11) "licensed veterinarian" means a veterinarian licensed by the state to practice veterinary medicine, surgery, and dentistry in the state;

(12) "official brucellosis test" means a test for brucellosis prescribed in Chapter 1, Part 1(G) of Uniform Methods and Rules, as described in 9 C.F.R. sec. 78.1(j) (as revised January 1, 1981);

(13) "official brucellosis vaccinate" means a female bovine animal vaccinated against brucellosis in accordance with the provisions prescribed in Chapter 1, Part 1(H), (I), and (J) of the Uniform Methods and Rules, as described in 9 C.F.R. sec. 78.1(j) (as revised January 1, 1981)

(14) "official vaccination" means the subcutaneous inoculation of a female bovine with a brucella abortus vaccine licensed by the Veterinary Biologics Division, United States Department of Agriculture, by a deputy state veterinarian, or other persons approved by the state veterinarian; the female bovine animal of a dairy breed must be two through six months (60 to 179 days) of age and the female bovine animal of a beef breed must be two through 10 months (60 to 299 days) of age at the time of the vaccination; an official vaccination must include proper permanent identification of the animal at the time of vaccination and the issuance of a completed form SV-64;

(15) "permit" means a document issued by the department, after application in accordance with 18 AAC 36.010, which allows the movement of animals or biologics into the state.

(16) "poultry" means domesticated fowl, including chickens, turkeys, waterfowl, and game birds, which are bred for the purpose of producing eggs or meat;

(17) "state veterinarian" means a state employed, licensed and accredited veterinarian designated by the commissioner; and

(18) "validate brucellosis-free herd" means a herd of swine which has achieved and maintains status as a Validated Brucellosis-Free Herd according to the provisions of Chapter II, Parts I, II, III, and IV of the Uniform Methods and Rules, as described in 9 C.F.R. 78.1(j) (as revised January 1, 1981) (Eff. 9/1/82, Register 83)

Authority: AS 03.05.010