

SUBJECT: Mandatory testing for Equine Infectious Anemia for some equines

COMMITTEE: Agriculture and Livestock — committee substitute recommended

VOTE: 6 ayes — Swinford, B. Brown, Christian, Crownover, Hupp, C. Jones
0 nays
3 absent — McReynolds, Green, Hardcastle

WITNESSES: For — Dr. Katie Hayes, North Texas Equine Practitioners Association; Pauline Singleton, Greater Houston Horse Council and Texas Equestrian Trail Riders Association; Don Ward, Livestock Marketing Association of Texas; Beverly Grimsley, GLG Livestock Co.; Marguerite White
Against — None
On — Dr. Max E. Coats Jr., Texas Animal Health Commission

BACKGROUND: Equine Infectious Anemia (EIA) is an incurable, infectious virus that affects horses, donkeys, mules, and other equine animals. EIA is spread through blood contact, usually borne by biting flies, and signs of infection may or may not be obvious. There is no vaccine, cure, or treatment, and an infected animal may not test positive for as long as 42 days after exposure because the virus must incubate. The most effective way to control the virus is by segregating and disposing of the infected animal. EIA tests are required for interstate travel, transport to shows, moving into stables or farms, exhibition in competitive events, and private sale or trade. Currently, owners are not required to test for EIA if the animal is sold at a livestock market or horse auction or if it is sold to slaughter.

DIGEST: CSHB 1732 would make it an offense to transfer ownership of an equine animal eight months of age or older that had not tested negative for EIA during the 12 months before transfer, unless the animal was a nursing foal transferred with its mother and the mother had tested negative during the preceding 12 months, or unless the animal was sold to slaughter.

Transferring ownership without proof of a negative EIA test in the preceding 12 months would be a Class C misdemeanor, punishable by a maximum penalty of a \$500 fine. A repeat offense would be a Class B misdemeanor, punishable by up to 180 days in jail and/or a fine of up to \$2,000.

CSHB 1732 would define an equine animal as including members of the horse family, excluding zebras.

CSHB 1732 would take effect September 1, 1999, and would apply only to offenses committed on or after that date.

**SUPPORTERS
SAY:**

CSHB 1732 would require all horses and mules to have recent negative EIA test results before being sold. Currently, testing is required only for private sales or transfers. Sale barns and horse auctions are not included in the testing requirement and not required to provide this information to the buyer. CSHB 1732 would require this inexpensive and quick EIA blood test for any sale, whether private or through a clearinghouse, with reasonable exceptions, thereby protecting the buyer and the health of other horses.

If this bill became law, Texas could begin eliminating this virus and raise the standard of equine health to match that of surrounding states. This would improve equine movement and trade opportunities for Texas ranchers. Also, CSHB 1732 would prevent the use of Texas as a “dumping ground” for equines with EIA from neighboring states. Because Oklahoma, Arkansas, and Louisiana all require EIA testing before the sale of an equine, infected animals from those states often are sold in Texas through sale barns, livestock markets, or horse auctions. CSHB 1732 would put a stop to this practice by requiring an EIA test for equine sales at these establishments.

Most large and infrequent horse sales or auctions already require owners to have their horses tested for EIA before a sale occurs as a courtesy to buyers and to keep the uninfected horses in the area protected and healthy. Sale barns and auctions that require this information receive more business from horse buyers because the buyers know that the horses probably will not have EIA. Many small businesses, however, do not require testing before sale, and an infected horse from another state could be slipped across a state border at night and into a sale barn under a false Texas address. CSHB 1732 would help deter this.

CSHB 1732 would not harm sale barn or horse auction businesses because an equine animal would have to show a negative EIA test result no matter how it was sold. This bill would enable all types of sellers and buyers to learn about the animal's condition before purchase, making the transaction fair.

The exceptions outlined in the bill are reasonable because a nursing foal is highly unlikely to have the virus, especially if its mother tests negative, and slaughterhouses are required to test for EIA after the animal has been slaughtered in all cases.

**OPPONENTS
SAY:**

CSHB 1732 would force horse owners to spend \$20 to \$30 for an EIA blood test for each equine animal before transferring ownership. Currently, sale barns and other markets or auctions are exempted from this requirement, and imposing it would hamper those businesses. If the EIA test were required, people who otherwise might have chosen to sell through a sale barn might be more likely to sell their animals privately.

Texas Animal Health Commission rules already require owners who bring their horses from other states into Texas to show proof of a negative EIA test, and the state has succeeded in keeping out most animals with the virus. State law already requires the seller's address to be provided to the buyer of a horse at an auction. These provisions are in place to prevent Texas from becoming a so-called "dumping ground." Requiring a test for EIA at the time of transfer of ownership only would create more business for veterinarians and more paperwork for sale barns and auctions.

**OTHER
OPPONENTS
SAY:**

Texas should implement a more stringent EIA testing law, similar to Arkansas', which would require every equine animal in the state to be tested every 12 months. This would be the strongest action toward eliminating this virus from Texas' equine population.

NOTES:

The committee substitute added the definition of equine animal and increased from six months to eight months the maximum age at which an equine animal could be sold without an EIA test. The substitute specifies that the EIA test must be done during the 12 months (rather than "year") preceding the date of transfer. The substitute would exempt from the law's requirements nursing foals transferred with their mothers and horses sold to slaughter, whereas the original bill cast these exemptions as defenses to prosecution. Also, the

substitute would exempt animals “sold to slaughter,” while the original bill referred to animals “transferred directly to a slaughter establishment.”