

By: Senator(s) Stogner

To: Agriculture

SENATE BILL NO. 2516  
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 69-15-2 THROUGH 69-15-15,  
2 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE MISSISSIPPI BOARD  
3 OF ANIMAL HEALTH; TO AMEND REENACTED SECTION 69-15-3, MISSISSIPPI  
4 CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT OF FINANCE AND  
5 ADMINISTRATION SHALL PROVIDE OFFICE SPACE FOR THE BOARD OF ANIMAL  
6 HEALTH; TO AMEND SECTION 69-15-17, TO EXTEND THE DATE OF REPEAL ON  
7 THE MISSISSIPPI BOARD OF ANIMAL HEALTH; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 69-15-2, Mississippi Code of 1972, is  
10 reenacted as follows:

11 69-15-2. (1) The Mississippi Board of Animal Health is to  
12 be composed of the Commissioner of Agriculture and Commerce, the  
13 Dean of the College of Veterinary Medicine and the heads of the  
14 Animal and Dairy Science and Poultry Science Departments at  
15 Mississippi State University of Agriculture and Applied Science  
16 and one (1) person appointed by the President of Alcorn State  
17 University from its land grant staff as five (5) ex officio  
18 members with full voting rights, and eleven (11) other members of  
19 the board to be appointed by the Governor as hereinafter provided.  
20 The board shall select annually a chairman and vice chairman from  
21 any members of the board.

22 (2) The Governor, with the advice and consent of the Senate,  
23 shall appoint eleven (11) other members from the following groups  
24 or associations from a written list of three (3) recommendations  
25 from such groups or associations:

26 One (1) licensed and practicing veterinarian who holds a  
27 Doctor of Veterinary Medicine Degree, from a written list of three  
28 (3) recommendations submitted by the Mississippi State Veterinary  
29 Medical Association;



30 One (1) general farmer from a written list of three (3)  
31 recommendations submitted by the Mississippi Farm Bureau  
32 Federation;

33 One (1) poultry breeder and producer from a written list of  
34 three (3) recommendations submitted by the Mississippi Poultry  
35 Improvement Association;

36 One (1) sheep breeder and producer from a written list of  
37 three (3) recommendations submitted by the Mississippi Sheep  
38 Producers' Association;

39 One (1) beef cattle breeder and producer from a written list  
40 of three (3) recommendations submitted by the Mississippi  
41 Cattlemen's Association;

42 One (1) swine breeder and producer from a written list of  
43 three (3) recommendations submitted by the Mississippi Pork  
44 Producers' Association;

45 One (1) dairy breeder and producer from a written list of  
46 three (3) recommendations submitted by the American Dairy  
47 Association of Mississippi;

48 One (1) horse breeder and producer from a written list of  
49 three (3) recommendations submitted by the Mississippi Horse  
50 Council;

51 One (1) catfish breeder and producer from a written list of  
52 three (3) recommendations submitted by the Mississippi Catfish  
53 Association;

54 One (1) member of the Mississippi Independent Meat Packers'  
55 Association from a written list of three (3) recommendations  
56 submitted by the Mississippi Independent Meat Packers'  
57 Association;

58 One (1) member of the Mississippi Livestock Auction  
59 Association from a written list of three (3) recommendations  
60 submitted by the Mississippi Livestock Auction Association.

61 All members shall take and subscribe to the general oath of  
62 office as provided in Section 268, Mississippi Constitution of



63 1890, and file the same with the Commissioner of Agriculture and  
64 Commerce.

65 (3) Effective August 1, 1968, the dairy producer member  
66 shall be appointed for a one-year term; the Livestock Auction  
67 Association member shall be appointed for a two-year term; and the  
68 meat packer member shall be appointed for a three-year term; the  
69 catfish producer member shall be appointed for a four-year term;  
70 and the horse producer member shall be appointed for a five-year  
71 term.

72 Effective August 1, 1969, the poultry producer member shall  
73 be appointed for a two-year term; on August 1, 1970, the sheep  
74 producer member shall be appointed for a three-year term; on  
75 August 1, 1971, the swine producing member shall be appointed for  
76 a four-year term; on August 1, 1972, the general farmer member  
77 shall be appointed for a five-year term; on August 1, 1973, the  
78 veterinarian member shall be appointed for a six-year term; and on  
79 August 1, 1974, the beef cattle producer member shall be appointed  
80 for a seven-year term.

81 All subsequent appointments shall be for four-year terms,  
82 except for appointments to fill vacancies which shall be for the  
83 unexpired term only.

84 (4) (a) "Commissioner" means the Commissioner of  
85 Agriculture and Commerce.

86 (b) "Department" means the Department of Agriculture  
87 and Commerce.

88 (5) On or before July 1, 1998, the board shall appoint, from  
89 a written list of not less than three (3) licensed veterinarians  
90 submitted by the commissioner, the State Veterinarian.

91 (6) There is created an advisory council to advise the Board  
92 of Animal Health on matters concerning the board. The council  
93 shall be composed of the Chairman of the Senate Agriculture  
94 Committee, the Chairman of the House Agriculture Committee, and  
95 one (1) appointee of the Lieutenant Governor and one (1) appointee



96 of the Speaker of the House of Representatives. The members of  
97 the advisory council shall serve in an advisory capacity only.  
98 For attending meetings of the council, such legislators shall  
99 receive per diem and expenses which shall be paid from the  
100 contingent expense funds of their respective houses in the same  
101 amounts provided for committee meetings when the Legislature is  
102 not in session; however, no per diem or expenses for attending  
103 meetings of the council shall be paid while the Legislature is in  
104 session. No per diem and expenses shall be paid except for  
105 attending meetings of the council without prior approval of the  
106 proper committee in their respective houses.

107 **SECTION 2.** Section 69-15-3, Mississippi Code of 1972, is  
108 reenacted and amended as follows:

109 69-15-3. The Department of Finance and Administration shall  
110 provide office space at the seat of the government, as it deems  
111 necessary and requisite for the Board of Animal Health. The board  
112 shall adopt rules and regulations as it deems proper to carry out  
113 its statutory powers and duties. The rules and regulations shall  
114 also prescribe the dates and hours of meetings to be held every  
115 other month and provide that special meetings shall be called by  
116 the chairman at the request of the Commissioner of Agriculture and  
117 Commerce, on three (3) days' written notice or by a majority vote  
118 of the entire board on three (3) days' written notice.

119 **SECTION 3.** Section 69-15-5, Mississippi Code of 1972, is  
120 reenacted as follows:

121 69-15-5. The members of the Board of Animal Health who are  
122 not full-time public officers or public employees shall be  
123 entitled to a per diem as is provided by Section 25-3-69,  
124 Mississippi Code of 1972, not to exceed twenty (20) days in any  
125 fiscal year. All members shall be entitled to mileage and actual  
126 and necessary expenses in attending such regular or special  
127 meetings, as provided by Section 25-3-41.



128           **SECTION 4.** Section 69-15-7, Mississippi Code of 1972, is  
129 reenacted as follows:

130           69-15-7. The State Veterinarian is authorized and empowered  
131 to employ the necessary professional, technical and clerical  
132 personnel as he deems necessary to carry out the powers and duties  
133 of the board, and to fix their compensation. The board shall  
134 appoint from a written list of not less than three (3) licensed  
135 veterinarians submitted by the Commissioner of Agriculture and  
136 Commerce, a duly licensed and practicing veterinarian as the State  
137 Veterinarian, who shall hold a Degree of Veterinary Medicine from  
138 a recognized college or university and shall have been engaged in  
139 the practice of veterinary science for not less than ten (10)  
140 years prior to his appointment. The State Veterinarian shall  
141 serve at the will and pleasure of the board and shall enter into a  
142 surety bond for the faithful performance of his duties, and the  
143 premium therefor shall be paid by the board. The board shall also  
144 be authorized to employ an attorney as authorized in Section  
145 69-1-14, Mississippi Code of 1972.

146           **SECTION 5.** Section 69-15-9, Mississippi Code of 1972, is  
147 reenacted as follows:

148           69-15-9. The Board of Animal Health shall have plenary power  
149 to deal with all contagious and infectious diseases of animals as  
150 in the opinion of the board may be prevented, controlled or  
151 eradicated, and with full power to make, promulgate and enforce  
152 such rules and regulations as in the judgment of the board may be  
153 necessary to control, eradicate and prevent the introduction and  
154 spread of anthrax, tuberculosis, hog cholera, Texas and splenic  
155 fever and the fever-carrying tick (*margaropus annulatus*), cattle  
156 brucellosis, anaplasmosis, infectious bovine rhinotracheitis,  
157 muscosal disease, cattle viral diarrhea, cattle scabies, sheep  
158 scabies, hog cholera, swine erysipelas, swine brucellosis, equine  
159 encephalomyelitis, rabies, vesicular diseases, salmonella group,  
160 newcastle disease, infectious laryngotracheitis,



161 ornithosis-psittacosis, mycoplasma group and any suspected new  
162 and/or foreign diseases of livestock and poultry and all other  
163 diseases of animals in this state, and the board is hereby vested  
164 with full authority to establish and maintain quarantine lines and  
165 to quarantine by county, supervisors district, parcel of land or  
166 herd. The State Veterinarian shall appoint as many inspectors and  
167 range riders as may be deemed necessary, and the funds at his  
168 disposal will permit, and shall delegate authority to said  
169 inspectors and range riders, to enter premises to inspect and  
170 disinfect livestock and premises, and enforce quarantine including  
171 counties, farms, pens, stables and other premises.

172 No officer or agent of the State Veterinarian may enter the  
173 actual enclosures of any person except (1) with the consent of the  
174 person lawfully in possession thereof or (2) in the absence of  
175 such consent, with a proper writ obtained as in other cases of  
176 searches and seizures under constitutional law. When such  
177 officers and agents are lawfully on the premises, either by  
178 permission or writ, they shall be authorized to inspect the  
179 premises and the livestock and animals found thereon by entering  
180 the enclosures and buildings and they are authorized to check  
181 livestock and poultry found therein for any contagious diseases  
182 and take proper action to control or eradicate any such diseases  
183 that may be found. While such officers and agents are performing  
184 their duties hereunder, they shall not be personally liable except  
185 for gross negligence. The refusal without lawful reason of any  
186 person to give the consent aforesaid shall be deemed a misdemeanor  
187 and shall be punishable as for violations of Article 5 of this  
188 chapter as provided for in Section 69-15-115.

189 The Board of Animal Health shall administer the special fund  
190 created in Section 69-15-19.

191 **SECTION 6.** Section 69-15-11, Mississippi Code of 1972, is  
192 reenacted as follows:



193           69-15-11. (1) The College of Veterinary Medicine at  
194 Mississippi State University of Agriculture and Applied Science  
195 shall maintain a complete and adequate veterinary diagnostic  
196 laboratory in the Jackson vicinity and any person licensed to  
197 practice veterinary medicine, veterinary surgery, veterinary  
198 dentistry, or any vocational-agriculture teacher, bona fide farmer  
199 or county agent in the State of Mississippi or agent of the State  
200 Veterinarian shall have made available to him services of the  
201 laboratory. The laboratory shall examine and conduct laboratory  
202 tests on specimens submitted by any licensed veterinarian, or  
203 vocational-agriculture teacher, bona fide farmer or county agent  
204 of this state or agent of the State Veterinarian and issue  
205 appropriate reports. The College of Veterinary Medicine shall be  
206 required to set reasonable fees for such examinations, tests,  
207 reports or other diagnostic service.

208           (2) The College of Veterinary Medicine shall select a  
209 director of the laboratory who holds a degree of veterinary  
210 medicine from a recognized college or university; is board  
211 certified in one (1) of the following basic diagnostic  
212 disciplines; toxicology, pathology, microbiology, virology or  
213 clinical pathology and has engaged in the practice of veterinary  
214 clinical diagnosis for at least ten (10) years, five (5) years of  
215 which were in a supervisory capacity. The director shall select  
216 and recommend for employment such veterinarians, bacteriologists,  
217 pathologists, technicians, clerical assistants, and other  
218 personnel necessary to carry out the objective of this section.  
219 The salaries, compensation and expenses of such employees shall be  
220 sufficient to insure the employment of competent persons and shall  
221 be paid from funds at the disposal of the Veterinary Diagnostic  
222 Laboratory. The director shall be responsible to the College of  
223 Veterinary Medicine for the daily operations of the laboratory.

224           (3) There is created an advisory council to advise the  
225 College of Veterinary Medicine on matters concerning the



226 Veterinary Diagnostic Laboratory. The council shall be composed  
227 of the Chairman of the Senate Agriculture Committee, or his  
228 designee; the Chairman of the House Agriculture Committee, or his  
229 designee; the Chairman of the Board of Animal Health; the  
230 Commissioner of Agriculture and Commerce; a person appointed by  
231 the President of Alcorn State University from its land grant staff  
232 who is not a member of the Board of Animal Health; a licensed and  
233 practicing veterinarian appointed by the President of the  
234 Mississippi State Veterinary Medical Association who is not a  
235 member of the Board of Animal Health; the State Veterinarian; the  
236 State Chemist; and the Dean of the College of Veterinary Medicine.  
237 This advisory council shall meet at least twice a year, upon  
238 written notification at least fourteen (14) days in advance, to be  
239 called by the Dean of the College of Veterinary Medicine. A  
240 meeting may also be called by the Commissioner of Agriculture or  
241 by a majority of the advisory council with fourteen (14) days'  
242 written notice.

243 The members of the advisory council shall serve in an  
244 advisory capacity only. For attending meetings of the council,  
245 legislators shall receive per diem and expenses which shall be  
246 paid from the contingent expense funds of their respective houses  
247 in the same amounts provided for committee meetings when the  
248 Legislature is not in session; however, no per diem or expenses  
249 for attending meetings of the council shall be paid while the  
250 Legislature is in session. No per diem and expenses shall be paid  
251 except for attending meetings of the council without prior  
252 approval of the proper committee in their respective houses.

253 (4) All funds, property and other assets and all current  
254 positions of the diagnostic laboratory shall be transferred to the  
255 College of Veterinary Medicine on July 1, 2002. The budget of the  
256 Veterinary Diagnostic Laboratory shall be funded as a separate  
257 line item within the general appropriation bill for the College of  
258 Veterinary Medicine.





259 (5) Information and records pertaining to all animal  
260 diseases within the state will be kept confidential except for  
261 those reports concerning diseases that are specifically regulated  
262 for mandatory control and eradication, or when release of such  
263 information is deemed necessary by the State Veterinarian to  
264 protect the public health, other livestock or wildlife.

265 **SECTION 7.** Section 69-15-13, Mississippi Code of 1972, is  
266 reenacted as follows:

267 69-15-13. The State Veterinarian is vested with authority to  
268 appoint and commission, without salary from the state, as its  
269 inspectors, representatives of the United States Department of  
270 Agriculture, and to accept from the United States government such  
271 assistance, financial and otherwise, for carrying out the purpose  
272 of this statute, as may be available from time to time.

273 **SECTION 8.** Section 69-15-15, Mississippi Code of 1972, is  
274 reenacted as follows:

275 69-15-15. (1) The Board of Animal Health shall have the  
276 power and duty to quarantine all herds of cattle where a diagnosis  
277 of anthrax is made.

278 (2) Such quarantine shall remain in effect until the State  
279 Veterinarian receives a certificate which is signed by a  
280 Mississippi licensed and accredited veterinarian, and which states  
281 that such herd has been properly treated and vaccinated and that  
282 the medical waste and any dead animals from such herd have been  
283 properly disposed. The proper disposal of such dead animals shall  
284 be by burning the animal at the spot of death or by burying the  
285 animal six (6) feet deep and covering the animal with quick lime.

286 (3) The Board of Animal Health shall have the power and duty  
287 to quarantine all herds of cattle on lands immediately adjacent to  
288 any infected herd. Such quarantine shall remain in effect until  
289 the State Veterinarian receives a certificate as specified in  
290 subsection (2) of this section.



291 (4) Any person, firm or corporation failing to comply with  
292 any of the provisions of this section, or interfering with the  
293 State Veterinarian or any duly appointed officer of the State  
294 Veterinarian in the discharge of his duty or for having discharged  
295 his duties, shall be deemed in violation of the provisions of this  
296 section and shall be subject to the penalties provided in Section  
297 69-15-65, Mississippi Code of 1972.

298 **SECTION 9.** Section 69-15-17, Mississippi Code of 1972, is  
299 amended as follows:

300 69-15-17. Sections 69-15-2, 69-15-3, 69-15-7, 69-15-9,  
301 69-15-11, 69-15-13 and 69-15-15, Mississippi Code of 1972, are  
302 repealed on July 1, 2006.

303 **SECTION 10.** This act shall take effect and be in force from  
304 and after July 1, 2003.

