

By: Representative Warren

To: Agriculture

HOUSE BILL NO. 591

1 AN ACT TO REENACT SECTIONS 69-15-2 THROUGH 69-15-15,
2 MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE MISSISSIPPI BOARD OF
3 ANIMAL HEALTH AND PRESCRIBE ITS POWERS AND DUTIES; TO AMEND
4 SECTION 69-15-17, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF
5 REPEAL OF THOSE REENACTED SECTIONS; AND FOR RELATED PURPOSES.

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

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

9 69-15-2. (1) The Mississippi Board of Animal Health is to
10 be composed of the Commissioner of Agriculture and Commerce, the
11 Dean of the College of Veterinary Medicine and the heads of the
12 Animal and Dairy Science and Poultry Science Departments at
13 Mississippi State University of Agriculture and Applied Science
14 and one (1) person appointed by the President of Alcorn State
15 University from its land grant staff as five (5) ex officio
16 members with full voting rights, and eleven (11) other members of
17 the board to be appointed by the Governor as hereinafter provided.
18 The board shall select annually a chairman and vice chairman from
19 any members of the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

61 1890, and file the same with the Commissioner of Agriculture and
62 Commerce.

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

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

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

82 (4) (a) "Commissioner" means the Commissioner of
83 Agriculture and Commerce.

84 (b) "Department" means the Department of Agriculture
85 and Commerce.

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

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

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

105 **SECTION 2.** Section 69-15-3, Mississippi Code of 1972, is
106 reenacted as follows:

107 69-15-3. The Department of Finance and Administration shall
108 provide office space at the seat of the government, as it deems
109 necessary and requisite for the Board of Animal Health. The board
110 shall adopt rules and regulations as it deems proper to carry out
111 its statutory powers and duties. The rules and regulations shall
112 also prescribe the dates and hours of meetings to be held every
113 other month and provide that special meetings shall be called by
114 the chairman at the request of the Commissioner of Agriculture and
115 Commerce, on three (3) days' written notice or by a majority vote
116 of the entire board on three (3) days' written notice.

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

119 69-15-5. The members of the Board of Animal Health who are
120 not full-time public officers or public employees shall be
121 entitled to a per diem as is provided by Section 25-3-69,
122 Mississippi Code of 1972, not to exceed twenty (20) days in any
123 fiscal year. All members shall be entitled to mileage and actual
124 and necessary expenses in attending such regular or special
125 meetings, as provided by Section 25-3-41.

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

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

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

69-15-9. (1) The Board of Animal Health shall have plenary power to deal with all contagious and infectious diseases of animals as in the opinion of the board may be prevented, controlled or eradicated, and with full power to make, promulgate and enforce such rules and regulations as in the judgment of the board may be necessary to control, eradicate and prevent the introduction and spread of anthrax, tuberculosis, hog cholera, Texas and splenic fever and the fever-carrying tick (*margaropus annulatus*), cattle brucellosis, anaplasmosis, infectious bovine rhinotracheitis, muscosal disease, cattle viral diarrhea, cattle scabies, sheep scabies, hog cholera, swine erysipelas, swine brucellosis, equine encephalomyelitis, rabies, vesicular diseases, salmonella group, newcastle disease, infectious laryngotracheitis,

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

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

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

190 (3) (a) The Board of Animal Health shall have plenary power
191 to control, prevent, eradicate, inspect and monitor chronic

192 wasting disease or other contagious disease of exotic cervids or
193 other exotic livestock. It shall be the duty of the board to
194 develop an inspection, testing and monitoring program for such
195 diseases.

196 (b) An officer or agent of the State Veterinarian is
197 authorized to enter any facility containing cervids or other
198 exotic livestock to inspect the premises and the cervids or exotic
199 livestock. Such officer or agent may inspect, monitor or test any
200 cervid or exotic livestock for disease and may take proper action
201 to control or eradicate any diseases found. While such officers
202 or agents are performing their duties, they shall not be
203 personally liable, except for gross negligence.

204 (c) As a condition of maintaining a permit for a cervid
205 or other exotic livestock facility, it shall be the duty of the
206 permittee to allow the agents of the State Veterinarian to enter
207 the facility and to conduct inspections and tests.

208 (4) As a condition of maintaining a permit for a cervid or
209 other exotic livestock facility, the permittee shall immediately
210 notify the State Veterinarian upon discovery of the escape of a
211 cervid or exotic livestock. Any such animal shall be treated as
212 an escaped wild animal and may be disposed of accordingly.

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

215 69-15-11. (1) The College of Veterinary Medicine at
216 Mississippi State University of Agriculture and Applied Science
217 shall maintain a complete and adequate veterinary diagnostic
218 laboratory in the Jackson vicinity and any person licensed to
219 practice veterinary medicine, veterinary surgery, veterinary
220 dentistry, or any vocational-agriculture teacher, bona fide farmer
221 or county agent in the State of Mississippi or agent of the State
222 Veterinarian shall have made available to him services of the
223 laboratory. The laboratory shall examine and conduct laboratory
224 tests on specimens submitted by any licensed veterinarian, or

vocational-agriculture teacher, bona fide farmer or county agent of this state or agent of the State Veterinarian and issue appropriate reports. The College of Veterinary Medicine shall be required to set reasonable fees for such examinations, tests, reports or other diagnostic service.

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

(3) There is created an advisory council to advise the College of Veterinary Medicine on matters concerning the Veterinary Diagnostic Laboratory. The council shall be composed of the Chairman of the Senate Agriculture Committee, or his designee; the Chairman of the House Agriculture Committee, or his designee; the Chairman of the Board of Animal Health; the Commissioner of Agriculture and Commerce; a person appointed by the President of Alcorn State University from its land grant staff who is not a member of the Board of Animal Health; a licensed and practicing veterinarian appointed by the President of the Mississippi State Veterinary Medical Association who is not a member of the Board of Animal Health; the State Veterinarian; the

State Chemist; and the Dean of the College of Veterinary Medicine. This advisory council shall meet at least twice a year, upon written notification at least fourteen (14) days in advance, to be called by the Dean of the College of Veterinary Medicine. A meeting may also be called by the Commissioner of Agriculture or by a majority of the advisory council with fourteen (14) days' written notice.

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

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

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

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

69-15-13. The State Veterinarian is vested with authority to appoint and commission, without salary from the state, as its

inspectors, representatives of the United States Department of Agriculture, and to accept from the United States government such assistance, financial and otherwise, for carrying out the purpose of this statute, as may be available from time to time.

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

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

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

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

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

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

69-15-17. Sections 69-15-2 through 69-15-15, Mississippi Code of 1972, are repealed on July 1, 2008.

324 **SECTION 10.** This act shall take effect and be in force from
325 and after July 1, 2006.