

3/11/11 4:29 pm

Chapter No. 394

11/SS01/R994

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SENATE BILL NO. 2908

Originated in Senate

Hernando Quijano

Secretary

SENATE BILL NO. 2908

AN ACT TO AMEND SECTION 69-15-9, MISSISSIPPI CODE OF 1972, TO CLARIFY AUTHORITY OF THE BOARD OF ANIMAL HEALTH TO APPROVE VETERINARIANS PROVIDING CERTAIN SERVICES AT LIVESTOCK AUCTIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 69-15-9, Mississippi Code of 1972, is amended as follows:

69-15-9. (1) (a) 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, ornithosis-psittacosis, mycoplasma group, chronic wasting disease and any suspected new and/or foreign diseases of livestock and poultry and all other diseases of animals in this state, and the board is hereby vested with full authority to establish and maintain quarantine lines and to quarantine by county, supervisors district, parcel of land or herd. The State Veterinarian shall appoint as many inspectors and range riders as may be deemed

necessary, and the funds at his disposal will permit, and shall delegate authority to said inspectors and range riders, to enter premises to inspect and disinfect livestock and premises, and enforce quarantine including counties, farms, pens, stables and other premises.

(b) No veterinarian may provide veterinary services for the control, eradication or prevention of diseases in animals at a stockyard, livestock auction, equine sale or other place or event of livestock trading unless he has first been approved by the board for this purpose. The board shall have the authority to adopt rules and regulations as may be necessary or desirable to carry out the purposes of this paragraph.

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

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

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

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

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

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

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

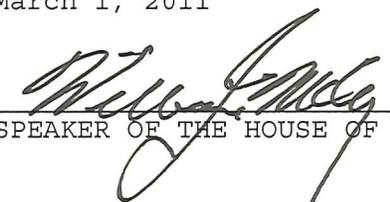
SECTION 2. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE
February 3, 2011



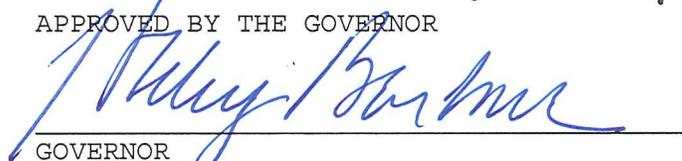
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 1, 2011



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

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