

South Carolina Code of Laws
Unannotated

Title 47 - Animals, Livestock and Poultry

CHAPTER 13

Diseases and Infections

ARTICLE 1

General Provisions

SECTION 47-13-10. Provisions on diseases and infections to be administered by State Livestock-Poultry Health Commission.

This chapter must be administered, unless otherwise indicated, by the State Livestock-Poultry Health Commission in accordance with this chapter and Chapter 4 of this title.

HISTORY: 1962 Code Section 6-401; 1952 Code Section 6-401; 1942 Code Sections 5750, 5806-34; 1932 Code Sections 1339, 5750; Cr. C. '22 Section 229; Cr. C. '12 Section 523; 1909 (26) 209; 1923 (33) 143; 1928 (35) 1192; 1994 Act No. 362, Section 6, eff May 3, 1994.

SECTION 47-13-20. Powers and duties of commission.

The commission and its agents, employees, livestock law enforcement officers, and livestock inspectors may visit all sections of this State where contagious, infectious, or communicable disease among animals including poultry and domesticated fowl is believed to exist and shall determine according to law whether affected animals are worthy of remedial treatment or, considering the animal industry, must be destroyed. The commission shall conduct scheduled and unscheduled inspections of premises operating under permit issued by him and conduct solely or in conjunction with other appropriate agencies necessary investigations involving matters assigned by law to its jurisdiction.

HISTORY: 1962 Code Section 6-403; 1952 Code Section 6-403; 1942 Code Sections 5748, 5750; 1932 Code Sections 5748, 5750; Civ. C. '22 Section 2844; Civ. C. '12 Section 1904; Civ. C. '02 Section 1317; 1901 (23) 737; 1928 (35) 1192; 1994 Act No. 362, Section 7, eff May 3, 1994.

SECTION 47-13-30. Penalties for violations of chapter.

A person who violates this chapter or the regulations promulgated pursuant to it is guilty of a misdemeanor and, upon conviction, must be punished in accordance with Section 47-4-130.

HISTORY: 1962 Code Section 6-403.1; 1952 Code Section 6-403.1; 1942 Code Section 5749; 1932 Code Section 5749; Civ. C. '22 Section 2845; Civ. C. '12 Section 1905; Civ. C. '02 Section 1318; 1901 (23) 737; 1994 Act No. 362, Section 8, eff May 3, 1994; 1995 Act No. 22, Section 8, eff April 4, 1995.

SECTION 47-13-60. Sale of diseased livestock or fowl unlawful.

It shall be unlawful to sell or offer for sale in this State any horse, mule, cattle, hog or any other livestock or any poultry or domesticated fowl of any kind that is known to be affected with any contagious disease, the tendency of which is to cause the death of any such livestock; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not exceeding one hundred dollars or be imprisoned in the county jail not exceeding thirty days.

HISTORY: 1962 Code Section 6-406; 1952 Code Section 6-406; 1942 Code Sections 5750, 5806-31; 1932 Code Sections 1344, 5750; Cr. C. '22 Section 233; Cr. C. '12 Section 527; Cr. C. '02 Section 369; 1901 (23)

SECTION 47-13-70. Selling flesh of diseased or injured animals.

Any person who shall knowingly sell or expose for sale the flesh of any animal which (a) was diseased or seriously injured at the time of slaughtering, (b) died a natural death or (c) may be found dead from a cause unknown to such person shall be guilty of a misdemeanor and, on conviction, shall be fined not less than five dollars nor more than one hundred dollars or imprisoned not less than ten nor more than thirty days; provided, that this section shall not apply to the sale of the flesh of any animal which is accidentally killed when the same is immediately prepared for market and the seller informs the buyer of the time, place and nature of the death of such animal.

HISTORY: 1962 Code Section 6-407; 1952 Code Section 6-407; 1942 Code Section 5806-32; 1932 Code Section 1453; Cr. C. '22 Section 399; Cr. C. '12 Section 407; Cr. C. '02 Section 305; R. S. 265; 1883 (19) 385; 1905 (24) 866.

SECTION 47-13-80. Commissioner of Agriculture charged with enforcement of Section 47-13-70.

The Commissioner of Agriculture and his assistants designated for the purpose shall be charged with the enforcement of Section 47-13-70.

HISTORY: 1962 Code Section 6-408; 1952 Code Section 6-408; 1942 Code Section 5128-27; 1932 Code Section 1452; Cr. C. '22 Section 398; Cr. C. '12 Section 406; 1904 (24) 531; 1907 (25) 528; 1913 (28) 35; 1917 (30) 51; 1924 (33) 971.

SECTION 47-13-110. Sale of biological products containing living disease-producing agent.

It is unlawful for a person to possess, sell, or distribute biological products containing a viable, living agent capable of producing disease in livestock and poultry, except with the prior written consent of the commission.

HISTORY: 1962 Code Section 6-408.2; 1956 (49) 1772; 1994 Act No. 362, Section 9, eff May 3, 1994.

SECTION 47-13-130. Appropriation of funds in event of outbreak of diseases in animals and poultry.

Whenever the commission certifies to the Governor that an outbreak of disease in animals or poultry has occurred within the State and that state or federal law has established an eradication program for the disease concerned, there must be appropriated out of the general fund of the State amounts necessary to cover indemnity payments provided for in Section 47-13-360. The amounts appropriated must be made available to the State Livestock-Poultry Health Commission and used for the payment of destroyed animals and poultry and for other expenses necessary and incident to the eradication of the diseases.

HISTORY: 1962 Code Section 6-410; 1952 Code Section 6-410; 1942 Code Section 5806-40; 1932 Code Section 5757; Civ. C. '22 Section 2852; 1919 (31) 241; 1953 (48) 243; 1972 (57) 3013; 1994 Act No. 362, Section 10, eff May 3, 1994.

SECTION 47-13-150. Quarantine against importing slaughtered meat or poultry from disease-affected areas.

The commission shall impose a quarantine against the importation of slaughtered meat or poultry from an area of the country affected by a contagious, an infectious, or a communicable disease when the raw meat or poultry poses a serious threat to the animal or poultry industry or the general public.

HISTORY: 1962 Code Section 6-412; 1954 (48) 1710; 1960 (51) 2085; 1994 Act No. 362, Section 11, eff May 3, 1994.

SECTION 47-13-160. Fitness of registered companion dog or cat for sale; definitions; certifications; remedies.

(A) No pet dealer, pet shop, or pet breeder shall sell a registered companion dog or cat without providing to

the purchaser a statement certifying that the dog or cat has received an infectious disease inoculation suitable for the specific animal's age and species within the previous fourteen days for an animal under six months of age or within the previous ninety days for an animal six months of age or older. Proof of vaccination must be provided to the purchaser at the time of sale. The purchaser also must be provided with a copy of the "ELECTION OF OPTIONS" as contained in subsection (D).

(B) If at any time within fourteen days following the sale and delivery of a registered companion dog or cat to a purchaser, a licensed veterinarian certifies the animal to be unfit for purchase due to a noncongenital cause or condition or within six months certifies an animal to be unfit for purchase due to a congenital or hereditary cause or condition, a purchaser has the right to elect one of the following options:

(1) the right to return the animal and receive a refund of the purchase price, including sales tax, and reimbursement of the veterinary fees incurred before the purchaser's receipt of the veterinary certification. The seller's liability for veterinary fees under this option must not exceed fifty percent of the purchase price, including sales tax, of the animal;

(2) the right to retain the animal and to receive reimbursement for veterinary fees incurred before the purchaser's receipt of the veterinary certification and the future cost of veterinary fees to be incurred in curing or attempting to cure the animal. The seller's liability under this option must not exceed fifty percent of the purchase price, including sales tax, of the animal;

(3) the right to return the animal and to receive in exchange an animal of the purchaser's choice, of equivalent value, and reimbursement of veterinary fees incurred before the purchaser's receipt of the veterinary certification. The seller's liability for veterinary fees under this option must not exceed fifty percent of the purchase price, including sales tax, of the animal;

(4) the right to receive a full refund of the purchase price, including sales tax, for the animal or, in exchange, an animal of the purchaser's choice of equivalent value, and reimbursement of veterinary fees incurred before the death of the animal if the death occurs within fourteen days of the date the purchaser takes possession, except where death occurs by accident or injury sustained during that period. The seller's liability for veterinary fees under this option must not exceed fifty percent of the purchase price, including sales tax, of the animal.

(C) The seller shall accept the veterinary certification of unfitness delivered by the purchaser within five days following the purchaser's receipt of it. The certification must contain:

(1) the name of the owner;

(2) the date or dates of examination;

(3) the breed, color, sex, and age of the animal;

(4) a statement of the veterinarian's findings;

(5) a statement that the veterinarian certifies the animal to be unfit for purchase;

(6) an itemized statement of veterinary fees incurred as of the date of the certification;

(7) where the animal is curable, the estimated fee to cure the animal;

(8) where the animal has died, a statement setting forth the probable cause of death; and

(9) the name and address of the certifying veterinarian and the date of the certification.

(D) When a purchaser presents a veterinary certification of unfitness to the seller, the seller must confirm the purchaser's election in writing. The election must be in the following form and a copy must be given to the purchaser upon signing:

"UNFITNESS OF ANIMAL - ELECTION OF OPTIONS

I understand that, upon delivery of my veterinarian's certification of unfitness, I have the right to elect one of the following options. I am aware of those options and I understand each of them. I have chosen the following option:

___ 1. Return of the animal and receipt of a refund of the purchase price, including sales tax, for the animal and reimbursement of the veterinary fees incurred before the date I received the veterinarian's certification of unfitness. The reimbursement for veterinarian's fees must not exceed fifty percent of the purchase price, including sales tax, of the animal.

___ 2. Detention of the animal and reimbursement for the veterinary fees incurred before the date I received the veterinarian's certification of unfitness and the future cost to be incurred in curing or attempting to cure the animal. The total reimbursement for veterinarian's fees must not exceed fifty percent of the purchase price, including sales tax, of the animal.

___ 3. Return of the animal and receipt of an animal of my choice of equivalent value in exchange and reimbursement of veterinary fees incurred before the date I received my veterinarian's certification of unfitness. The reimbursement for veterinarian's fees must not exceed fifty percent of the purchase price, including sales tax, of the animal.

___ 4. DEATH OF ANIMAL ONLY. Receipt of a full refund of the purchase price, including sales tax, for the animal or, in exchange, an animal of my choice of equivalent value and reimbursement of the veterinary fees incurred before the death of the animal. The reimbursement for veterinarian's fees must not exceed fifty percent of the purchase price, including sales tax, of the animal."

(E) Where the animal has died, the veterinarian shall hold the carcass or forward it to the Clemson University Diagnostic Laboratory.

(F) If the seller refuses to refund the purchase price and fees pursuant to subsection (B), the purchaser may initiate a civil action to recover damages. The court, upon a finding that the seller violated the provisions of this section, shall award the purchaser two times the amount of the purchase price and fees, attorney's fees as determined by the court, and costs.

(G) As used in this section:

(1) "Pet dealer" is a person engaged in the ordinary course of business and sale to the public for profit of a companion animal described as being registered or being capable of being registered with an animal pedigree organization.

(2) "Pet shop" means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the public.

(3) "Pet breeder" means a person engaged in the business of breeding companion animals for profit. The term does not include a person who, not in the ordinary course of business, owns an animal which occasionally is bred or produces a litter from which animals are sold.

HISTORY: 1993 Act No. 1, Section 1, eff January 7, 1993.

ARTICLE 3

Remedies in Case of Infections

SECTION 47-13-310. Notice to disinfect; violation is a misdemeanor.

The commission may give written notice to a person owning, possessing, or controlling livestock which may be found infested or infected with, or exposed to a carrier of an infectious, a contagious, or a communicable disease, or a barn, shed, yard, or field which is capable of conveying the infection or contagion to disinfect the livestock or premises or have them disinfected within five days from the service of the notice. A person who refuses or neglects for five days from the service of the notice to disinfect the animals, livestock, or premises in the manner and method prescribed, to commence the treatment prescribed, or to complete the treatment prescribed is guilty of a misdemeanor and, upon conviction, must be punished in accordance with

Section 47-4-130.

HISTORY: 1962 Code Section 6-421; 1952 Code Section 6-421; 1942 Code Section 5806-42; 1932 Code Section 5752; Civ. C. '22 Section 2847; 1912 (27) 670; 1918 (30) 826; 1994 Act No. 362, Section 12, eff May 3, 1994.

SECTION 47-13-320. Orders to disinfect animals exposed to cattle fever tick.

Any person, owning, possessing or controlling any cattle, horse, mule or ass which may be found infested or infected with or exposed to the cattle fever tick (*margaropus annulatus*) when served with a disinfection notice by the State Veterinarian, his assistant or any livestock inspector appointed by the Veterinarian, shall disinfect or have such cattle, horse, mule or ass disinfected, under the supervision of the State Veterinarian, his assistant or a livestock inspector appointed by the Veterinarian, in or with a disinfectant approved by the Veterinarian, in the manner and at the time and place specified in the disinfection notice within five days from the service of the notice and every fourteen days thereafter, if the notice so provides, until notified by the State Veterinarian, his assistant or livestock inspector appointed by the Veterinarian, that it is no longer required or necessary to disinfect such cattle, horse, mule or ass.

HISTORY: 1962 Code Section 6-422; 1952 Code Section 6-422; 1942 Code Section 5806-35; 1932 Code Section 1340; 1923 (33) 143.

SECTION 47-13-340. Venue of prosecutions under Section 47-13-310.

A person owning, possessing, or controlling animals, livestock, or poultry which may be found infested or infected with or exposed to a carrier of an infectious, a contagious, or a communicable disease in a county within this State other than the county in which the person resides may be tried for a violation of Section 47-13-310 in the county where the animal, livestock, or poultry is kept or the county in which the person owning, possessing, or controlling the animal, livestock, or poultry resides.

HISTORY: 1962 Code Section 6-424; 1952 Code Section 6-424; 1942 Code Section 5806-35; 1932 Code Section 1340; 1923 (33) 143; 1994 Act No. 362, Section 13, eff May 3, 1994.

SECTION 47-13-360. Indemnity payments for killing of certain animals.

To obtain indemnity payments pursuant to this section, cattle infected with tuberculosis, paratuberculosis or brucellosis, or glandered horses, mules or asses shall not be killed until they have been inspected by the State Veterinarian, or his designee, or another veterinarian licensed by the State Board of Veterinary Examiners and determined by him to be so infected.

When any such animal is killed because of any of the above-mentioned diseases, the actual cash value of the diseased animal immediately prior to killing shall be fixed within twenty-four hours thereafter by appraisers chosen in the manner described in Section 47-13-380. Indemnity payments, less salvage value, which in no case shall exceed the appraised value of the animal, shall be made by the State to the owner from State or other available sources but in no case shall the State's share of indemnity payments exceed one hundred fifty dollars for a horse, mule or ass nor in the case of cattle shall such share exceed two hundred dollars for any single animal. No animal shall be indemnified for under this section which was imported into the State within six months of the time it is killed.

The provisions of this section and the indemnity herein provided may be extended to include individual animals or entire herds exposed to but not yet infected with disease when in the judgment of the officials responsible for disease control and indemnity payments the killing of such exposed animals would contribute substantially to the eradication of the disease to which such animals have been exposed.

HISTORY: 1962 Code Section 6-426; 1952 Code Section 6-426; 1942 Code Section 5806-33; 1932 Code Section 1338; Cr. C. '22 Sections 146, 228; Cr. C. '12 Sections 294, 522; Cr. C. '02 Section 370; R. S. 516; 1890 (20) 709; 1909 (26) 209; 1919 (31) 92; 1948 (45) 1888; 1972 (57) 3013.

SECTION 47-13-370. Blank forms used to certify test results.

The State Veterinarian shall, upon request, furnish to the persons needing them, suitable blank forms to be

used in certifying the result of any test made under the provisions of Section 47-13-360.

HISTORY: 1962 Code Section 6-427; 1952 Code Section 6-427; 1948 (45) 1888.

SECTION 47-13-380. Appointment of appraisers of animals to be killed.

Whenever the State Veterinarian or an assistant of his shall, pursuant to Section 47-13-360, decide upon the killing of an animal he shall notify the owner of such decision in writing. If satisfactory to the owner three appraisers shall then be chosen in the following manner: One shall be appointed by the State Veterinarian or an assistant of his; one shall be appointed by the owner, and the third shall be the State Veterinarian or an assistant of his. The persons so appointed must be practical stock men and their services shall be rendered free of charge.

HISTORY: 1962 Code Section 6-428; 1952 Code Section 6-428; 1942 Code Section 5806-33; 1932 Code Section 1338; Cr. C. '22 Sections 146, 228; Cr. C. '12 Sections 294, 522; Cr. C. '02 Section 370; R. S. 516; 1890 (20) 709; 1909 (26) 209; 1919 (31) 92; 1948 (45) 1888.

SECTION 47-13-390. Procedure in event prescribed appraisal method is unsatisfactory to owner.

If the method of appraisal prescribed by Section 47-13-380 is unsatisfactory to the owner, within twenty-four hours after receipt of notice from the State Veterinarian, the owner may file with the State Livestock-Poultry Health Commission a protest stating under oath, to the best of his knowledge and belief, the animal is not infected with tuberculosis or glanders. If the animal is killed an autopsy must be held by three experts who must be graduate veterinarians of a recognized college. One must be appointed and paid by the owner, one must be appointed by the State Veterinarian and paid by the State, and one must be the State Veterinarian or his assistant. These three experts shall appraise the animal before it is killed at its actual cash value, and if the autopsy shows the animal is free entirely from the disease, the cash value of the animal immediately before the killing must be paid to the owner by the State, less the value of the carcass.

HISTORY: 1962 Code Section 6-429; 1952 Code Section 6-429; 1942 Code Section 5806-33; 1932 Code Section 1338; Cr. C. '22 Sections 146, 228; Cr. C. '12 Sections 294, 522; Cr. C. '02 Section 370; R. S. 516; 1890 (20) 709; 1909 (26) 209; 1919 (31) 92; 1948 (45) 1888; 1994 Act No. 362, Section 14, eff May 3, 1994.

SECTION 47-13-400. Form and payment of appraisements.

Appraisements made under Sections 47-13-360 and 47-13-390 shall be in writing and shall be signed by the appraisers and certified by the local board of health and the State Veterinarian, respectively; these appraisements shall be paid from annual appropriations to Clemson University.

HISTORY: 1962 Code Section 6-430; 1952 Code Section 6-430; 1942 Code Section 5806-33; 1932 Code Section 1338; Cr. C. '22 Sections 146, 228; Cr. C. '12 Sections 294, 522; Cr. C. '02 Section 370; R. S. 516; 1890 (20) 709; 1909 (26) 209; 1919 (31) 92; 1948 (45) 1888; 1982 Act No. 330, Section 2.

SECTION 47-13-410. Procedure when animal killed because exposed to contagion or infection.

If any animal be killed by the order of the State Veterinarian or an assistant of his for the sole reason that it has been exposed to contagion or infection, the provisions of Sections 47-13-390 and 47-13-400 as to autopsy, appraisal and payment shall apply except that no protest need be filed.

HISTORY: 1962 Code Section 6-431; 1952 Code Section 6-431; 1942 Code Section 5806-33; 1932 Code Section 1338; Cr. C. '22 Sections 146, 228; Cr. C. '12 Sections 294, 522; Cr. C. '02 Section 370; R. S. 516; 1890 (20) 709; 1909 (26) 209; 1919 (31) 92; 1948 (45) 1888.

SECTION 47-13-420. Expenses of appraisal.

The expert appointed by the commission to assist in appraising animals, in cases of protest, shall receive from the State fifty dollars a day and traveling expenses while on actual duty. An itemized bill of expenses of this veterinarian, certified by the local board of health, must be transmitted to the commission. Upon certification by the commission the bill must be paid from its annual appropriations.

HISTORY: 1962 Code Section 6-432; 1952 Code Section 6-432; 1942 Code Section 5806-33; 1932 Code Section 1338; Cr. C. '22 Sections 146, 228; Cr. C. '12 Sections 294, 522; Cr. C. '02 Section 370; R. S. 516; 1890 (20) 709; 1909 (26) 209; 1919 (31) 92; 1948 (45) 1888; 1982 Act No. 330, Section 3; 1994 Act No. 362, Section 15, eff May 3, 1994.

SECTION 47-13-430. Indemnity for animals condemned for foot and mouth disease, vesicular exanthema, or rinderpest.

Should an outbreak of any of the diseases which are commonly known as "foot and mouth disease," "vesicular exanthema," or "rinderpest" occur, the value to be placed on animals condemned and destroyed on account of being affected with, or having been exposed to, any of such diseases shall be fixed in accordance with the provisions of Section 47-13-360 and funded in accordance with Section 47-13-130; provided, however, that the limitation on indemnity for animals imported into the State within six months shall not apply to the diseases mentioned above in this section.

HISTORY: 1962 Code Section 6-433; 1952 Code Section 6-433; 1942 Code Sections 5806-37, 5806-38; 1932 Code Sections 5754, 5755; Civ. C. '22 Sections 2849, 2850; 1919 (31) 241; 1953 (48) 243; 1972 (57) 3013.

ARTICLE 5

Brucellosis

SECTION 47-13-510. "Brucellosis" defined; declaring animal infected.

"Brucellosis" (Bang's disease) shall mean the disease wherein an animal is infected with the Brucella organisms, irrespective of the occurrence or absence of an abortion. An animal shall be declared infected with brucellosis if it reacts to a serological test made in an approved laboratory or if the Brucella organisms have been found in the body or its secretions or discharges.

HISTORY: 1962 Code Section 6-441; 1952 Code Section 6-441; 1949 (46) 454.

SECTION 47-13-520. "Approved accredited veterinarian" defined.

The words "approved accredited veterinarian" shall be construed to mean a graduate veterinarian approved by the State Veterinarian and the Director of the Animal Disease Eradication Division, United States Department of Agriculture, for the testing of cattle intended for interstate shipment.

HISTORY: 1962 Code Section 6-442; 1952 Code Section 6-442; 1949 (46) 454; 1961 (52) 438.

SECTION 47-13-530. Conduct of control.

The control and eradication of brucellosis in the herds of the State shall be conducted as far as the funds of the State Livestock-Poultry Health Commission will permit and in accordance with the rules and regulations promulgated by the State Livestock-Poultry Health Commission.

HISTORY: 1962 Code Section 6-443; 1952 Code Section 6-443; 1949 (46) 454; 1960 (51) 2085; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-540. Exposed or suspected animals subject to quarantine.

Animals infected with or exposed to the disease of brucellosis, or suspected of being carriers of that disease, shall be subject to quarantine and the rules and regulations of the State Livestock-Poultry Health Commission.

HISTORY: 1962 Code Section 6-444; 1952 Code Section 6-444; 1949 (46) 454; 1960 (51) 2085; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-550. Vaccination.

The State Veterinarian may set up a program for the vaccination of calves between the ages of four and twelve months, and older cattle, with Brucella vaccine in accordance with the recommendations of the Animal Disease Eradication Division, United States Department of Agriculture. Such vaccination shall be done under the rules and regulations promulgated by the State Livestock-Poultry Health Commission.

HISTORY: 1962 Code Section 6-445; 1952 Code Section 6-445; 1949 (46) 454; 1961 (52) 438; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-560. Tattooing or branding of vaccinated animals.

Such vaccinated animals shall be permanently identified by tattooing or other methods approved by the State Veterinarian and no indemnity shall be paid on any such vaccinated animal. All such vaccinated animals that show a positive reaction to an official brucellosis test eighteen months or more after vaccination shall be considered as infected with brucellosis and shall be branded with the letter "B" in accordance with the law covering such branding.

HISTORY: 1962 Code Section 6-446; 1952 Code Section 6-446; 1949 (46) 454.

SECTION 47-13-570. Sale of vaccine.

It shall be unlawful to sell, offer for sale, distribute or use Brucella vaccine or any other product containing living Brucella organisms, except as provided for in this article.

HISTORY: 1962 Code Section 6-447; 1952 Code Section 6-447; 1949 (46) 454.

SECTION 47-13-580. Sale of cattle generally.

No female cattle or breeding bulls more than six months of age shall be sold or moved except for slaughter, unless such cattle either (a) have been tested for brucellosis and found negative within thirty days prior to the date of sale, (b) are dairy cattle and breeding cattle under thirty months of age and were vaccinated against brucellosis with an approved vaccine when they were not less than four months nor more than twelve months of age and were identified as provided under rules and regulations promulgated by the State Livestock-Poultry Health Commission and reported at the time of vaccination to State and Federal cooperating agencies or (c) are in brucellosis-free accredited herds or areas at the time of sale.

HISTORY: 1962 Code Section 6-448; 1952 Code Section 6-448; 1949 (46) 454; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-590. Sale of infected animals.

No animal infected with brucellosis shall be sold, traded or otherwise disposed of except for immediate slaughter or as designated by the State Veterinarian and the person disposing of such infected animals shall see that they are promptly slaughtered and that a written report thereof is made to the State Veterinarian.

But the State Veterinarian may permit the sale of valuable purebred, registered animals that have reacted to an official brucellosis test or are suspected of such reaction, provided such animals go direct to infected herds that have been vaccinated with Brucella vaccine, as provided for in this article, and are held under quarantine in accordance with the law and regulations covering such quarantine.

HISTORY: 1962 Code Section 6-449; 1952 Code Section 6-449; 1949 (46) 454.

SECTION 47-13-600. Liability for sale of infected animal except for slaughter.

Any person who knowingly sells or otherwise disposes of an animal infected with brucellosis to another, except for immediate slaughter, shall be liable in a civil action to any person injured and for all damages resulting therefrom and shall be equally responsible for violation of this article and the regulations promulgated by the State Livestock-Poultry Health Commission.

HISTORY: 1962 Code Section 6-450; 1952 Code Section 6-450; 1949 (46) 454; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-610. Veterinarian shall require testing of suspected animals.

When the State Veterinarian receives information or has reason to believe that brucellosis exists in any animal he shall promptly notify the owner and require that a test be applied to such animal and that if the animal be found to be diseased it shall be properly disposed of and the premises disinfected under the supervision of the State Veterinarian or his authorized representative.

HISTORY: 1962 Code Section 6-451; 1952 Code Section 6-451; 1949 (46) 454; 1963 (53) 238.

SECTION 47-13-620. Compulsory tests of cattle.

When the director of the State Livestock-Poultry Health Commission shall deem it advisable to test all cattle in any specified county within the State, in accordance with the provisions of this article or upon receipt of a petition containing at least seventy-five per cent or more of the livestock owners holding ninety-five per cent or more of the cattle in the county, the test of all cattle in such county shall become compulsory and the cattle owners or persons in charge, upon notification from the livestock and poultry health department or one of the department's inspectors, shall assemble or have assembled such animals at the times and places designated by an inspector of the livestock and poultry health department or the Animal Disease Eradication Division, United States Department of Agriculture, and give such assistance as may be necessary for the proper testing of the cattle. Inspectors engaged in the area testing of cattle for brucellosis shall have due authority to enter premises. No cattle, except for immediate slaughter, shall be brought into the county in which area work is being or has been conducted, unless accompanied by a proper test chart and health certificate issued by an approved accredited veterinarian, showing that the cattle have passed a proper test for brucellosis.

HISTORY: 1962 Code Section 6-452; 1952 Code Section 6-452; 1949 (46) 454; 1960 (51) 2085; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-630. Blood samples to be drawn by veterinarian.

All blood samples for brucellosis tests shall be drawn by an approved accredited veterinarian or other person specifically authorized in writing by the State Veterinarian.

HISTORY: 1962 Code Section 6-453; 1952 Code Section 6-453; 1949 (46) 454.

SECTION 47-13-640. Report and branding of infected animals.

Any animals found infected with brucellosis shall be reported in writing to the State Veterinarian within five days after the test and the infected animal and all other animals exposed to such animal shall be quarantined on the owner's premises. Animals infected with brucellosis shall be branded with the letter "B" on the left jaw, not less than three nor more than four inches high, and be tagged with a suitable ear tag.

HISTORY: 1962 Code Section 6-454; 1952 Code Section 6-454; 1949 (46) 454.

SECTION 47-13-650. Cooperation with United States Department of Agriculture; inspectors.

The State Livestock-Poultry Health Commission may cooperate with the United States Department of Agriculture in the control and eradication of brucellosis. The livestock and poultry health department may appoint and commission, without salary from the State, as its inspectors, representatives of the Animal Disease Eradication Division, United States Department of Agriculture, and may accept from the United States Government such assistance, financial and otherwise, for carrying out the purpose of this article, as may be available from time to time.

HISTORY: 1962 Code Section 6-455; 1952 Code Section 6-455; 1949 (46) 454; 1960 (51) 2085; 1961 (52) 441; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-660. Reports.

Reports, made in duplicate, of all activities of all personnel engaged in the testing or vaccination of cattle in

connection with brucellosis are compulsory and shall be made promptly to the State Livestock-Poultry Health Commission, such reports to be made on forms furnished by the department.

HISTORY: 1962 Code Section 6-456; 1952 Code Section 6-456; 1949 (46) 454; 1960 (51) 2085; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-670. Enforcement of rules and regulations.

The State Veterinarian may enforce such rules and regulations promulgated by the State Livestock-Poultry Health Commission as may be necessary to carry out the provisions of this article and for the effective control and eradication of brucellosis.

HISTORY: 1962 Code Section 6-457; 1952 Code Section 6-457; 1949 (46) 454; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-680. Violations.

A person violating this article or regulations promulgated under it by the State Livestock-Poultry Health Commission is guilty of a misdemeanor and, upon conviction, must be punished in accordance with Section 47-4-130.

HISTORY: 1962 Code Section 6-458; 1952 Code Section 6-458; 1949 (46) 454; 1994 Act No. 362, Section 16, eff May 3, 1994.

SECTION 47-13-690. Cooperation of State with federal government in paying indemnity for infected cattle.

The State shall cooperate with the federal government in paying indemnity for cattle owned in this State known to be infected with brucellosis as a result of a test made by the Animal and Plant Health Inspection Service, United States Department of Agriculture, or by a graduate veterinarian licensed by the State Board of Veterinary Examiners of the State and the commission cooperating, in accordance with regulations prescribed by the service and the commission, and whose owners agree to cooperate with the federal government and the State in the control and eradication of the disease. Payments on the part of this State must be made in accordance with the amounts and procedures prescribed in Section 47-13-360.

HISTORY: 1962 Code Section 6-459; 1952 Code Section 6-411; 1942 Code Section 5806-43; 1939 (41) 220; 1943 (43) 78; 1948 (45) 1869; 1960 (51) 2085; 1961 (52) 436; 1972 (57) 3013; 1994 Act No. 362, Section 17, eff May 3, 1994.

ARTICLE 7

Tuberculosis and Paratuberculosis

SECTION 47-13-810. Tuberculosis and paratuberculosis declared contagious and infectious; animals subject to quarantine.

It is hereby declared that the diseases of animals known as tuberculosis and paratuberculosis are of a contagious and infectious character, and animals affected with or exposed to these diseases, or suspected of being carriers of these diseases, shall be subject to quarantine and the rules and regulations promulgated by the State Livestock-Poultry Health Commission.

HISTORY: 1962 Code Section 6-471; 1952 Code Section 6-471; 1949 (46) 412; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-820. Tuberculin and paratuberculin tests; observation.

When the State Livestock-Poultry Health Commission shall be conducting tuberculosis or paratuberculosis eradication work in any county, in cooperation with the Animal Disease Eradication Division, United States Department of Agriculture, under the area plan or under its general authority, to eradicate, control and prevent contagious and infectious diseases of animals, all persons owning or having animals in their charge shall upon notice assemble or have assembled such animals at a time and place designated by an inspector

or veterinarian of the State Livestock-Poultry Health Commission or of the Animal Disease Eradication Division, United States Department of Agriculture, in order that tuberculin or paratuberculin tests may be applied. Assistance shall be given in confining these animals in order that the test may be administered properly, and the same animals shall be returned for observation at a time and place designated by such inspector or veterinarian. Any herd or animals or all animals in the modified accredited area or other areas shall be tuberculin or paratuberculin tested or retested at such times as deemed advisable by the State Livestock-Poultry Health Commission.

HISTORY: 1962 Code Section 6-472; 1952 Code Section 6-472; 1949 (46) 412; 1960 (51) 2085; 1961 (52) 625; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-830. Quarantine of herds in which reactors are found.

All animals in which tuberculosis or paratuberculosis reactors have been found shall be quarantined and no animal in quarantined herds shall be disposed of until all of the remaining animals in such herds shall have passed at least three negative tuberculin or paratuberculin tests applied, not less than sixty days apart, by an approved accredited veterinarian, and the records of such tests shall be filed with the State Veterinarian; provided, however, animals from such herds for immediate slaughter may be moved on special permit issued under the authority of the State Veterinarian.

HISTORY: 1962 Code Section 6-473; 1952 Code Section 6-473; 1949 (46) 412; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-840. Branding and slaughtering of reacting animals; disinfecting quarters and equipment.

All animals reacting to the tuberculin or paratuberculin test shall be branded immediately with the letter "T" not less than three inches high on the left jaw by the veterinarian applying the test. All reacting animals shall be identified with suitable ear tags and shall be slaughtered under either State or Federal supervision and may be disposed of according to the Federal Meat Inspection Regulations, or shall be either burned or the body placed at least four feet beneath the surface of the earth, covered with live lime and the hole filled with soil. Barns, stalls, lots and all places and articles that have been used by the reactor animals shall be thoroughly cleaned and disinfected or destroyed according to the direction of the State Veterinarian.

HISTORY: 1962 Code Section 6-474; 1952 Code Section 6-474; 1949 (46) 412; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-850. Liability for disposing of affected animal except for immediate slaughter.

Any person or persons who knowingly sells or otherwise disposes of to another, except for immediate slaughter, an animal affected with tuberculosis or paratuberculosis shall be liable in a civil action to any person injured, and for any and all damages resulting therefrom and shall be equally responsible for violation of this article and the regulations promulgated by the State Livestock-Poultry Health Commission.

HISTORY: 1962 Code Section 6-475; 1952 Code Section 6-475; 1949 (46) 412; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-860. Official tests.

The intradermal and thermal tuberculosis test for tuberculosis and the intradermal test for paratuberculosis will be recognized as official tests when applied by an approved accredited veterinarian, under the direction of the State Livestock-Poultry Health Commission and when the certificate is filed with the State Veterinarian immediately after the completion of the test.

HISTORY: 1962 Code Section 6-476; 1952 Code Section 6-476; 1949 (46) 412; 1960 (51) 2085; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-870. Inspectors; accepting assistance from United States Government.

The State Livestock-Poultry Health Commission is vested with authority to appoint and commission, without salary from the State, as its inspectors, representatives of the Animal Disease Eradication Division, 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 article, as may be available from time to time.

HISTORY: 1962 Code Section 6-477; 1952 Code Section 6-477; 1949 (46) 412; 1960 (51) 2085; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-880. Violations.

A person violating this article or regulations of the State Livestock-Poultry Health Commission promulgated under it is guilty of a misdemeanor and, upon conviction, must be punished in accordance with Section 47-4-130.

HISTORY: 1962 Code Section 6-478; 1952 Code Section 6-478; 1949 (46) 412; 1994 Act No. 362, Section 18, eff May 3, 1994.

ARTICLE 11

Poultry Pullorum and Typhoid

SECTION 47-13-1210. Definitions.

Except where the context otherwise requires, for the purposes of this article the following terms shall be construed, respectively, to mean:

- (a) Person. A natural person, firm or corporation.
- (b) Poultry. Live fowl, including chickens, turkeys, waterfowl and game birds which are propagated and maintained under the control of any person for any purpose.
- (c) Hatching eggs. Eggs for use in a hatchery to produce young poultry or embryonated eggs.
- (d) Hatchery. Incubators, hatchers and auxiliary equipment on one premise operated and controlled by any person for the hatching of poultry.
- (e) Flock. All of the poultry on one premise, except that, at the discretion of the State Livestock-Poultry Health Commission, any group of poultry which is segregated from other poultry and has been so segregated for a period of at least twenty-one days may be considered as a separate flock.
- (f) Pullorum disease or pullorum. A disease of poultry caused by salmonella pullorum.
- (g) Fowl typhoid or hyphoid. A disease of poultry caused by salmonella gallinarum.

HISTORY: 1976 Act No. 643 Section 1; 1994 Act No. 362, Section 31, eff May 3, 1994.

SECTION 47-13-1220. Authority and functions of commission.

Full authority for the control, suppression, and eradication of pullorum and typhoid in poultry in this State is vested in the commission. The commission shall administer the following:

- (1) Poultry hatcheries and hatchery supply flocks within the State must qualify as United States Pullorum-Typhoid Clean or meet equivalent requirements for pullorum-typhoid control under official supervision.
- (2) Shipments of poultry and eggs not destined for slaughter other than United States Pullorum-Typhoid Clean, or equivalent, into the State are prohibited.
- (3) Whenever a veterinarian or other person performing poultry disease diagnostic services has knowledge or reason to suspect that pullorum or typhoid exists in a poultry flock or hatchery, within forty-eight hours, he shall give notice of the fact to the commission.
- (4) Upon receipt of a report of pullorum or typhoid in poultry, the commission shall direct an immediate

investigation by an authorized representative to determine the origin and avenue of transmission of the infection. Authorized representatives of the commission may enter a place or premise for inspections or investigations reasonably necessary for these determinations.

(5) Flocks deemed to be infected with pullorum or typhoid must be quarantined by the commission. Quarantined flocks or a portion of them must not be removed from the premise where the infection was detected except with the written permission of the commission.

(6) Poultry shown in public exhibitions in this State must have originated from United States Pullorum-Typhoid Clean, or equivalent, flocks or have had a negative pullorum-typhoid test within ninety days of the movement to the public exhibition.

HISTORY: 1976 Act No. 643 Section 2; 1994 Act No. 362, Section 19, eff May 3, 1994.

SECTION 47-13-1230. Promulgation of regulations by commission; poultry advisory committee.

The State Livestock-Poultry Health Commission shall promulgate reasonable regulations consistent with this article. The commission must be advised by a poultry advisory committee consisting of five members as follows: one from the commercial hatching industry, one from the commercial egg industry, one from the commercial broiler industry, one from the commercial turkey industry, and one representing the exhibition poultry interest. The members must be nominated by the respective industry and appointed for terms of two years by the commission.

HISTORY: 1976 Act No. 643 Section 3; 1994 Act No. 362, Section 20, eff May 3, 1994.

SECTION 47-13-1240. Penalties.

A person violating this article or regulations promulgated by its authority is guilty of a misdemeanor and, upon conviction, must be punished in accordance with Section 47-4-130. Each violation constitutes a separate offense.

HISTORY: 1976 Act No. 643 Section 4; 1994 Act No. 362, Section 21, eff May 3, 1994.

ARTICLE 13

Equine Infectious Anemia

SECTION 47-13-1310. Definitions.

As used in this article:

(1) "Equine infectious anemia" means a widely spread, virus-caused disease of the horse, commonly known as swamp fever, which is infectious in nature and spreads by improper use of hypodermic needles, other instruments, and insects. The disease may be acute, subacute, chronic, or inapparent.

(2) "Horse" means a member of the equine family over six months of age including horses, mules, asses, zebras, or other equidae.

(3) "State veterinarian" means the state veterinarian as defined by Section 47-13-20.

(4) "Accredited veterinarian" means a licensed veterinarian approved by the United States Department of Agriculture and the state veterinarian.

(5) "Reactor" means a horse that reacts positively to an approved serological test performed by an approved laboratory.

(6) "Date of test" means date blood sample is collected from the horse.

(7) "Exposed horse" means a horse which the state veterinarian or his authorized representative has reasonable grounds to believe has been exposed to equine infectious anemia.

(8) "Quarantine" means confinement of an exposed horse to an area not less than two hundred yards from another unaffected horse, with no horses being admitted or leaving the premises.

(9) "Isolation" means confinement of a reactor horse to an area not less than two hundred yards from another unaffected horse until a blood sample submitted from the reactor horse provides a negative Coggins test from a laboratory approved within the State or death.

HISTORY: 1978 Act No. 400 Section 1; 1990 Act No. 375, Section 1, eff March 19, 1990; 1993 Act No. 33, Section 1, eff April 22, 1993.

SECTION 47-13-1315. State veterinarian and Livestock-Poultry Service to develop and institute programs for control of equine infectious anemia.

The state veterinarian and the Livestock-Poultry Health Service of Clemson University are vested with the authority to develop and institute programs to provide for the control of equine infectious anemia in this State and to adopt and provide for enforcement regulations necessary to carry out the program and the provisions of this article. This authority includes, but is not limited to, the power to make regulations requiring the testing of a horse, pony, mule, and ass for equine infectious anemia, in any change of ownership, before sale, exhibition, or assembly at public stables or other public places, and authority to require the owner, operator, or person in charge of shows, sales, public stables, and other public places to require proof of freedom from equine infectious anemia before an animal is permitted to remain on the premises.

HISTORY: 1990 Act No. 375, Section 1, eff March 19, 1990; 1993 Act No. 33, Section 2, eff April 22, 1993.

SECTION 47-13-1330. Official tests.

The official test for equine infectious anemia is:

(1) the agar gel immunodiffusion (AGID) blood test or any other test approved by the United States Department of Agriculture accomplished by a laboratory approved by the United States Department of Agriculture on blood samples collected by accredited veterinarians. Only antigen produced by or standardized by the United States Department of Agriculture may be used in official testing of animals for equine infectious anemia by the AGID method;

(2) other tests as may be devised and approved by the United States Department of Agriculture and the state veterinarian.

HISTORY: 1978 Act No. 400 Section 3; 1990 Act No. 375, Section 1, eff March 19, 1990.

SECTION 47-13-1340. Reporting of tests.

All positive tests for equine infectious anemia must be reported to the state veterinarian including tests conducted in approved laboratories within the State and tests from veterinarians submitting blood samples for testing to laboratories outside this State.

HISTORY: 1978 Act No. 400 Section 4; 1990 Act No. 375, Section 1, eff March 19, 1990.

SECTION 47-13-1350. Unlawful for horse to enter State unless tested; rules and regulations.

It is unlawful to enter the State with a horse unless the horse has been tested for equine infectious anemia and is accompanied by an official Equine Infectious Anemia test chart showing that the horse reacted negatively to an official Equine Infectious Anemia test within twelve months before entry. The state veterinarian, with the advice of the commanding officer of the State Highway Patrol, shall promulgate regulations to provide for the enforcement of this section.

HISTORY: 1978 Act No. 400 Section 5; 1990 Act No. 375, Section 1, eff March 19, 1990; 1993 Act No. 33, Section 3, eff April 22, 1993; 2000 Act No. 290, Section 3, eff May 19, 2000.

SECTION 47-13-1360. Quarantine of exposed horses.

(A) When a reactor horse is identified on a premises, the state veterinarian shall quarantine all horses on that premises. All exposed quarantined horses tested must be properly identified by a mane or tail tag or other type of identification authorized by the state veterinarian. The reactor may be isolated not less than two hundred yards from other unaffected equines with the knowledge of the testing accredited veterinarian and state veterinarian and only may be moved with the permission of the state veterinarian. A sign must be displayed prominently at the location of the quarantined and isolated premises of the exposed and reactor horses indicating that the premises are quarantined for exposed horses or isolated for reactor horses at the expense of the horse owner.

(B) Before a quarantine for equine infectious anemia may be lifted by the state veterinarian, all exposed animals must be tested negative no sooner than forty-five days after the reactor has been removed from the herd.

HISTORY: 1978 Act No. 400 Section 6; 1990 Act No. 375, Section 1, eff March 19, 1990.

SECTION 47-13-1365. Disposition of animal after second confirmatory test.

After a second confirmatory test of the reactor equine, the animal must be either:

(1) euthanized;

(2) identified and sold to slaughter or research, or

(3) permanently isolated not less than two hundred yards from other unaffected horses. If the owner of the reactor equine chooses to have the animal "permanently isolated not less than two hundred yards from other unaffected horses", the reactor must be permanently identified with a visible freeze brand (or other visible brand at the discretion of the administering accredited veterinarian) on the hip or neck of the reactor horse in a manner as specified by regulation promulgated under this chapter.

HISTORY: 1990 Act No. 375, Section 1, eff March 19, 1990.

SECTION 47-13-1370. Proof of tests required for public assembly of horses.

(A) All horses must be accompanied by written proof of an approved negative test for equine infectious anemia when entering any public assembly of horses. These public assemblies include, but are not limited to, shows, fairs, organized trail rides, rodeos and other exhibitions, as well as organized sales. Animals moving directly to a slaughter plant or assembly point for slaughter which has been specifically approved by the state veterinarian are not subject to the negative test requirement. The owner, operator, or person in charge of these shows, fairs, organized trail rides, rodeos and other exhibitions, organized sales, and other public places where horses are assembled shall require that each animal be accompanied by an official certificate showing that it has been negative to an approved test for equine infectious anemia within the last twelve months.

(B) Horses which are permanently maintained at a public stable or other public facility must be tested for equine infectious anemia each twelve months.

(C) The Coggins Test or other test for equine infectious anemia, whether administered within or without this State, is required to be administered only once each twelve months to a horse or an animal regardless of the number of times the animal is shown, sold, exhibited, or housed in a public stable or place in this State during that period. The state veterinarian and the Livestock-Poultry Health Service of Clemson University may require proof of annual test administrations as they consider necessary.

HISTORY: 1978 Act No. 400 Section 7; 1978 Act No. 610; 1990 Act No. 375, Section 1, eff March 19, 1990; 1993 Act No. 33, Section 4, eff April 22, 1993.

SECTION 47-13-1380. Preventive measures for race tracks, horse shows, rodeos, horse owners, and veterinarians.

(A) Officials at race tracks, horse shows, and rodeos are requested to:

- (1) see that sanitary and other protective measures prescribed by the state veterinarian are carried out;
- (2) ensure that tattoo instruments and saliva collecting equipment are adequately sterilized before being used on any horse;
- (3) enforce rules preventing the use of hypodermic syringes and needles on horses by other than accredited veterinarians;
- (4) require provision for and operation of adequate isolation facilities.

(B) Horse owners and practicing veterinarians are requested to:

- (1) report immediately any suspect horse to the state veterinarian;
- (2) use disposable hypodermic needles and syringes (one needle - one horse);
- (3) institute and carry out proper sanitary and preventive measures, including control of biting insects.

(C) Organizations representing particular breeds of horses should recommend to individual farms and owners that the test for equine infectious anemia be administered to all animals and preventive measures as set forth in this article be instituted.

HISTORY: 1978 Act No. 400 Section 8; 1990 Act No. 375, Section 1, eff March 19, 1990.

SECTION 47-13-1390. False certificates unlawful; penalties.

It is unlawful for any person to have in his possession a false certificate showing a negative Coggins test for any horse . A person convicted of having a false or forged certificate as set forth above must be punished in accordance with the provisions of Section 47-4-130.

HISTORY: 1978 Act No. 400 Section 9; 1990 Act No. 375, Section 1, eff March 19, 1990; 2000 Act No. 290, Section 4, eff May 19, 2000.

SECTION 47-13-1400. Additional penalties for violation of article.

A person violating the provisions of this article is guilty of a misdemeanor and, upon conviction, must be punished in accordance with Section 47-4-130.

HISTORY: 1978 Act No. 400 Section 10; 1990 Act No. 375, Section 1, eff March 19, 1990; 2000 Act No. 290, Section 5, eff May 19, 2000.