

### **302 KAR 22:130. Equine.**

RELATES TO: KRS 246.030, 257.020, 257.030, 257.080, 9 C.F.R. 161.1 – 161.4

STATUTORY AUTHORITY: KRS 277.020, 257.030(4), 257.550, KRS 257.552

NECESSITY, FUNCTION, AND CONFORMITY: KRS 257.020 requires the Board of Agriculture to prevent, control, and eradicate any communicable disease of animals. KRS 257.030(4) authorizes the board to promulgate administrative regulations necessary to administer any provision of KRS Chapter 257. This administrative regulation establishes requirements for movement, importation, and exhibition of equine in Kentucky.

#### **Section 1. Definitions.**

- (1) "Accredited veterinarian" means a veterinarian accredited by the USDA in accordance with the provisions of 9 C.F.R. 161.1 to 161.4.
- (2) "Animal health authority" means the person or entity holding the title of state veterinarian or chief livestock official in any particular state or region.
- (3) "Book" or "booking" means the contracting or scheduling of a mare to breed to a stallion.
- (4) "Breeding" or "bred" means the natural covering of a mare.
- (5) "CEM" means contagious equine metritis.
- (6) "CEM infected stallion" means a stallion proven or believed to be a carrier of the CEM organism.
- (7) "Certificate of Veterinary Inspection" or "CVI" means an official document approved by the chief animal health authority of the state of origin or by USDA APHIS VS to verify the completion of a veterinary inspection by a licensed and USDA accredited veterinarian.
- (8) "Certificate of Veterinary Inspection Reconsignment Form" means an official document, on a form approved by the animal health authority of the state of origin, that is attached to a valid CVI for the movement of animals from a sale to the buyer's premises.
- (9) "CF test" means a complement-fixation test on equine serum for the detection of specific antibodies to the contagious equine metritis bacterium.
- (10) "Cover" means the act of breeding a stallion to a mare.
- (11) "Directly" means moved by a means of conveyance, without stopping to unload while en route, except for stops of less than twenty four (24) hours to feed, water, or rest the animals being moved, and with no commingling of animals at stops.
- (12) "EAV" means equine arteritis virus, the organism that causes the disease equine viral arteritis.
- (13) "EIA" means equine infectious anemia.
- (14) "EVA" means equine viral arteritis, which is a communicable disease in equines.
- (15) "EVA sero-negative" means a horse has reacted negatively to a blood test for EVA.
- (16) "EVA sero-positive" means a horse has demonstrated a positive reaction in serum neutralization with a titer of greater than one (1) to four (4) to a blood test for EVA.
- (17) "EVA vaccinated" or "vaccination" means an equine has been vaccinated with an approved EVA modified live virus vaccine and the vaccination status has been kept current in accordance with the manufacturer's recommendations.
- (18) "Exhibition" means a fair, show, exposition, rodeo, competition, trail ride, or racing event, any presentation that might result in a transfer of ownership, or any presentation for sale.
- (19) "High risk mare" means a mare that is culture positive or complement-fixation (CF) positive after being bred to an CEM Infected stallion before stallion was removed from service and treated.
- (20) "Interstate movement" means movement from one (1) state into or through any other state.

- (21) "Intrastate movement" means movement solely within the boundaries of the Commonwealth of Kentucky.
- (22) "Kentucky approved veterinarian" or "KAV" means a licensed veterinarian who is accredited to do regulatory work by the USDA and who has physically demonstrated proper swabbing and sampling methods to a representative of the Office of the State Veterinarian.
- (23) "Location identification number" or "LID" means a nationally unique number issued by a state, tribal, or federal animal health authority to a location as determined by the state or tribe in which it is issued. The LID number can be used in conjunction with a producer's own unique livestock production numbering system to provide a nationally unique and herd-unique identification number for an animal. It can also be used as a component of a group or lot identification number (GIN).
- (24) "Maiden mare" means a female equine over 731 days of age that has not been covered by a stallion.
- (25) "Mare" means a female horse over 731 days of age.
- (26) "Medium risk mare" means a mare that is CF negative and culture negative but bred to an CEM Infected stallion prior to treatment.
- (27) "Move" means to carry, enter, import, mail, ship, or transport; to aid, abet, cause or induce carrying, entering, importing, mailing, shipping, or transporting; to offer to carry, enter, import, mail, ship, or transport; to receive in order to carry, enter, import, mail, ship, or transport; or to allow any of these activities.
- (28) "National Uniform Eartagging System" or "NUES" means a numbering system for the identification of individual animals in the United States that provides a nationally unique identification number for each animal.
- (29) "Office of State Veterinarian" or "OSV" means that section of the Kentucky Department of Agriculture in KRS 246.030.
- (30) "Official eartag" means an identification tag approved by APHIS that bears an official identification number for individual animals. Beginning March 11, 2014, all official eartags manufactured bear an official eartag shield. Beginning March 11, 2015, all official eartags applied to animals must bear an official eartag shield. The design, size, shape, color, and other characteristics of the official eartag will depend on the needs of the users, subject to the approval of the USDA administrator. The official eartag is be tamper-resistant and has a high retention rate in the animal.
- (31) "Official identification number" or "OID" means a nationally unique number that is permanently associated with an animal or group of animals and that adheres to one (1) of the following systems:
- (a) National Uniform Eartagging System (NUES);
  - (b) Animal identification number (AIN);
  - (c) Location-based number system (LID);
  - (d) Any other numbering system approved by the Administrator for the official identification of animals, including a group identification number;
  - (e) The animal's breed association tattoo registration number, or freeze brand number that uniquely identifies the animal, if accompanied by the registration documents; or
  - (f) Tattoo.
- (32) "Owner" is defined by KRS 257.010(11) and means any person owning or leasing from another, or having in charge any equine.
- (33) "Person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.
- (34) "Premises identification number" or "PIN" means a nationally unique number assigned by a state, tribal, or federal animal health authority to a premises that is, in the judgment of the state, tribal, or federal animal health authority, a geographically distinct location from other premises. The PIN can be used in conjunction with a producer's own

livestock production numbering system to provide a nationally unique and herd-unique identification number for an animal. It can be used as a component of a group or lot identification number (GIN).

(35) "Radio Frequency Identification Device" or "RFID" means a device electronically encoded with a unique identification and that meets the applicable International Standards Organization (ISO) standards.

(36) "Set of CEM swabs" means:

- (a) For a female equine, a swab obtained from the clitoral sinus and clitoral fossa; and
- (b) For an intact male equine, a swab obtained from the prepuce, the urethral sinus, and the fossa glandis, including the diverticulum of the fossa glandis.

(37) "Shedder" or "shedding" means an equine has been determined to have EAV in its body and is capable of transmitting the EAV to other equine.

(38) "Stallion" means a male horse, other than a gelding, over 731 days of age.

(39) "USDA" means the United States Department of Agriculture.

(40) "USDA APHIS VS" means the USDA, Animal Plant and Health Inspection Service, Veterinary Services.

## Section 2. Certificate of Veterinary Inspection.

(1) CVI Expiration Period.

(a) A CVI shall remain valid for thirty (30) days after date of issuance, for all purposes except intrastate exhibition.

(b) A CVI for intrastate exhibition shall remain valid for the duration of the EIA test certificate's validity, but shall not remain valid for more than one (1) year from the date the CVI was issued.

(2) A CVI shall contain:

- (a) Identification of each animal recorded on the certificate;
- (b) An official identification (OID) for each equine;
- (c) The species, breed, sex, and age of the equine;
- (d) The name and address of the owner or agent shipping the animal;
- (e) The location from which the animal is loaded for movement;
- (f) The name and address of the person receiving the animal;
- (g) The location at which the animal will be received;
- (h) The purpose of the movement and the total number of animals;
- (i) All blank spots for data are crossed out by the accredited Veterinarian prior to signing;
- (j) The import permit or movement number issued by the OSV;
- (k) The following statement or one substantially similar: "I certify as an accredited veterinarian that the above described animals have been inspected by me on this date and that they are not showing signs of infection or communicable disease (except if noted). The vaccinations and results of tests are as indicated on the certificate. To the best of my knowledge, the animals listed on this certificate meet the state of destination and federal interstate requirements."; and
- (l) The signature, date of signature, and licensure number of the accredited veterinarian.

(3) If the accredited veterinarian uses a paper CVI.

(a) The first physical page shall be mailed or otherwise delivered to the OSV within seven (7) days of the date it is written.

(b) An exact replica image (a photocopy) of the first page may be submitted in lieu of the first physical page.

(c) The second page shall physically accompany the animal being moved and be readily accessible during the movement.

- (d) The third page shall be sent to the Animal health authority in the state of destination within seven (7) days of the date it is written.
- (e) The fourth page shall be retained by the issuing veterinarian for a period of at least five (5) years from the date of issuance.
- (f) A legible copy of any supplemental pages shall have its identification on the CVI stapled to the original and each copy of the CVI.
- (g) Any equine listed on the CVI, but not moved, shall be struck through and initialed.
- (4) Electronically submitted CVI.
  - (a) A CVI or permit may be submitted via an importable format as allowed by USAHA AHSIS Subcommittee on Data Standards standard XML schema document.
  - (b) Animals moving with an electronically submitted CVI shall be accompanied by a paper copy or have the electronic material stored on a device that can be read immediately upon request.
- (5) CVI Reconsignment Form. Sale animals purchased at a Kentucky sale venue may move to the buyer's destination with a CVI Reconsignment Form attached to the original CVI for the sale if:
  - (a) The animal health authority in the state of destination agrees to accept a reconsigned CVI;
  - (b) The animal shall reach its final destination within thirty (30) days from the date stated on the original CVI;
  - (c) The requirements of the state of destination, including required test results, have been met and denoted on the CVI Reconsignment Form; and
  - (d) The reconsigning veterinarian submits the Reconsignee Certificate and a copy of the original CVI to the animal health authority in the state of destination and to the OSV within seven (7) days of the date of reconsignment, and meets the other requirements established in subsection (3) of this section for paper submission or subsection (4) of this section for electronic submission.

### Section 3. Movement Permit.

- (1) A permit for interstate movement into Kentucky shall only be required during times of equine disease outbreaks, or from areas where an outbreak has occurred. Persons wishing to move equine interstate into Kentucky shall consult any applicable requirements as found on the Web site at [www.kyagr.com](http://www.kyagr.com). Instructions and a permit, if required, may be obtained on the Web site.
- (2) Entry permit instructions may be obtained by calling the OSV at 502-573-0282, Monday through Friday, 8 a.m. EST to 4:30 p.m. EST.
- (3) Required testing or vaccinations. All required tests and vaccinations shall be performed by:
  - (a) A licensed and accredited veterinarian;
  - (b) A representative of the State Veterinarian; or
  - (c) A representative of the USDA.
- (4) Required tests shall be conducted at no expense to the Commonwealth of Kentucky.
- (5) Required laboratory tests shall be conducted in a state-federal approved laboratory.

Section 4. Official Identification and Other Acceptable Identification. Methods of official identification. The official individual identification shall consist of a set of alphanumeric characters or physical characteristics that shall be uniquely associated with an individual equine as established in subsections (1) through (5) of this section. Required information shall include:

- (1) A written or graphic description of an equine that uniquely identifies that equine and includes the:
  - (a) Breed;
  - (b) Age;

- (c) Color;
- (d) Distinctive markings; and
- (e) Gender and sexual status;
- (2) An official breed association tattoo, tag, or photograph;
- (3) A microchip that complies with ISO 11784/11785;
- (4) A non-ISO electronic identification injected to the equine on or before March 11, 2014; or
- (5) An RFID, only one (1) of which shall be placed on an animal, if the RFID:
  - (a) Uniquely identifies the animal;
  - (b) Is attached to or implanted in the animal; and
  - (c) Is registered to a PIN or to a person.

#### Section 5. Premises of Origin Information.

- (1) Premises of origin information shall be provided about premises from which the equines were loaded.
- (2) The premises of origin information of the specific location the equines were loaded shall include:
  - (a) A PIN or LID issued by the USDA, OSV, or the animal health authority in the state of origin or the physical address of the location or origin; and
  - (b) The equine owner at the time of movement and that owner's address and contact information.

#### Section 6. Requirements for Interstate Movement into Kentucky. An equine shall not enter Kentucky without having a valid CVI and either a Form VS 10-11, or an EIA test form verifying negative EIA from a laboratory approved by the USDA, within the past twelve (12) months; except if the equine:

- (1) Has a valid Equine Interstate Event Permit;
- (2) Is an unweaned foal accompanied by their dam, in which case, the foal shall be exempt from the EIA test requirement or a VS 10-11;
- (3) Is directly moving to a Kentucky veterinary facility; or
- (4) Is directly moving to an approved Kentucky horse sale.

#### Section 7. Requirements for Movement within Kentucky.

- (1) Equines moving intrastate for sale, racing, change of ownership, exhibition, or into a public stable, fairgrounds, or showgrounds shall comply with paragraphs (a) and (b) of this subsection.
  - (a) CVI or Equine Interstate Event Permit.
    - 1. Equines moving intrastate shall be accompanied by a valid CVI.
    - 2. A CVI for change of ownership or sale shall be valid for thirty (30) days from the date of issuance.
    - 3. A CVI for intrastate exhibition shall remain valid for the duration of the EIA negative test result certificate date, but shall not exceed one (1) year from the date of CVI issuance.
    - 4. An Equine Interstate Event Permit issued within the previous twelve (12) months shall be accepted in lieu of a CVI and EIA test report for exhibition purposes.
    - 5. A CVI or an Equine Interstate Event Permit shall be void upon change of ownership.
  - (b) Equine Infectious Anemia (EIA) test results.
    - 1. Except for unweaned foals accompanied by their dam, equines shall be negative to an USDA official test for EIA within the previous twelve (12) months.
    - 2. A copy of Form VS 10-11 or an EIA test form verifying a negative EIA test result from a laboratory approved by the USDA shall accompany the CVI. The laboratory accession number and date of test shall be recorded on the CVI.

3. Unweaned foals accompanied by their dam shall be exempt from EIA test requirements.

(2) Equine exempt from intrastate movement requirements.

(a) Equines moving farm-to-farm with no change of ownership or to a veterinary facility shall not be required to obtain a CVI or negative EIA test result.

(b) Equines moving directly to an approved Kentucky horse sale shall meet the requirements established in section 17 of this administrative regulation.

Section 8. Requirements for Movement for Export from Kentucky. Equines being moved for export from Kentucky shall have movement documentation and any applicable permits as required by the state of destination, and have these documents immediately available for inspection.

Section 9. Requirements for Interstate Movement through Kentucky. Equines being moved interstate through Kentucky shall have movement documentation and any applicable permits as required by the state of destination, and have these documents immediately available for inspection.

Section 10. Extended Equine CVI Program.

(1) The Extended Equine CVI shall be accepted from equines from any states participating in a Memorandum of Agreement with Kentucky. The participating states are four (4) at the link: <https://www.globalvetlink.com/eecvi/>.

(2) The Extended Equine CVI shall be issued through Global Vet Link, and shall be valid for six (6) months from date of issue for out-of-state equines.

(3) The Extended Equine CVI shall be valid until one (1) year after date of issue for intrastate movement for exhibition or until the expiration of the EIA test, whichever occurs first.

(4) Each equine shall have a permanent individual animal identification in the form of a unique identifier, lip tattoo, brand, electronic implant, or digital photograph, which shall be referenced on the issued permit.

(5) An accurate event itinerary log shall be in the owner or transporter's possession documenting each equine movement during the period of permit.

Section 11. Treatment of Imported Mares.

(1) A mare imported into Kentucky for breeding from a country known to be affected by Contagious Equine Metritis (CEM) shall be tested and treated for CEM by or under the direct supervision of a KAV who is approved by the Kentucky Department of Agriculture according to the procedures established in this section.

(a) Prior to the mare's arrival, the premises shall be inspected by a representative of the OSV in accordance with USDA Veterinary Services Guidance 13406.1 and an Import Mare Worksheet form shall be completed at the time of inspection and signed by the farm manager or authorized representative.

(b) Upon arrival, the mare shall be placed in quarantine until released by the OSV.

(c) Following arrival, the Kentucky approved veterinarian shall determine the mare's pregnancy status, review the prescribed testing and treatment schedule, and submit to the OSV the reported findings and acceptance, or required amendments to the testing schedule, based on the conditions of the mare by completing the Import Mare Pregnancy and Schedule form.

(d) During the course of the quarantine, the Kentucky approved veterinarian shall collect and submit for CEM culture three (3) sets of swabs from the mare. The sets of swabs shall be collected during a twelve (12) day period with at least of seventy-two (72) hours lapsing between each set being collected. Mares determined and reported to be non-pregnant shall have an additional swab collected from the endometrium or distal cervix to be included with the third set of CEM swabs.

- (e) Following the third set of CEM swabs being submitted for culture, the Kentucky approved veterinarian shall manually remove all organic debris from the clitoral fossa and sinuses. The sinuses shall then be flushed with an approved ceruminolytic agent until all remaining debris has been removed. The Kentucky approved veterinarian shall, for five (5) consecutive days, wash and clean (scrub), with a solution of not less than two (2) percent chlorhexidine in a detergent base, the external genitalia, vaginal vestibule, clitoral fossa, and clitoral sinuses. The clitoral fossa, clitoral sinuses, external genitalia, and vaginal vestibule shall be filled and covered with an antibiotic ointment that is effective against the CEM organism and is approved by USDA and the Kentucky State Veterinarian.
- (f) After the procedures established in paragraphs (c) and (d) of this section have been satisfactorily completed and all three (3) of the swabs are reported to the OSV as testing negative for CEM bacterium, the completed CEM Worksheet shall be submitted and the imported mare may be released from quarantine by the OSV.
- (g) Before an imported mare may be bred in Kentucky, a swab shall be collected from the endometrium and cultured negative for CEM. This swab may be included with any of the three (3) required sets of swabs, or for a pregnant mare, may be collected after foaling.
- (h) An imported mare bred in Kentucky shall be prophylactically scrubbed and bred last of the group of mares bred during that session. The external genitalia of the covering stallion shall be cleansed, as established in Section 12(2)(e) of this administrative regulation, after breeding an imported mare. The next three (3) mares bred to the stallion, after the imported mare, shall have a blood sample collected and submitted for CF testing fifteen (15) to twenty-five (25) days post-breeding. Included with the submission of the sample shall be the name of the imported mare that was bred prior to the mare being tested, and the name of the covering stallion, date, and time bred.
- (i) The farm manager where the stallion is standing shall notify the owner or agent of the three (3) mares bred to the stallion, following an imported mare, that a post-breeding CF test shall be required.
- (j) The farm manager where the stallion is standing shall contact the OSV and provide the name, breeding date, time, and location of the imported mare covered, and the name, breeding date, time, and location of the three (3) mares bred to the stallion following the imported mare.
- (2) A CEM culture positive mare shall remain under quarantine and shall be treated as established in subsection (1)(d) and (g) of this section. The mare shall have sets of swabs obtained, as established in subsection (1)(c) of this section, no less than twenty-one (21) days after the last day of treatment. If all required specimens taken from the mare test negative for the CEM bacterium, then the mare may be released from quarantine.
- (3) User fees shall be assessed for an equine import.
- (a)
1. An import broker making application to import mares into Kentucky for completion of a CEM quarantine shall pay a fee for the processing, implementation, and monitoring of the quarantine.
  2. If multiple destinations are declared for equine to be quarantined, each listed destination shall constitute a separate application.
- (b) An application processing and premise inspection fee of \$100 shall be assessed for each application received to import mares into Kentucky for completion of the CEM quarantine.
- (c) Upon receipt of the mare or mares at the quarantine facility, the broker shall be assessed a fee of \$120 per individual mare for the receipt, inspection, quarantine, and monitoring to establish the disease status during the quarantine period.

(d) An import broker shall pay an additional fee for each shipment of mares that arrives at a Kentucky quarantine destination on weekends, state-recognized holidays, or between the hours of 5:01 p.m. and 6:59 a.m.

1. For weekends, and between the hours of 5:01 p.m. and 6:59 a.m., the assessed fee shall be sixty (60) dollars per hour with a minimum of two (2) hours, including the travel time of KDA employees.

2. For state-recognized holidays, the assessed fee shall be \$120 per hour with a minimum of two (2) hours charged. The holiday fee shall apply to all mares received during the holiday period, which runs from the close of business on the last scheduled work day preceding the holiday, through the start of business on the next scheduled work day following the holiday, including the travel time of KDA employees.

(e) The broker shall pay the assessed fees by check. The check shall be made payable to the Kentucky State Treasurer and mailed to the OSV within ninety-six (96) hours of receipt of the charges.

(f) Failure to comply with the user fee schedule may result in an application for importation to be delayed or denied.

(4) An imported mare shall be released from quarantine if:

(a) The requirements of all sections of this administrative regulation have been completed;

(b) The required specimens taken from the mare test negative for the CEM bacterium; and

(c) No other evidence of CEM conditions, indication of possible CEM suppression, or other related medical issues were found.

## Section 12. Treatment of Imported Stallions.

(1) A stallion imported into Kentucky from a country identified or classified by the USDA to be affected with Contagious Equine Metritis, and which imports into the United States and Kentucky via a breeding permit issued by USDA shall be quarantined by the OSV until the testing for CEM is complied with, and it is determined the stallion is free of the disease-causing organism.

(2) Stallions, other than those addressed in subsection (1) of this administrative regulation, that are imported from any country outside the continental United States, its territories, possessions, or Canada shall, before breeding in Kentucky, be treated by or under the direct supervision of a KAV according to the procedures established in this section.

(a) While wearing disposable gloves and using disposable equipment, the Kentucky approved veterinarian shall collect one (1) set of CEM swabs from the stallion to be cultured for CEM.

(b) The stallion shall be bred to two (2) test mares that have been qualified as CEM-free. The test mares shall qualify as CEM-free if:

1. They test negative to a CF test; and

2. Three (3) sets of swabs taken from the mares during a twelve (12) day period, with at least seventy-two (72) hours lapsing between each set being collected, are culture negative for the CEM bacterium.

(c) After being bred by the stallion, a set of CEM swabs shall be collected from the test mares on the third, sixth, and ninth days after breeding.

(d) The test mares shall have a CF test conducted fifteen (15) days after breeding.

(e) With the stallion in full erection, the Kentucky approved veterinarian shall, for five (5) consecutive days, wash and clean (scrub) with a solution of not less than two (2) percent chlorhexidine in a detergent base, the prepuce, urethral sinus, and fossa glandis, including the diverticulum of the fossa glandis. The external genitalia, the



prepuce, urethral sinus, and fossa glandis, including the diverticulum of the fossa glandis, shall then be filled and covered with an antibiotic ointment that is effective against the CEM organism and that is approved by the USDA and the OSV.

(f) All tests and cultures required by this section shall be conducted at a laboratory approved by the USDA's National Veterinary Services Laboratory and the OSV. A list of approved laboratories may be found at [http://www.aphis.usda.gov/animal health/lab info services/downloads/Approvedlabs CEM.pdf](http://www.aphis.usda.gov/animal%20health/lab%20info%20services/downloads/Approvedlabs%20CEM.pdf). If all required specimens taken from the test mares and stallion are test-negative and culture-negative for the CEM bacterium, then the stallion and the test mares may be released from quarantine.

(3) User fees shall be assessed for an equine import.

(a) An import broker applying to import a stallion into Kentucky for completion of a CEM quarantine shall pay a fee for the processing, implementation, and monitoring of the quarantine. If multiple destinations are declared for equines to be quarantined, each listed destination shall constitute a separate application.

(b) An application processing and premise inspection fee of \$100 shall be assessed for each application received to import horses into Kentucky for completion of the prescribed CEM quarantine and testing.

(c) Upon receipt of the stallion at the quarantine facility, the broker shall be assessed a fee of \$260 per individual stallion for the receipt, inspection, quarantine, test breeding, and monitoring of the stallion and test mares to establish the animal's disease status during the quarantine period.

(d) An import broker shall pay an additional fee, as established in subparagraph 2. of this paragraph, for each shipment of stallions that arrive at a Kentucky quarantine destination on weekends, state-recognized holidays, and between the hours of 5:01 p.m. and 6:59 a.m.

1. For weekends and between the hours of 5:01 p.m. and 6:59 a.m., the assessed fee shall be sixty (60) dollars per hour with a minimum of two (2) hours time charged including the travel time of OSV employees.

2. For state-recognized holidays, the assessed fee shall be \$120 per hour with a minimum of two (2) hours of time charged. The holiday fee shall apply to all stallions received during the holiday period, which runs from the close of business on the last scheduled work day preceding the holiday, through the start of business on the next scheduled work day following the holiday including the travel time of OSV employees.

(e) The broker shall pay the assessed fees by check. The check shall be made payable to the Kentucky State Treasurer and mailed to the OSV within ninety-six (96) hours of receipt of the charges.

(f) Failure to comply with the user fee schedule shall subject the application for importation to be delayed or denied.

Section 13. Treatment of Contagious Equine Metritis. Treatment of CEM in stallions shall occur in accordance with the plan developed by OSV and the veterinarian for the stallion.

Section 14. Breeding Shed for Imported Female Equines.

(1) Maiden mares over 731 days of age at the time of importation from any country outside the continental United States, its territories, possessions, or Canada shall, before being bred in Kentucky, have two (2) sets of swabs testing negative for CEM bacterium with a minimum of seventy-two (72) hours lapsing between collecting the swabs. One (1) of the two (2) sets of swabs shall include a swab collected from the endometrium. Imported maiden mares bred in Kentucky shall be prophylactically scrubbed and bred last of any group of mares bred during that session. After the breeding, the external genitalia of the covering stallion shall be cleansed as established in Section 12(2)(e) of this administrative regulation.

- (a) The next three (3) mares bred to the stallion, after the imported mare, shall have a blood sample collected and submitted for CF testing fifteen (15) to twenty-five (25) days postbreeding. Included with the submission of the sample shall be the name of the imported mare that was bred prior to the mare being tested, and the name of the covering stallion, date, and time bred.
  - (b) It shall be the responsibility of the farm where the stallion is standing to notify the owner or agent of the three (3) mares bred to the stallion, following an imported mare, that a postbreeding CF test is required.
  - (c) The farm where the stallion is standing shall contact the OSV, and provide the name, breeding date, time, and location of the imported mare covered, and the name, breeding date, time, and location of the three (3) mares bred to the stallion following the imported mare.
- (2) Mares over 731 days of age imported from any country outside the continental United States, its territories, possessions, or Canada, that are not listed as being affected by CEM shall, before being bred in Kentucky, have two (2) negative sets of swabs with a minimum of seventy-two (72) hours lapsing between collecting the swabs. Prior to being bred, a swab shall be collected from the endometrium and tested negative for CEM. This swab may be included with either of the required sets, or for a pregnant mare, may be collected after foaling. Imported mares, addressed in this section, bred in Kentucky shall be prophylactically scrubbed and bred last of any group of mares bred during that session. The covering stallion shall be cleansed as established in Section 1 of this administrative regulation after breeding.
- (a) The next three (3) mares bred to the stallion, after the imported mare, shall have a blood sample collected and submitted for testing fifteen (15) to twenty-five (25) days postbreeding. Included with the submission of the sample shall be the name of the imported mare that was bred prior to the mare being tested, and the name of the covering stallion, date, and time bred.
  - (b) It shall be the responsibility of the farm where the stallion is standing to notify the owner or agent of the three (3) mares bred to the stallion, following an imported mare, that the postbreeding CF test is required.
  - (c) The farm where the stallion is standing shall contact the OSV and provide the name, breeding date, time, and location of the imported mare covered, and the name, breeding date, time, and location of the three (3) mares bred to the stallion following the imported mare.
- (3) Mares, other than maidens, over 731 days of age imported into Kentucky for breeding from countries listed as being affected with CEM shall be treated in accordance with Section 11 of this administrative regulation.

#### Section 15. Equine Viral Arteritis in Thoroughbreds.

- (1) EVA Shedding Stallions. A thoroughbred stallion known to be shedding EAV shall not be permitted to breed until the State Veterinarian determines that the stallion does not pose a threat of transmitting EAV. In making this determination, the State Veterinarian shall consider whether the requirements of paragraphs (b) and (c) of this section shall be complied with by the farm on which the shedding stallion is located. The restrictions established in paragraphs (a) through (c) of this subsection shall apply to a shedding stallion that is permitted to breed.
- (a) An owner or agent of a mare booking or seeking to book a mare to a shedding stallion shall be notified in writing by the owner or agent that the stallion is classified as an EVA shedder. A written copy of the booking confirmation shall be sent to the OSV.
  - (b) A shedding stallion shall be housed, handled, and bred in a facility isolated from a nonshedding stallion.

- (c) A shedding stallion shall be bred to a mare that:
1. Has been vaccinated against EVA at least twenty-one (21) days prior to breeding; or
  2. Demonstrates an EVA titer from vaccination or exposure to EAV, if the serological EVA test to determine the mare is EVA sero positive was conducted no sooner than November 1 of the previous calendar year for the following breeding season.
- (2) EVA sero positive nonshedding stallions. The restrictions established in paragraphs (a) and (b) of this subsection shall apply to a nonshedding stallion that was previously classified as a shedding stallion.
- (a) During the first breeding season following the stallion's classification as a nonshedder, the first five (5) EVA Sero negative mares covered by the stallion shall have a blood sample collected for an EVA test twenty-eight (28) days after breeding.
- (b) During the second breeding season, the stallion shall be bred to two (2) mares negative for EAV antibodies or have its semen collected and cultured for EAV. If the culture report and blood samples are negative for EAV, there shall not be restrictions placed on a future breeding season.
- (3) A EVA Sero positive EVA vaccinated (arvac) stallion that did not have an EVA negative test prior to vaccination shall be eligible for breeding by complying with paragraph (a) or (b) of this subsection.
- (a) Semen shall be collected and cultured for EAV and culture shall be reported as negative.
- (b) Prior to entering the breeding shed, the stallion shall be bred to two (2) mares negative for EAV antibodies. The two (2) mares shall have blood collected for an EVA test twenty-eight (28) days after breeding. Prior to the horse entering the breeding shed, test results shall be reported as negative for EAV antibodies.
- (4) A nonvaccinated EVA Sero positive stallion (or EVA vaccinated stallion that does not have documentation of the vaccination or a stallion with unknown exposure to EAV) shall be eligible for breeding as established in paragraphs (a) through (c) of this subsection.
- (a)
1. Semen shall be collected and cultured for EAV; or
  2. Prior to entry into the breeding shed, the stallion shall be bred to two (2) mares negative for EVA antibodies. The two (2) mares shall have blood collected for an EVA test twenty-eight (28) days after breeding. Prior to the horse entering the breeding shed, test results shall be reported as negative for EVA antibodies.
- (b) The first two (2) EVA Sero negative mares covered by the stallion shall have a blood sample collected for an EVA test twenty-eight (28) days after breeding.
- (c) The Kentucky State Veterinarian may monitor a EVA Sero negative mare covered by the stallion during a breeding season. Monitoring shall include having a blood sample collected for an EVA test twenty-eight (28) days after breeding.
- (5) The determination that a stallion is not a shedder shall be made based on a scientific procedure approved by the state veterinarian. The procedures shall be conducted in the presence of the State Veterinarian or his or her designee.
- (6) EVA Classification Category.
- (a) Category One Mares. Category One Mares shall include mares bred to a shedding stallion for the first time. Category One Mares shall be EVA vaccinated a minimum of twenty-one (21) days prior to the first cover by a shedding stallion and shall be isolated a minimum of twenty-one (21) days after the first cover.
1. During isolation, the Category One Mare shall be physically separated from other equine or equines in a separate isolation area approved by the State Veterinarian or designated personnel.
  2. After the isolation period, a Category One Mare may move without restriction.

3. A Category One Mare that does not conceive after being bred to a shedding stallion and has completed the twenty-one (21) day isolation period following the first cover shall be reclassified as a Category Two Mare for the remainder of the breeding season.

(b) Category Two Mares. Category Two Mares shall include a mare:

1.
  - a. Bred to a shedding stallion within the previous two (2) years; or
  - b. Previously classified as a Category One Mare that has completed the twenty-one (21) day isolation period; and
2. May move without restrictions after being covered by a shedding stallion.

(c) A mare bred to a shedding stallion may return to the farm of origin in a van or other transport vehicle by herself, or with EVA Sero positive equine. Upon returning to the farm of origin, the van or other transport vehicle and equipment used to move the mare shall be immediately cleaned and disinfected.

(d) A mare bred to a shedding stallion shall be bred to a shedding stallion during that estrus cycle. A mare may be bred to a nonshedding, EVA vaccinated stallion on subsequent estrus cycles during the breeding season.

(e)

1. Except as established in subparagraph (2) of this subsection, in cooperation with the stallion's owner or manager, the State Veterinarian shall determine that a stallion is not shedding EAV prior to the stallion being permitted to breed.
2. A stallion shall be permitted to breed with an EVA Sero negative test mare without the determination required by paragraph (a) of this subsection.

(7) A stallion or mare infected with EAV during the breeding season shall immediately cease breeding, and the State Veterinarian shall be immediately notified. An owner or agent with a mare booked or bred to a stallion that became infected with EAV during the breeding season shall be immediately notified in writing by the stallion's owner or agent. A copy of the written notification shall be sent to the State Veterinarian. A stallion infected with EAV during the breeding season shall be classified as a shedder and shall be handled accordingly. Following the stallion's classification as a shedder, the State Veterinarian may reclassify the stallion as a nonshedder in accordance with Section 15(5) of this administrative regulation.

(8) Equine Vaccinated Against EVA. Equine vaccinated for the first time against EVA shall have a blood sample collected for an EVA test prior to vaccination. A certificate documenting the equine has been EVA Vaccinated shall be sent to the State Veterinarian within seven (7) days of the vaccination date. A EVA Vaccinated stallion shall not be exposed to an EVA affected equine and shall not be used for breeding within twenty-one (21) days after vaccination. A thoroughbred stallion used for breeding in Kentucky shall be EVA Vaccinated annually with an approved state federal EVA vaccine.

(9) A nurse mare shall be:

- (a) EVA Sero negative;
- (b) Officially EVA Vaccinated; and
- (c) Isolated from other equine on the farm.

(10) A teaser shall be officially EVA Vaccinated against EVA.

(11)

(a) An EVA test mare shall be isolated from the other equine and under the supervision of state personnel if the mare becomes:

1. Affected with EAV after breeding; or
2. EVA Sero positive after breeding.

(b) An isolated mare shall be eligible for release from isolation by the State Veterinarian after:

1. Twenty-eight (28) days in isolation; or

2. The spread of EAV is no longer a risk, whichever is longer.

Section 16. Equine Infectious Anemia Positive Horses.

- (1) Equines positive as confirmed by a USDA approved test for EIA shall be officially identified and permanently identified using the numbers and letter "61A" with a brand on the left neck region.
- (2) All classified positive EIA equines not slaughtered or euthanized shall be isolated and quarantined. Isolation shall include stabling in a stall that is screened to preclude entry and exit of mosquitoes, stable flies, and horse flies during seasons of the year when such insects are prevalent. EIA positive equines shall also be kept at least 200 yards from all other equine.
- (3) The movement of any quarantined positive EIA equines shall occur only with permission by the OSV.
- (4) All equines on the premises where a EIA-positive equine was identified shall be quarantined pending a negative test for EIA.

Section 17. Approved Kentucky Horse Sale.

- (1) Operating Sale Requirements. The sale management shall comply with paragraphs (a) through (i) of this subsection pertaining to the sale and the premises at which the sale is conducted. The sale manager shall:
  - (a) Submit a schedule of sale days to the OSV;
  - (b) Submit an Application for an approved Kentucky horse sale to the OSV and have approval confirmed by the OSV prior the first sale date;
  - (c) Maintain well-constructed pens and handling facilities that are clean, well-lighted and in good repair;
  - (d) Maintain a cleaning and disinfection program;
  - (e) Ensure that all equines on the premises without valid negative EIA test certificates shall have a blood sample drawn for EIA testing by the approved market veterinarian at the owner's expense prior to the sale;
  - (f) Ensure that all horses be identified by a back tag or other official ID tag, with each horse's color, sex, breed, age, and back tag number, which shall be recorded by sales staff;
  - (g) Maintain on file for at least twelve (12) months, complete records of the origin and destination of each equine going through the sale. These records shall be made available to the department upon request. Records shall include:
    1. Identification of each equine sold that meets the requirements as established in paragraph (e) of this subsection; and
    2. The premises of origin address for the equine, the name and address for the seller, and the name and address for the buyer. A driver's license or other valid identification shall be used to verify complete address of both the buyer and seller of each equine;
  - (h) Post notices announcing that equines are being sold without proof of negative testing for EIA in visible locations throughout the market and sale area; and
  - (i) Arrange for a licensed and accredited veterinarian, approved by the OSV as the equine market veterinarian, to implement the provisions established in Section 3 of this administrative regulation.
- (2) Veterinary Duties. The equine market veterinarian shall:
  - (a) Submit of the form titled Responsibilities of the Equine Market Veterinarian to the OSV and be approved by the OSV.
  - (b) Visually inspect each equine for clinical evidence of communicable diseases prior to the equine leaving the sales premises and report the presence of any communicable disease condition to the State Veterinarian or an authorized representative;

- (c) Provide direct supervision for the collection of required blood samples from each eligible equine and for the recording of corresponding identification of each sample; and
- (d) Cooperate with state-federal inspectors, and sale management, in carrying out all applicable laws and regulations governing the sale and movement of equines.

Section 18. Material Incorporated by Reference.

- (1) The following material is incorporated by reference:
  - (a) "CVI", 2019;
  - (b) "CVI Reconsignment Form", 2019;
  - (c) "Form VS 10-11", 2019;
  - (d) "EIA Test Form", 2019;
  - (e) "Import Mare Agreement Form", 2019;
  - (f) "Import Mare Pregnancy and Schedule Form", 2019;
  - (g) "Import Mare Worksheet Form", 2019;
  - (h) "Import Stallion Worksheet Form", 2019;
  - (i) "Import Stallion Agreement Form and CEM Imported Stallion Worksheet Form", 2019; and
  - (j) "Responsibilities of the Equine Market Veterinarian", 2019.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Agriculture, Division of Animal Health, 111 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (46 Ky.R. 2366, 2904; eff. 7-9-2020.)