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HOUSE BILL NO. 1525

Offered January 18, 2008

A BILL to amend and reenact § 3.1-726 of the Code of Virginia, relating to infectious animal diseases.

Patrons—Gear and Hull; Senators: Martin and Wagner

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That § 3.1-726 of the Code of Virginia is amended and reenacted as follows:**

§ 3.1-726. Contagious and infectious diseases; presence of biological residues; eradication and prevention.

A. The diseases known as tuberculosis, foot and mouth disease, anthrax, Bang's abortion disease, hemorrhagic septicemia, Texas fever, hog cholera, cattle scab, sheep scab, pullorum disease and all such other diseases of livestock and poultry, whether or not of similar character, as may be found to be of a contagious and infectious nature, shall be classed as contagious and infectious diseases of livestock and poultry, and such measures shall be taken by the Board or its authorized veterinarian as to them may seem necessary, to eradicate and prevent the spread of such diseases. The Board may adopt such regulations as may be necessary to effectuate the purposes of this article. The Board and the Commissioner are also authorized to make the regulations adopted under this article conform, insofar as practicable, to those regulations adopted under federal statutes governing animal health. *Any scrapie regulations for goats and sheep adopted by the Board shall limit intrastate identification, reporting, and movement restrictions to infected and source flocks and high-risk animals.*

B. The Commissioner may adopt by reference any federal regulation adopted pursuant to any federal statute relating to animal health, including, but not limited to, 21 U.S.C. §§ 111-113, 115, 117, 120, 123-126, 134a, 134b, and 134f; the Animal Industry Act; the Cattle Contagious Diseases Act; and the Animal Quarantine Act. Any regulation adopted by the Commissioner pursuant to this subsection shall be effective upon filing with the Registrar of Regulations, who shall publish the regulation as a final regulation in the Virginia Register of Regulations.

The regulation shall contain a preamble stating that the Board will receive, consider and respond to a petition by any interested person at any time with respect to reconsideration or revision of such regulation. Neither the requirements of the Administrative Process Act (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption of any regulation by the Commissioner pursuant to this subsection.

C. The Board, after giving notice in the Virginia Register of Regulations, may reconsider the regulation adopted by the Commissioner. If, upon reconsideration, the Board determines that the regulation should be revised other than as authorized by subsection B of this section, the Board may amend the regulation only as authorized by the Administrative Process Act.

D. The Board of Agriculture and Consumer Services may use the powers granted by this article to abate the presence of biological residues in or on livestock or poultry. Biological residues shall mean those substances remaining in or on any animal prior to or at the time of slaughter as the result of treatment or exposure which are determined by the Board of Agriculture and Consumer Services to be or to have the potential for being injurious to the health of humans or animals.

INTRODUCED

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