

DEPARTMENT OF ENVIRONMENTAL CONSERVATION



18 AAC 36

ANIMAL HEALTH

Amended as of November 7, 2017

Bill Walker
Governor

Larry Hartig
Commissioner

THE REGULATIONS REPRODUCED HERE HAVE BEEN PROVIDED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AS A PUBLIC COURTESY. WHILE EVERY EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THEIR REPRODUCED VERSION, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION CANNOT GUARANTEE ITS ABSOLUTE ACCURACY. PAPER COPIES OF THE REGULATIONS AS ORIGINALLY FILED BY THE LIEUTENANT GOVERNOR ARE AVAILABLE FROM THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

THE REGULATIONS HAVE AN EFFECTIVE DATE OF NOVEMBER 7, 2017, ARE IN REGISTER 224, AND WILL APPEAR IN OFFICIAL PUBLISHED FORM IN THE JANUARY 2018 SUPPLEMENT TO THE ALASKA ADMINISTRATIVE CODE.

Chapter 36. Animal Health.

Article

1. General Animal Health Requirements (18 AAC 36.001 - 18 AAC 36.065)
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Editor's note: The adoption, amendment, and repeal of regulations in this chapter on March 24, 2017 include a reorganization of the specific requirements for importation of various animal species. As a result, some provisions of this chapter were repealed and new sections on the same subject matter adopted elsewhere in this chapter. The history notes for the new sections do not reflect the history of the repealed sections.

The regulations in this chapter, effective September 1, 1982, and distributed in Register 83, constituted a comprehensive reorganization and revision of this material. They replaced regulations in 11 AAC 38 that were repealed simultaneously with the adoption of this chapter in accordance with Executive Order No. 51. Executive Order No. 51 transferred functions from the Department of Natural Resources to the Department of Environmental Conservation. The history line at the end of each section does not reflect the history of the replaced provisions before September 1, 1982 nor is the section numbering related to the numbering before that date.

Article 1. General Animal Health Requirements.

Section

- 001. Purpose and applicability
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- 050. (Repealed)
- 055. (Repealed)
- 060. (Repealed)
- 065. (Repealed)

18 AAC 36.001. Purpose and applicability. (a) The purpose of this chapter is to establish animal importation regulations, prevent the introduction of animal disease that could infect the state's domestic and wildlife populations, establish animal care standards, provide for quarantine, vaccination, or depopulation in the event of a disease outbreak, ensure accurate disease diagnosis, prevent the spread of infectious, contagious, communicable, and dangerous diseases affecting domestic animals within the state, and carry out state and federal animal disease control and eradication programs.

(b) The requirements of this chapter apply to a person who

- (1) imports animals and animal products into the state;
- (2) owns animals;
- (3) moves animals intrastate; or

(4) manufactures, transports, or imports veterinary biological products within the state. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.05.090 AS 03.55.100
AS 03.05.013 AS 03.45.010 AS 03.55.110

AS 03.05.040
AS 03.05.050
AS 03.05.075

AS 03.45.020
AS 03.45.030

AS 03.55.130
AS 03.55.190

18 AAC 36.005. Prohibited acts. (a) A person may not, unless otherwise authorized under this chapter, import an animal that

(1) is affected with an infectious, contagious, or communicable disease;

(2) is known by that person to have been exposed to an infectious, contagious, or communicable disease in the last 30 days; or

(3) originates from a quarantine area as designated by another state, the federal government, or a foreign country.

(b) Unless exempted under 18 AAC 36.020, a person who imports an animal listed in 18 AAC 36.010(a) must obtain an importation permit under 18 AAC 36.010 and a health certificate or certificate of veterinary inspection under 18 AAC 36.015 before importing the animal into the state. The importation permit and health certificate or certificate of veterinary inspection must be attached to the waybill for the animal and must accompany the animal or be in the possession of the driver of the vehicle transporting the animal or the person responsible for the animal under 18 AAC 36.010(b)(1). (Eff. 9/1/82, Register 83; am 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.010 AS 03.45.030
AS 03.45.020

18 AAC 36.010. Importation permit. (a) If a person intends to import into the state one or more animals in one or more of the following classifications, a person must obtain a separate importation permit for each of the following classifications, but may obtain a single permit for one or more animals that fall within the same classification if the person provides for each animal the information required under this section:

(1) an equine;

(2) cattle, bison, or yak;

(3) a goat;

(4) a sheep;

- (5) a swine;
- (6) a dog, cat, or ferret that originates from an area under rabies quarantine;
- (7) poultry or hatching eggs;
- (8) a cervid;
- (9) a camelid, as allowed by the Board of Game under 5 AAC 92.029.

(b) An application submitted under this section must identify

(1) the name, address, and contact information of the person who

(A) is importing the animal; and

(B) will be responsible for the animal in this state, if that person is different from the person under (A) of this paragraph;

(2) the age, sex, and breed of each animal to which the importation permit will apply;

(3) the physical address or point of origin of the shipment;

(4) the physical address of the destination of the shipment;

(5) the proposed method of transportation from the point of origin to the destination; and

(6) other information the state veterinarian may require, including vaccination history, exposure to disease, and identification of the animal such as an ear tag, tattoo, or microchip information.

(c) The state veterinarian may, if the state veterinarian determines that it does not threaten animal or public health, issue an importation permit. The importation permit number issued must be affixed to the health certificate or certificate of veterinary inspection described in 18 AAC 36.015 and identified on any other official document as "Alaska Permit No. _____."

(d) An importation permit is valid for 30 days after issuance and may not be transferred. (Eff. 9/1/82, Register 83; am 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.010 AS 03.45.030
AS 03.45.020

18 AAC 36.015. Importation health certificate or certificate of veterinary inspection.

(a) Except as provided in 18 AAC 36.020, a person who intends to import any animal into the state shall obtain a health certificate or certificate of veterinary inspection from a licensed and accredited veterinarian in the state or country of origin. The health certificate or certificate of veterinary inspection must contain

- (1) the name, address, and contact information of the person who
 - (A) is importing the animal; and
 - (B) will be responsible for the animal in this state, if that person is different from the person under (A) of this paragraph;
- (2) the physical address or point of origin of the shipment;
- (3) the physical address of the destination of the shipment;
- (4) a certification that each animal to which the health certificate or certificate of veterinary inspection applies is free from clinical evidence of infectious, contagious, or communicable disease or known recent exposure to such a disease;
- (5) an accurate description of each animal shipped, including
 - (A) breed, sex, age, color, and markings; and
 - (B) any brand or official animal identification number, ear tag or tattoo number, or microchip information;
- (6) the dates and records of required tests or vaccinations;
- (7) the date and place of examination;
- (8) the name, contact information, and signature of the licensed and accredited veterinarian in the state or country of origin who is certifying the accuracy of the information on the health certificate or certificate of veterinary inspection dated before the animal is imported; and
- (9) the additional information required for

- (A) an equine under 18 AAC 36.105;
- (B) cattle, bison, or yak under 18 AAC 36.115;
- (C) a goat under 18 AAC 36.125;
- (D) a sheep under 18 AAC 36.135;
- (E) a swine under 18 AAC 36.145;
- (F) a dog, cat, or ferret under 18 AAC 36.155;
- (G) poultry or hatching eggs under 18 AAC 36.165;
- (H) a cervid under 18 AAC 36.175; and
- (I) a camelid under 18 AAC 36.185.

(b) A health certificate or certificate of veterinary inspection is valid for 30 days after issuance.

(c) A veterinarian who writes a health certificate or certificate of veterinary inspection for import shall provide one copy of the health certificate or certificate of veterinary inspection to the state veterinarian. (Eff. 9/1/82, Register 83; am 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.010 AS 03.45.030
AS 03.45.020

Editor's note: Contact information for the Office of the State Veterinarian can be found at www.dec.alaska.gov/eh/vet/index.htm.

18 AAC 36.016. Exportation health certificates. (a) A veterinarian in this state must obtain or purchase health certificates for export from the department or a source approved by the department.

- (b) A veterinarian in this state, when issuing a health certificate for export, shall provide
 - (1) one copy of the health certificate to the person who is exporting the animal;
 - (2) one copy to the state veterinarian; and

(3) one copy to the state or country of destination, as required. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030
AS 03.45.010

18 AAC 36.020. Immediate slaughter exemption. A person who intends to import an animal into the state is not required to obtain a health certificate or certificate of veterinary inspection described in 18 AAC 36.015 if that animal is imported for immediate slaughter and

- (1) an importation permit obtained under 18 AAC 36.010 accompanies the animal shipment;
- (2) the waybill that accompanies the animal shipment states that the animal is for immediate slaughter;
- (3) the animal is consigned to an official USDA-approved slaughter establishment operating under state or federal inspection;
- (4) the animal shipment is shipped directly to the consigned slaughter establishment; and
- (5) the animal will be slaughtered within 10 days after arrival at the consigned slaughter establishment except if the state veterinarian grants a time extension under this paragraph; a request for a time extension must be in writing to the state veterinarian and must include

- (A) the name and contact information of the person making the request;
- (B) the number of animals and their official animal identification numbers;
- (C) the number of additional days requested; and
- (D) the reason for the request. (Eff. 9/1/82, Register 83; am 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.010 AS 03.45.030
AS 03.45.020

18 AAC 36.025. Vehicles. A person who provides a truck, trailer, car, railway car, aircraft, vessel, or other vehicle used to transport animals shall ensure that the vehicle is

- (1) appropriate for the species and number of animals being transported;
- (2) free from any hazards that may injure the animal; and
- (3) maintained in a sanitary condition. (Eff. 9/1/82, Register 83; am 3/24/2017,

Register 221)

Authority: AS 03.05.011 AS 03.45.010 AS 03.45.030
AS 03.45.020

18 AAC 36.030. Quarantine. (a) The state veterinarian may, if the veterinarian determines it serves the interests of animal or public health, order an animal quarantined if the animal

(1) enters the state without the importation permit required under 18 AAC 36.010 or health certificate or certificate of veterinary inspection described in 18 AAC 36.015; or

(2) exhibits clinical evidence of an infectious, contagious, or communicable disease.

(b) The owner must quarantine the animal at the owner's expense until the state veterinarian releases the animal from quarantine or orders the animal euthanized, slaughtered, or destroyed. (Eff. 9/1/82, Register 83; am 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.05.050 AS 03.45.020
AS 03.05.013 AS 03.45.030 AS 03.45.010

18 AAC 36.035. Equines. Repealed. (Eff. 9/1/82, Register 83; repealed 3/24/2017, Register 221)

18 AAC 36.040. Cattle and bison. Repealed. (Eff. 9/1/82, Register 83; repealed 3/24/2017, Register 221)

18 AAC 36.045. Goats. Repealed. (Eff. 9/1/82, Register 83; repealed 3/24/2017, Register 221)

18 AAC 36.050. Sheep. Repealed. (Eff. 9/1/82, Register 83; repealed 3/24/2017, Register 221)

18 AAC 36.055. Swine. Repealed. (Eff. 9/1/82, Register 83; repealed 3/24/2017, Register 221)

18 AAC 36.060. Dogs and cats. Repealed. (Eff. 9/1/82, Register 83; repealed 3/24/2017, Register 221)

18 AAC 36.065. Poultry and hatching eggs. Repealed. (Eff. 9/1/82, Register 83; repealed 3/24/2017, Register 221)

Article 2. Specific Importation Requirements.

Section

- 100. (Repealed)
- 105. Equines
- 110. (Repealed)
- 115. Cattle, bison, and yak
- 120. (Repealed)
- 125. Goats
- 130. (Repealed)
- 135. Sheep
- 145. Swine
- 155. Dogs, cats, and ferrets
- 165. Poultry and hatching eggs
- 175. Cervids
- 185. Camelids

18 AAC 36.100. Cattle. Repealed. (Eff. 9/1/82, Register 83; repealed 3/24/2017, Register 221)

18 AAC 36.105. Equines. In addition to meeting the requirements of 18 AAC 36.010 - 18 AAC 36.015, a person who intends to import equines six months of age or older into the state shall ensure that the health certificate or certificate of veterinary inspection includes certification that, not earlier than 180 days before importation, each equine tested negative for equine infectious anemia at a laboratory approved by the USDA. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030
 AS 03.45.010

Editor's note: The subject matter addressed in 18 AAC 36.105 was formerly addressed in 18 AAC 36.035. The history for 18 AAC 36.105 does not include the history of the earlier section.

18 AAC 36.110. Goats. Repealed. (Eff. 9/1/82, Register 83; repealed 3/24/2017, Register 221)

18 AAC 36.115. Cattle, bison, and yak. (a) In addition to meeting the requirements of 18 AAC 36.010 - 18 AAC 36.015, a person who intends to import cattle, bison, or yak into the state shall ensure that the health certificate or certificate of veterinary inspection includes certification that each animal

(1) originates from a herd

(A) in a state or country designated by the USDA as free of brucellosis and tuberculosis; or

(B) from a brucellosis surveillance area designated by another state;

(2) is free of ectoparasites or has been treated for ectoparasites not earlier than 10 days before importation with an insecticide or medication approved by the USDA, FDA, or EPA, as appropriate; and

(3) is identified with official animal identification.

(b) Cattle from a brucellosis surveillance area designated by another state must test negative for brucellosis not earlier than 30 days before importation.

(c) Cattle older than six months of age must test negative for anaplasmosis and bluetongue not earlier than 60 days before importation.

(d) Bulls older than 18 months of age must test negative for trichomoniasis not earlier than 60 days before importation.

(e) The state veterinarian may, if the state veterinarian determines that testing serves the interests of animal or public health, require the owner of imported cattle, bison, or yak to

(1) retest each imported animal for brucellosis or tuberculosis not earlier than 45 days and not later than 120 days after arrival in the state; and

(2) if one or more animals are selected for retesting, keep each animal isolated from other resident livestock until retests are confirmed negative or the state veterinarian approves release of the animal. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030
AS 03.45.010

Editor's note: The USDA approves biological medications, the FDA approves parenteral medications, and the EPA approves topical medications.

The subject matter addressed in 18 AAC 36.115 was formerly addressed in 18 AAC 36.040. The history for 18 AAC 36.115 does not include the history of the earlier section.

18 AAC 36.120. Equines; equine infectious anemia testing. Repealed. (Eff. 9/1/82, Register 83; am 2/19/93, Register 125; repealed 3/24/2017, Register 221)

18 AAC 36.125. Goats. (a) In addition to meeting the requirements of 18 AAC 36.010 - 18 AAC 36.015, a person who intends to import a goat into the state shall ensure that the health certificate or certificate of veterinary inspection includes certification that each goat

(1) originates from a state or country designated by the USDA as free of brucellosis and tuberculosis;

(2) is not a scrapie suspect, an exposed animal, a high-risk animal, or a flock mate from a scrapie-infected, source, or exposed flock;

(3) is free of ectoparasites or has been treated for ectoparasites not earlier than 10 days before importation with an insecticide or medication approved by the USDA, FDA, or EPA, as appropriate; and

(4) is identified with official animal identification.

(b) The state veterinarian may, if the state veterinarian determines that testing serves the interests of animal or public health, require the owner of an imported goat to

(1) retest the imported goat for brucellosis or tuberculosis not earlier than 45 days and not later than 120 days after its arrival in the state; and

(2) if the goat is selected for retesting, keep the goat isolated from other resident livestock until retests are confirmed negative or the state veterinarian approves release of the goat. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030
AS 03.45.010

Editor's note: The USDA approves biological medications, the FDA approves parenteral medications, and the EPA approves topical medications.

The subject matter addressed in 18 AAC 36.125 was formerly addressed in 18 AAC 36.045. The history for 18 AAC 36.125 does not include the history of the earlier section.

18 AAC 36.130. Reports and forms required. Repealed. (Eff. 9/1/82, Register 83; repealed 3/24/2017, Register 221)

18 AAC 36.135. Sheep. (a) In addition to meeting the requirements of 18 AAC 36.010 - 18 AAC 36.015, a person who intends to import a sheep into the state shall ensure that the health certificate or certificate of veterinary inspection includes certification that each sheep

(1) originates from a USDA-certified scrapie-free flock, or if not from a USDA-certified scrapie-free flock, has been genetically tested and shows "QR" or "rRR" at the 171 codon or "AA" at codon 136;

(2) is not a scrapie suspect, an exposed animal, a high-risk animal, or a flock mate from a scrapie-infected, source, or exposed flock;

(3) if a breeding ram, originates from a brucellosis-free herd or has tested negative for *Brucellosis ovis* not earlier than 60 days before importation;

(4) is free of ectoparasites or has been treated for ectoparasites not earlier than 10 days before importation with an insecticide or medication approved by the USDA, FDA, or EPA, as appropriate; and

(5) is identified with official animal identification.

(b) Sheep older than six months of age must test negative for bluetongue not earlier than 60 days before importation.

(c) The owner shall ensure that each ram imported into the state is identified with a flock identification number not later than 60 days after entry into the state.

(d) The state veterinarian may, if the state veterinarian determines that testing serves the interests of animal or public health, require the owner of an imported sheep to

(1) retest the imported sheep for brucellosis not earlier than 45 days and not later than 120 days after its arrival in the state; and

(2) if the sheep is selected for retesting, keep the sheep isolated from other resident livestock until retests are confirmed negative or the state veterinarian approves release of the sheep. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030
AS 03.45.010

Editor's note: The USDA approves biological medications, the FDA approves parenteral medications, and the EPA approves topical medications.

The subject matter addressed in 18 AAC 36.135 was formerly addressed in 18 AAC 36.050. The history for 18 AAC 36.135 does not include the history of the earlier section.

18 AAC 36.145. Swine. (a) In addition to meeting the requirements of 18 AAC 36.010 - 18 AAC 36.015, a person who intends to import swine into the state shall ensure that the health certificate or certificate of veterinary inspection includes certification that each swine

(1) originates from a state or country that has been designated by the USDA as free of brucellosis and is qualified by the USDA as pseudorabies stage IV or V, or if not from a state or country described in this paragraph, has tested negative for brucellosis and pseudorabies not earlier than 30 days before importation;

(2) will be reinspected not earlier than 10 days before shipment by a licensed and accredited veterinarian in the state or country of origin; and

(3) is identified with official animal identification.

(b) A person may not import a swine into the state if that swine

(1) originates from a state in which there is a quarantine for swine disease imposed by the USDA or a state animal health official;

(2) originates from a country in which there is a quarantine for swine disease imposed by the USDA;

(3) is vaccinated for pseudorabies;

(4) has been fed raw garbage at any time; or

(5) is feral.

(c) The state veterinarian may, if the state veterinarian determines that testing serves the interests of animal or public health, require the owner of an imported swine to

(1) retest the imported swine for brucellosis or pseudorabies not earlier than 45 days and not later than 120 days after its arrival in the state; and

(2) if the swine is selected for retesting, keep the swine isolated from other resident livestock until retests are confirmed negative or the state veterinarian approves release of the swine. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030
AS 03.45.010

Editor's note: The subject matter addressed in 18 AAC 36.145 was formerly addressed in 18 AAC 36.055. The history for 18 AAC 36.145 does not include the history of the earlier section.

18 AAC 36.155. Dogs, cats, and ferrets. In addition to meeting the requirements of 18 AAC 36.010 - 18 AAC 36.015, a person who intends to import a dog, cat, or ferret into the state shall ensure that each animal is accompanied by a current rabies certificate that complies with the requirements under 7 AAC 27.022. If the initial rabies vaccination was administered later than 30 days before import, the owner or custodian shall confine the animal for the balance of the 30 days. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030
AS 03.45.010

Editor's note: The subject matter addressed in 18 AAC 36.155 was formerly addressed in 18 AAC 36.060. The history for 18 AAC 36.155 does not include the history of the earlier section.

18 AAC 36.165. Poultry and hatching eggs. (a) In addition to meeting the requirements of 18 AAC 36.010 - 18 AAC 36.015, a person who intends to import poultry or hatching eggs into the state shall ensure that the health certificate or certificate of veterinary inspection includes certification that the poultry or hatching eggs

(1) originate from a flock that tested negative for pullorum and typhoid disease;
or

(2) were produced in compliance with

(A) 9 C.F.R. 145.1 - 145.54 (national poultry improvement plan for breeding poultry), adopted by reference in 18 AAC 36.920;

(B) 9 C.F.R. 147.1 - 147.48 (auxiliary provisions of national poultry improvement plan), adopted by reference in 18 AAC 36.920; and

(C) the *National Poultry Improvement Plan Program Standards*, adopted by reference in 18 AAC 36.920.

(b) A complete APHIS VS Form 9-3, *Report of Sales of Hatching Eggs, Chicks, and Poults*, may be substituted for the health certificate or certificate of veterinary inspection described in (a) of this section. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030
 AS 03.45.010

Editor's note: The subject matter addressed in 18 AAC 36.165 was formerly addressed in 18 AAC 36.065. The history for 18 AAC 36.165 does not include the history of the earlier section.

APHIS VS Form 9-3, *Report of Sales of Hatching Eggs, Chicks, and Poults*, referred to in 18 AAC 36.165(b), is available for download at the following Internet address:
https://www.aphis.usda.gov/animal_health/vet_accreditation/nvap_modules/NPIP/NPIP/Assets/VS%20Form%209-3.pdf.

18 AAC 36.175. Cervids. (a) In addition to meeting the requirements of 18 AAC 36.010 - 18 AAC 36.015, a person who intends to import a cervid into the state shall ensure that the health certificate or certificate of veterinary inspection includes certification that each cervid

(1) originates from a herd designated by a state as free of brucellosis and tuberculosis or has tested negative for brucellosis and tuberculosis not earlier than 60 days before importation;

(2) for 60 months before shipment, has not resided within 10 miles of a cervid diagnosed with chronic wasting disease;

(3) originates from a herd that participates in a USDA or state chronic wasting disease herd certification program and has achieved five-year chronic wasting disease certified status before shipment;

(4) is free of ectoparasites or was treated for ectoparasites not earlier than 10 days before importation with an insecticide or medication approved by the USDA, FDA, or EPA, as appropriate;

(5) has received not earlier than 20 days before importation an appropriate anthelmintic medication approved by the USDA, FDA, or EPA, as appropriate; and

(6) does not originate from, and has not ever been located, east of 97° west longitude in the United States or Canada.

(b) The state veterinarian may, if the state veterinarian determines that testing serves the interests of animal or public health, require an owner of an imported cervid to

(1) retest the imported cervid for brucellosis or tuberculosis not earlier than 45 days and not later than 120 days after its arrival in the state; and

(2) if the cervid is selected for retesting, keep the cervid isolated from other resident livestock until retests are confirmed negative or the state veterinarian approves release of the animal.

(c) Except as provided in this section, a person may not import any whole or partial cervid carcasses. Carcass parts from Cervidae that may be imported are

(1) de-boned or processed meat that has been cut and wrapped commercially or privately;

(2) quarters or other meat portions with no spinal column, including dorsal root ganglion, or head attached;

(3) hides with no head attached;

(4) clean and disinfected skull plates or whole skull (European mount), with no meat or nervous tissue attached;

(5) antlers with no meat or tissue attached;

(6) teeth; and

(7) taxidermy mounts or trophies.

(d) A person who is notified that a carcass imported into the state tested positive for chronic wasting disease shall report these findings to the state veterinarian not later than seven days after receiving notification. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.010 AS 03.45.030
AS 03.05.075 AS 03.45.020

Editor's note: The USDA approves biological medications, the FDA approves parenteral medications, and the EPA approves topical medications.

18 AAC 36.185. Camelids. In addition to meeting the requirements of 18 AAC 36.010 - 18 AAC 36.015, a person who intends to import a camelid into the state shall ensure that the health certificate or certificate of veterinary inspection includes certification that each camelid

(1) originates from a state or country designated by the USDA as free of brucellosis and tuberculosis or has tested negative for brucellosis and tuberculosis not earlier than 60 days before importation;

(2) is free of ectoparasites or was treated for ectoparasites not earlier than 10 days before importation with an insecticide or medication approved by the USDA, FDA, or EPA, as appropriate; and

(3) is identified by a tattoo, ear tag, USDA-approved hairclip, or microchip information. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030
AS 03.45.010

Editor's note: The USDA approves biological medications, the FDA approves parenteral medications, and the EPA approves topical medications.

Article 3. Disease Control.

Section

- 200. (Repealed)
- 205. Animal testing
- 209. Animal quarantine and depopulation
- 210. (Repealed)
- 215. Disease identification and reporting
- 220. Emergency appointment of private individuals for disease control activities
- 225. Equine infectious anemia
- 235. Brucellosis and tuberculosis eradication; cattle, bison, and yak
- 240. Ruminants used for cheese production
- 245. Scrapie in sheep and goats
- 255. Pseudorabies in swine
- 260. Brucellosis in swine
- 265. Johne's disease
- 275. Brucellosis in captive cervids
- 280. Tuberculosis in captive cervids
- 285. Chronic wasting disease in captive cervids
- 290. Animal feed recalls
- 295. Animal identification systems

18 AAC 36.200. Manufacture and importation restrictions. Repealed. (Eff. 9/1/82, Register 83; repealed 3/24/2017, Register 221)

18 AAC 36.205. Animal testing. (a) When animals are to be tested by the state veterinarian, the animal owner shall ensure that

- (1) they are presented in a confined manner;
- (2) facilities are provided and used to assure convenient and safe examination and testing activities; these facilities may include corrals, chutes, and stanchions; and
- (3) animals are handled by the owner during test activities.

(b) Testing by a laboratory of samples collected under this section shall be conducted at the owner's expense.

(c) Only a veterinarian licensed under AS 08.98 may collect a sample for laboratory testing that is required under this chapter. A veterinarian's services under this subsection are at the owner's expense. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.05.040 AS 03.45.020
AS 03.05.013 AS 03.45.010 AS 03.45.030

18 AAC 36.209. Animal quarantine and depopulation. (a) Owners of animals designated for quarantine or depopulation shall

(1) maintain the animals in the quarantine area or holding site designated by the state veterinarian in accordance with 18 AAC 36.500 - 18 AAC 36.540 (animal care standards);

(2) maintain the animals at the owners' own expense;

(3) allow access to the animals and property for purposes of observation, testing, and destruction as the department determines necessary for disease control; and

(4) allow for disposal of the animals; disposal may include burial of the animals on the owners' property if the department determines it appropriate.

(b) Owners may not attempt to move any animals out of a designated quarantine area without permission from the state veterinarian. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.05.040 AS 03.45.010
AS 03.05.013 AS 03.05.050 AS 03.45.020

18 AAC 36.210. Use restrictions. Repealed. (Eff. 9/1/82, Register 83; repealed 3/24/2017, Register 221)

18 AAC 36.215. Disease identification and reporting. (a) Any of the following persons shall report the discovery of, the existence of, or the suspected existence of a disease listed in this section within any animal in this state to the department as set out in this section:

(1) a veterinarian;

(2) the animal owner;

(3) the designated representative of a laboratory that conducts animal disease testing.

(b) A person set out in (a) of this section shall, on the day of discovery, report by telephone, electronic mail, or facsimile transmission to the state veterinarian the discovery of, the existence of, or the suspected existence of any of the following foreign or eradicated diseases:

- (1) African horse sickness;
- (2) African swine fever;
- (3) bovine spongiform encephalopathy;
- (4) caprine and ovine brucellosis;
- (5) classical swine fever (hog cholera);
- (6) contagious bovine pleuropneumonia;
- (7) contagious equine metritis;
- (8) contagious agalactia;
- (9) contagious caprine pleuropneumonia;
- (10) dourine;
- (11) enterovirus encephalomyelitis (exotic strains);
- (12) epizootic lymphangitis;
- (13) equine piroplasmiasis;
- (14) exotic (velogenic and mesogenic strains) Newcastle disease;
- (15) foot and mouth disease;
- (16) glanders;
- (17) heartwater;
- (18) horse pox;

- (19) Japanese encephalitis;
- (20) lumpy skin disease;
- (21) malignant catarrhal fever (foreign strain);
- (22) Nairobi sheep disease;
- (23) ovine pulmonary adenomatosis;
- (24) peste des petits ruminants;
- (25) rift valley fever;
- (26) rinderpest;
- (27) salmonellosis (*Salmonella abortus ovis*);
- (28) screwworm;
- (29) pox in sheep or goats;
- (30) surra (*Trypanosoma evansi*);
- (31) theileriosis (*Theileria parva*, *T. annulata*, and other foreign species);
- (32) trypanosomiasis (*Trypanosoma congolense*, *T. vivax*, *T. brucei brucei*);
- (33) Venezuelan equine encephalomyelitis.

(c) A person set out in (a) of this section shall, on the day of discovery, report by telephone, electronic mail, or facsimile transmission to the state veterinarian the discovery of, the existence of, or the suspected existence of any of the following diseases:

- (1) anthrax;
- (2) fowl plague (highly pathogenic avian influenza);
- (3) rabies;
- (4) swine vesicular disease;

- (5) sylvatic plague;
- (6) vesicular stomatitis;
- (7) West Nile virus.

(d) A person set out in (a) of this section shall, at least the next working day after discovery, report by telephone, electronic mail, or facsimile transmission to the state veterinarian the discovery of, the existence of, or the suspected existence of any of the following diseases:

- (1) brucellosis where there is
 - (A) positive serology;
 - (B) abortion; or
 - (C) bacterial culture;
- (2) contagious ecthyma where there are
 - (A) clinical signs; or
 - (B) virus isolation;
- (3) chronic wasting disease where there are
 - (A) clinical signs;
 - (B) histopathology; or
 - (C) chemical histopathology;
- (4) eastern or western equine encephalitis where there are
 - (A) clinical signs;
 - (B) histopathology; or
 - (C) positive serology with increasing titer;

- (5) fowl typhoid where there is
 - (A) bacterial culture; or
 - (B) positive serology;
- (6) infectious coryza where there are
 - (A) clinical signs;
 - (B) bacterial culture; or
 - (C) positive serology;
- (7) laryngotracheitis where there are
 - (A) clinical signs;
 - (B) viral culture; or
 - (C) positive serology;
- (8) Lyme disease where there are
 - (A) clinical signs; or
 - (B) positive serology;
- (9) ornithosis or psittacosis in birds where there is
 - (A) bacterial culture;
 - (B) positive serology; or
 - (C) other positive laboratory diagnostic tests;
- (10) pullorum disease (*Salmonella Pullorum*) where there is
 - (A) bacterial culture; or
 - (B) positive serology;

- (11) Potomac horse fever where there are
 - (A) clinical signs; or
 - (B) positive serology;
- (12) pseudorabies where there is positive serology;
- (13) scrapie where there are
 - (A) clinical signs;
 - (B) histopathology; or
 - (C) chemical histopathology;
- (14) tuberculosis where there are
 - (A) clinical signs or history of exposure;
 - (B) responses to a tuberculin test;
 - (C) granuloma submitted to a laboratory as a possible tuberculosis lesion;
 - (D) acid fast organisms not identified as Johne's or benign types;
 - (E) bacterial culture positive for *Mycobacterium tuberculosis*, *M. bovis*, or *M. avium* in a mammal; or
 - (F) other laboratory tests positive for *Mycobacterium tuberculosis*, *M. bovis*, or *M. avium* in a mammal;
- (15) tularemia where there are
 - (A) clinical signs;
 - (B) serology; or
 - (C) bacterial culture.

(e) A person set out in (a) of this section shall, not later than the fifth working day of each month, report to the state veterinarian the first case of any of the following diseases as diagnosed by a laboratory performing testing or diagnostic procedures on any animal during the previous month:

- (1) anaplasmosis;
- (2) atrophic rhinitis;
- (3) avian infectious bronchitis;
- (4) avian tuberculosis;
- (5) babesiosis;
- (6) blue tongue;
- (7) bovine genital campylobacteriosis;
- (8) caprine arthritis encephalitis;
- (9) cysticercosis;
- (10) dermatophilosis (*Dermatophilus congolensis*);
- (11) duck viral enteritis;
- (12) duck viral hepatitis;
- (13) echinococcosis (hydatidosis);
- (14) enzootic abortion of ewes (ovine psittacosis, *Chlamydia psittaci*);
- (15) enzootic bovine leukosis;
- (16) equine infectious anemia;
- (17) equine influenza (virus type A);
- (18) equine rhinopneumonitis (1 and 4);
- (19) equine viral arteritis;

- (20) fowl cholera (*Pasteurella multocida*);
- (21) fowl pox;
- (22) hemorrhagic septicemia (*Pasteurella multocida*);
- (23) horse mange;
- (24) infectious bursal disease (gumboro disease);
- (25) infectious bovine rhinotracheitis or infectious pustular vulvovaginitis;
- (26) infectious hematopoietic necrosis;
- (27) leptospirosis;
- (28) maedi-visna virus or ovine progressive pneumonia;
- (29) Marek's disease;
- (30) mycoplasmosis (*Mycoplasma gallisepticum*);
- (31) ovine epididymitis (*Brucella ovis*);
- (32) paratuberculosis (Johne's disease);
- (33) porcine reproductive and respiratory syndrome;
- (34) Q Fever (*Coxiella burnetti*);
- (35) transmissible gastroenteritis;
- (36) trichomoniasis.

(f) A person set out in (a) of this section shall, not later than the 10th working day of each month, report to the state veterinarian the first case of any of the following diseases where there are clinical signs or as diagnosed by a laboratory performing testing or diagnostic procedures on any animal during the previous month:

- (1) Aleutian disease in mink;
- (2) atrophic rhinitis;

- (3) blackleg;
- (4) bovine viral diarrhea;
- (5) botulism;
- (6) campylocateriosis;
- (7) coccidiosis (clinical cases only);
- (8) distemper in dogs or mink;
- (9) edema disease;
- (10) equine protozoal myeloencephalitis;
- (11) equine viral rhinopneumonia;
- (12) erysipelas;
- (13) heartworm;
- (14) histoplasmosis;
- (15) influenza in swine or equines;
- (16) leptospirosis;
- (17) bovine leukosis;
- (18) listeriosis;
- (19) malignant edema in equines or cattle;
- (20) malignant catarrhal fever;
- (21) mycotic stomatitis;
- (22) infectious mastitis in cattle or goats;
- (23) Newcastle disease (lentogenic or low pathogenic strain);

- (24) salmonellosis, including
 - (A) *Salmonella paratyphi*, *S. enteritidis*, and *S. typhimurium* in poultry;
 - (B) DT 104, *S. dublin*, and *S. newport* in cattle; and
 - (C) any salmonella outbreaks in equines;
- (25) scabies in swine or other small animals (nonotodectic mange);
- (26) strangles (confirmed *Streptococcus equi*);
- (27) tetanus (*Clostridium tetani*);
- (28) transmissible encephalopathy in mink;
- (29) toxoplasmosis.

(g) The department may request a report on an animal disease other than those listed in this section for statistical purposes to assist with disease control measures if the department determines that the reporting serves the interests of animal or public health.

(h) A veterinarian may report any other disease if the veterinarian determines that the reporting assists disease control measures or serves the interests of animal or public health.

(i) Case definitions for the diseases listed in this section are included in the World Organisation for Animal Health's (OIE) *Terrestrial Animal Health Code*, 25th edition, 2016, adopted by reference. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030
AS 03.45.010

Editor's note: The *Terrestrial Animal Health Code*, adopted by reference in 18 AAC 36.215, is available for viewing at the Department of Environmental Conservation, Office of the State Veterinarian in Anchorage. Copies may also be obtained from the World Organisation for Animal Health (OIE) at <http://www.oie.int/international-standard-setting/terrestrial-code/access-online/> or by requesting a copy from OIE at 12 rue de Prony 75017 Paris, France; telephone: + 33 (0) 1 44 15 18 88; or by electronic mail at oie@oie.int.

18 AAC 36.220. Emergency appointment of private individuals for disease control activities. The commissioner may designate private veterinarians or other persons to assist in disease control activities in an emergency situation when extra personnel resources are needed to manage the situation. Those designees shall

(1) take directions from the state veterinarian or the state veterinarian's designee; and

(2) be licensed and accredited veterinarians if they are involved in an animal health emergency or a disease investigation, such as collecting samples or performing diagnostic tests. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.05.013

18 AAC 36.225. Equine infectious anemia. Equine infectious anemia disease control activities in this state will be conducted in accordance with *Equine Infectious Anemia: Uniform Methods and Rules*, adopted by reference in 18 AAC 36.920. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.010 AS 03.45.020

18 AAC 36.235. Brucellosis and tuberculosis eradication; cattle, bison, and yak. (a) Brucellosis disease control activities relating to cattle, bison, and yak in this state will be conducted in accordance with *Brucellosis Eradication: Uniform Methods and Rules*, adopted by reference in 18 AAC 36.920.

(b) Tuberculosis disease control activities relating to cattle, bison, and yak in this state will be conducted in accordance with *Bovine Tuberculosis Eradication Uniform Methods and Rules*, adopted by reference in 18 AAC 36.920. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030
AS 03.45.010

18 AAC 36.240. Ruminants used for cheese production. Goats and other ruminants milked for commercial cheese production must test negative for brucellosis, tuberculosis, and any other disease the state veterinarian may designate as harmful to public health. Additions to the herd must meet the requirements of this section not earlier than 30 days before introduction into the herd. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.010 AS 03.45.020

18 AAC 36.245. Scrapie in sheep and goats. Scrapie disease control activities relating to sheep and goats in this state will be conducted in accordance with *Scrapie Eradication Uniform Methods and Rules*, adopted by reference in 18 AAC 36.920. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.010 AS 03.45.020

18 AAC 36.255. Pseudorabies in swine. Pseudorabies disease control activities relating to swine in this state will be conducted in accordance with *Pseudorabies Eradication, State-Federal-Industry Program Standards*, adopted by reference in 18 AAC 36.920. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.010 AS 03.45.020

18 AAC 36.260. Brucellosis in swine. Brucellosis disease control activities relating to swine in this state will be conducted in accordance with *Swine Brucellosis Control/Eradication, State-Federal-Industry Uniform Methods and Rules*, adopted by reference in 18 AAC 36.920. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030
AS 03.45.010

18 AAC 36.265. Johne's disease. Johne's disease control activities will be conducted in accordance with *Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program*, adopted by reference in 18 AAC 36.920. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.010 AS 03.45.020

18 AAC 36.275. Brucellosis in captive cervids. Brucellosis disease control activities relating to captive cervids in this state will be conducted in accordance with *Brucellosis in Cervidae: Uniform Methods and Rules*, adopted by reference in 18 AAC 36.920. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.010 AS 03.45.020
AS 03.05.075

18 AAC 36.280. Tuberculosis in captive cervids. Tuberculosis disease control activities relating to captive cervids in this state will be conducted in accordance with *Bovine Tuberculosis Eradication Uniform Methods and Rules*, adopted by reference in 18 AAC 36.920. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.010 AS 03.45.020
AS 03.05.075

18 AAC 36.285. Chronic wasting disease in captive cervids. Chronic wasting disease control activities relating to captive cervids in this state will be conducted in accordance with *Chronic Wasting Disease Program Standards*, adopted by reference in 18 AAC 36.920. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.010 AS 03.45.020
AS 03.05.075

18 AAC 36.290. Animal feed recalls. (a) The department may stop the sale or feeding of animal feed that is determined to be a threat to animal or public health.

(b) The department may confiscate samples of that feed as needed for laboratory testing and analysis, without reimbursement to the owner. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011

18 AAC 36.295. Animal identification systems. (a) The department may develop and maintain a database for tracking intrastate movements of animals as needed for animal health purposes.

(b) The department will operate a voluntary premises registration program

(1) for livestock owners, veterinary clinics, and other places where livestock may gather; and

(2) that conforms to 9 C.F.R. Part 86 (animal disease traceability), adopted by reference in 18 AAC 36.920.

(c) The department may assist livestock owners with voluntary animal identification systems. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011

Article 4. Intrastate Movement.

Section

310. Cervids

18 AAC 36.310. Cervids. (a) A person who intends to transport a cervid intrastate, other than for immediate slaughter or exhibition at a fair, must first obtain an intrastate cervid movement permit from the department.

(b) An application submitted under this section must include

(1) the name and contact information of the person who

(A) is transporting the cervid; and

(B) will be responsible for the cervid while in transport, if that person is different from the person under (A) of this paragraph;

(2) the age and sex of each animal to which the intrastate cervid movement permit will apply;

(3) the physical address or point of origin of the shipment;

(4) the physical address of the destination of the shipment;

(5) the proposed method of transportation from the point of origin to the destination;

(6) certification that each cervid over six months of age has tested negative for brucellosis; and

(7) other information the state veterinarian may require, including vaccination history, exposure to disease, and identification of the animal such as an ear tag, tattoo, or microchip information.

(c) The state veterinarian may, if the state veterinarian determines that it does not threaten animal or public health, issue an intrastate cervid movement permit.

(d) An intrastate cervid movement permit is valid for 30 days after issuance and may not be transferred.

(e) Each cervid shall be identified by an ear tag, registered ear notch, tattoo, or microchip information before transport. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.010 AS 03.45.020
AS 03.05.075

Article 5. Importation and Use of Veterinary Biological Products.

Section

410. Manufacture, transport, and import of veterinary biological products

18 AAC 36.410. Manufacture, transport, and import of veterinary biological products. (a) A person may not manufacture, transport, or introduce a veterinary biological product in the state without a permit from the department. The permit application must include the

(1) name and contact information of the applicant;

(2) name and use of each product;

(3) USDA product code; and

(4) copy of the applicant's USDA-issued biologic license under 9 C.F.R.

Parts 101 - 124.

(b) The state veterinarian may, if the state veterinarian determines that it does not threaten animal or public health, issue a permit under this section with or without sale or use restrictions.

(c) The state veterinarian may revoke or suspend a permit issued under this section if the state veterinarian determines that it serves the interests of animal or public health. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.05.013

Editor's note: The subject matter addressed in 18 AAC 36.410 was formerly addressed in 18 AAC 36.200 and 18 AAC 36.210. The history for 18 AAC 36.410 does not include the history of the earlier sections.

Article 6. Animal Care Standards.

Section

- 500. General care standards
- 510. Equines
- 520. Cattle and other ruminants
- 530. Swine
- 540. Dogs

18 AAC 36.500. General care standards. (a) Determinations regarding whether the animal care standards set out in 18 AAC 36.500 - 18 AAC 36.540 are met must take into account the age, breed, type, size, physiologic condition, production level, stage of development, daily maintenance requirements necessary for that particular animal, and environmental conditions.

(b) Animals with body conditions lower than standards may be permitted for a reasonable period of time if stage or level of production, physiologic conditions, or other factors result in that appearance, during which time the animal's management is being altered to improve the condition. For purposes of assessing body condition under this subsection, "a reasonable period of time" means the amount of time it would be expected to take to restore an animal to an acceptable condition, using diligent efforts to do so.

(c) An animal may not be deprived of food or water for 24 consecutive hours, except that

(1) an animal being transported may not be deprived of food or water for 28 consecutive hours;

(2) day-old poultry may be transported without food and water, if

(A) the poultry is delivered not later than 72 hours after hatching; and

(B) food and water are provided immediately following unloading; and

(3) food may be kept from adult poultry during an induced molt for no longer than 14 days; mortality and body weight loss must be monitored daily throughout the molt; feed must be returned if the average weight loss exceeds 30 percent of pre-molt weight or if mortality increases.

(d) Sick or injured animals shall be promptly treated utilizing available medical care or humanely euthanized.

(e) Animals must be transported or housed in an area with adequate drainage and sanitation to prevent excessive buildup of feces, urine, or water. In this subsection, "excessive" means adequate to cause visible skin, foot, or hoof disease.

(f) When necessary, euthanasia must be administered in a humane manner that conforms to the American Veterinary Medical Association's (AVMA) *Guidelines for the Euthanasia of Animals: 2013 Edition*, adopted by reference. In cases where gunshot is the only practical euthanasia method to prevent possible human exposure to rabies, and preserving the brain is necessary for laboratory testing, the gunshot may be to the heart area rather than the head.

(g) Nothing in 18 AAC 36.500 - 18 AAC 36.540 prohibits an owner from providing medical care and treatment to the owner's own animals if the medical care and treatment are performed in a sanitary manner, in a way that minimizes pain, and in compliance with all local, state, and federal laws.

(h) Nothing in 18 AAC 36.500 - 18 AAC 36.540 prohibits de-horning or disbudding, removing extra teats, tail docking, tattooing, branding, castrating, or other routine animal husbandry practices if they are performed in a sanitary manner and in a way that minimizes pain.

(i) A person may not cause, sponsor, arrange, hold, or encourage an animal to fight, menace, or injure another animal for the purpose of sport, amusement, or pecuniary gain. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.55.110 AS 03.55.130
 AS 03.55.100 AS 03.55.120

Editor's note: The *Guidelines for the Euthanasia of Animals: 2013 Edition*, adopted by reference in 18 AAC 36.500, is available from the Department of Environmental Conservation, Office of the State Veterinarian in Anchorage. Copies may also be obtained from the American Veterinary Medical Association (AVMA) at <https://www.avma.org/KB/Policies/Documents/euthanasia.pdf>.

18 AAC 36.510. Equines. (a) Each equine must have daily access to sufficient and nutritious feed to allow for growth and maintenance of adequate body weight or body condition to score at least a level 2.0 on the body condition scoring method described in C.L. Carroll and P.J. Huntington's *Body Condition Scoring and Weight Estimation of Horses*, published in the *Equine Veterinary Journal*, 1988, and adopted by reference.

(b) Each equine must have daily access to water in sufficient quantity and quality to satisfy the animal's physiologic needs as evidenced by the animal's hydration status.

(c) Equines being transported may not be held on a transport vehicle for more than 28 consecutive hours.

(d) Transport vehicles must be designed and constructed in a manner that protects the health and well-being of the equine, with adequate ventilation and no sharp protuberances. The vehicle must be of sufficient size to allow the equine to stand with head and neck extended to its fullest postural height. The vehicle must be equipped with doors and ramps, if needed, of sufficient size and location to provide for safe loading and unloading.

(e) Each equine must have routine hoof care. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.55.110 AS 03.55.130
 AS 03.55.100 AS 03.55.120

Editor's note: The publication *Body Condition Scoring and Weight Estimation of Horses*, adopted by reference in 18 AAC 36.510, is available from the Department of Environmental Conservation, Office of the State Veterinarian in Anchorage. Copies may also be obtained from the British Equine Veterinary Association (BEVA) bookshop at <http://www.beva.org.uk/home/bookshop/go-to-the-bookshop>, or by requesting a copy from BEVA by mail at Mulberry House, 31 Market Street, Fordham, Ely, Cambridgeshire, CB7 5LQ; by telephone at 01638 723 555; or by electronic mail at info@beva.org.uk. Photographs and explanatory diagrams derived from the publication can be found at <http://www.horserescueunited.net/info-bodyscore.html>.

18 AAC 36.520. Cattle and other ruminants. (a) Dairy cows must have daily access to sufficient and nutritious feed to allow for growth and maintenance of adequate body weight or body condition to score at least a level 2.0 on the body condition scoring method described in R.A. Patton, H.F. Bucholtz, M.K. Schmidt, and F.M. Hall's, *Body Condition Scoring - A Management Tool*, Department of Animal Science, Michigan State University, September 1988, adopted by reference.

(b) Replacement dairy heifers must have daily access to sufficient and nutritious feed to allow for growth and maintenance of adequate body weight or body condition to score at least a level 2.0 on the body condition scoring method described in M.A. Wattiaux's *Body Condition Scores*, Chapter 12 of *Dairy Essentials*, Babcock Institute for International Dairy Research and Development, University of Wisconsin-Madison, 1999, adopted by reference.

(c) Beef cattle must have daily access to sufficient and nutritious feed to allow for growth and maintenance of adequate body weight or body condition to score at least a level 2.0 on the body condition score method described in M.L. Westendorf and R.C. Mickel's *Beef Cow Condition Scoring*, Rutgers Cooperative Research & Extension, New Jersey Agricultural Experiment Station, July 1994, adopted by reference.

(d) Other cattle and ruminants for which body condition score standards and methods are not published must meet or exceed an appearance comparable to the most appropriate method described in (a) - (c) of this section.

(e) Cattle and other ruminants must have daily access to water in sufficient quantity and quality to satisfy the animal's physiologic needs as evidenced by the animal's hydration status.

(f) Cattle being transported may not be held on a transport vehicle for more than 28 consecutive hours.

(g) Cattle transported for any purpose must be handled and transported in a manner that minimizes injury, illness, and death. They must be able to stand in normal posture within the vehicle and may not be overcrowded so as to cause unnecessary injury or hyperthermia.

(h) Cattle shall be grouped according to size and behavior when in a vehicle.

(i) Non-ambulatory disabled cattle and other animals unable to move shall be separated from ambulatory cattle for transport. Those animals may not be dragged while conscious, except if necessary to provide lifesaving treatment.

(j) Cattle shall be handled humanely at all times, even if they are to be slaughtered or euthanized, so as not to cause unnecessary pain and injury.

(k) For cattle intended to be raised as veal, the owner shall provide an environment that prevents injury to calves and allows proper ventilation, temperature, and humidity control. The calves shall be permitted to stretch, stand, and lie down comfortably.

(l) Ruminants not in transit may be tied using neck halters or neck bands in the ruminants' stalls or to stationary objects for up to 12 hours if feed and water are not available, or for longer periods of time if feed and water are offered at reasonable intervals and the ruminants can lie down safely. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.55.110 AS 03.55.130
AS 03.55.100 AS 03.55.120

Editor's note: The publication *Body Condition Scoring - A Management Tool*, adopted by reference in 18 AAC 36.520, is available from the Department of Environmental Conservation, Office of the State Veterinarian in Anchorage. Additional descriptions and photographs for dairy cows can also be found at http://www.uaex.edu/Other_Areas/publications/PDF/FSA-4008.pdf.

The publication *Body Condition Scores*, Chapter 12 of *Dairy Essentials*, adopted by reference in 18 AAC 36.520, is available from the Department of Environmental Conservation, Office of the State Veterinarian in Anchorage. Copies may also be obtained from the University of Wisconsin-Madison at https://kb.wisc.edu/images/group226/52745/de_12.en.pdf.

The publication *Beef Cow Condition Scoring*, adopted by reference in 18 AAC 36.520, is available from the Department of Environmental Conservation, Office of the State Veterinarian in Anchorage. Copies may also be obtained from Rutgers Research & Cooperative Extension, New Jersey Agricultural Experiment Station at <http://njaes.rutgers.edu/pubs/publication.asp?pid=FS764>.

18 AAC 36.530. Swine. (a) Swine must have daily access to sufficient and nutritious feed to allow for growth and maintenance of adequate body weight or body condition to score at least a level 2.0 on the body condition score method described in R.D. Coffey, G.R. Parker, and K.M. Laurent's *Assessing Sow Body Condition*, Cooperative Extension Service, College of Agriculture, University of Kentucky, 1999, adopted by reference.

(b) Each swine must have daily access to water in sufficient quantity and quality to satisfy the animal's physiologic needs as evidenced by the animal's hydration status.

(c) Swine being transported may not be held on a transport vehicle for more than 28 consecutive hours.

(d) Swine transported for any purpose must be handled and transported in a manner that minimizes injury, illness, and death. They must be able to stand in normal posture within the vehicle.

(e) Swine shall be grouped according to size and behavior when in a vehicle.

(f) Non-ambulatory disabled swine unable to move shall be separated from ambulatory animals for transport. Those animals may not be dragged while conscious, except if necessary to provide lifesaving treatment.

(g) Swine shall be handled humanely at all times, even if they are to be slaughtered or euthanized, so as not to cause unnecessary pain and injury.

(h) Stalls may be used to feed and monitor individual sows and gilts and to minimize injury to piglets. For each stall,

(1) the sow's head must have a place to rest that is not

(A) on an adjacent feeder; or

(B) in the water trough;

(2) the sow's rear quarters may not be in contact with the back of the stall with her nose in contact with the front of the stall; and

(3) a pregnant sow's stall must be wide enough to allow the sow to stand up and lie down unimpeded, rest, and move her head freely. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.55.110 AS 03.55.130
AS 03.55.100 AS 03.55.120

Editor's note: The publication *Assessing Sow Body Condition*, adopted by reference in 18 AAC 36.530, is available from the Department of Environmental Conservation, Office of the State Veterinarian in Anchorage. Copies may also be obtained from the Cooperative Extension Service, College of Agriculture, University of Kentucky at <http://www.ca.uky.edu/agc/pubs/asc/asc158/asc158.pdf>.

18 AAC 36.540. Dogs. (a) A dog's environment must provide relief from the elements such as excessive wind, excessive temperature, and excessive precipitation that results in hyperthermia or hypothermia detrimental to the dog's health.

(b) Relief from the elements may be accomplished with natural environmental elements, including trees, land, windbreaks, overhangs, or other natural weather barriers, or with constructed shelters. If a constructed shelter is used, it must be of sufficient size to allow the dog to stand up, turn around, and stretch out inside the shelter.

(c) Dogs kept on chains shall be provided at least a five-foot tangle-free chain radius. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.55.110 AS 03.55.130
AS 03.55.100 AS 03.55.120

Article 7. General Provisions.

Section

- 900. Waiver of requirements
- 910. Mutilation, obliteration, or removal of identification prohibited
- 915. Fees
- 920. Adoption by reference
- 930. (Repealed)
- 935. Expedited hearings
- 940. Informal reviews and non-expedited hearings
- 990. Definitions

18 AAC 36.900. Waiver of requirements. (a) The department will, if the department finds that animal and public health is protected and the purpose of the requirement is otherwise satisfied, waive a requirement of this chapter.

(b) A person seeking a waiver under this section must submit an application to the department. The application must be made in writing and must

- (1) specify the requirement for which the waiver is sought;
- (2) state the reasons why the requirement cannot be met; and
- (3) describe the alternative method proposed for meeting the purpose of the requirement.

(c) The department will grant or deny a request for a waiver, with or without conditions, in writing not later than 30 days after the application is received. (Eff. 9/1/82, Register 83; am 3/24/2017, Register 221)

Authority: AS 03.05.011

18 AAC 36.910. Mutilation, obliteration, or removal of identification prohibited. A person may not obliterate, mutilate, or remove an identification mark, brand, tattoo, or ear tag required under this chapter. (Eff. 9/1/82, Register 83; am 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.010

18 AAC 36.915. Fees. (a) The following fees apply to requests to the department for laboratory analysis and testing for:

- (1) avian influenza: \$45;
- (2) Newcastle disease virus: \$45;
- (3) West Nile virus: \$45.

(b) The department may conduct analyses after normal state laboratory working hours as follows:

- (1) after normal working hours, except as provided in (2) of this subsection, the fee will be one and one-half times the fee set out in (a) of this section; and
- (2) on a Sunday or holiday, the fee will be twice the fee set out in (a) of this section.

(c) For purposes of this section, normal working hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. (Eff. 8/2/2006, Register 179; am 3/24/2017, Register 221)

Authority: AS 44.46.020 AS 44.46.025 AS 03.05.011

18 AAC 36.920. Adoption by reference. (a) The following federal regulations are adopted by reference:

- (1) 9 C.F.R. Part 78 (brucellosis), revised as of January 1, 2016;
- (2) 9 C.F.R. Part 86 (animal disease traceability), revised as of January 1, 2016;
- (3) 9 C.F.R. 145.1 - 145.54 (national poultry improvement plan for breeding poultry), revised as of January 1, 2016;
- (4) 9 C.F.R. 147.1 - 147.48 (auxiliary provisions of national poultry improvement plan), revised as of January 1, 2016;
- (5) 9 C.F.R. 160.1 - 161.6 (accreditation of veterinarians), revised as of January 1, 2016.

(b) The following documents are adopted by reference:

(1) USDA, APHIS 91-55-064, *Equine Infectious Anemia: Uniform Methods and Rules*, effective January 10, 2007, except for testing requirements under II.E.1.a., b., and c., and control procedures under II.H.2., 3., and 4.;

(2) USDA, APHIS 91-45-013, *Brucellosis Eradication: Uniform Methods and Rules*, effective October 1, 2003;

(3) USDA, APHIS 91-45-011, *Bovine Tuberculosis Eradication: Uniform Methods and Rules*, effective January 1, 2005;

(4) USDA, APHIS 91-55-079, *Scrapie Eradication Uniform Methods and Rules*, effective June 1, 2005;

(5) USDA, APHIS 91-55-071, *Pseudorabies Eradication, State-Federal-Industry Program Standards*, effective November 1, 2003;

(6) USDA, APHIS 91-55-042, *Swine Brucellosis Control/Eradication, State-Federal-Industry Uniform Methods and Rules*, effective April 1998;

(7) USDA, APHIS 91-45-016, *Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program*, effective September 1, 2010;

(8) USDA, APHIS 91-45-16, *Brucellosis in Cervidae: Uniform Methods and Rules*, effective September 30, 2003;

(9) USDA, APHIS, *Chronic Wasting Disease Program Standards*, effective May 2014;

(10) USDA, APHIS, *Scrapie Program Standards Volume 2: Scrapie Free Flock Certification Program*, effective June 2013;

(11) USDA, APHIS, *National Poultry Improvement Plan Program Standards*, August 2014. (Eff. 9/1/82, Register 83; am 3/24/2017, Register 221)

Authority:	AS 03.05.011	AS 03.45.010	AS 03.45.030
	AS 03.45.020	AS 03.05.075	

Editor's note: The documents adopted by reference in 18 AAC 36.920 may be reviewed at the Department of Environmental Conservation, Office of the State Veterinarian in Anchorage. The USDA APHIS Uniform Methods and Rules and Program Standards documents

are available from APHIS Legislative and Public Affairs Office at (301) 734-7799 or by means of the Internet at <http://www.aphis.usda.gov/aphis/resources/manualsandguidance>.

18 AAC 36.930. Definitions. Repealed. (Eff. 9/1/82, Register 83; repealed 3/24/2017, Register 221)

Editor's note: Definitions for this chapter are now located in 18 AAC 36.990.

18 AAC 36.935. Expedited hearings. (a) If the state veterinarian determines that an animal poses an immediate threat to the health or safety of an animal or the public, the department may take custody, destroy, impose a quarantine, place an embargo, or take other action as to an animal by serving written notice on the owner or person responsible for the animal.

(b) If the state veterinarian determines that the animal does not pose an immediate threat to the health or safety of an animal or the public, the department will, through written notice, inform the owner or person responsible of the opportunity to request an expedited hearing not later than 10 days after receiving the notice of action. In this case, the notice of action is not effective until after the 10-day period or after any expedited hearing under (c) of this section is concluded, whichever is later.

(c) Upon receiving a timely request for expedited hearing under (b) of this section, the commissioner will request that the Office of Administrative Hearings (AS 44.64.010) conduct an expedited hearing and prepare a recommended decision for the commissioner or the commissioner's designee. If the Office of Administrative Hearings declines the request, the department will conduct the expedited hearing. The expedited hearing will be held under AS 44.62.330 - 44.62.630 (Administrative Procedure Act) not later than 14 days after the department receives the request for expedited hearing. The commissioner or the commissioner's designee will issue a final decision not later than seven days after receiving a recommended decision from the Office of Administrative Hearings or a recommended decision under AS 44.62.500 after the conclusion of the expedited hearing. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011 AS 03.45.020 AS 03.45.030
AS 03.45.010

18 AAC 36.940. Informal reviews and non-expedited hearings. If the department denies a permit, rejects a health certificate, or denies any approval, the owner or person responsible for an animal may request an informal review under 18 AAC 15.185 or may request an adjudicatory hearing under AS 44.62.330 - 44.62.630 (Administrative Procedure Act). An

adjudicatory hearing is requested by submitting a request for hearing to the commissioner not later than 30 days after the issuance by the department of the denial or rejection. If a timely request for adjudicatory hearing is received, the commissioner will request that the office of administrative hearings (AS 44.64.010) conduct a hearing and prepare a recommended decision for the commissioner or the commissioner's designee. If the office of administrative hearings declines the request, the department will conduct the hearing. (Eff. 3/24/2017, Register 221; am 11/7/2017, Register 224)

Authority: AS 03.05.011

18 AAC 36.990. Definitions. In this chapter, unless the context requires otherwise,

(1) "accredited veterinarian" means a veterinarian accredited by the USDA under 9 C.F.R. 160.1 - 161.6 to practice veterinary medicine, surgery, and dentistry;

(2) "animal" has the meaning given in AS 03.05.100;

(3) "APHIS" means the USDA Animal and Plant Health Inspection Service;

(4) "camelid" means a species of alpaca, llama, camel, or other member of the family Camelidae;

(5) "captive cervid" means a cervid raised under confinement or agricultural conditions for the production of food, for sport, as a pet, or for exhibition;

(6) "cattle" means a cow, bull, steer, heifer, or other member of the species *Bos taurus*;

(7) "cervid" means a species of deer, elk, moose, or other member of the family Cervidae;

(8) "clinical signs" means evidence or symptoms of a disease exhibited by an animal that a person can observe, touch, smell, or hear;

(9) "communicable disease" means a disease due to a specific infectious agent or its toxic products transmitted from an infected person, animal, or inanimate reservoir to a susceptible host, either directly or indirectly, through an intermediate plant or animal host, vector, or the environment;

(10) "contagious disease" means a communicable disease that is capable of being easily transmitted from one animal to another animal or a human;

- (11) "department" means the Department of Environmental Conservation;
- (12) "domestic animal" has the meaning given in AS 03.35.070;
- (13) "EPA" means the United States Environmental Protection Agency;
- (14) "equine" means a horse, mule, ass, pony, zebra, or other member of the family Equidae;
- (15) "exposed animal" means an animal that has been on infected premises or that has associated with another animal known to be infected with any infectious, contagious, or communicable disease, as determined by the state veterinarian;
- (16) "fair" means an event that primarily consists of displays, exhibitions, demonstrations, contests, or promotions of agricultural concern;
- (17) "FDA" means the United States Food and Drug Administration;
- (18) "flock" means a group of sheep or goats that are kept, fed, and herded together under single or multiple ownership;
- (19) "flock identification number" means a unique flock identification number assigned by the department to the owner of each flock of sheep or goats participating in the scrapie flock certification program under 18 AAC 36.245;
- (20) "goat" means a species of the genus Capra;
- (21) "group" means two or more animals that are kept together;
- (22) "hatching egg" means an egg derived from poultry for purposes of hatching poultry;
- (23) "herd"
 - (A) means a group of animals maintained on common ground or a group of animals geographically separated but under common ownership or supervision;
 - (B) includes a flock;
- (24) "high-risk animal" means

(A) an animal described in *Scrapie Program Standards Volume 2: Scrapie Free Flock Certification Program*, adopted by reference in 18 AAC 36.920; and

(B) an animal that is

(i) the progeny of a reactor;

(ii) born in the same herd or flock as a reactor during the same birthing season; or

(iii) born during the same birthing season as a reactor in a source herd or flock;

(25) "immediate slaughter" means delivery from the point of origin directly to an inspected slaughter facility operating under the permission of the USDA or the department, in which the delivery is made without stopping, unloading, or diverting;

(26) "importation" means to transport or otherwise move an animal into the state;

(27) "infectious disease" means a clinical disease of humans or animals resulting from an infection with an infectious agent that can be, but is not necessarily, communicable or contagious;

(28) "laboratory" means a state or federal veterinary diagnostic laboratory that is approved by the USDA to conduct a particular type of testing;

(29) "licensed veterinarian" means a veterinarian

(A) with a valid license from the Board of Veterinary Examiners under AS 08.98; or

(B) if practicing in another state or country, with a valid, equivalent authorization from that state or country;

(30) "livestock" has the meaning given in AS 09.45.235(d);

(31) "official animal identification" means an ear tag, tattoo, brand, or microchip that is permanently applied to an animal and that is compliant with 9 C.F.R. 86.4, adopted by reference in 18 AAC 36.920;

(32) "owner"

(A) means a person that has legal or rightful title to an animal regardless of any liens held on the animal;

(B) includes a person designated by an owner as the representative of the owner;

(33) "person" has the meaning given in AS 01.10.060;

(34) "person responsible" means a person that the owner has designated to care for an animal;

(35) "poultry" means domesticated fowl, including chickens, turkeys, waterfowl, doves, pigeons, and game birds, that are kept for the production of food or feathers, for sport, or for exhibition;

(36) "premises" means the ground, area, buildings, and equipment occupied by one or more animals;

(37) "purchased addition" means an animal that is acquired into a herd from another herd;

(38) "quarantine" means the act of placing an imposed restriction prohibiting movement of an animal or animal product from a quarantine area without specific written permission of the state veterinarian or a USDA animal health official to prevent the transmission of a disease;

(39) "quarantine area" means a designated area under quarantine and, with respect to the quarantine, under the direct supervision and control of the state veterinarian or a USDA animal health official;

(40) "reactor" means an animal diagnosed as infected with a disease based on laboratory results, clinical signs, or epidemiologic investigation;

(41) "ruminant"

(A) means an animal that has more than one stomach and that swallows food and then brings it back up again to continue chewing it;

(B) includes cattle, sheep, and goats;

(42) "sheep" means a species of the genus *Ovis*;

(43) "state animal health official" means a veterinary official who supervises and performs the official animal health work in another state;

(44) "state veterinarian" means the veterinarian whom the commissioner employs or appoints under AS 03.05.013;

(45) "suspect" means an animal that shows clinical signs or a response to a test but is not classified as a reactor or negative;

(46) "USDA" means

(A) the United States Department of Agriculture; or

(B) if the animal is to be imported from another country, an animal health agency or program that the USDA recognizes as equivalent to the USDA in that country;

(47) "veterinary biological products"

(A) means all viruses, serums, toxins, analogous products of natural or synthetic origin, and products prepared from any type of genetic engineering, that are intended for use in the diagnosis, treatment, or prevention of diseases in animals;

(B) includes diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms, and the antigenic or immunizing components of microorganisms intended for use in the diagnosis, treatment, or prevention of diseases in animals;

(48) "waybill" means a document that gives details of animal shipment, contact information of the person shipping the animal and the person receiving the animal, and special handling instructions;

(49) "working day" means a day other than Saturday, Sunday, or a state or federal holiday. (Eff. 3/24/2017, Register 221)

Authority: AS 03.05.011

Editor's note: The subject matter addressed in 18 AAC 36.990 was formerly addressed in 18 AAC 36.930. The history for 18 AAC 36.990 does not include the history of the earlier section.