

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

Rule No. 80-3-6-.23

Rule Title: Requirements for wild Animals and Simi-Wild Animals Imported Into Alabama; And/Or for Intrastate Movement or Transportation And Disease Control of Certain Animals.

       New;   x   Amend;        Repeal;        Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?        No

Is there a reasonable relationship between the State's police power and the protection of the public health, safety or welfare?        Yes

Is there another less restrictive method of regulation available that could adequately protect the public?        No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? Moderate        Yes

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?        No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?        Yes

\*\*\*\*\*  
Does the proposed rule have any economic impact?        No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official  
I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer       John McMulla      

Date:       3-20-2012      

(DATE FILED)  
(STAMP)

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES  
ANIMAL INDUSTRY

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-3-6-.23 Requirements For Wild Animals and Simi-Wild Animals Imported Into Alabama; And/Or For Intrastate Movement or Transportation And Disease Control Of Certain Animals.

Intended Action: To amend rule.

Substance of Proposed Action: Following the application of the Chronic Wasting Disease Monitoring Plan, applicants must involve an accredited veterinarian in their herd plan. The Veterinarian must state that there is no evidence of disease among deer on the farm. Therefore there is now no longer a need for intrastate movement Certificate of Veterinary Inspections.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on Tuesday, May 8, 2012 at 10:00 a.m., in the Auditorium of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: May 8, 2012.

Contact Person at Agency: Patrick B. Moody, Legal Counsel and, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. (334)240-7117.

3-20-2012  
Date

John McMillan  
John McMillan  
Commissioner of Agriculture  
and Industries

**80-3-6-.23 Requirements For Wild Animals And SimiWild  
Animals Imported Into Alabama; And/Or For Intrastate Movement Or  
Transportation And Disease Control Of Certain Animals.**

Unless entry is prohibited otherwise by law enforced by the Department of Conservation or other game law, in order that wild animals, and semiwild animals maintained in captivity (to include game-breeder's animals pursuant to Section 9-11-30-31), Code of Ala. 1975,) may be imported into the state; and/or in order that such animals may be moved or transported intrastate from place to place, the number of animals involved shall be reported to the State Veterinarian of Alabama ten (10) days prior to such entry of movement or transportation, and immediate opportunity for examination afforded representatives or authorized agents to determine the health status of such animals. Specific entry, intrastate movement or transportation requirements for Camelids; and entry, intrastate movement or transportation and disease control requirements for live Cervidae and semi-wild animals are as follows:

~~(a) Camelids including llamas, alpacas, and camels, and live Cervidae imported into the state, or maintained in captivity within the state which are in intrastate movement or transportation within the state, shall have an official Certificate of Veterinary Inspection issued by an accredited veterinarian and shall have a permanent approved individual identification. All live captive Cervidae as prescribed by the State Veterinarian of Alabama, shall be made available to test for brucellosis, tuberculosis, and any known, or to be developed tests for chronic wasting disease (CWD). Accredited zoos, research or exhibition or treatment and rehabilitation facilities shall have an approved CWD monitoring program, provided that Cervids entering into the zoos and facilities must also originate from a herd that is under an approved CWD monitoring program; and those facilities in compliance with the provisions of Section 9-11-(30-31), Code of Ala. 1975, shall also have an approved CWD monitoring program to include provisions for notification of animals that have died from unknown causes.~~

(b) For the purpose of disease control, the State Veterinarian with assistance as needed from other state agencies and landowners, shall establish by survey, questionnaire, or by physical presence or appointed representatives a database for locating, registering, monitoring, and testing of Cervid herds maintained in captivity. From the development and maintenance of a monitoring program, the State Veterinarian shall establish guidelines for the diagnosis, prevention, and control of CWD and

TB, and any other emerging animal diseases. All testing shall be as prescribed by the State Veterinarian. If a Cervid tests positive for CWD, or TB, or any other emerging animal disease, the test results shall be confirmed through another qualified testing facility. If a positive test is determined and confirmed, a herd plan shall be forthwith developed and executed.

**Author:** Robert J. Russell, Patrick B. Moody

**Statutory Authority:** Code of Ala. 1975, §§2-2-8,2-4-1, 2-15-150, 2-15-170.

**History:** Filed April 19, 1982. **Amended:** Filed February 11, 1997; effective March 18, 1997. **Amended:** Filed November 15, 2000; effective December 20, 2000. **New Rule:** Filed November 6, 2003; effective December 11, 2003. **Amended:**