
STATE OF NEW YORK
Department of
AGRICULTURE AND MARKETS
Albany, New York 12235

**TITLE ONE OF THE OFFICIAL COMPILATION OF THE CODES,
RULES AND REGULATIONS OF THE STATE OF NEW YORK**

**PART 64 – MOVEMENT AND TRANSFER OF HORSES AND OTHER EQUIDAE
PART 67 – VESTICULAR STOMATITIS**

**ARTICLE 5
of the Agriculture & Markets Law
(Section 95-c: Examination of Horses for Equine Infectious Anemia)**

**ARTICLE 26
of the Agriculture & Markets Law
(Section 359-a: Transportation of Horses)**

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TITLE ONE OF THE OFFICIAL COMPILATION OF THE CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK

Part 64

Movement and Transfer of Horses and Other Equidae

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Section 64.1 Importation prohibited without health certificate.

No horse or other equid, unless exempted by the provisions of section 64.5 or 64.9 of this Part, shall be imported into the State unless accompanied by a certificate of health signed by a veterinarian licensed and accredited by the state or country in which a physical examination of the animal was made and, further provided, that no such animal shall enter the State until the original of said certificate has been placed in the mail for delivery first class to the chief veterinarian of the state or country where the examination was made.

Section 64.2 Form of certificate.

(a) The information on the aforesaid health certificate shall include the name of the owner or trainer of the animal or animals with address, the consignee or destination in New York with address, the date of examination, the number of animals examined, the establishment or premises at which the animals were examined, and the name, registration number if any, breed, brand, tattoo if any, sex, age, color and markings of each animal listed on the certificate.

(b) Said certificate shall also contain, or have attached thereto, a report of a negative agar gel immunodiffusion test, a competitive ELISA test or other U.S.D.A.-approved test for equine infectious anemia which complies with the provisions of section 64.4 of this Part.

Section 64.3 Time limitation of certificate.

The aforesaid health certificate shall be valid for the purposes of this Part, until and including the 30th day following the date of examination appearing on the certificate.

Section 64.4 Test requirements for importation.

(a) No horse or other equidae six months or more of age, unless exempted by the provisions of section 64.5 or 64.9 of this Part, shall be imported or brought into the State unless the custodian of such animal has in his possession at the time of entry a report of a negative agar gel immunodiffusion test, a competitive ELISA test or other U.S.D.A.-approved test for equine infectious anemia for such animal.

(b) Said test shall have been conducted during the 12-month period prior to entry into the State.

(c) Said test shall have been conducted by a laboratory approved for the purpose by the United States Department of Agriculture and by the New York State Department of Agriculture and Markets.

(d) Said test report shall include:

- (1) a complete description of the animal, including name, registration number if any, breed, brand, tattoo if any, sex, age, color and markings;
- (2) the name and address of the owner;
- (3) the date the test was conducted; and
- (4) the name and address of the laboratory that conducted the test.

(e) Said test report shall be signed by:

- (1) a duly licensed veterinarian;
- (2) the director of the laboratory where the test was conducted; or
- (3) the chief livestock health official of the state or country of origin of such animal.

(f) Said test report shall be retained by the custodian of such animal for a period of 90 days after the date of importation, or until the animal changes ownership in accord with the provisions of section 64.8 of this Part, and during such period said report shall be made available for examination by the Commissioner of Agriculture and Markets or his authorized agent on request at all reasonable times.

Section 64.5 Importation for immediate slaughter.

The provisions of the foregoing sections of this Part notwithstanding, any horse or other equid may be imported for immediate slaughter, and only for such purpose, without a health certificate or negative test for equine infectious anemia, by making application to the Commissioner of Agriculture and Markets and by complying with the provisions set forth in an application agreement required by the commissioner prior to importation.

Section 64.6 Importation from certain areas.

(a) Any horse or other equid originating in a state or country in which the disease Venezuelan equine encephalomyelitis is known to exist, or which has been in a state or country adjoining or contiguous to a state or country in which the disease is known to exist, shall not be transported into the State of New York, or harbored, or kept in this State for any purpose, unless such animal has been vaccinated to prevent said disease at least 14 days prior to entry into this State.

(b) No horse or other equid shall be brought into New York State from the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont unless the custodian of such horse has in his or her possession at the time of entry a health certificate issued by a veterinarian attesting that:

- (1) the horse has not been exposed to equine viral arteritis or that the horse has been vaccinated against equine viral arteritis; and
- (2) has not been exposed either directly or indirectly to equine infectious diseases in the foregoing states.

Section 64.7 Test requirements for transport.

(a) No horse or other equidae six months or more of age, unless exempted by the provisions of section 64.5 or 64.9 of this Part, shall be transported on any public highway within the State unless the custodian of such animal has in his possession during the period of such movement a report of a negative agar gel immunodiffusion test, a competitive ELISA test or other U.S.D.A.-approved test for equine infectious anemia for such animal.

(b) Said test shall have been conducted during the calendar year in which the movement takes place or in the preceding calendar year.

(c) Said test shall have been conducted by a laboratory approved for the purpose by the United States Department of Agriculture and by the New York State Department of Agriculture and Markets.

(d) Said test report shall include:

- (1) a complete description of the animal, including name, registration number if any, breed, brand, tattoo if any, sex, age, color and markings;
- (2) the name and address of the owner;
- (3) the date the test was conducted; and
- (4) the name and address of the laboratory that conducted the test.

(e) Said test report shall be signed by:

- (1) a duly licensed veterinarian;
- (2) the director of the laboratory where the test was conducted; or
- (3) the chief livestock health official of the state or country of origin of such animal.

Section 64.8 Test requirements for sale or other change of ownership.

(a) No horse or other equidae six months or more of age, unless exempted by the provisions of section 64.5 or 64.9 of this Part, shall be sold, exchanged, bartered or given away, unless such animal has been subjected to an agar gel immunodiffusion test, a competitive ELISA test or other U.S.D.A.-approved test for equine infectious anemia and reacted negatively within 12 months prior to such transfer of ownership.

(b) Said test shall have been conducted by a laboratory approved for the purpose by the United States Department of Agriculture and by the New York State Department of Agriculture and Markets.

(c) At the time of such transfer of ownership, the transferor shall deliver, personally or by certified mail, to the transferee a copy of the report of such negative test, which shall include:

- (1) a complete description of the animal, including name, registration number if any, breed, brand, tattoo if any, sex, age, color and markings;
- (2) the name and address of the owner;
- (3) the date the test was conducted; and
- (4) the name and address of the laboratory that conducted the test.

(d) Said test report shall be signed by:

- (1) a duly licensed veterinarian;
- (2) the director of the laboratory where the test was conducted; or
- (3) the chief livestock health official of the state or country of origin of such animal.

Section 64.9 Other authorized movement or transfer.

(a) The provisions of sections 64.1, 64.4, 64.7 and 64.8 of this Part shall not apply to any horse or other equidae which is imported, sold, exchanged, bartered, given away or transported for purposes of immediate slaughter if an owner/shipper statement accompanies the horse from the premise of origin to the livestock market. Such statement shall include the name of the consignor, the name of the market, individual identification of the horses present and the number of horses in the shipment. Upon arrival at the livestock market, such horses will be identified with a green, equine waybill backtag applied to the left hip which will serve as a permit for their movement to slaughter within 14 days of the date of purchase. Buyers wishing to purchase animals identified with the equine waybill backtag may do so at their own risk provided that an equine infectious anemia test sample is drawn by a veterinarian prior to movement from the market and the equine waybill backtag remains affixed to the animal until the negative results are received.

(b) The provisions of section 64.8 of this Part shall not apply to any horse claimed in any claiming race conducted by any racetrack licensed by the New York State Racing

and Wagering Board, and such horse need not be retested for equine infectious anemia provided such horse and all other horses admitted to said track have been tested and found negative for the disease within one year prior to the date of the claim.

(c) The commissioner hereby finds that the exemptions set forth in this section are consistent with the control and eradication of equine infectious anemia.

Section 64.10 Transportation of horses.

(a) Definitions. For the purpose of this section, the following terms shall have the following meanings:

- (1) Horse means the entire family of equidae.
- (2) Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) Every vehicle utilized for the transportation of more than six horses shall meet the following specifications:

- (1) Doorways used by horses shall be wide enough to allow each horse to enter and exit without touching the sides of the doorway. The top of each doorway shall be at least 12 inches above the withers of the largest horse, while that horse is in a natural standing position, transported in the vehicle.
- (2) All structures above each horse shall be at least 12 inches above the withers of that horse while it is in a natural standing position.
- (3) There shall be sufficient space for each horse carried in the vehicle to allow each horse to be transported in a humane manner and without the infliction of pain, suffering, injury or death.
- (4) The top of all partitions shall be at least five feet from the floor. If there is a space between the floor and the bottom of the partition, it shall be 12 inches. If slatted partitions are used, there shall be gaps of no more than two inches between the slats.
- (5) Every vehicle shall be in compliance with all of the applicable laws of this State and the United States and the rules and regulations promulgated thereunder.

(c) Every police officer, and every peace officer who acts pursuant to his special duties, shall have full access to any vehicle for the purpose of determining whether that vehicle is in compliance with this section and section 359-a of the Agriculture and Markets Law.

Section 64.11 Importation of thoroughbred stallions for breeding; test for equine viral arteritis required.

No thoroughbred stallion shall be imported into the State for breeding purposes unless found serologically negative to an equine viral arteritis blood test within 30 days prior to importation or serologically negative prior to vaccination against equine viral arteritis

and subsequently proven not a shedder of the disease. The results of such tests shall be duly recorded on the interstate health certificate for that horse.

TITLE ONE OF THE OFFICIAL COMPILATION OF THE CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK

**Part 67
VESICULAR STOMATITIS**

Section 67.1 Importation prohibited.
Section 67.2 Certificate required.

Section 67.1 Importation prohibited.

No person shall transport or bring into this State any equine, bovine, porcine, caprine, ovine, cervidae or llama from a point of origin located within 10 miles of any place in which the disease vesicular stomatitis has been found to exist during the 30-day period prior to the entry of said animal into this State.

Section 67.2 Certificate required.

No person shall transport or bring into this State any equine, bovine, porcine, caprine, ovine, cervidae or llama originating in a state in which the disease vesicular stomatitis has been found to exist during the previous 30 days unless said animal has been examined and found to be free from vesicular stomatitis and is accompanied by a Certificate of Veterinary Inspection, a copy of which has been mailed to the department, bearing the following statement attested to by the accredited veterinarian issuing said certificate:

"All animals identified on this health certificate have been examined and found to be free from vesicular stomatitis and, to the best of my knowledge and belief, during the past 30 days these animals have not been exposed to said disease, nor held at a location within 10 miles of any place in which said disease has been found to exist."

**ARTICLE 5
SECTION 95-c
EXAMINATION OF HORSES FOR EQUINE INFECTIOUS ANEMIA**

§ 95-c. Examination of horses for equine infectious anemia.

1. The commissioner or his authorized agent may cause to be administered to any horse within the state any test he finds appropriate for ascertaining the presence or

absence of equine infectious anemia, also known as "swamp fever." Upon order of the commissioner or his authorized agent, the owner, custodian or harbinger of any horse shall confine, present, control and restrain such animal or animals for the examinations, tests and identification procedures the commissioner deems necessary and if exposure to equine infectious anemia is apparent, the commissioner shall order confinement for a period up to sixty days or until a negative test can be obtained. During the period of such test, and until the commissioner or his agent shall otherwise direct, the owner, custodian or harbinger of any animal being tested shall keep such animal in segregation or confinement as the commissioner's agent shall direct, and no person shall remove a horse under test from the premises where the test is being conducted, nor remove from the horse, or alter or deface any temporary identification marks or devices affixed for the purpose of the test, except with the written consent of the commissioner's authorized agent.

2. (a) Any horse found by the commissioner after testing to be infected with equine infectious anemia may be freeze branded in a manner prescribed by the commissioner. Upon notification of the results of such test, the owner, custodian or harbinger of any animal found by the commissioner to be infected with equine infectious anemia shall confine, present and restrain such animal for freeze branding by any duly authorized agent of the commissioner at such time as he may direct.

(b) Notwithstanding any other provisions of law, the owner, harbinger or custodian of any horse freeze branded pursuant to this section shall not be indemnified for any loss in value of such animal.

(c) The term "horse" as used throughout this section shall apply to the entire family of equidae. The commissioner may by regulation exclude from the provisions of this section horses within defined age categories.

3. No person shall import or bring into the state any horse unless such horse has been tested for equine infectious anemia and reacted negatively within a period prior to entry, and in a manner, prescribed by the commissioner in regulations.

4. No person shall transport on any public highway within this state any horse unless such horse has been tested for equine infectious anemia and reacted negatively within a period prior to such transportation, and in a manner, prescribed by the commissioner in regulations.

5. No person shall sell, exchange, barter or give away any horse unless such horse has been tested for equine infectious anemia and reacted negatively within a period prior to such transfer of ownership, and in a manner, prescribed by the commissioner in regulations.

6. Subdivisions three, four and five of this section shall not apply to horses which are imported, sold, exchanged, bartered, given away or transported under permit from the commissioner or his authorized agent for immediate slaughter, research or such other purposes as the commissioner finds are consistent with the control and eradication of equine infectious anemia, as prescribed by the commissioner in regulations.

ARTICLE 26
SECTION 359-a
TRANSPORTATION OF HORSES

§ 359-a. Transportation of horses.

1. Every vehicle utilized for the transportation of more than six horses shall meet the following requirements:

- a. The interiors of compartments containing horses shall be constructed of smooth materials, containing no sharp objects or protrusions which are hazardous;
- b. The floors shall be of such construction or covered with abrasive material so as to prevent horses from skidding or sliding;
- c. There shall be sufficient apertures to insure adequate ventilation;
- d. There shall be sufficient insulation or coverings to maintain an adequate temperature in the compartment containing horses;
- e. Partitions of sturdy construction shall be placed a maximum of ten feet apart in vehicles which do not have stalls;
- f. Doorways shall be of sufficient height to allow safe ingress and egress of each horse contained in the compartment;
- g. Each compartment containing horses shall be of such height so as to allow sufficient clearance above the poll and withers of each horse in the compartment;
- h. Ramps sufficient for loading and unloading horses shall be provided if the vertical distance from the floor of the compartment containing horses to the ground is greater than fifteen inches; and
- i. There shall be at least two doorways for ingress and egress, which shall not be on the same side.

2. Every vehicle utilized for the transportation of more than six horses over a highway shall have no more than one tier.

3. a. Transporting a horse in violation of this section shall be a violation punishable by a fine of not more than two hundred fifty dollars.

b. Any subsequent violation of this section on a date following a conviction under the provisions of this section shall be a misdemeanor punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both.

4. The commissioner shall promulgate rules and regulations, including size specifications, and establish guidelines in order to facilitate compliance with the provisions of this section.

5. a. The term "horse" as used throughout this section shall apply to the entire family of equidae.

b. The term "vehicle" as used throughout this section shall apply to every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

6. The court in which a conviction under the provisions of this section is obtained, shall, within thirty days of such conviction, transmit a copy of the record of conviction to the department which shall maintain a record of such conviction for the purpose of identifying subsequent violations of this section.