

This is an amendment to 21.30.4 NMAC, Sections 7, 12 and 13 effective 7/18/2025.

21.30.4.7 DEFINITIONS:

- A. "Board" means the New Mexico livestock board.
- B. "Cohort(s)" [~~equids~~] animals considered to be exposed or high-risk due to epidemiological link to a positive animal.
- C. "Director" means the executive director of the New Mexico livestock board.
- D. "Inspector" means any duly authorized or commissioned officer of the livestock board.
- E. "Livestock" means cattle, sheep, swine, bison, goats, horses, mules, asses, poultry, ratites, camelids, and farmed cervidae.
- F. "Hold order" means a directive by the New Mexico livestock board by or through the state veterinarian to stop movement of certain livestock because of the possibility those livestock are diseased or exposed to a contagious disease, but the disease has not been confirmed in those livestock.
- G. "Premises" means a place where livestock is held for personal or commercial purposes.
- H. "Regulatory sample" means blood sample collected for confirmatory testing
- I. "Restricted zone" a defined geographic portion of the state.
- J. "Surveillance sample" means blood sample collected for routine testing

[21.30.4.7 NMAC - Rp, 21.30.4.7 NMAC, 7/16/2024, A/E, 2/11/2025, A, 7/18/2025]

21.30.4.12 EQUINE INFECTIOUS ANEMIA RESPONSE (EIA):

~~[A. Equine infectious anemia (EIA): is an infectious disease of equines caused by a lentivirus, equine infectious anemia virus (EIAV). The infection is characterized by three distinct forms: acute, chronic (both associated with clinical signs of disease), and inapparent.~~

~~B. Official test: The agar gel immunodiffusion (AGID) test, also known as the coggins test, the competitive enzyme-linked immunosorbent assay (CELISA) test, and other United States department of agriculture (USDA) licensed tests approved by the New Mexico livestock board (NMLB), are the official tests for equine infectious anemia (EIA) in all equine species.~~

~~C. Authorization to conduct test: Only USDA approved laboratories are allowed to run the AGID and CELISA or other USDA licensed tests. Equine blood samples collected for official EIA tests shall be collected by a state or federal animal health official or an accredited veterinarian who is licensed in the state in which the animal being tested is located.~~

~~D. EIA infected animals: Any equid testing positive for EIA on surveillance sampling will be placed on a hold order at its current location, isolated from other equids by at least 200 yards, until confirmatory testing is completed at the USDA National veterinary services laboratory (NVSL). Cohorts of the EIA positive equid(s) will also be subject to the hold order subject to the conditions listed in section E6.~~

~~(1) If an EIA positive equid is located on a premises other than that of the owner at the time of quarantine, the Office of the State Veterinarian may authorize movement of the EIA positive equid to the owner's premises or a premises approved for isolation by the NMLB. The movement shall occur under the direct supervision of the NMLB, and the trailer shall be sealed by a livestock inspector prior to leaving the origin. Seals shall be broken only by a livestock inspector at the destination.~~

~~(2) If NVSL determines the sample is negative based on AGID, the hold order will be released.~~

~~(3) If NVSL confirms the sample is positive based on AGID, the hold order will be upgraded to a quarantine within 24 hours of receipt of confirmation. Regulatory testing of the EIA positive equid and its cohorts will be performed by a state or federal regulatory veterinarian within five days of NVSL confirmation of the surveillance sample.~~

~~E. Disposition of confirmed EIA Positive horses:~~

~~(1) EIA positive equids must be:~~

~~(2) euthanized and buried or incinerated in accordance with local ordinance within five days of NVSL confirmation of the regulatory sample; or~~

~~(3) exported out of New Mexico within 30 days if the owner is able to obtain permission from the receiving state or country and USDA;~~

~~(4) Any EIA positive equid that cannot be euthanized within five days of NVSL confirmation or any EIA positive equid destined for export shall be branded (either freeze or hot iron) with an 85A on the left neck~~

or left shoulder in accordance with the USDA EIA uniform methods and rules within five days of NVSL confirmation. Euthanasia or export shall occur within 30 days of NVSL confirmation. The owner is responsible for the cost of export or euthanasia and disposal of the EIA positive equid(s) and shall not be indemnified by the state for any loss caused by the destruction or loss of value of the equid(s). The veterinarian performing the euthanasia shall provide a written affidavit to the office of the state veterinarian within 72 hours of performing the euthanasia.

F. Exposed or high risk equids.

(1) exposed or high risk equids are those determined to have an epidemiological link to the positive animal either by proximity, common ownership, or other factors. An exposed or high risk equid may or may not be located on the same premises as an EIA positive equid. Equids considered to be exposed or high risk may be tested by an accredited veterinarian at the owner's expense or by a state or federal regulatory veterinarian. Equids tested by an accredited veterinarian may be subject to a retest by a state or federal regulatory veterinarian at any time.

(2) exposed or high risk equids shall be placed under a hold order until they have tested negative to EIA at least 60 days after the last known exposure.

(3) movement of exposed or high risk equids may be allowed prior to the 60 day test if they have a negative EIA test performed by an accredited veterinarian prior to movement and with approval of the office of the state veterinarian. Request for movement approval is required at least 48 hours prior to it occurring and shall include the following information:

(a) registered name of equid;

(b) all official identification of equid (including microchip or tattoo);

(c) name of owner;

(d) name of trainer;

(e) destination;

(f) purpose of movement;

(g) and length of stay.

(4) these equids shall be made available for their 60 day test regardless of their location.

G. Compliance: Livestock Inspectors who are certified peace officers, in accordance with Section 30-18-14 NMSA 1978 shall enforce the provisions of Chapter 30, Article 18 NMSA 1978 and other criminal laws relating to livestock. Livestock inspectors may arrest persons found in the act or whom they have probable cause to believe are guilty of driving, holding or slaughtering stolen livestock. Any person who violates the provisions of these rules may be subject to the criminal and civil penalties pursuant to Sections 77-2-9, 77-2-22 NMSA 1978. Penalties for misdemeanor crimes can include imprisonment of less than one year or fines up to \$1000 or both. Penalties for petty misdemeanors can include imprisonment not to exceed six months or fines up to \$500 or both. Furthermore, any person who violates a rule adopted under the power granted to the board unless the penalty has been fixed by law is guilty of a misdemeanor and upon conviction shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978.]

A. Equine infectious anemia (EIA): is an infectious disease of equids caused by a lentivirus, equine infectious anemia virus. The infection is characterized by three distinct forms: acute, chronic (both associated with clinical signs of disease), and inapparent.

B. Official test: The agar gel immunodiffusion (AGID) test, also known as the coggins test, the enzyme-linked immunosorbent assay (ELISA) test, and other USDA licensed tests approved by the NMLB, are the official tests for EIA in all equine species. All samples for an official test must be accompanied by a completed and accurate USDA VS form 10-11 equine infectious anemia laboratory test.

C. Authorization to conduct test: Only USDA approved laboratories are allowed to run the AGID and ELISA or other USDA licensed tests. Equine blood samples collected for official EIA tests shall be collected by a state or federal animal health official or a Category II USDA accredited veterinarian who is licensed in the state in which the animal being tested is located. The NMLB retains the authority to accept rules and regulations to test for EIA prepared by USDA-APHIS pursuant to Section 77-3-9 NMSA.

D. EIA infected animals: Any equid testing positive for EIA on surveillance sampling will be placed on a hold order at its current location within 24 hours after presumptive positive test results are known, isolated from other equids by at least 200 yards, until confirmatory testing is completed at the USDA National veterinary services laboratories (NVSL) to prevent further exposure of other equids. Cohorts of the EIA-positive equid(s) will also be subject to the hold order subject to the conditions listed in subsection F of this section.

(1) If an EIA-positive equid is located on a premises other than that of the owner at the time of quarantine, the office of the state veterinarian may authorize intrastate movement of the EIA-positive equid to the owner's premises or a premises approved for isolation by the NMLB. The movement shall occur under the direct supervision of the NMLB, and the trailer shall be sealed by a livestock inspector prior to leaving the origin. Seals shall

be broken only by a livestock inspector at the destination.

(2) If NVSL determines the sample is negative based on AGID and ELISA, the hold order will be released.

(3) If NVSL confirms the sample is positive based on AGID or ELISA, the hold order will be upgraded to a quarantine within 24 hours of receipt of confirmation. Regulatory sampling of the EIA-positive equid and its cohorts will be performed by a state or federal regulatory veterinarian within five days of NVSL confirmation of the surveillance sample. All official identification of each horse sampled will be recorded in addition to photographs or a detailed physical description of markings.

E. Disposition of confirmed EIA-positive equids based on results of regulatory sampling:

(1) EIA-positive equids must be:

(a) Humanely euthanized in accordance with American Veterinary Medical Association Guidelines and buried or incinerated in accordance with local ordinance within five days of NVSL confirmation of the regulatory sample; or

(b) exported out of New Mexico within 30 days if the owner is able to obtain permission from the livestock health official of the receiving state or country and USDA.

(2) Any EIA-positive equid that cannot be humanely euthanized within five days of NVSL confirmation or any EIA-positive equid destined for export shall be branded (either freeze or hot-iron) with an 85A on the left neck or left shoulder in accordance with the USDA EIA rules and regulations within five days of NVSL confirmation. Euthanasia or export shall occur within 30 days of NVSL confirmation. The owner is responsible for the cost of export or euthanasia and disposal of the EIA-positive equid(s) and shall not be indemnified by the state for any loss caused by the destruction or loss of value of the equid(s). The veterinarian performing the euthanasia shall provide a written affidavit to the office of the state veterinarian within 72 hours of performing the euthanasia, or conduct the euthanasia with a witness of the board or USDA present as an alternative to a written affidavit

F. Cohorts of EIA-positive equids.

(1) Exposed or high-risk equids (cohorts) are those determined to have an epidemiological link to the positive animal either by proximity, common ownership, or other factors. A cohort may or may not be located on the same premises as an EIA-positive equid. Cohorts may be tested by a category II USDA accredited veterinarian at the owner's expense or by a state or federal regulatory veterinarian within five days of NVSL confirmation of the surveillance sample from the EIA positive equid. Equids tested by a category II USDA accredited veterinarian may be subject to a retest by a state or federal regulatory veterinarian at any time.

(2) Cohorts shall be placed under a hold order until they have had a second negative test to EIA at least 60 days after the last known exposure.

(3) Movement of cohorts may be allowed prior to the 60-day test if they have a negative EIA test performed by an accredited veterinarian prior to movement and with approval of the office of the state veterinarian. Request for movement approval is required at least 48 hours prior to it occurring and shall include the following information:

(a) registered name of equid;

(b) all official identification of equid (including microchip or tattoo);

(c) name of owner;

(d) name of trainer;

(e) destination;

(f) purpose of movement;

(g) and length of stay.

(4) these equids shall be made available for their 60-day test regardless of their location.

G. Compliance: Livestock inspectors who are certified peace officers, in accordance with Section 30-18-14 NMSA 1978 shall enforce the provisions of Chapter 30, Article 18 NMSA 1978 and other criminal laws relating to livestock. Livestock inspectors may arrest persons found in the act or whom they have probable cause to believe are guilty of removing livestock from a quarantine or hold order without NMLB approval. Any person who violates the provisions of these rules may be subject to the criminal and civil penalties pursuant to Sections 77-3-2, 77-2-9, 77-2-22 NMSA 1978. Penalties for misdemeanor crimes can include imprisonment of less than one year or fines up to \$1000 or both. Penalties for petty misdemeanors can include imprisonment not to exceed six months or fines up to \$500 or both. Furthermore, any person who violates a rule adopted under the power granted to the board unless the penalty has been fixed by law is guilty of a misdemeanor and upon conviction shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978.

[21.30.4.12 NMAC - N/E, 2/11/2025, N, 7/18/2025]

21.30.4.13 VESICULAR STOMATITIS; RESTRICTIONS AND SAFEGUARDS DEEMED PROPER TO PROTECT LIVESTOCK IN NEW MEXICO:

A. Livestock cannot be removed from a VS-quarantined [~~premise~~] premises. Any livestock introduced onto VS-quarantined premises will be subject to the quarantine restrictions and remain on the premises until the quarantine has been lifted.

B. Transporters hauling any New Mexico origin livestock in New Mexico must have in possession a current brand inspection (form 1) or a permanent equine hauling card (form 1-H).

C. Participants in public events in which all livestock attending originate from New Mexico must:

(1) present and have verified by event officials a certificate of veterinary inspection (CVI), commonly known as a *health certificate*, for each animal brought by that participant and that has been issued within five days prior to arrival at the event, or

(2) have the livestock examined upon arrival at the event by designated officials as specified and provided by the event organizers; the designated official should be a veterinarian whose background and experience with livestock would allow them to recognize abnormalities in tissues that could be consistent with vesicular stomatitis.

(3) The state veterinarian may specify other restrictions consistent with the board's duty to protect the health and integrity of the livestock industry in New Mexico, including limiting any destinations of the horse.

D. Participants with livestock that originate in New Mexico attending public events in New Mexico where livestock from states other than New Mexico will be present must:

(1) present and have verified by event officials a certificate of veterinary inspection (CVI), commonly known as a *health certificate*, for each animal brought by that participant and that has been issued within five days prior to arrival at the event, and

(2) have the livestock examined upon arrival at the event by a NM accredited veterinarian.

E. All livestock entering New Mexico public auctions facilities must receive a health examination prior to sale by a NM accredited veterinarian.

F. Out of state livestock entering New Mexico from any other state or territory must meet all current New Mexico entry requirements. Owners of livestock temporarily entering New Mexico are urged to contact their state animal health officials for requirements and restrictions to return to their home state from New Mexico.

[21.30.4.13 NMAC - Rp, 21 NMAC.30.4.12, 7/16/2024, Rn, 2/11/2025, A, 7/18/2025]