

HB

380

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 380(RES)
(H) Publish Date: 2/8/06

Revision Date/Time (Note if correction): _____ Dept. Affected: DEC
Title: Animals and Agricultural Products RDU: Environmental Health
Component: Laboratory Services
Sponsor: Representative Kevin Meyer
Requester: House Resources Committee Component No.: 2065

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2007 | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Travel | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Contractual | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Supplies | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Equipment | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Land & Structures | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Grants & Claims | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Miscellaneous | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

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|-------------------------------|-----|-----|-----|-----|-----|-----|
| CHANGE IN REVENUES () | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|-------------------------------|-----|-----|-----|-----|-----|-----|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1003 GF Match | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1004 GF | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1005 GF/Program Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1037 GF/Mental Health | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Other (Specify Type--Do not abbreviate) | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's F / 2007 budget proposal:

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| Full-time | 0 | 0 | 0 | 0 | 0 | 0 |
| Part-time | 0 | 0 | 0 | 0 | 0 | 0 |
| Temporary | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary)

The bill will have no fiscal impact on DEC.

Prepared by: Kristin Ryan, Director
Division: Environmental Health
Approved by: Kurt Frodriksson
Agency: Commissioner

Phone: (907) 269-7644
Date/Time: 2/6/06 8:43 AM
Date: 2/6/2006

2/28/06 - adopted

24-LS1469Y
Bannister
2/27/06

CS FOR HOUSE BILL NO. 380()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE MEYER

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the powers and duties of the commissioner of environmental
 2 conservation; relating to animals, animal products, agricultural products, and the
 3 transportation of animals and animal products; relating to the employment,
 4 appointment, and duties of a state veterinarian by the commissioner of environmental
 5 conservation; relating to the powers of the commissioner of natural resources regarding
 6 agricultural products; relating to animal rabies prevention and control; and providing
 7 for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 03.05.011 is repealed and reenacted to read:

10 Sec. 03.05.011. Powers of commissioner of environmental conservation. (a)
 11 To carry out the requirements of this title over which the department has jurisdiction,
 12 the commissioner may

13 (1) issue orders or permits relating to or authorizing the examination,

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inspection, testing, quarantine, or embargo of animals or animal products, or premises containing or having contained animals or animal products, in order to prevent the spread of pests or contagious or infectious disease;

(2) conduct tests, analyses, and hearings to determine whether to issue an order or permit under this section;

(3) cooperate with federal, state, municipal, and other governmental agencies regarding powers and duties under this section;

(4) issue orders or permits relating to or authorizing the custody, care, or destruction of animals or animal products to prevent the spread of pests or contagious or infectious disease;

(5) designate points of entry for the admission of animals or animal products into the state; and

(6) issue orders or permits relating to, or authorizing the examination, testing, or care of, animals or animal products to be transported into, within, or from this state, in order

(A) to prevent the spread of pests or contagious or infectious disease; or

(B) to promote safe or sanitary conditions for the animals or animal products to be transported.

(b) The commissioner may

(1) charge fees for services performed by the state, state officers, and state employees, including a state veterinarian, under this section;

(2) designate individuals, independently or in cooperation with federal, state, municipal, or other governmental agencies, to carry out and enforce, under the direction of the state veterinarian, the requirements of this title over which the department has jurisdiction; and

(3) adopt regulations under AS 44.62 (Administrative Procedure Act) to implement and interpret this section; when adopting regulations under this paragraph, the commissioner shall give substantial weight to the typical practices and standards in the state and in the United States of the industry for which the regulations are designed.

1 (c) Before taking custody of or destroying an animal or animal product under
2 (a)(4) of this section, or imposing a quarantine, placing an embargo, or taking another
3 action under this section that deprives a person of an animal or animal product, the
4 department shall provide for notice and an opportunity to be heard to the owner or
5 person in possession of the animal or animal product, unless the commissioner
6 determines there is an immediate threat to the health or safety of an animal or the
7 public.

8 (d) Nothing in this section affects the authority of another agency of this state.

9 (e) In this section,

10 (1) "commissioner" means the commissioner of environmental
11 conservation;

12 (2) "department" means the Department of Environmental
13 Conservation.

14 * Sec. 2. AS 03.05 is amended by adding a new section to read:

15 Sec. 03.05.013. State veterinarian. The commissioner of environmental
16 conservation may employ or appoint a person to act as the state veterinarian to carry
17 out and enforce the requirements of this title over which the Department of
18 Environmental Conservation has jurisdiction. To be eligible for appointment as the
19 state veterinarian, a person must be licensed or otherwise legally authorized under
20 AS 08.98 to engage in the practice of veterinary medicine in the state.

21 * Sec. 3. AS 03.05.040(a) is amended to read:

22 (a) To carry out the requirements of this chapter, on any business day
23 during the usual hours of business, or at any time if the commissioner determines
24 that there is an immediate threat to the health or safety of an animal or the
25 general public, the commissioner or an individual designated by the commissioner
26 as an [AUTHORIZED] inspector may, for the purpose of inspecting animals, animal
27 products, agricultural products, or premises containing or having contained
28 animals, animal products, or agricultural products [SUBJECT TO
29 REGULATION], enter a storehouse, warehouse, cold storage plant, packing house,
30 slaughterhouse, retail store, or other building or place where animals, animal
31 products, or agricultural [THOSE] products are or have been raised, housed, kept,

1 stored, processed, or sold.

2 * Sec. 4. AS 03.05.050(a) is amended to read:

3 (a) An animal, animal product, or agricultural product found by the
4 commissioner, or an individual designated by the commissioner as an
5 [AUTHORIZED] inspector, to violate a regulation adopted under this chapter is
6 declared to be a public nuisance injurious to the public interest and may not be moved
7 by the person in whose possession it may be except at [UPON] the specific direction
8 of the commissioner or inspector.

9 * Sec. 5. AS 03.05.090 is amended by adding new subsections to read:

10 (b) A person who violates an order issued, a regulation adopted, a permit
11 issued, a quarantine imposed, or an embargo ordered under AS 03.05.011, or a person
12 who directs or orders a person to commit the violation, is subject to a civil fine of not
13 more than \$500 for each violation.

14 (c) If the Department of Environmental Conservation issues an order
15 regarding, adopts a regulation on, issues a permit regarding, imposes a quarantine on,
16 or orders an embargo on an animal or animal product that the Department of
17 Environmental Conservation reasonably believes carries pests, a contagious disease, or
18 an infectious disease, a consignee who knowingly receives, or a carrier who
19 knowingly transports, the animal or animal product in violation of the order,
20 regulation, permit, quarantine, or embargo is subject to a civil fine of not more than
21 \$500 for each violation.

22 (d) The Department of Environmental Conservation or a court of competent
23 jurisdiction may impose the fine authorized by (b) or (c) of this section.

24 (e) Each animal, animal product, or premises containing or having contained
25 animals or animal products involved in a violation described in (b) or (c) of this
26 section constitutes a separate violation under (b) and (c) of this section. Each day on
27 which a violation described in (b) or (c) of this section occurs constitutes a separate
28 violation under (b) and (c) of this section.

29 (f) In this section, "knowingly" has the meaning given in AS 11.81.900(a).

30 * Sec. 6. AS 03.05.100(1) is amended to read:

31 (1) "agricultural products" does not include fish, [OR] fisheries

1 products, animals, or animal products;

2 * Sec. 7. AS 03.05.100 is amended by adding new paragraphs to read:

3 (4) "animal" means an animal other than a human being and includes a
4 mammal, insect, bird, fish, and reptile, whether wild or domestic, and whether living
5 or dead;

6 (5) "animal product" means a product, article, or commodity
7 containing any part of an animal.

8 * Sec. 8. AS 44.46.025(a) is amended to read:

9 (a) Except as otherwise provided in AS 37.10.050 - 37.10.056, the Department
10 of Environmental Conservation may adopt regulations that prescribe reasonable fees,
11 and establish procedures for the collection of those fees, to cover the applicable direct
12 costs, not including travel except in the case of a designated regulatory service, as that
13 term is defined in AS 37.10.058, of inspections, permit preparation and administration,
14 plan review and approval, and other services provided by the department relating to

15 (1) [AGRICULTURE AND] animals and animal products under
16 AS 03.05; food, drugs, and cosmetics under AS 17.20; and public accommodations
17 and facilities under AS 18.35;

18 (2) certificates of inspection for motor vehicles under AS 46.14.400 or
19 46.14.510;

20 (3) drinking water systems under AS 46.03.720;

21 (4) water and wastewater operator training under AS 46.30;

22 (5) waste management and disposal authorizations under
23 AS 46.03.100;

24 (6) certification of laboratories conducting environmental analyses of
25 public drinking water systems or of oil or hazardous substances, or conducting other
26 analyses required by the department;

27 (7) certification of federal permits or authorizations under 33 U.S.C.
28 1341 (sec. 401, Clean Water Act);

29 (8) regulation of point source discharges of pollutants under the
30 program authorized by AS 46.03.020(12);

31 (9) regulation of pesticides and broadcast chemicals registered under

1 AS 46.03.320(a)(4), with a reasonable fee not to exceed \$120;

2 (10) licensing of pesticide applicators under AS 46.03.320(b), with a
3 reasonable fee not to exceed \$25.

4 * Sec. 9. AS 47.05.012 is amended to read:

5 Sec. 47.05.012. Material incorporated by reference. Under
6 AS 44.62.245(a)(2), in adopting or amending a regulation that incorporates a
7 document or other material by reference, the department may incorporate future
8 amended versions of the document or other material if the document or other material
9 is one of the following:

10 (1) a document that is published, compiled, or prepared by the United
11 States Department of Health and Human Services and is included in the following list:

12 (A) the international classification of diseases, clinical
13 modifications;

14 (B) the common procedure coding system;

15 (C) the specifications for national uniform billing data
16 elements;

17 (D) the federal poverty guidelines for the state;

18 (E) the Indian Health Service encounter rates; or

19 (F) the relative value units used in the Medicare program for
20 determination of fee schedules;

21 (2) the current procedural terminology for physicians published by the
22 American Medical Association;

23 (3) the diagnostic and statistical manual of mental disorders published
24 by the American Psychiatric Association;

25 (4) the length of stay in hospitals by diagnosis and operation for the
26 western region of the United States, published by Solucient;

27 (5) the relative value guide published by the American Society of
28 Anesthesiologists;

29 (6) the consumer price index published by the United States
30 Department of Labor;

31 (7) the health plan employer data and information set published by the

1 National Committee for Quality Assurance;

2 (8) practice standards adopted by the American Academy of Pediatrics,
3 American College of Obstetricians and Gynecologists, American Diabetes
4 Association, American Cancer Society, American Academy of Family Physicians,
5 American College of Physicians, United States Centers for Disease Control and
6 Prevention, Agency for Healthcare Research and Quality, or the National Asthma
7 Education and Prevention Program;

8 (9) the compendium of animal rabies prevention and control [, 2002,]
9 published by the United States Centers for Disease Control and Prevention;

10 (10) the control of communicable diseases manual published by the
11 American Public Health Association;

12 (11) the standards manual and interpretative guidelines for behavioral
13 health, employment and community support services, and for medical rehabilitation
14 published by the Commission on Accreditation of Rehabilitative Facilities;

15 (12) consumer assessment of health plans published by the Agency for
16 Health Care Policy and Research; or

17 (13) resources for optimal care of the injured patient published by the
18 Committee on Trauma, American College of Surgeons.

19 * **Sec. 10.** AS 03.05.020, 03.05.060, 03.05.080; AS 03.25.010, 03.25.020, 03.25.250;
20 AS 03.45.040, 03.45.050, 03.45.060; and AS 03.53.010 are repealed.

21 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 **TRANSITIONAL PROVISIONS: REGULATIONS.** The Department of
24 Environmental Conservation and the Department of Natural Resources may proceed to adopt
25 regulations necessary to implement the changes in secs. 1 - 8 of this Act. The regulations take
26 effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the
27 law implemented by the regulation.

28 * **Sec. 12.** Section 11 of this Act takes effect immediately under AS 01.10.070(c).

29 * **Sec. 13.** Except as provided in sec. 12 of this Act, this Act takes effect July 1, 2006.

adopted

24-LS1469\Y.1
Bannister
2/28/06

AMENDMENT

Meyer

OFFERED IN THE HOUSE

TO: CSHB 380(), Draft Version "Y"

1 Page 2, lines 21 - 22:

2 Delete all material and insert:

3 "(1) adopt a schedule of fees or charges, and credit provisions, for
4 services related to animals and animal products rendered by state veterinarians to
5 farmers and others at their request, and all the receipts from the fees and changes shall
6 be transmitted to the commissioner for deposit in the state treasury;"

changes

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

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Post Office Box 111800
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<http://www.dec.state.ak.us>

February 27, 2006

The Honorable Kevin Meyer
House of Representatives
Alaska State Capitol, Room 515
Juneau, Alaska 99801-1182

Dear Representative Meyer:

The Alaska Department of Environmental Conservation supports House Bill 380.

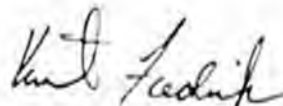
Alaska's ability to respond to threatening animal diseases is limited by antiquated, disorganized, and inadequate statutory authority. The State Veterinarian's statutory duties and responsibilities need to be updated to address today's new and emerging life threatening human diseases that come from exposure to animals.

As the World watches Avian Influenza spread from country to country, the United States is preparing to respond and protect Americans. Alaska's role in this effort is critical. Alaska will most likely be the first State to find Avian Influenza in birds due to migration patterns. The President is responding by directing federal funds to surveillance and preparedness programs with the biggest bird surveillance effort occurring in Alaska. The new Environmental Health Laboratory is currently receiving the appropriate federal certifications to test thousands of samples that will be collected this summer.

The best way to protect the public is to limit the spread of Avian Influenza among birds and do it quickly. HB380 is essential to give Alaska's animal expert the unambiguous statutory authority to appropriately respond. As part of the national Avian Influenza plan, The President has ordered States ensure laws are in place to quickly respond to Avian Influenza. Avian Influenza is still an animal disease, and HB 380 is needed to keep it that way.

If found, Avian Influenza will be devastating to Alaska's subsistence communities, commercial hunting, tourism, and commercial farms. We appreciate the fact that the legislature has recognized the importance of this and thank Representative Meyer for introducing HB 380 so Alaska can protect its citizens and animals.

Sincerely,



Kurt Fredriksson
Commissioner



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

SPONSOR STATEMENT

HB 380

"An Act relating to the powers and duties of the commissioner of environmental conservation; relating to animals, animal products, agricultural products, and the transportation of animals and animal products; relating to the employment, appointment, and duties of a state veterinarian by the commissioner of environmental conservation; relating to the powers of the commissioner of natural resources regarding agricultural products; and providing for an effective date."

House Bill 380 repeals and reenacts several provisions of Title 3 to modernize the powers of the Commissioner of the Department of Environmental Conservation and the State Veterinarian. HB 380 will allow the State Veterinarian to respond accordingly and immediately to potential dangers to Alaskans and our animal populations. Avian influenza is one in a long list of zoonotic diseases that can be devastating to animals and potentially pandemic in human populations. While headlines predict millions of potential deaths from Avian Flu, other immediate issues arising in Alaska are difficult to deal with because of the convoluted authority of the State Veterinarian. The geographic position that makes Alaska a center of air cargo traffic and a critical strategic base for our military forces also puts Alaska at risk from diseases carried across the globe by migratory birds and marine mammals.

The most immediate threat to humans from a zoonotic disease comes from exposure to domestic animals. Yet, the statutes governing Alaska's State Veterinarian were passed prior to statehood in 1949 when the concern of the territorial legislature was on the state of fur farms and animals were considered livestock. Under existing authority, the State Veterinarian would be unable to respond to an outbreak of disease in a backyard bird flock because the birds would not necessarily be considered livestock. To date, all cases of Avian Flu infections in humans have come from exposure to personal bird flocks.

Many of the authorities in this legislation exist today but in a less organized fashion.

By eliminating outdated requirements such as reporting to the legislature on fur farming, and clarifying existing authorities, the State Veterinarian's responsibilities can be focused on what is most important to Alaska - ensuring animal diseases do not spread or harm humans. Through collaboration with the Departments of Health and Social Services, Fish and Game and Natural Resources, the State Veterinarian fills an essential role in this process but needs clearer authority to do so.



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

January 24, 2006

TO: Representative Kevin Meyer

FR: Michael Pawlowski

RE: Sectional Analysis: HB 380 *Animals & Animal or Agricultural Products*

House Bill 380 *Animals & Animal or Agricultural Products* repeals and reenacts several statutes relating to the powers of the commissioner of environmental conservation, the state veterinarian and the commissioner of natural resources regarding agricultural products. Below is an explanation of the expansions of authority added by, and a summary of the existing powers repealed and reenacted in, HB 380.

Section 1: Powers of commissioner of environmental conservation

In repealing and reenacting AS 03.05.011, HB 380 broadens the scope of the original statute while preserving the overlapping authority that currently exists between DEC and DNR to monitor the health of animals in the state. The reenacted AS 03.05.011 includes the powers granted to DEC under the original AS 03.05.011, AS 03.05.020 (miscellaneous powers), 03.05.060 (spread of contagious diseases in livestock), 03.05.080 (controlling the exportation of animals), the power to adopt regulations under AS 44.62 (APA), the power to charge fees, and notice requirements for actions taken under AS 03.05.011.

By moving powers spread throughout statute to a blended AS 03.05.011, the statute can be modernized and the corresponding authorities repealed. Additionally, where some powers are conferred, other requirements in statute can be repealed. The power granted in the proposed AS 03.05.011 to regulate and prohibit the importation or transportation of animals with diseases is adequate enough to warrant the repeal of the requirement in AS 03.53.010 to obtain a health certificate for an animal traveling on the state ferry system.

The primary change however, in the reenacted section is the extension of DEC's authority to inspect, test, quarantine, or embargo from *livestock* to *all animals*. The world has changed significantly since the original statutes were passed in 1949 and the broadening of AS 03.05.011 reflects the reality that animals are no longer uniformly considered livestock.

The authority of DEC to cooperate with other governmental agencies is also expanded in the reenacted AS 03.05.011 (3) to include "municipal and other governmental agencies." In the original 03.05.011 the department was only authorized to cooperate with "federal and other state agencies." An outbreak of a zoonotic disease like avian influenza requires a rapid coordinated response by federal, state and local officials. An updated AS 03.05.011 allows the department to cooperate with all the interested parties to prepare for a potential emergency.

The reenacted AS 03.05.011 represents a consolidation of authorities into a single statute that reflects the complicated regulatory, inter and intra-governmental and virological environment the department of environmental conservation and the state veterinarian are confronted with.

Section 2: State Veterinarian

Section 2 of HB 380 is a new section that replaces AS 03.25.010, 03.25.020 & 03.25.250, which are subsequently repealed in section 9. Chapter 25 of title 3 was written in 1949 and made the primary purpose of the state veterinarian the investigation of fur farms. The fur farm provisions have been removed from the proposed new AS 03.05.013. The removal of the antiquated provisions will make the statutes comport to the world the state veterinarian is confronted with. The new section makes the responsibility of the state veterinarian the requirements of the title over which the department has jurisdiction. The new section will also require the state veterinarian to be licensed to engage in the practice of veterinary medicine.

Section 3 & Section 4: Inspection & Products in Violation

Section 3 makes conforming amendments to AS 03.05.040 (a) & 03.05.050 (a):

- Expanding the time during which, locations where and persons authorized to, inspect a place where animals, animal products and agricultural products are raised, housed, kept, stored, processed or sold.
- Expanding the definition of what may be inspected for to include animal and animal products in addition to agricultural products.

Section 5: Penalty for Violation

Section 5 adds 5 new subsections to AS 03.05.090 specifying penalties for violations of the chapter and defining "knowingly" for purposes of the section.

Section 6: Definitions

Excludes "animals, or animal products" from the definition of agricultural products.

Section 7: Definitions

Adds definitions of "animal" and "animal product" to the definitions section.

Section 8: Fees for Services

Makes a conforming change to the products that the department of environmental conservation is allowed to charge fees to recover their direct costs for.

Section 9: Repealing

Section 9 repeals:

| | |
|--------------|----------------------------|
| AS 03.05.020 | Incorporated in section 1. |
| AS 03.05.060 | Incorporated in section 1. |
| AS 03.05.080 | Incorporated in section 1. |
| AS 03.25.010 | Incorporated in section 2. |
| AS 03.25.020 | Incorporated in section 2. |
| AS 03.05.250 | Incorporated in section 2. |
| AS 03.45.040 | Incorporated in section 5. |
| AS 03.45.050 | Incorporated in section 3. |
| AS 03.45.060 | Incorporated in section 1. |
| AS 03.45.070 | Incorporated in section 1. |
| AS 03.45.080 | Incorporated in section 1. |
| AS 03.53.010 | Incorporated in section 1. |

Section 10: Transitional Provisions

Transitional provisions allowing the department of environmental conservation and department of natural resources to adopt regulations needed to implement the changes in this Act.

Section 11: *Effective Date*

Immediate effective date for section 10.

Section 12: *Effective Date*

Provides an effective date of July 1, 2006 for sections 1-9

Testimony HB 380:

The current rapid pace of disease emergence at the beginning of the 21st century has created new challenges for the management and control of animal and public health diseases. The emergence of new diseases has been primarily associated with an increased interaction with animals. It is now recognized that over 70% of the recent infectious diseases affecting human health and human economies are zoonotic diseases (animal diseases that infect people). In the past infectious diseases and the laws in place to control them were categorized according to a convenient but artificial system:

diseases of livestock,
diseases of wildlife,
diseases of pets, and
diseases of humans.

Infectious diseases are rarely restricted to an individual species and are not contained by any artificial geographic or political boundary.

Diseases can be introduced to a new area through a number of routes. For examples let us review a few of the recent outbreaks of some highly publicized emerging disease and how they were spread.

- Importing pet rodents from Africa caused a Monkey Pox outbreak in humans in several Midwestern states. The rodents were imported into an Illinois pet store; the rats infected other rodents including prairie dogs. These animals were then shipped to several states. There was no authority that was responsible for regulating these pets.
- Consumption of meat products contaminated with prions – initially thought to only exist in brain matter and the spinal column – has caused Bovine Spongiform Encephalopathy, Mad Cow Disease in humans. The economic impact has been global.
- Consumption of improperly cooked or contaminated meat is one pathway for E coli, Campylobacter, and Salmonella to result in public health disasters
- Milk and dairy products (Cheese) contaminated with Listeria, Tuberculosis, brucellosis, E. Coli, and most recently and unusual problem with rabies virus in milk that occurred in Oklahoma
- animal movement/migration is a concern with the spread of Avian Influenza-waterfowl, Chronic Wasting Disease-white tailed deer
- insect vectors (West Nile Virus, dengue fever, and malaria- mosquitoes, Lyme Disease-ticks)

There are also threats to public health from diseases that have been around for many years and thought to be under control. They have re-emerged and are in populations that were previously not known to have the disease. For example; outbreaks of two zoonotic diseases, tuberculosis and brucellosis, in wildlife and livestock have resulted in Minnesota, Michigan, Montana, California, Arizona, and Texas losing their status as disease-free states. Something Alaska can currently claim. Being disease free allows easier movement of animals across

borders and eliminates the additional cost to the producer for testing each animal. Other diseases have re-emerged as a threat due to genetic mutations that make the pathogen more resistant to commonly used antibiotics. Antibiotic resistant strains of E. coli O-157, Salmonella and tuberculosis have been identified resulting in increased morbidity and mortality rates and escalating health care cost.

The consequence of all these disease outbreaks has had major impact on both animal health, public health, as well as regional and national economies.

In Alaska, there is no state agency that has the authority to manage all animals (domestic, wild or exotic) that may carry diseases that threaten the State's animal resources and public health.

The current authority of the State Veterinarian is limited to livestock, poultry and animals on fur farms.

How has the state managed some of these problems in the past?

In the February of 2004 a veterinarian reported that several horses had acutely died in Kodiak. The disease investigation was initiated by the State Veterinarian in collaboration with the USDA, UAF and local practitioners. The Public Health Department was notified. No person had the authority to stop all animal movement (pets, livestock, wildlife, animals for exhibition) to prevent the possible spread of a potentially dangerous disease during this investigation. The State Veterinarian had the authority to quarantine livestock and poultry only. All animal movement on and off Kodiak was curtailed through the **voluntary** cooperation of DOD-US Coast Guard, State Dept of Transportation- Ferry System, private airline carriers with the Office of the State Veterinarian. Five horses and a donkey died in the span of two weeks; fortunately the cause of the equine deaths was not an infectious disease.

In the summer of 2005 a dog kennel owner imported some ducks into Alaska to train hunting dogs. He reported that 200 of 500 of the ducks had died over the course of 2 weeks. These ducks are not considered poultry. There was a high level of concern due to the outbreak of Avian Influenza in Southeast Asia. The disease investigation was coordinated by the State Veterinarian in collaboration with the USDA. The owner agreed to the disease control measures that were instituted during the investigation: quarantine, cancellation of all dog trials scheduled, sampling of the remaining flock of ducks. The condition was treated with an antibiotic and the deaths ceased. The disease was not the result of Avian Influenza or any other foreign animal disease but caused by a common bacterial disease.

In the past disease investigations have been successfully managed and controlled with the voluntary cooperation of all parties involved. The state cannot depend on this in the future, there needs to be clear statutory authority in situations of an animal disease outbreak.



January 26, 2006
The Honorable Representative Kevin Meyer

We wanted to let you know that The Alaska Veterinary Medical Association supports HB 380. Technology, society and animal diseases have changed dramatically since the original 1949 statutes. The changes that have occurred since then are not as important as the changes you are proposing today. We believe the proper protocol for controlling animal disease and infections needs to exist to adequately protect the animal resources and people of our State. This bill is essential in assuring a mechanism to investigate, control the spread of and eradicate dangerous emerging zoonotic and debilitating diseases of this era.

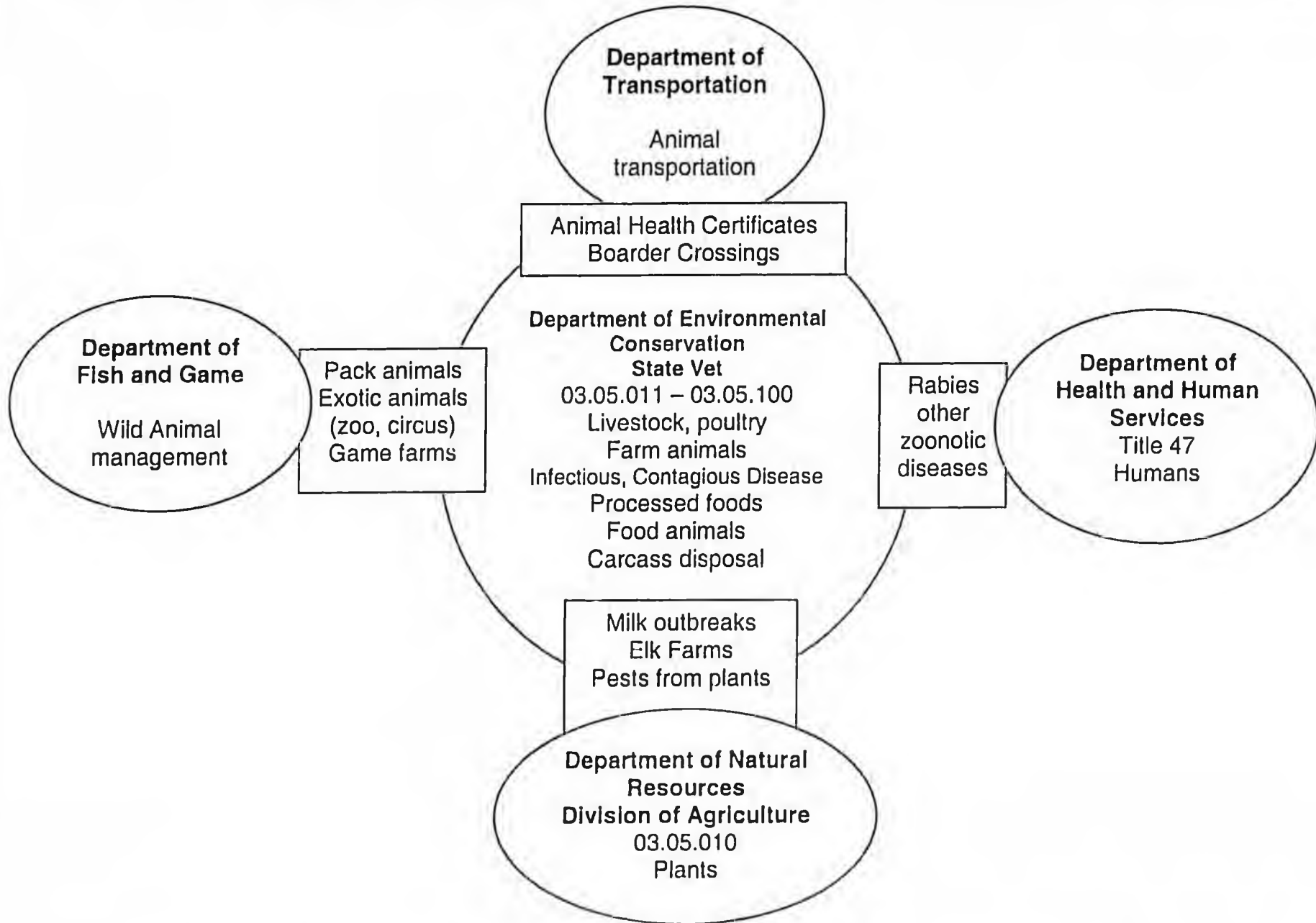
The Office of the State Veterinarian works closely with our organization and it is a collaborative relationship that has been beneficial for private veterinarians. (Dr. Gerlach offers training and assistance as requested) and for the State (private veterinarians are the first responders in the field to animal emergencies such as disease outbreaks and natural disasters). Together, we meet the current challenges that face the State. Existing and emerging diseases such as Rabies, Monkey Pox, Avian Influenza, SARs and West Nile Virus have significant impacts in our world. As a profession, we must better address the fact that diseases in pets, livestock, and wild-life can harm humans. HB 380 will help us achieve that.

Thank you for introducing this important legislation.

Sincerely,

AKVMA Board of Directors
President: Dr. Siri Kavanaugh
Anchorage—522-1006

State of Alaska, Animal Health Management System



HB 380 would fill a critical gap by including domestic animals under the State Vet.

Alaska, feds join in hunt for avian flu

SCREENING: State is a crossroads and could be disease's landing point.

By ANN POTEempa
Anchorage Daily News

(Published: January 20, 2006)

Government agencies will study thousands of birds throughout Alaska this year in search of avian influenza, particularly the deadly H5N1 strain that's been transmitted to people, state and federal officials said Thursday.

According to the World Health Organization, 148 cases of H5N1 influenza in people have been reported from six Asian and European countries since December 2003, resulting in 79 deaths.

Rick Kearney, the wildlife program coordinator for the U.S. Geological Survey, spoke about bird flu alongside state health leaders Thursday at a downtown luncheon for Commonwealth North, a local civic group. While surveillance for flu viruses in birds is not new in Alaska, a partnership of state and federal agencies will step up efforts this year because Alaska is a place where several migratory pathways meet.

"Alaska could be that place where the virus arrives in North America," Kearney said.

Kearney said a new, faster test for the H5N1 strain will be able to look through hundreds of samples and return results within a week.

Last year, the U.S. Department of the Interior studied more than 1,000 live birds throughout the state, Kearney said. The University of Alaska also has studied thousands of birds in recent years.

"We have not detected H5N1 in wild birds in Alaska. Period," said Douglas Causey, vice provost of research and graduate studies for the University of Alaska Anchorage.

Birds can carry more than 100 kinds of flu, Causey said. Some of these flu viruses have been found in Alaska birds, but unlike H5N1, most of them are not dangerous and are less likely to make people sick, said Kearney and Causey.

"We have a lot of influenza in birds here in Alaska," Causey said. "We always have had, and we always will have."

In 2006, a partnership of state and federal agencies, along with the University of Alaska, will conduct surveillance for bird flu. Kearney said the partnership will study up to 6,000 live waterfowl and shorebirds that migrate between Alaska and Asia. That research will begin this spring when birds start arriving. The National Wildlife Health Center in Madison, Wis., will test the samples.



U.S. Fish and Wildlife Service employees gather samples from waterfowl near Cold Bay on Oct. 25, looking for the Asian H5N1 strain of the avian influenza virus. The wildlife service is working in conjunction with the U.S. Geological Survey at the National Wildlife Health Center in Madison, Wis., to conduct surveillance on the virus. (U.S. Fish and Wildlife Service via The Associated Press)

Another project will test about 4,000 birds killed by subsistence hunters here this spring, and about 3,000 more birds killed during the fall hunt, Kearney said. The federal government also will collect samples of bird feces to look for the virus.

Daily News reporter Ann Potempa can be reached at 257-4581 or apotempa@adn.com.

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State, federal officials offer bird flu advice**LUNCHEON: If sickness does strike in Alaska, sanitation rules will help slow its transmission.**By ANN POTEMPA
Anchorage Daily News*(Published: January 20, 2006)*

State and federal officials attending a Commonwealth North luncheon Thursday answered questions about bird flu and gave Alaska residents and businesses advice about how to prepare for a possible flu outbreak.

Q. How could bird flu make its way to Alaska?

A. There are several possible routes. It could arrive via international commerce routes, such as pet or animal trade, said Rick Kearney, the wildlife program coordinator for the U.S. Geological Survey. Other possibilities are international travel of infected people or infected birds that migrate between Alaska and other parts of the world.

Q. What might a flu pandemic in Alaska be like?

A. Health officials made estimates based on the number of illnesses and deaths reported during the flu pandemics of the 1900s.

The next pandemic in Alaska could make 200,000 people sick. That's almost a third of the state's residents.

"If half of them seek medical care, that would be about 100,000 people showing up in clinics," said Dr. Jay Butler, the state's chief epidemiologist.

Q. Health officials say a vaccine likely won't be available at the beginning of a flu pandemic, and virus-fighting medication could be in short supply. What can an Alaskan do to try to prevent illness?

A. Dr. Richard Mandsager, the state's public health director, said Americans like to act like heroes, coming to work when they have fevers and aren't feeling well. That has to change, he said: When you're sick, you need to stay home.

Mandsager listed other ways to prevent flu from spreading:

- Wash your hands or use a hand sanitizer.
- Cover your mouth when you sneeze or cough.
- Try not to touch your eyes, nose or mouth.
- Get sufficient rest and exercise, and eat well.

- Drink alcohol in moderation, or none at all.
- Stay away from tobacco smoke.
- Get a flu shot every year.

Q. What should businesses do to prepare for an outbreak?

A. Mandsager said businesses should look at whether they can continue providing their essential services if large percentages of employees are out sick. Human resources departments will need to consider ways to change the business, possibly allowing sick people to stay home and work.

"As you consider employees, consider families as well," Butler said.

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Feb 22, 2006

Rep. John Harris, Speaker
Alaska House of Representatives
Juneau, Alaska

Dear Rep Harris,

I am writing on behalf of the Alaska Farmers Union to express our concerns regarding HB 380. This bill greatly expands the power of the Commissioner of the Department of Conservation and the State Veterinarian. I have read through both the current statute and the proposed legislation. While some modernization of the statute is warranted, I believe the proposed legislation goes beyond what is needed.

On page 3, the new legislation will allow inspections any day and any time. I believe inspections should be limited as in current statute unless the Governor has declared an emergency endangering the health of animals or the public.

On page 4, the Department of Conservation is given the power to levy fines. I believe this is government confiscation of private property without due process.

Also on page 4, Sec 6 and 7 are contradictory. Sec. 6 excludes fish, fisheries products, animals, or animal products. Does this Sec. negate all the rest of the legislation? And then Sec 7 turns around and includes "fish" in the definition of "animal"

On page 5, the Department is given authority to "prescribe fees" DEC can inspect and then send a bill to the person inspected for the service? The proposed legislation also eliminated compensation if animals or animal products are destroyed. Both of these provisions shift the financial burden of public health and safety onto the individual. If this legislation is about protecting the health of Alaskans then the state should pay. We want cooperation from animal owners, not fear. If an animal owner knows reporting a suspicious death in his herd or flock is going to be a personal financial burden, he is less likely to report it.

Rep. Meyer, the bills sponsor, suggests this legislation is in response to avian flu. Neither this legislation nor any other will prevent avian flu from eventually reaching Alaska. The number of migratory birds that come into and out of Alaska each year pose a much greater risk to Alaskans health where contact with infected birds is most likely to occur on hunting trips in less than ideal sanitary conditions. Let's keep our focus on protecting public health, not on funding DEC through burdensome fees and fines.

Thank you, for your time and your service to Alaska.

Don Bramard, President
Alaska Farmers Union

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A POM was successfully sent

From:

Jeannie Pinkelman

To:

Rep. Coghill, Rep. Harris, Rep. Holm, Rep. Meyer, Rep. Neuman, Rep. Rainras, Rep. Stoltze, Sen. Huggins, Sen. Seekins, Sen. Therriault

Subject

The message was sent in reference to:

HB 380 (Animals & Animal Or Agricultural Products)

Message

The message contained the following text:

HB380 worded to loosely. Unclear and appears as an invasion of personal privacy using excessive government control. It's creating another layer of government for DEC to monitor hiring pest-cops to control pest and disease disguised as promoting safe and sanitary conditions for animal or products ultimately in violation of privacy.

[Begin Another POM](#)[Logout](#)



Ward Farms

P.O. Box 1087 - Delta Junction, Alaska 99737 - Phone (907) 895-5415 Fax 895-5416

Representative John Harris
Fax 465-3799

Dear John,

Please review and distribute this letter as appropriate to guide the public process in the deliberation of HB 380. This legislation will implement extensive changes in the oversight of animals and animal products and will have significant impacts on those who are involved in the agriculture industry. This bill was heard by the House Resources committee and passed out without any input from the private sector. It was irresponsible for committee members to pass this bill on without hearing from the economic sector that will be most impacted by its passage.

This bill is now before the House Finance Committee. The major issues at hand are Resource issues and the Finance committee should send this bill back to the Resource committee for a proper and comprehensive hearing.

Some of the issues at stake in this legislation include but are not limited to:

As a livestock producer, my comments are limited to the impact on the commercial livestock industry but that doesn't diminish its impact on other segments of the animal or animal products industry.

The Bill authorizes the Commissioner of DEC to appoint almost anyone to carry out the requirements of the Title (Sec 03.05.011(b2)). While this is assumed to be licensed veterinarians, it must be first noted that most of the vets in this state are dog & cat vets and haven't the training or expertise to identify or treat most livestock diseases. Beyond that, in all likelihood, this authority could be given to animal control officers or special interest groups like SPCA & PETA who not only are totally unqualified but are driven by their own agenda. The State or its designees are not qualified to visually or professionally judge whether my livestock is healthy or poses a risk to others.

The Bill grants broad powers to the State to enter property, take into custody, quarantine, embargo, or destroy animals. The provision in (c) providing the owner "notice and an opportunity to be heard" is laughable. It doesn't allow the owner to defend, challenge, or refute the action nor does it require the State to offer proof or substantiation for their actions. Once the State decides to take action against an animal owner, the owner's commercial livestock business is in jeopardy, the burden of defense is on the owner, and the reputation of the business is damaged. The very hint of disease in animals raises a fear in the public mind and damages the business enterprise in question. It's been documented that most of the disease testing in livestock ends in a negative result but through the process the reputation of the farm has suffered unrepairable damage. Where is the protection of private property rights and due process in this Bill?

This Bill removes all statutory provisions for compensation in the seizure and destruction of animals. Not only does the Bill grant broad powers to the State and no protection to the private property owner, but it eliminates any compensation when the actions are beyond the control of the owner. Where is the protection or defense from actions by the State when it results in a false alarm or inappropriate action by state officials? These actions will cause economic damage to the livestock owners and there needs to be a provision for compensation from the State for losses caused by State actions.

It is my understanding that the motive for enacting this legislation was driven by the worldwide fear of Avian Flu. I see nothing that address the problems of migratory waterfowl or a means of testing or eliminating the diseases that wildlife poses on private livestock. You are quick to pass laws to move against the private sector without including any protections to guard us against a threat that can fly in from a foreign country and devastate our economic enterprise. I assume it's easier to show that you're being pro-active against a small industry rather than challenge the management of the mighty Dept of Fish & Game.

Please return HB 380 to the House Resources committee for a proper hearing and public comment.

Signed:

Bill D. Ward