

HB

380



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By eliminating outdated requirements such as reporting to the legislature on fur farming, and clarifying existing authorities, the State Veterinarian's responsibilities can be focused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 14.62 (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.

Sectional

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 section. 1-9

AMENDMENT

OFFERED IN THE HOUSE RESOURCES COMMITTEE
TO: HB380

Insert a new section:

* Sec. __. AS .7.05.012(9) is amended to read:
(9) the compendium of animal rabies prevention and control [2002,]
published by the United States Centers for Disease Control and Prevention;

Position Paper

Proposed amendment to HB 380

(A bill relating to animals and animal or agricultural products)

- This is a simple amendment requested by the Division of Public Health and agreed to by the Department of Environmental Conservation, the primary agency affected by HB 380.
- The amendment would fix an oversight in AS 47.05.012, which allows the Department of Health and Social Services to adopt by reference certain health-related publications that are regularly updated. The statute allows updated amended versions of the publications to be adopted by simply issuing a notice and without going through the lengthy notice and comment regulatory process.
- However, when AS 47.05.012(9) was revised to update the title of the publication in 2003, the amendment incorrectly included the most recent publication date, citing the 2002 version of the Compendium of Animal Rabies and Control, with the effect that only the 2002 version is authorized.
- The compendium serves as the basis for animal rabies prevention and control programs throughout the United States. It standardizes procedures among jurisdictions, thereby contributing to an effective national rabies-control program. The document is reviewed annually and revised as necessary. Obviously, the most current edition should be adopted by reference in Alaska.
- The proposed amendment simply removes reference to the specific 2002 edition. Here is suggested language:

* Sec. __. AS 47.05.012(9) is amended to read:
 (9) the compendium of animal rabies prevention and control [2002,] published by the United States Centers for Disease Control and Prevention;
- One final note: The Department of Law has indicated that this proposed amendment is not appropriate for the annual Revisor's Bill. Thus, we urge approval of this minor change to HB 380.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 240
 Publish Date: _____

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.: 2085

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

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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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 FY 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: Dan Easton for Kurt Fredriksson
 Agency: Commissioner

Phone: (907) 269-7644
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 Date: 02.06.06

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Anchorage Daily News

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Alaska, feds join in hunt for avian flu

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

By ANN POTEPA
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)

ADN Story

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 POTEempa
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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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

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.