

CHAPTER 5

QUARANTINES AND EMBARGOES ON ANIMALS

Authority

N.J.S.A. 4:1-11.1, 4:1-17, 4:1-18, 4:1-21.5, and 4:5-1 et seq.

Source and Effective Date

R.2023 d.091, effective June 30, 2023.  
See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).

Chapter Expiration Date

Chapter 5, Quarantines and Embargoes on Animals, expires on June 30, 2030.

Chapter Historical Note

Chapter 5, Quarantines and Embargoes on Animals, was adopted as R.1971 d.209, effective November 17, 1971. See: 3 N.J.R. 242(a).

Subchapter 1, Hog Cholera Quarantine, was repealed by R.1981 d.42, effective February 4, 1981. See: 13 N.J.R. 5(c), 13 N.J.R. 115(d).

Subchapter 1, Equine Entry Restriction, was adopted as Emergency New Rules by R.1992 d.321, effective July 20, 1992, expired September 18, 1992.

Subchapter 2, Equine Quarantines and Embargoes, was adopted as R.1973 d.233, effective August 30, 1973. See: 5 N.J.R. 254(a), 5 N.J.R. 327(a). Pursuant to Executive Order No. 66(1978), Subchapter 2 expired on April 3, 1984.

Subchapter 2, Equine Quarantines and Embargoes, was adopted as new rules by R.1984 d.221, effective June 18, 1984. See: 16 N.J.R. 578(a), 16 N.J.R. 1471(a).

Subchapter 3, Poultry Embargo, was adopted as Emergency New Rules by R.1983 d.572, effective November 21, 1983, to expire January 20, 1984. See: 15 N.J.R. 2048(a). The provisions of R.1983 d.572 were readopted as R.1984 d.59, effective March 19, 1984. See: 15 N.J.R. 2048(a), 16 N.J.R. 518(a).

Subchapter 4, Area Quarantine for Avian Influenza, was adopted as Emergency New Rules by R.1983 d.585, effective December 1, 1983, expired January 30, 1984. See: 15 N.J.R. 2176(a).

Pursuant to Executive Order No. 66(1978), Chapter 5, Quarantines and Embargoes on Animals, expired on June 18, 1989.

Chapter 5, Quarantines and Embargoes on Animals, was adopted as new rules by R.1989 d.454, effective August 21, 1989. See: 21 N.J.R. 1479(a), 21 N.J.R. 2472(a).

Pursuant to Executive Order No. 66(1978), Chapter 5, Quarantines and Embargoes on Animals, expired on August 21, 1994.

Chapter 5, Quarantines and Embargoes on Animals, was adopted as new rules by R.1995 d.199, effective April 3, 1995. See: 26 N.J.R. 1908(b), 27 N.J.R. 1399(b). Pursuant to Executive Order No. 66(1978), Chapter 5, Quarantines and Embargoes on Animals, expired on April 3, 2000.

Subchapter 1, Livestock Prohibition, was adopted as Emergency New Rules by R.1995 d.451, effective July 24, 1995, to expire September 22, 1995. See: 27 N.J.R. 2976(a). The provisions of R.1995 d.451 were readopted as R.1995 d.595, effective November 20, 1995. See: 27 N.J.R. 2976(a), 27 N.J.R. 4695(a).

Pursuant to Executive Order No. 66(1978), Chapter 5, Quarantines and Embargoes on Animals, was adopted as new rules by R.2000 d.224, effective June 5, 2000. See: 32 N.J.R. 733(a), 32 N.J.R. 2045(a).

Subchapter 4, Exotic Newcastle Disease (END), was adopted as Emergency New Rules by R.2003 d.170, effective April 2, 2003 (to expire June 1, 2003). See: 35 N.J.R. 1699(a). The concurrent proposal of Subchapter 4, Exotic Newcastle Disease (END), was adopted as R.2003 d.251, effective May 29, 2003. See: 35 N.J.R. 1699(a), 35 N.J.R. 2861(a).

Subchapter 4, Exotic Newcastle Disease (END), was repealed by R.2004 d.229, effective June 21, 2004. See: 36 N.J.R. 1152(a), 36 N.J.R. 3055(a).

Chapter 5, Quarantines and Embargoes on Animals, was readopted as R.2005 d.398, effective October 20, 2005. As a part of R.2005 d.398, Subchapter 1, Delegation of Quarantine Authority, Subchapter 4, Livestock and Poultry, and Subchapter 5, Penalties, were adopted as new rules; former Subchapter 1, Livestock Prohibition, was recodified to Subchapter 2, and renamed Livestock and Poultry Prohibition; and former Subchapter 2, Equine Infectious Anemia, was recodified to Subchapter 3, effective November 21, 2005. See: 37 N.J.R. 2307(a), 37 N.J.R. 4395(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 5, Quarantines and Embargoes on Animals, was scheduled to expire on April 18, 2013. See: 43 N.J.R. 1203(a).

Chapter 5, Quarantines and Embargoes on Animals, was readopted as R.2011 d.148, effective April 28, 2011. See: 42 N.J.R. 2347(a), 43 N.J.R. 1329(b).

Chapter 5, Quarantines and Embargoes on Animals, was readopted, effective March 1, 2018. See: 50 N.J.R. 1101(a).

Chapter 5, Quarantines and Embargoes on Animals, was readopted as R.2023 d.091, effective June 30, 2023. As a part of R.2023 d.091, Subchapter 1, General Provisions, and Subchapter 5, Contagious Equine Metritis Program, were adopted as new rules, former Subchapter 1, Delegation of Quarantine Authority, was recodified to Subchapter 2, former Subchapter 2, Livestock and Poultry Prohibition, was recodified to Subchapter 3, former Subchapter 3, Equine Infectious Anemia, was recodified to Subchapter 4, former Subchapter 4, Livestock and Poultry, was recodified to Subchapter 6, and former Subchapter 5, Penalties, was recodified to Subchapter 7, effective August 7, 2023. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

**2:5-1.1 Definitions**

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Cleaned and disinfected” means free of organic matter and disinfected, as described at 9 CFR 71.7, 71.10, 71.11, and 71.12, which are incorporated herein by reference.

“Department” means the New Jersey Department of Agriculture.

“Equidae” means members of the family *Equidae*, including, but not limited to, horses, ponies, donkeys, hinnies, mules, and miniature breeds.

“Livestock” means cattle, equidae, swine, small ruminants, rabbits, and poultry.

“State Veterinarian” means the Director, Division of Animal Health, New Jersey Department of Agriculture, or his or her designee.

“USDA Category II Accredited Veterinarian” means a state-licensed veterinarian accredited by the United States Department of Agriculture to perform certain functions of Federal and cooperative state-Federal programs in accordance with the provisions at 9 CFR Parts 160 through 162.

New Rule by R.2005 d.398, effective November 21, 2005.  
 See: 37 N.J.R. 2307(a), 37 N.J.R. 4395(a).  
 Former N.J.A.C. 2:5-1.1, Livestock prohibition—Vesicular stomatitis, recodified as N.J.A.C. 2:5-2.2, Vesicular stomatitis.  
 New Rule, R.2023 d.091, effective August 7, 2023.  
 See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).  
 Former N.J.A.C. 2:5-1.1, State Board Approval, recodified to N.J.A.C. 2:5-2.1.

SUBCHAPTER 2. DELEGATION OF QUARANTINE AUTHORITY

**2:5-2.1 State Board Approval**

(a) At least once each calendar year, and at any other time deemed necessary, the State Veterinarian shall advise the State Board of Agriculture of any contagious or infectious animal diseases as may be present in the State.

1. If, in the opinion of the State Veterinarian, a disease is persistent and difficult to eradicate, authority may be requested from the State Board of Agriculture for the State Veterinarian to issue prospective quarantines and violations and assess penalties for that disease, without prior Board approval for a period not to exceed 12 months.

2. If a quarantine is issued pursuant to this authority, at the next regularly scheduled State Board of Agriculture meeting, the State Veterinarian shall notify the Board of the quarantine and any violations issued, penalties assessed, or any other actions taken.

New Rule by R.2005 d.398, effective November 21, 2005.  
 See: 37 N.J.R. 2307(a), 37 N.J.R. 4395(a).  
 Former N.J.A.C. 2:5-2.1 recodified as N.J.A.C. 2:5-3.1.  
 Recodified from N.J.A.C. 2:5-1.1 by R.2023 d.091, effective August 7, 2023.  
 See: 55 N.J.R. 515 (a), 55 N.J.R. 1683(b).  
 Rewrote the section. Former N.J.A.C. 2:5-2.1, Livestock and poultry prohibition, recodified to N.J.A.C. 2:5-3.1.

**2:5-2.2 (Reserved)**

Emergency New Rule, R.1995, d.451, effective July 24, 1995 (expires September 22, 1995).  
 See: 27 N.J.R. 2976(a).  
 Adopted concurrent proposal, R.1995 d.595, effective November 20, 1995.  
 See: 27 N.J.R. 2976(a), 27 N.J.R. 4695(a).  
 Recodified from N.J.A.C. 2:5-1.1 and amended by R.2005 d.398, effective November 21, 2005.  
 See: 37 N.J.R. 2307(a), 37 N.J.R. 4395(a).  
 Former N.J.A.C. 2:5-2.2 recodified as N.J.A.C. 2:5-3.2.  
 Repealed by R.2023 d.091, effective August 7, 2023.  
 See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).  
 Section was “Vesicular stomatitis”. Former N.J.A.C. 2:5-2.2, Vesicular stomatitis, recodified to N.J.A.C. 2:5-3.2.

**2:5-2.3 (Reserved)**

Repealed by R.2005 d.398, effective November 21, 2005.  
 See: 37 N.J.R. 2307(a), 37 N.J.R. 4395(a).  
 Section was “Importation for immediate slaughter.”

SUBCHAPTER 3. LIVESTOCK AND POULTRY PROHIBITION

**2:5-3.1 Livestock and poultry prohibition**

(a) Premises, areas, counties, states, countries, provinces, territories, U.S. territories, or tribal nations suspected or found positive for a contagious or infectious disease may be embargoed by the Department.

(b) Once official laboratory confirmation is received that a premises, area, county, state, country, province, territory, U.S. territory, or tribal nation is positive for a contagious or infectious disease, such premises, areas, counties, states, countries, provinces, territories, U.S. territories, or tribal nations shall remain embargoed until the State Veterinarian is satisfied that the risk of disease exposure no longer exists.

New Rule, R.1988 d.369, effective August 1, 1988.  
 See: 20 N.J.R. 695(a), 20 N.J.R. 1870(a).  
 Amended by R.1989 d.270, effective May 15, 1989.  
 See: 21 N.J.R. 92(a), 21 N.J.R. 1384(a).

Deleted definitions of "herd", "herd test", "natural additions", "New Jersey EIA certified free equidae (herd)", "non-certified additions" and "non-certified horse/herd"; added definition for "slaughter buyers".  
 Recodified from N.J.A.C. 2:5-2.1 and amended by R.2005 d.398, effective November 21, 2005.

See: 37 N.J.R. 2307(a), 37 N.J.R. 4395(a).  
 Recodified from N.J.A.C. 2:5-2.1 by R.2023 d.091, effective August 7, 2023.

See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).  
 Rewrote the section. Former N.J.A.C. 2:5-3.1, Definitions. recodified to N.J.A.C. 2:5-4.1.

**2:5-3.2 Vesicular stomatitis**

(a) The following words or terms, as used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

"Vesicular stomatitis positive location" shall mean any state, country, province, territory, U.S. territory, or tribal nation in which vesicular stomatitis is currently identified as being present in any livestock or wild or exotic animals by state, Federal, or other appropriate animal health officials, or in which there is a quarantine for vesicular stomatitis.

(b) All livestock and wild and exotic animals to be imported from any vesicular stomatitis positive location:

1. Shall be accompanied by a Certificate of Veterinary Inspection in accordance with N.J.A.C. 2:3-1.4, issued within 72 hours of shipment, which includes the following statements:

- i. The animals have been inspected and found free of evidence of vesicular stomatitis within 72 hours of shipment; and
- ii. The animals have not been on any premises on which vesicular stomatitis has been currently identified or exposed to any animal that has been vaccinated for vesicular stomatitis during the 30 days prior to the inspection date.

(c) In addition to (b) above, all livestock and wild and exotic animals to be imported from any vesicular stomatitis positive location must first obtain a permit number for entry from the Department. A permit number may be requested by telephone at (609) 671-6400 or by fax at (609) 671-6413 or by email at [State.veterinarian@ag.nj.gov](mailto:State.veterinarian@ag.nj.gov) (non-holiday weekdays, 8:45 A.M. to 4:45 P.M., ET).

1. These animals must be accompanied by a negative test for vesicular stomatitis performed by an International Organization for Standardization (ISO), or American Association of Veterinary Laboratory Diagnosticians (AAVLD)-accredited or National Animal Health Laboratory Network (NAHLN)-approved laboratory within 10 days prior to shipment; and

2. Animals imported into New Jersey under such a permit shall be automatically quarantined for 14 days, and shall be isolated from other livestock and susceptible species until the quarantine expires or the animal(s) is released by the State Veterinarian.

3. Based on epidemiological risk, areas of a state, country, province, territory, U.S. territory, or tribal nation may be exempted from the requirements in this subsection by the State Veterinarian. Such epidemiological risk evaluation may consider factors associated with the risk of the presence and transmission of vesicular stomatitis in such areas, including, but not limited to, the consideration and assessment of the nature of the disease, the means or methods of its transmission, the proximity to an identified outbreak of the disease, mitigation methods that may have been used, and the species involved.

(d) New Jersey premises suspected or found positive by official laboratory confirmation for vesicular stomatitis shall be quarantined by the State Veterinarian.

(e) Once official laboratory confirmation of vesicular stomatitis exists, such premises shall remain under quarantine until the State Veterinarian is satisfied that the risk of disease exposure no longer exists.

Amended by R.1974 d.256, effective September 19, 1974.  
 See: 6 N.J.R. 295(b), 6 N.J.R. 386(c).  
 Amended by R.1988 d.369, effective August 1, 1988.  
 See: 20 N.J.R. 695(a), 20 N.J.R. 1870(a).

Administrative correction to (g).  
 See: 22 N.J.R. 628(a).  
 Recodified from N.J.A.C. 2:5-2.2, by R.2005 d.398, effective November 21, 2005.

See: 37 N.J.R. 2307(a), 37 N.J.R. 4395(a).  
 Former N.J.A.C. 2:5-3.2, Vehicles, was repealed.  
 Recodified from N.J.A.C. 2:5-2.2 by R.2023 d.091, effective August 7, 2023.

See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).  
 Rewrote the section. Former N.J.A.C. 2:5-3.2, Quarantining and branding of infected equine infectious anemia horses. recodified to N.J.A.C. 2:5-4.2.

**2:5-3.3 (Reserved)**

New Rule, R.1979 d.136, effective April 3, 1979.  
 See: 11 N.J.R. 114(b), 11 N.J.R. 223(a).  
 Amended by R.1988 d.369, effective August 1, 1988.  
 See: 20 N.J.R. 695(a), 20 N.J.R. 1870(a).  
 Amended by R.1989 d.270, effective May 15, 1989.  
 See: 21 N.J.R. 92(a), 21 N.J.R. 1384(a).

Changed test requirement from 12 to 24 months.  
 Recodified from 2:5-2.5 and amended by R.1995 d.199, effective April 3, 1995.

See: 26 N.J.R. 1908(b), 27 N.J.R. 1399(b).  
 Recodified from N.J.A.C. 2:5-2.4, by R.2005 d.398, effective November 21, 2005.

See: 37 N.J.R. 2307(a), 37 N.J.R. 4395(a).

Former N.J.A.C. 2:5-3.3, Equipment, was repealed.

Repealed by R.2023 d.091, effective August 7, 2023.

See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).

Section was "Test requirements for transport". Former N.J.A.C. 2:5-3.3, Test requirements for transport, recodified to N.J.A.C. 2:5-4.3.

#### 2:5-3.4 (Reserved)

New Rule, R.1979 d.136, effective April 3, 1979.

See: 11 N.J.R. 114(b), 11 N.J.R. 223(a).

Amended by R.1988 d.369, effective August 1, 1988.

See: 20 N.J.R. 695(a), 20 N.J.R. 1870(a).

Amended by R.1989 d.270, effective May 15, 1989.

See: 21 N.J.R. 92(a), 21 N.J.R. 1384(a).

Eliminated reference to "certified free herds".

Recodified from 2:5-2.6 and amended by R.1995 d.199, effective April 3, 1995.

See: 26 N.J.R. 1908(b), 27 N.J.R. 1399(b).

Recodified from N.J.A.C. 2:5-2.5 by R.2005 d.398, effective November 21, 2005.

See: 37 N.J.R. 2307(a), 37 N.J.R. 4395(a).

Repealed by R.2023 d.091, effective August 7, 2023.

See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).

Section was "Test requirements for sale or other change of ownership". Former N.J.A.C. 2:5-3.4, Test requirements for sale or other change of ownership, recodified to N.J.A.C. 2:5-4.4.

#### 2:5-3.5 (Reserved)

New Rule, R.1979 d.136, effective April 3, 1979.

See: 11 N.J.R. 114(b), 11 N.J.R. 223(a).

Amended by R.1988 d.369, effective August 1, 1988.

See: 20 N.J.R. 695(a), 20 N.J.R. 1870(a).

Amended by R.1989 d.270, effective May 15, 1989.

See: 21 N.J.R. 92(a), 21 N.J.R. 1384(a).

Deleted (c) and changed reference in (b) for period of one year prior to date of claim to 24 months prior to date of claim.

Amended by R.1989 d.454, effective August 21, 1989.

See: 21 N.J.R. 1479(a), 21 N.J.R. 2472(a).

At (a), new 3 added regarding requirements for purchase for slaughter.

Recodified from 2:5-2.7 and amended by R.1995 d.199, effective April 3, 1995.

See: 26 N.J.R. 1908(b), 27 N.J.R. 1399(b).

Recodified from N.J.A.C. 2:5-2.6 by R.2005 d.398, effective November 21, 2005.

See: 37 N.J.R. 2307(a), 37 N.J.R. 4395(a).

Repealed by R.2023 d.091, effective August 7, 2023.

See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).

Section was "Other authorized movement or transfer". Former N.J.A.C. 2:5-3.5, Other authorized movement or transfer, recodified to N.J.A.C. 2:5-4.5.

### SUBCHAPTER 4. EQUINE INFECTIOUS ANEMIA

#### 2:5-4.1 Definitions

The following words and terms, as used in this subchapter shall have the following meanings, unless the context clearly indicates otherwise.

"Approved laboratory" means a laboratory meeting all requirements and procedures of USDA, MRP, APHIS, VS Guidance Document No. 15201.1, dated April 5, 2019, incorporated herein by reference, as amended and supplemented. A copy of these documents are on file in the

State Veterinarian's Office, Division of Animal Health, New Jersey Department of Agriculture, NJPHEAL, 3 Schwarzkopf Drive, Ewing, NJ 08628.

"Equine infectious anemia (EIA)" means an infectious and contagious disease of equidae caused by a transmissible virus, known colloquially as swamp fever.

"Exposed equidae" means equidae that may have been exposed to EIA through direct/indirect association with an equine or equines having tested positive on approved diagnostic tests. "Direct/indirect association" includes, but is not limited to, association by way of contact, physical proximity, common ownership, or the likelihood of common fomites. An equidae will continue to be an exposed equidae until such time as it has tested negative pursuant to the USDA APHIS, Equine Infectious Anemia: Uniform Methods and Rules (APHIS-91-55-064 January 10, 2007), incorporated by reference, as amended and supplemented. A copy of that document is on file in the State Veterinarian's Office, Division of Animal Health, New Jersey Department of Agriculture, NJPHEAL, 3 Schwarzkopf Drive, Ewing, NJ 08628.

"Official test for equine infectious anemia" means:

1. The equine infectious anemia agar gel immunodiffusion (AGID) test or the Enzyme Linked Immunosorbent Assay (ELISA) test;
2. The test shall be conducted at a United States Department-approved laboratory for EIA testing; and
3. The blood sample shall be collected and submitted by a USDA Category II Accredited Veterinarian.

"Official test report" means a report that includes the following:

1. A complete description of the animal including name, registration number, microchip number, if any, breed, brand, tattoo, if any, sex, age, and color;
2. The name and address of the owner;
3. The location of the animal at the time of sample collection;
4. The date the sample was collected;
5. The name and location of the laboratory that conducted the test;
6. The date the laboratory test was conducted;
7. Signature of the USDA Category II Accredited Veterinarian who collected the sample; and
8. An endorsed or otherwise certified result of an official test for equine infectious anemia from an approved laboratory.

The owner, transferee, or transferor shall keep an official test report for a minimum of two years, or as otherwise

required by law. Upon request, an unaltered copy or original copy of said report shall be furnished to the State Veterinarian.

“Reactor” means any equidae that has been subjected to an official test for equine infectious anemia whose result is positive for EIA and confirmed by the AGID test.

New Rule by R.2005 d.398, effective November 21, 2005.  
 See: 37 N.J.R. 2307(a), 37 N.J.R. 4395(a).  
 Recodified from N.J.A.C. 2:5-3.1 by R.2023 d.091, effective August 7, 2023.  
 See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).  
 Rewrote the section. Former N.J.A.C. 2:5-4.1. Quarantine of premises containing livestock and poultry, recodified to N.J.A.C. 2:5-6.1.

**2:5-4.2 Quarantining and branding of reactor and exposed equidae; branding of reactor**

(a) When the disease of equines known as EIA exists or is suspected to exist in any equidae or stable of equidae based on epidemiological investigation, the Department may require the quarantine and testing of all such equidae to ascertain the presence or absence of EIA.

(b) All equidae having a positive official test for EIA will be quarantined to the premises. Authorized veterinary agents of the Department will properly identify the positive equidae and rebleed them to confirm the diagnosis and make sure the proper equidae has been quarantined.

(c) The owner or custodian shall confine, present, control, and restrain such equidae for examination tests and identification, as necessary.

(d) Equidae during the testing period shall be confined and not moved from the premises. Identification marks or devices affixed for the purpose of the test shall not be altered or defaced.

(e) Reactors shall be officially identified pursuant to 9 CFR 75.4.

(f) Reactors may be humanely destroyed or moved on a permit issued by an authorized agent under the direction of the State Veterinarian. Permits will be required to move exposed equidae to a new location, provided the location meets the requirements of the Department.

(g) Reactors that are not to be destroyed shall be quarantined to the premises and must be kept separate and apart from all other equidae on the premises in tightly screened quarters to prevent contact with vectors known to transmit EIA and be supplied with separate equipment, as approved by the State Veterinarian.

(h) The Department will not be liable for any loss of value of the branded equidae or for any indemnity for an equidae that is voluntarily destroyed.

New Rule by R.2005 d.398, effective November 21, 2005.  
 See: 37 N.J.R. 2307(a), 37 N.J.R. 4395(a).

Recodified from N.J.A.C. 2:5-3.2 by R.2023 d.091, effective August 7, 2023.  
 See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).  
 Section was “Quarantining and branding of infected equine infectious anemia horses”. Rewrote the section. Former N.J.A.C. 2:5-4.2. Biosecurity, recodified to N.J.A.C. 2:5-6.2.

**2:5-4.3 Test requirements for transport**

(a) No equidae six months or more of age, unless exempted by the provisions at N.J.A.C. 2:5-4.4 or 4.5, shall be ridden, driven, led, or otherwise moved and/or transported on any public highway or place of public area or take part in an event or occasion of any kind or format in which equidae from different premises are commingled within the State, unless the custodian of such animal has in his or her possession during the period of such movement a valid negative official test report for such animal.

1. Said official test report shall be valid for 24 months from the date of sample collection.

Recodified from N.J.A.C. 2:5-3.3 and amended by R.2023 d.091, effective August 7, 2023.  
 See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).  
 Rewrote the section.

**2:5-4.4 Test requirements for sale or other exchange of ownership**

(a) No equidae six months or more of age, unless exempted by provisions of this section or N.J.A.C. 2:5-4.5 shall be sold, adopted, rescued, seized, rehomed, exchanged, bartered, given away, or otherwise have a change of ownership or custody, unless such animal has a negative official test for EIA with the sample collected within 90 days prior to such transfer.

1. At the time of such transfer, the transferor shall deliver personally or by certified mail to the transferee, an unaltered copy of the official test report.

Recodified from N.J.A.C. 2:5-3.4 and amended by R.2023 d.091, effective August 7, 2023.  
 See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).  
 Rewrote the section.

**2:5-4.5 Other authorized movement or transfer**

(a) The provisions at N.J.A.C. 2:5-4.3 and 4.4 shall not apply to:

1. Any equidae imported for purposes of immediate slaughter or immediate veterinary care;
2. Equidae younger than six months and accompanied by a dam that has a negative official test for EIA within the past 12 months; or
3. Other authorized purpose, provided written authorization for such movement or transfer is obtained in advance thereof from the State Veterinarian.

4. In the case of importation or transport, such authorization must be in the possession of the custodian of the animal at all times during such movement.

(b) The provisions at N.J.A.C. 2:5-4.4(a) shall not apply to any horse claimed in any claiming race conducted by any race track licensed by the New Jersey State Racing Commission and such horse need not be retested for EIA, provided such horse and all other horses admitted to said track have been tested and found negative for the disease within 24 months prior to the date of the claim.

Recodified from N.J.A.C. 2:5-3.5 and amended by R.2023 d.091, effective August 7, 2023.

See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).

Rewrote the section.

## SUBCHAPTER 5. CONTAGIOUS EQUINE METRITIS PROGRAM

### 2:5-5.1 Program requirements

(a) The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicate otherwise.

“Approved laboratory” means a State or Federal laboratory approved for Equine Viral Arteritis (EVA) testing by the United States Department of Agriculture (USDA), or a National Animal Health Laboratory Network (NAHLN) laboratory.

“Contagious equine metritis (CEM)” means a venereal disease of horses caused by *Taylorella equigenitalis*, a gram-negative coccobacillus.

“The New Jersey Contagious Equine Metritis Program” means a program meeting 9 CFR 93.300 through 93.301 and all requirements and procedures of USDA, APHIS, VS Guidance 13406.2, dated October 18, 2019, incorporated herein by reference, as amended and supplemented. A copy of these documents are on file in the State Veterinarian’s Office, Division of Animal Health, New Jersey Department of Agriculture, NJPHEAL, 3 Schwarzkopf Drive, Ewing, NJ 08628.

(b) The Department adopts the rules and regulations at 9 CFR 93.300-93.301, and all requirements and procedures of USDA, APHIS, VS Guidance 13406.2, dated October 18, 2019, incorporated herein by reference, as amended and supplemented, as the official rules and regulations of the New Jersey CEM Program for imported equidae at approved quarantine facilities.

1. In addition, the Department shall require the approved quarantine facility to arrange for the following procedures to be completed upon arrival for each imported equidae:

i. An official test for equine infectious anemia (EIA), as described at N.J.A.C. 2:5-4.1;

ii. An EVA Serum Neutralization test performed by an approved laboratory; and

iii. A microchip that complies with International Organization of Standardization (ISO) 11784/11785.

(c) On an as-needed basis, as determined by the State Veterinarian, the Department may request and evaluate applications for a new CEM Quarantine facility in order to serve the interests of the New Jersey CEM Program.

1. Applicants for Department approval to operate a new CEM facility will be selected or denied based upon multiple factors including, but not limited to, their qualifications and ability to comply with the requirements described at (b) above, the suitability of the proposed premises, and the availability of Department resources to provide the necessary oversight for the proposed new CEM facility.

New Rule by R.2005 d.398, effective November 21, 2005.

See: 37 N.J.R. 2307(a), 37 N.J.R. 4395(a).

New Rule, R.2023 d.091, effective August 7, 2023.

See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).

Former N.J.A.C. 2:5-5.1, Penalties for violations of this chapter, recodified to N.J.A.C. 2:5-7.1.

## SUBCHAPTER 6. LIVESTOCK AND POULTRY

### 2:5-6.1 Quarantine of premises containing livestock and poultry

(a) Premises suspected or found positive by official laboratory confirmation for a contagious or infectious disease shall be quarantined by the State Veterinarian.

(b) If official laboratory confirmation is received that a premises is positive for a contagious disease, such premises shall remain under quarantine until the State Veterinarian is satisfied that the risk of disease exposure no longer exists.

(c) At the time of quarantine, the State Veterinarian will outline the conditions of quarantine based on the specific disease.

(d) The quarantine will be lifted when the premises are found to be free from a contagious or infectious disease based on official laboratory confirmation and epidemiological evaluation by the State Veterinarian.

Recodified from N.J.A.C. 2:5-4.1 and amended by R.2023 d.091, effective August 7, 2023.

See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).

Rewrote the section.

### 2:5-6.2 Biosecurity

Any premises, vehicles, protective clothing, equipment, conveyance, container, or other fomites that may have been contaminated due to an outbreak of infectious or contagious

disease shall be cleaned and disinfected and/or disposed of in accordance with a clean-up plan approved by the State Veterinarian to prevent disease transmission.

Recodified from N.J.A.C. 2:5-4.1 and amended by R.2023 d.091, effective August 7, 2023.  
See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).  
Rewrote the section.

**2:5-6.3 Examination and testing to confirm existence of diseases or agents affecting livestock or poultry or premises**

When there is reason to believe that any livestock or poultry or premises is affected by a disease or agent, described at N.J.A.C. 2:2-1.1, the Department may undertake appropriate examination and testing to confirm the existence of such disease or agent, and the Department may enter any property for that purpose. Owners of livestock or poultry or premises to be examined and tested pursuant to this section, and their agents, shall grant access and provide assistance to the Department, as requested, and instructed by the Department and its representatives, including assistance by restraining, handling, and making available any animals involved until completion of the examination and testing. No person shall interfere with or otherwise obstruct any agent of the Department in the performance of their duties authorized by this section.

New Rule, R.2023 d.091, effective August 7, 2023.  
See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).

SUBCHAPTER 7. PENALTIES

**2:5-7.1 Penalties for violations of this chapter**

(a) Any person who shall violate the provisions of this chapter shall be liable for a penalty of not less than \$1,000 per unit or violation nor more than \$2,000 per unit or violation for a first offense.

(b) For a second or subsequent offense, the penalty shall be \$2,000 per unit or violation or may subject the offender to imprisonment for not more than one year, or both.

(c) A unit is any division or quantity accepted as a standard of measurement or exchange. Where it is possible to determine the number of animals (livestock or poultry), including by use of a reasonable estimate, the Department will use that number as the basis for calculating a penalty. Where a reasonable estimate of the number of animals involved has been relied upon as the basis for a penalty calculation, the Department will describe the evidence

supporting its estimate. The evidence upon which a reasonable estimate of the number of animals involved will depend on the circumstances and may include, but is not limited to, reliance on one or more of the following: actual count(s); commercial or transportation documents; investigator and/or witness statements; standard operating procedures and/or other customary practices; standard sizes of shipping crates or transport vehicle capacity; or any other identifiable means that can provide an evidentiary basis to determine the number of animals involved for penalty calculation purposes.

(d) Every day upon which a violation occurs at the same individual location or by the same individual or persons representing that individual shall be considered a separate violation.

(e) The State Veterinarian shall make an initial determination as to whether a violation exists and the amount of the penalty to be assessed.

(f) Any person who is aggrieved by the determination of the State Veterinarian pursuant to (e) above shall, upon written request transmitted to the Department within 20 days of the notice of violation, be afforded the opportunity for a hearing thereon in the manner provided for contested cases pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

1. Requests for hearings shall be sent to Director, Division of Animal Health, New Jersey Department of Agriculture, PO Box 400, Trenton, New Jersey 08625-0400.

2. An informal prehearing conference with the State Veterinarian shall occur within 30 calendar days after the Department receives the written request for a hearing.

(g) The State Board of Agriculture shall make a final determination as to whether to affirm, amend or overturn any violations or penalties assessed thereon following a hearing as provided in (f) above.

(h) Orders for penalties or to enjoin continuing violations may be enforced by summary action brought in the name of the Department in Superior Court or Municipal Court.

Recodified from N.J.A.C. 2:5-5.1 and amended by R.2023 d.091, effective August 7, 2023.  
See: 55 N.J.R. 515(a), 55 N.J.R. 1683(b).  
Rewrote the section.

