CHAPTER 5

QUARANTINES AND EMBARGOES ON ANIMALS

AAuthority

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

Effective: March 1, 2018.
See: 50 N.J.R. 1101(a).

Chapter Expiration Date

Chapter 5, Quarantines and Embargoes on Animals, expires on March 1, 2025.

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Subchapter 1, Hog Cholera Quarantine, was repealed by R.1981 d.42, effective February 4, 1981.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: Source and Effective Date.

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SUBCHAPTER 1. DELEGATION OF QUARANTINE AUTHORITY

2:5-1.1 State Board Approval

(a) At least once each calendar year, and at any other time deemed necessary, the Director, Division of Animal Health, 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 Director, a disease is persistent and difficult to eradicate, authority may be requested from the State Board of Agriculture for the Division of

Animal Health 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 Director 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. 2:5-1.1, Livestock prohibition—Vesicular stomatitis, recodified as N.J.A.C. 2:5-2.2, Vesicular stomatitis.

SUBCHAPTER 2. LIVESTOCK AND POULTRY PROHIBITION

2:5-2.1 Livestock and poultry prohibition

(a) Premises, areas, counties or states suspected or found positive by official laboratory confirmation for a contagious or infectious disease may be embargoed by the New Jersey Department of Agriculture.

(b) Once official laboratory confirmation is received that a premise, area, county or state is positive for a contagious or infectious disease, such premises, areas, counties or states shall remain embargoed until the State Veterinarian of the New Jersey Department of Agriculture is satisfied that the risk of disease exposure no longer exists.

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.

2:5-2.2 Vesicular stomatitis

(a) All livestock, and wild and exotic animals, to be imported from states which have been identified as being affected with the contagious viral disease known as vesicular stomatitis must first obtain a permit for entry by telephone at (609) 292-3965 or by fax at (609) 633-2550 (weekdays, 8:45 A.M.-4:45 P.M., EDT).

(b) Permits will be granted only for those animals that are accompanied by an approved Certificate of Veterinary Inspection which includes a statement that:

1. The animals have been examined and found free of evidence of vesicular stomatitis;

2. During the 30 days prior to shipment, the animals have not been within 10 miles of any premises on which vesicular stomatitis has been diagnosed within 60 days;

3. The animals have not been exposed to any animal which has been vaccinated with vesicular stomatitis vaccine, of any kind, within the last 30 days; and

4. The animals must have a negative test for vesicular stomatitis performed by an approved laboratory 10 days prior to shipment.

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

(d) Premises suspected or found positive by official laboratory confirmation for vesicular stomatitis shall be quarantined by the Division of Animal Health, New Jersey Department of Agriculture.

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

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.

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. EQUINE INFECTIOUS ANEMIA

2:5-3.1 Definitions

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

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

"Infected animal" means an animal which has been examined by two or more official tests and is positive to both.

"Official test for equine infectious anemia" means the equine infectious anemia agar gel immuno-diffusion (AGID) procedure or the Enzyme Linked Immunosorbant Assay (ELISA) procedure as conducted in accordance with the following. All imported equidae shall have had a negative official test for equine infectious anemia conducted at a jointly approved United States Department of Agriculture—New Jersey Department of Agriculture laboratory within the past 12 months. Equidae younger than six months and accompanied by a dam that has a negative official test within the past 12 months are exempt from this testing requirement.

"Official test requirements" means blood samples taken by accredited veterinarians, tested by the Department of Agriculture Laboratory.

"Slaughter buyers" means one who purchases horses for the express purpose of slaughter for human consumption.

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).

2:5-3.2 Quarantining and branding of infected equine infectious anemia horses

(a) When the disease of equines known as equine infectious anemia exists or is suspected to exist in any horse or stable of horses, the Department may cause to be administered the test most appropriate to ascertain the presence or absence of EIA, swamp fever.

(b) All horses having a positive equine infectious anemia test will be quarantined to the premise. Authorized veterinary agents of the Department will properly identify the positive horses and rebleed them to make sure the proper horse has been quarantined.

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

(d) Animal(s) 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) Animals found to be infected with EIA must be permanently identified by a method prescribed by the Department. Infected animals may be humanely destroyed, or moved on a permit issued by an authorized agent under the direction of the Director of Animal Health. Permits will be issued to move animals to slaughter plants, research facilities and to a new location provided the location meets the requirements of the Department.

(f) Positive animals that are not to be destroyed shall be quarantined to the premise and must be kept separate and apart from all other horses on the premise in tightly screened quarters and be supplied with separate equipment.

(g) As EIA is an infectious disease of equines for which there is no known cure, official positive animals shall be permanently identified by being freeze branded with an identification number on the left side of the neck in a humane manner by an authorized agent. The identification number shall be preceded by the coding number 22A.

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

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.

2:5-3.3 Test requirements for transport

(a) No horse or other equidae six months or more of age, unless exempted by the provisions of N.J.A.C. 2:5-3.4 or 3.5, shall be transported on any public highway within the State unless the custodian of such animal has in his or her possession during the period of such movement a report of a negative agar gel immunodiffusion test for equine infectious anemia or negative ELISA for such animal taken within the past 24 months.

1. Said test shall have been conducted by a laboratory approved for the purpose by the United States Department of Agriculture and by the New Jersey State Department of Agriculture.

2. Said test shall have been conducted during the 24 months prior to transportation.

3. Said test report shall include the following.

i. A complete description of the animal including name, registration number if any, breed, brand, tattoo if any, sex, age and color;

ii. The name and address of the owner;

iii. The date the test was conducted; and

iv. The name and address of the laboratory that conducted the test.

4. Said test reports shall be signed by a duly licensed accredited veterinarian and also must be either:

i. Embossed by the laboratory where the test was conducted; or

ii. Signed or otherwise endorsed by the Chief Livestock Health Officer of the state or country of origin of the said animal.

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.

2:5-3.4 Test requirements for sale or other change of ownership

(a) No horse or other equidae six months or more of age, unless exempted by provisions of this section or N.J.A.C. 2:5-3.5 shall be sold, exchanged, bartered or given away unless such animal has been subjected to an agar gel immunodiffusion test or an ELISA test for equine infectious anemia and reacted negatively within 90 days prior to such transfer of ownership.

1. Said test shall have been conducted by a laboratory approved for the purpose by the United States Department of Agriculture and by the New Jersey Department of Agriculture.

2. At the time of such transfer of ownership, the transferor shall deliver personally or by certified mail to the transferee, a copy of the report of such negative test. The negative test report shall include:

i. A complete description of the animal including name, registration number if any, breed, brand, tattoo if any, sex, age and color;

ii. The name and address of the owner;

iii. The date the test was conducted; and

iv. The name and address of the laboratory that conducted the test.

3. Said test reports shall be signed by a duly licensed-accredited veterinarian and also must be either:

i. Embossed by the laboratory where the test was conducted; or

ii. Signed by the Chief Livestock Health Officer of the state or country of origin of the said animal.

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).

2:5-3.5 Other authorized movement or transfer

(a) The provisions of N.J.A.C. 2:5-3.3 and 3.4 shall not apply to any horse or other equidae which is imported, sold, exchanged, bartered, given away or transported under permit from the Director of the Division of Animal Health, New Jersey Department of Agriculture for purposes of immediate slaughter, research, return to the state, country or farm of its origin, or other authorized purpose provided written authorization for such movement or transfer is obtained in advance thereof from the Director.

1. 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.

2. In the case of change of ownership or transport for the purpose of immediate slaughter, the aforesaid permit may be issued by an accredited veterinarian or an employee of the Department of Agriculture authorized in writing by the Director.

3. Horses imported or purchased for slaughter may be purchased only by a registered slaughter buyer. Persons may become registered by application to the Director of the Division of Animal Health on forms available from him or her. Registered slaughter buyers shall maintain and make available to the Division a record of sales including dates, identification of animal and destination. Failure to maintain such records will be cause for removing the registered designation.

(b) The provisions of N.J.A.C. 2:5-3.4 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 equine infectious anemia provided such horse and all other horses admitted to said track had been tested and found negative for the disease within 24 months prior to the date of the claim.

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).

SUBCHAPTER 4. LIVESTOCK AND POULTRY

2:5-4.1 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 Division of Animal Health, New Jersey Department of Agriculture.

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

(c) At the time of quarantine, the Division of Animal Health will outline the conditions of quarantine based on the specific disease.

(d) If, based upon official laboratory confirmation, the premises are found to be free from a contagious or infectious disease, the quarantine will be lifted.

(e) Premises suspected or found positive by official laboratory confirmation for Avian Influenza shall be quarantined by the New Jersey Department of Agriculture according to the quarantine protocols set forth in N.J.A.C. 2:9.

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

2:5-4.2 Biosecurity

Any premises, vehicles, protective clothing or equipment that may have been contaminated due to an outbreak of infectious or contagious disease shall be cleaned, disinfected and/or disposed of to prevent transmission of disease from one premise to another.

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

SUBCHAPTER 5. PENALTIES

2:5-5.1 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 $100.00 per unit or violation nor more than $200.00 per unit for a first offense.

(b) For a second or subsequent offense, the penalty shall be $200.00 per unit or violation or 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 exact number of animals (livestock or poultry), the Department will use that as the basis for calculating a penalty. Where the exact number of animals is not known, the department will use the next identifiable quantity as the unit (that is, crate or truckload) on which the penalty will be based.

(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 Division of Animal Health shall make an initial determination as to whether a violation exists.

(f) Any person who is aggrieved by the determination of the Division of Animal Health 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 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 330, Trenton, New Jersey 08625-0330.

(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.

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