

SENATE No. 828

The Commonwealth of Massachusetts

SENATE, June 3, 1954.

The committee on Bills in the Third Reading, to whom was referred the Senate Bill for the control and eradication of brucellosis in bovine animals (Senate, No. 677), report recommending that the same be amended by substituting therefor a new draft entitled "An Act relative to the control and eradication of brucellosis in bovine animals" (Senate, No. 828), and that, when so amended, the same will be correctly drawn.

For the committee,

NEWLAND H. HOLMES.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Four.

AN ACT RELATIVE TO THE CONTROL AND ERADICATION OF BRUCELLOSIS IN BOVINE ANIMALS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 129 of the General Laws is
2 hereby amended by striking out section 33B, as
3 amended by chapter 96 of the acts of 1934, and
4 inserting in place thereof the following section:—
5 *Section 33B.* The director may, upon application
6 to him by not less than seventy-five per cent of the
7 cattle owners owning cattle permanently kept in any
8 city or town, or upon like application by the owners
9 of eighty-five per cent of such cattle, declare said
10 city or town a quarantine area and may proceed to
11 test by an approved test for brucellosis or by the
12 tuberculin test or otherwise all bovine animals within
13 said area. Whenever not less than eighty-five per
14 cent of the cattle permanently kept in the common-
15 wealth are being tested for brucellosis or bovine
16 tuberculosis under the supervision of the director or
17 of the appropriate federal officials, the director may
18 declare the entire commonwealth to be a quarantine
19 area and may proceed to test by an approved test for
20 brucellosis or by the tuberculin test or otherwise all
21 bovine animals within the commonwealth. If the
22 director finds and declares that such a city or town
23 or the commonwealth, as the case may be, is sub-
24 stantially free from brucellosis or bovine tuberculosis,
25 he may proclaim it to constitute a modified accredited
26 area and may prescribe rules and regulations, subject
27 to the approval of the governor and council, pro-

28 hibiting the shipment or transportation into the same
29 of any bovine animals without a permit and health
30 certificate issued by the director or some officer
31 designated by the director for the purpose. Who-
32 ever violates the terms and conditions of any such
33 quarantine or any such rule or regulation shall be
34 punished by a fine of not more than five hundred
35 dollars or by imprisonment for not more than one
36 year, or both.

1 SECTION 2. Said chapter 129 is hereby further
2 amended by striking out section 36B, as most re-
3 cently amended by chapter 518 of the acts of 1952,
4 and inserting in place thereof the following section:—
5 *Section 36B.* The director shall cause all calves
6 to be vaccinated against brucellosis, commonly known
7 as Bang's disease, when they are between the ages of
8 four and eight months, except calves in those herds
9 under the state and federal co-operative herd test
10 plan, also known as the test and slaughter method,
11 which calves need not be vaccinated unless the owner
12 desires. Calves shall be vaccinated by an approved
13 licensed veterinarian designated by the director and
14 only with vaccine produced at establishments licensed
15 under the Federal Virus-Serum-Toxin Act, or at
16 establishments in the commonwealth approved by
17 the director and the expense thereof shall be borne
18 by the commonwealth. Such service shall be rendered
19 not more than three times in any calendar year to
20 the same owner. The director shall make the neces-
21 sary rules for the handling of the vaccine and the
22 method of vaccination. Any person refusing to have
23 his calves vaccinated shall not be permitted to move
24 any of his cattle from his premises except for slaugh-
25 ter, unless such cattle react negatively to an approved
26 blood test for brucellosis. Each veterinarian shall
27 make a report of all animals vaccinated by him on
28 forms furnished by the director. The commonwealth
29 shall not be liable for any damages incurred or al-

30 leged to have been incurred by the use of any vaccine.
31 Whenever any livestock are tested for brucellosis and
32 determined to react positively to such tests, or are
33 vaccinated against brucellosis, the owner of the live-
34 stock shall cause them to be permanently identified
35 in accordance with regulations prescribed by the
36 director. It shall be unlawful for any person to
37 transport or offer for transportation any unvaccinated
38 bovine animal over six months of age, and any vac-
39 cinated bovine animal over thirty months of age, that
40 has been tested for brucellosis and has reacted posi-
41 tively to such tests, except (a) livestock moved under
42 permit issued by the director to places where state or
43 federal livestock disease-control inspection is main-
44 tained for immediate slaughter; or (b) livestock owned
45 by farmers and moved under same ownership identi-
46 fied pursuant to this act and moved under permit
47 issued by the director only to a herd in which bru-
48 cellosis has been determined by the director to exist.
49 Any person, firm or corporation who buys, sells or
50 transports an animal known to be positive to an
51 approved test for brucellosis, except animals under
52 thirty months of age which were vaccinated between
53 the ages of four and eight months and accompanied
54 by an official record of vaccination, or except un-
55 vaccinated animals less than six months of age, or
56 except animals for immediate slaughter, or except
57 animals moving under clause (b) shall be fined not
58 more than two hundred dollars for each animal bought,
59 sold, or transported.

1 SECTION 3. Said chapter 129 is hereby further
2 amended by inserting after section 36B the following
3 two sections:—

4 *Section 36D.* No person shall transport or offer
5 for transportation, or buy or sell, cattle, except for
6 immediate slaughter unless such cattle either (1) have
7 been tested for brucellosis by prescribed methods
8 within thirty days immediately prior to date of buy-

9 ing, selling or transporting and found negative in the
10 latest of such tests; or (2) originate in a certified
11 brucellosis-free herd at time of sale or offer for trans-
12 port; or (3) are under thirty months of age and have
13 been officially vaccinated between four and eight
14 months of age; or (4) are under six months of age.

15 *Section 36E.* No person shall import into the com-
16 monwealth livestock over six months of age without
17 an official certificate of vaccination stating such live-
18 stock to have been officially vaccinated for brucellosis
19 between four and eight months of age.

1 SECTION 4. Section one of this act shall take effect
2 on January first, nineteen hundred and fifty-eight,
3 and section three shall take effect on January first,
4 nineteen hundred and sixty.

