CHAPTER 6

Pseudorabies Control and Eradication Act

**SECTION 47‑6‑10.** Citation of Chapter.

 This chapter may be referred to as the “Pseudorabies Control and Eradication Act” and must be administered by the State Livestock‑Poultry Health Commission in accordance with this chapter and Chapter 4 of this title.

HISTORY: 1988 Act No. 563, eff May 29, 1988; 1994 Act No. 362, Section 3, eff May 3, 1994.

Editor’s Note

The preamble of 1988 Act No. 563 provides as follows:

“Whereas, the General Assembly recognizes that pseudorabies is a serious disease in the swine industry and that the disease can be transmitted to other domestic animals; and

“Whereas, the disease can have a severe economic and psychological impact on the affected swine owner and that additional costs are incurred, both by the swine industry and state government, for surveillance and control measures; and

“Whereas, a program aimed at controlling the spread of pseudorabies, reducing the economic losses associated with the disease, reducing the risk of reinfecting swine herds where the infection has been eliminated and recognizing pseudorabies low prevalence or free areas is necessary and will ultimately benefit swine producers and consumers alike by lowering production costs. Now, therefore,

“Be it enacted by the General Assembly of the State of South Carolina:”.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 24, Other Diseases and Infections.

**SECTION 47‑6‑20.** Definitions.

 Unless otherwise stated, for the purposes of this chapter:

 (1) “person” includes an individual, firm, corporation, partnership, association, or other legal entity;

 (2) “swine” includes all animals of the Sus scrofa species;

 (3) “herd” means all swine on one premises except that, at the discretion of the state veterinarian, other animals may be included in this group;

 (4) “state veterinarian” is the veterinarian of Clemson University as defined in Section 47‑13‑20;

 (5) “assistant” means a licensed veterinarian appointed by the state veterinarian;

 (6) “pseudorabies” refers to the disease of swine caused by the pseudorabies virus. The disease may be acute, subacute, chronic, or latent;

 (7) “official test” means any test for the detection of pseudorabies approved by the state veterinarian and licensed or approved by the United States Department of Agriculture;

 (8) “approved herd plan” means an individually‑negotiated plan developed by and agreed to between the state veterinarian and the swine herd owner for elimination of pseudorabies infection from a swine herd. The plan may include, but not be limited to, procedures for testing, segregation, cleanup, repopulation, depopulation, retesting, and the necessary timetables for implementing the plan, or the plan may follow the procedures recommended by the Livestock Conservation Institute or other nationally recognized livestock association for the elimination of pseudorabies.

HISTORY: 1988 Act No. 563, eff May 29, 1988.

**SECTION 47‑6‑30.** Authority of state veterinarian and Livestock‑Poultry Health Service of Clemson University.

 The state veterinarian and the Livestock‑Poultry Health Service of Clemson University are vested with the authority to develop and institute programs to provide for the control and eradication of pseudorabies in this State and to adopt regulations necessary to carry out the programs and the provisions of this chapter. The state veterinarian may also appoint assistants to assist him with his duties.

HISTORY: 1988 Act No. 563, eff May 29, 1988.

Library References

Animals 29.

Westlaw Topic No. 28.

C.J.S. Animals Sections 122 to 124.

**SECTION 47‑6‑40.** Notification; investigation; public notice; elimination of disease from herd.

 (A) Whenever a veterinarian or other person in this State performing disease diagnostic services has knowledge or reason to suspect a swine or herd of swine has pseudorabies, he shall notify, within forty‑eight hours, the state veterinarian of this fact.

 (B) Upon receipt of a report of pseudorabies, the state veterinarian shall conduct an immediate investigation to determine the origin and avenue of transmission of the infection. Assistants to the state veterinarian may enter the place or premise for the investigation and inspection as may be necessary for these determinations provided they follow any reasonable request of the owner in regard to protective clothing, sanitized boots, etc.

 (C) Whenever the state veterinarian has reason to believe that the pseudorabies may spread within a county or the geographical area, the state veterinarian may serve public notice by publication in a newspaper of general circulation in the county or geographical areas requiring the owners of swine to confine their animals for any period necessary to prevent the spread of pseudorabies.

 (D) Herds that are infected with pseudorabies must be quarantined by the state veterinarian. Quarantined herds must not be removed from the premise where the infection was detected except with the written authorization of the state veterinarian or an assistant.

 (E) An approved herd plan for the elimination of the disease from the infected herd must be developed within ninety days.

HISTORY: 1988 Act No. 563, eff May 29, 1988.

Library References

Animals 29 to 31.

Westlaw Topic No. 28.

C.J.S. Animals Sections 122 to 134, 138 to 142.

Attorney General’s Opinions

Absent amendment of notice statutes requiring notice in a newspaper of general circulation by the General Assembly, the term newspaper of general circulation cannot be extended to include online newspapers. S.C. Op.Atty.Gen. (October 21, 2015) 2015 WL 6745997.

**SECTION 47‑6‑50.** Imported swine.

 (A) All swine imported into this State must be accompanied by a certificate of veterinary inspection. All swine must be identified to the herd of origin with an ear tag or other acceptable method of permanent identification approved by the commission. Purebred swine, if not ear‑tagged, must be identified by registry name and number and a description sufficient to identify the animal.

 (B) The following is the procedure for importing swine for other than feeding purposes. The swine:

 (1) have been tested and found negative for pseudorabies within thirty days before movement; or

 (2) originated from a Qualified Pseudorabies Negative Herd as defined in Title 9, Part 85 of the Code of Federal Regulations; or

 (3) originated from a Stage V state as defined by USDA‑APHIS 91‑55‑022, Pseudorabies Eradication Program Standards.

 (C) The following is the procedure for importing swine for feeding purposes. The swine:

 (1) have been tested and found negative for pseudorabies within thirty days before movement; or

 (2) originated from a Qualified Pseudorabies Negative Herd as defined in Title 9, Part 85 of the Code of Federal Regulations; or

 (3) originated from a Stage V or Stage IV state as defined in USDA‑APHIS 91‑55‑022, Pseudorabies Eradication Program Standards. Swine entering the State from Stage V or Stage IV states must remain under quarantine on the farm of destination as designated on the certificate of veterinary inspection until they are moved directly to slaughter or moved with the permission of the State Veterinarian or an assistant; or

 (4) originated from a monitored feeder pig herd. For purposes of this section, in order to qualify as a monitored feeder pig herd, testing must have been performed in accordance with the following standards:

 (a) In herds of ten or less breeding swine, the swine must test negative within twelve months before movement.

 (b) In herds of eleven to thirty‑five breeding swine, ten randomly‑selected breeding animals including gilts, sows, and boars must test negative within twelve months before movement.

 (c) In herds of more than thirty‑five breeding swine, either thirty or thirty percent of the total herd, whichever is less, randomly‑selected breeding gilts, sows, and boars must test negative within twelve months before movement.

 (d) Swine entering the State through the monitored feeder pig herd procedure remain under quarantine on the farm of destination as designated by the certificate of veterinary inspection until they are moved directly to slaughter or moved with written permission of the State Veterinarian or an assistant.

HISTORY: 1988 Act No. 563, eff May 29, 1988; 1994 Act No. 362, Section 3, eff May 3, 1994; 1997 Act No. 27, Sections 1, 2, eff May 21, 1997.

Library References

Animals 29 to 31.

Westlaw Topic No. 28.

C.J.S. Animals Sections 122 to 134, 138 to 142.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 24, Other Diseases and Infections.

**SECTION 47‑6‑60.** Violation of chapter as misdemeanor; penalties.

 A person violating this chapter or a regulation promulgated by authority of the state veterinarian is guilty of a misdemeanor and, upon conviction, must be punished in accordance with Section 47‑4‑130. Each day’s violation is considered a separate offense. The court may enjoin a person from continued violations of this chapter.

HISTORY: 1988 Act No. 563, eff May 29, 1988; 1994 Act No. 362, Section 31, eff May 3, 1994.

Library References

Animals 34, 35.

Westlaw Topic No. 28.

C.J.S. Animals Sections 174 to 186.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Animals Section 24, Other Diseases and Infections.