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Sequence Number: 09-04-20  
Notice ID(s): 3162-3166  
File Date: 9/3/2020

# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

<b>Agency/Board/Commission:</b>	Agriculture
<b>Division:</b>	Animal Health
<b>Contact Person:</b>	David Waddell
<b>Address:</b>	P.O. Box 40627, Nashville, TN 37204
<b>Phone:</b>	615-837-5331
<b>Email:</b>	david.waddell@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

<b>ADA Contact:</b>	Liz Sneed
<b>Address:</b>	P.O. Box 40627, Nashville, TN 37204
<b>Phone:</b>	615-837-5116
<b>Email:</b>	liz.sneed@tn.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Tennessee Department of Agriculture		
Address 2:	436 Hogan Road, Porter Bldg. Conference Room		
City:	Nashville		
Zip:	37220		
Hearing Date:	10/29/2020		
Hearing Time:	10:00 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

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**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0080-02-06	Swine
Rule Number	Rule Title
0080-02-06-.01	Scope
0080-02-06-.02	Definitions
0080-02-06-.03	Transportation and movement of swine

0080-02-06-.04	Swine Markets
0080-02-06-.05	Surveillance of Swine

<b>Chapter Number</b>	<b>Chapter Title</b>
0080-02-01	Health Requirements for Admission and Transportation of Livestock and Poultry
<b>Rule Number</b>	<b>Rule Title</b>
0080-02-01-.17	Vesicular Stomatitis

<b>Chapter Number</b>	<b>Chapter Title</b>
0080-02-10	Regulations Concerning Horses and Other Equidae
<b>Rule Number</b>	<b>Rule Title</b>
0080-02-10-.06	Laboratories Conducting Tests for Equine Infectious Anemia

<b>Chapter Number</b>	<b>Chapter Title</b>
0080-02-13	Swine Markets
<b>Rule Number</b>	<b>Rule Title</b>
0080-02-13-.01	General

<b>Chapter Number</b>	<b>Chapter Title</b>
0080-02-14	Regulation for the Surveillance of Swine
<b>Rule Number</b>	<b>Rule Title</b>
0080-02-14-.01	Definitions
0080-02-14-.02	General
0080-02-14-.03	Other Disease Testing
0080-02-14-.04	Private Wildlife Preserves

Amendments  
CHAPTER 0080-02-06  
Swine

Chapter 0080-02-06 Regulations for Slaughter Swine Hemp is amended by re-titling the chapter "Swine".

Authority: T.C.A. §§ 4-3-203 and 43-7-104.

Rule 0080-02-06-.01 General is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0080-02-06-.01 Scope

- (1) This chapter applies to any person who owns or possesses swine within the state.
- (2) The department is authorized to enter any premises or conveyance reasonably believed to pose an animal disease concern and to order the examination, testing, vaccination, destruction, and sanitary disposition of any animal within the state in accordance with this chapter.

Authority: T.C.A. §§ 4-3-203 and 44-2-102

CHAPTER 0080-02-01  
Health Requirements for Admission and  
Transportation of Livestock and Poultry

Rule 0080-02-01-.17(2) is amended by deleting the numeral and word "7 days" and substituting instead the numeral and word "72 hours".

CHAPTER 0080-02-10  
Regulations concerning Horses and other Equidae

Rule 0080-02-10-.06 Laboratories Conducting Tests for Equine Infectious Anemia is amended by deleting the rule in its entirety and substituting the following so that the rule shall read as follows:

0080-02-10-.06 Laboratories Conducting Tests for Equine Infectious Anemia

Laboratories conducting tests for Equine Infectious Anemia in Tennessee:

- (1) Shall be certified as required by the provisions of 9 C.F.R. 75.4 and approved by the commissioner of the department of agriculture or he designated representative;
- (2) May be audited for complete and accurate record keeping; and
- (3) May be unapproved for testing, if an audit shows the laboratory has failed to maintain complete and accurate records.

New  
CHAPTER 0080-02-06  
Swine

Chapter 0080-02-06 is amended by adding the new rule 0080-02-06-.02 Definitions as follows:

0080-02-06-.02 Definitions

- (1) Breeding swine means swine that are used or intended to be used for breeding, including all other swine other than feeder swine or slaughter swine.
- (2) Feeder swine means swine that are less than four (4) months of age and are intended for feeding prior to slaughter

- (3) Private Wildlife Preserve – A privately owned or lease controlled tract of land on which a person may hunt captive wildlife originating from a legal source.
- (4) Slaughter swine means swine of any age, breed, or sex, which have been consigned and transported directly to an approved swine market for sale to a slaughter establishment.

Authority: T.C.A. §§ 4-3-203 and 44-2-102

Chapter 0080-02-06 is amended by adding the new rule 0080-02-06-.03 Transportation and Movement of Swine as follows:

0080-02-06-.03 Transportation and movement of swine.

For rules regarding the admission and transportation of swine refer to 0080-02-01 Health Requirements for Admission and Transportation of Livestock and Poultry.

Authority: T.C.A. §§ 4-3-203 and 44-2-102

Chapter 0080-02-06 is amended by adding the new rule 0080-02-06-.04 as follows:

0080-02-06-.04 Swine Markets.

- (1) Only swine markets that are approved as having met state and federal standards are authorized to handle swine in Tennessee. Only three (3) types of swine markets are approved:
  - (a) Slaughter-Only Market
    1. Slaughter-only markets shall be approved in accordance with the requirements of 9 C.F.R. 71.20 and meet all the pertinent requirements of 9 C.F.R. 71, 78 and 85.
    2. All swine shall enter the market under quarantine.
    3. All swine entering a market shall be officially identified with a United States Department of Agriculture approved ear tag to identify the consignor. The market shall record the name, address, and signature of the consignee, the slaughter facility destination, and the identification of the swine purchased.
    4. All swine shall be consigned from the market only to an approved slaughter establishment or to another approved market.
  - (b) Breeding Swine Market
    1. All breeding swine markets shall be approved in accordance with the requirements of 9 C.F.R. 71.20 and meet all the pertinent requirements of 9 C.F.R. 71, 78 and 85.
    2. All swine shall be officially, permanently and individually identified to the seller.
    3. Except by permission of the state veterinarian, all swine, except piglets less than eight weeks of age in the company of their Brucellosis and Pseudorabies-negative birth mothers, shall:
      - (i) Be accompanied by proof that the individual animal being sold or offered for sale has tested negative on official tests for brucellosis and pseudorabies conducted within thirty (30) days of entering the market; or
      - (ii) Have originated from a Validated Brucellosis-Free and Qualified Pseudorabies-Negative herd that has maintained such statuses throughout testing and be accompanied by proof of such statuses.

4. In addition to the requirements above, imported swine entering breeding swine markets shall be accompanied by an official certificate of veterinary inspection and have an entry permit from the office of the state veterinarian.
5. Persons selling swine or offering swine for sale, including market management, are responsible for ensuring that the provisions of 0080-02-13-.01(b)3. and 0080-02-13-.01(b)4. above are complied with.

(c) Organized Feeder Swine Sale

1. Shall be approved in accordance with the requirements of 9 C.F.R. 71.20 and meet all the pertinent requirements of 9 C.F.R. 71, 78 and 85.
  2. All pigs shall be individually, officially, and permanently identified to the farm of origin, and shall be consigned from the farm on which they were born.
- (2) Slaughter and feeder classes of swine shall not be commingled in Tennessee markets, nor shall they be received and sold on the same premises on market day.
  - (3) Adherence to these regulations shall be the responsibility of the market's management. It shall also be the responsibility of buyers to consign purchased swine to legal destinations.
  - (4) Swine at Tennessee markets are subject to surveillance testing for Brucellosis, Pseudorabies, or other diseases, as ordered by the Tennessee state veterinarian.
  - (5) Swine shall not be held in the market more than seventy-two (72) hours.
  - (6) One approved secondary assembly point will be allowed for boars only. Slaughterhouse or approved secondary assembly point for boars shall be shown on official market records.

Authority: T.C.A. §§ 4-3-203, 44-2-102, 44-2-104, 44-2-1302, and 44-10-204.

Chapter 0080-02-06 is amended by adding the new rule 0080-02-06-.05 as follows:

0080-02-06-.05 Surveillance of Swine.

- (1) All swine located in Tennessee are subject to being monitored for Pseudorabies in accordance with the National Pseudorabies Program Standards.
- (2) Upon notice from the state veterinarian that a herd has been selected as a representative herd for testing, the owner of the herd shall have ninety (90) days to have his herd monitored for Pseudorabies at the level established by the National Pseudorabies Program Standards.
- (3) The number of swine tested each year shall be determined by the state veterinarian in accordance with the National Pseudorabies Program Standards, but in no case shall it be greater than twenty-five percent (25%) of the breeding swine population.
- (4) Swine located in Tennessee are subject to surveillance testing for Brucellosis, Pseudorabies, or other diseases, as ordered by the Tennessee state veterinarian.
- (5) Except by permission of the state veterinarian, swine of Tennessee origin that are acquired for use on a private wildlife preserve, and breeding swine of Tennessee origin that are acquired by an owner or operator of a private wildlife preserve and whose offspring are intended for use on a private wildlife preserve, shall:
  - (a) Bear official, individual identification as set forth in 9 C.F.R. 71; and
    1. Have evidence of negative Pseudorabies and Brucellosis tests taken within ninety (90) days prior to changing ownership; or

2. Have originated from a Validated Brucellosis-Free and Qualified Pseudorabies-Negative herd that has maintained such statuses through testing; or
- (b) Upon order of the state veterinarian, be quarantined at the swine's destination and retested within sixty (60) days of changing ownership.
- (6) Any swine originating from out of state that are acquired for use on a private wildlife preserve, and breeding swine originating from out of state that are acquired by an owner or operator of a private wildlife preserve and whose offspring are intended for use on a private wildlife preserve, shall comply with the rules for sporting swine under 0080-02-01-.07(4).
  - (7) Except by permission of the state veterinarian, swine released on a private wildlife preserve shall:
    - (a) Bear official, individual identification as set forth in 9 C.F.R. 71; and
      1. Have evidence of negative Pseudorabies and Brucellosis tests taken within twelve (12) months prior to release; or
      2. Have originated from a Validated Brucellosis-Free and Qualified Pseudorabies-Negative herd that has maintained such statuses through testing; or
  - (8) Owners or operators of private wildlife preserves shall record, on forms provided by the commissioner, the official identification numbers of all swine released on such preserve and the corresponding date that each individual swine was released. Such records are to be kept for a minimum of three (3) years and be available for inspection at any time by agents of the Department of Agriculture.

Authority: T.C.A. §§ 4-3-203 and 44-2-102

#### Repeal

#### CHAPTER 0080-02-013 Swine Markets

Chapter 0080-02-013 Swine Markets is repealed in its entirety.

#### CHAPTER 0080-02-014 Regulation for the Surveillance of Swine

Chapter 0080-02-014 Regulation for the Surveillance of Swine is repealed in its entirety

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 09/04/2020

Signature: 

Name of Officer: Charlie Hatcher, D.V.M.

Title of Officer: Commissioner

**Department of State Use Only**

Filed with the Department of State on: 9/3/2020

  
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Tre Hargett  
Secretary of State

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# Redline version

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<b>Agency/Board/Commission:</b>	Agriculture
<b>Division:</b>	Animal Health
<b>Contact Person:</b>	David Waddell
<b>Address:</b>	P.O. Box 40627, Nashville, TN 37204
<b>Phone:</b>	615-837-5331
<b>Email:</b>	david.waddell@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

<b>ADA Contact:</b>	Liz Sneed
<b>Address:</b>	P.O. Box 40627, Nashville, TN 37204
<b>Phone:</b>	615-837-5116
<b>Email:</b>	liz.sneed@tn.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Tennessee Department of Agriculture		
Address 2:	442 Hogan Road, Lew Wallace Library		
City:	Nashville		
Zip:	37220		
Hearing Date :	09/xx/2020		
Hearing Time:	10:00	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0080-02-06	Swine
Rule Number	Rule Title
0080-02-06-.01	Scope
0080-02-06-.02	Definitions
0080-02-06-.03	Transportation and movement of swine
0080-02-06-.04	Swine Markets
0080-02-06-.05	Surveillance of Swine
Chapter Number	Chapter Title
0080-02-01	Health Requirements for Admission and Transportation of Livestock and Poultry



<b>Chapter Number</b>	<b>Chapter Title</b>
0080-02-10	Regulations Concerning Horses and Other Equidae

Amendments

CHAPTER 0080-02-06  
~~Regulation for Slaughter~~ Swine

Chapter 0080-02-06 Regulations for Slaughter Swine is amended by re-titling the chapter "Swine".

Authority: T.C.A. §§ 4-3-203 and 43-7-104.

Rule 0080-02-06-.01 General is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

~~0080-2-6-.01 GENERAL.~~

- ~~(1) — It is hereby declared by the Commissioner of Agriculture and the State Veterinarian of Tennessee, that feeder and slaughter classes of swine shall not be co-mingled in Tennessee, that feeder and slaughter classes of swine shall not be co-mingled in Tennessee markets, nor received and sold on the same premises on any given market day. It is further declared that only markets which have been approved as meeting specific state federal; standards shall be authorized to handle feeder swine or other classes of swine to move from said markets back to farm premises in Tennessee or in other states.~~
- ~~(2) — All swine which are unloaded at Tennessee markets approved to handle slaughter swine only shall be subject to the following restrictions:
  - ~~(a) — They shall enter the market under quarantine, and shall be removed only to move direct to a state or federally inspected slaughterhouse. They shall not pass through a second market or other assembly point.~~
  - ~~(b) — The slaughterhouse to which each group of swine is consigned must be shown on the official records of the market.~~
  - ~~(c) — Swine shall not be held in the market more than seventy-two (72) hours holding limits shall apply to boars.~~
  - ~~(d) — One approved secondary assembly point will be allowed for boars only. Slaughterhouse or approved secondary assembly point for boars shall be shown on official market records. The seventy-two (72) hours holding limit shall apply to boars.~~~~
- ~~(3) — Adherence to the provisions of this regulation shall be the responsibility of both market operators and purchasers of swine at markets not approved to handle back to farm swine. This supersedes all previous regulations promulgated under the above authority with respect to slaughter swine.~~

~~Authority: T.C.A. §§ 44-2-1302; 44-10-204; 44-11-112 and 4-3-203~~

0080-02-06-.01 Scope

- (1) This chapter applies to any person who owns or possesses swine within the state.
- (2) The department is authorized to enter any premises or conveyance reasonably believed to pose an animal disease concern and to order the examination, testing, vaccination, destruction, and sanitary disposition of any animal within the state in accordance with this chapter.

Authority: T.C.A. §§ 4-3-203 and 44-2-102

CHAPTER 0080-02-01  
Health Requirements for Admission and  
Transportation of Livestock and Poultry

Rule 0080-02-01-.17(2) is amended by deleting the numeral and word "7 days" and substituting instead the numeral and word "72 hours".

0080-02-01-.17 VESICULAR STOMATITIS.

- (2) Horses, cattle, bison, swine, sheep, goats, cervidae or other susceptible species as determined by the state veterinarian may enter Tennessee from non-quarantined areas of an affected state, provided they are accompanied by a certificate of veterinary inspection issued within ~~7 days~~ 72 hours of entering the state, with the following statement written by the accredited veterinarian on the certificate: "The animals represented on this health certificate have not originated from a premises or area under quarantine for vesicular stomatitis and are not exhibiting clinical signs of the virus."

CHAPTER 0080-02-10  
Regulations concerning Horses and other Equidae

Rule 0080-02-10-.06 Laboratories Conducting Tests for Equine Infectious Anemia is amended by deleting the rule in its entirety and substituting the following so that the rule shall read as follows:

0080-02-10-.06 Laboratories Conducting Tests for Equine Infectious Anemia

Laboratories conducting tests for Equine Infectious Anemia in Tennessee:

- (1) Shall be certified as required by the provisions of 9 C.F.R. 75.4 and approved by the commissioner of the department of agriculture or he designated representative;
- (2) May be audited for complete and accurate record keeping; and
- (3) May be unapproved for testing, if an audit shows the laboratory has failed to maintain complete and accurate records.

0080-02-10-.06 LABORATORIES CONDUCTING TESTS FOR EQUINE INFECTIOUS ANEMIA.

~~(1) Laboratories conducting tests for Equine Infectious Anemia in Tennessee: must be certified as required by the provisions of 9 C.F.R. 75.4 and approved by the Commissioner of the Department of Agriculture or his designated representative.~~

- (1) Shall be certified as required by the provisions of 9 C.F.R. 75.4 and approved by the commissioner of the department of agriculture or he designated representative;
- (2) May be audited for complete and accurate record keeping; and
- (3) May be unapproved for testing, if an audit shows the laboratory has failed to maintain complete and accurate records.

New  
CHAPTER 0080-02-06  
Swine

Chapter 0080-02-06 is amended by adding the new rule 0080-02-06-.02 Definitions as follows:

0080-02-06-.02 Definitions

- (1) Breeding swine means swine that are used or intended to be used for breeding, including all other swine other than feeder swine or slaughter swine.
- (2) Feeder swine means swine that are less than four (4) months of age and are intended for feeding prior to slaughter
- (3) Private Wildlife Preserve – A privately owned or lease controlled tract of land on which a person may hunt captive wildlife originating from a legal source.
- (4) Slaughter swine means swine of any age, breed, or sex, which have been consigned and transported directly to an approved swine market for sale to a slaughter establishment.

Authority: T.C.A. §§ 4-3-203 and 44-2-102

Chapter 0080-02-06 is amended by adding the new rule 0080-02-06-.03 Transportation and Movement of Swine as follows:

0080-02-06-.03 Transportation and movement of swine.

For rules regarding the admission and transportation of swine refer to 0080-02-01 Health Requirements for Admission and Transportation of Livestock and Poultry.

Authority: T.C.A. §§ 4-3-203 and 44-2-102

Chapter 0080-02-06 is amended by adding the new rule 0080-02-06-.04 as follows:

0080-02-06-.04 Swine Markets.

(1) Only swine markets that are approved as having met state and federal standards are authorized to handle swine in Tennessee. Only three (3) types of swine markets are approved:

(a) Slaughter-Only Market

1. Slaughter-only markets shall be approved in accordance with the requirements of 9 C.F.R. 71.20 and meet all the pertinent requirements of 9 C.F.R. 71, 78 and 85.
2. All swine shall enter the market under quarantine.
3. All swine entering a market shall be officially identified with a United States Department of Agriculture approved ear tag to identify the consignor. The market shall record the name, address, and signature of the consignee, the slaughter facility destination, and the identification of the swine purchased.
4. All swine shall be consigned from the market only to an approved slaughter establishment or to another approved market.

(b) Breeding Swine Market

1. All breeding swine markets shall be approved in accordance with the requirements of 9 C.F.R. 71.20 and meet all the pertinent requirements of 9 C.F.R. 71, 78 and 85.
2. All swine shall be officially, permanently and individually identified to the seller.
3. Except by permission of the state veterinarian, all swine, except piglets less than eight weeks of age in the company of their Brucellosis and Pseudorabies-negative birth mothers, shall:
  - (i) Be accompanied by proof that the individual animal being sold or offered for sale has tested negative on official tests for brucellosis and pseudorabies conducted within thirty (30) days of entering the market; or
  - (ii) Have originated from a Validated Brucellosis-Free and Qualified Pseudorabies-Negative herd that has maintained such statuses throughout testing and be accompanied by proof of such statuses.
4. In addition to the requirements above, imported swine entering breeding swine markets shall be accompanied by an official certificate of veterinary inspection and have an entry permit from the office of the state veterinarian.
5. Persons selling swine or offering swine for sale, including market management, are responsible for ensuring that the provisions of 0080-02-13-.01(b)3. and 0080-02-13-.01(b)4. above are complied with.

(c) Organized Feeder Swine Sale

1. Shall be approved in accordance with the requirements of 9 C.F.R. 71.20 and meet all the pertinent requirements of 9 C.F.R. 71, 78 and 85.
  2. All pigs shall be individually, officially, and permanently identified to the farm of origin, and shall be consigned from the farm on which they were born.
- (2) Slaughter and feeder classes of swine shall not be commingled in Tennessee markets, nor shall they be received and sold on the same premises on market day.
  - (3) Adherence to these regulations shall be the responsibility of the market's management. It shall also be the responsibility of buyers to consign purchased swine to legal destinations.
  - (4) Swine at Tennessee markets are subject to surveillance testing for Brucellosis, Pseudorabies, or other diseases, as ordered by the Tennessee state veterinarian.
  - (5) Swine shall not be held in the market more than seventy-two (72) hours.
  - (6) One approved secondary assembly point will be allowed for boars only. Slaughterhouse or approved secondary assembly point for boars shall be shown on official market records.

Authority: T.C.A. §§ 4-3-203, 44-2-102, 44-2-104, 44-2-1302, and 44-10-204.

Chapter 0080-02-06 is amended by adding the new rule 0080-02-06-.05 as follows:

0080-02-06-.05 Surveillance of Swine.

- (1) All swine located in Tennessee are subject to being monitored for Pseudorabies in accordance with the National Pseudorabies Program Standards.
- (2) Upon notice from the state veterinarian that a herd has been selected as a representative herd for testing, the owner of the herd shall have ninety (90) days to have his herd monitored for Pseudorabies at the level established by the National Pseudorabies Program Standards.
- (3) The number of swine tested each year shall be determined by the state veterinarian in accordance with the National Pseudorabies Program Standards, but in no case shall it be greater than twenty-five percent (25%) of the breeding swine population.
- (4) Swine located in Tennessee are subject to surveillance testing for Brucellosis, Pseudorabies, or other diseases, as ordered by the Tennessee state veterinarian.
- (5) Except by permission of the state veterinarian, swine of Tennessee origin that are acquired for use on a private wildlife preserve, and breeding swine of Tennessee origin that are acquired by an owner or operator of a private wildlife preserve and whose offspring are intended for use on a private wildlife preserve, shall:
  - (a) Bear official, individual identification as set forth in 9 C.F.R. 71; and
    1. Have evidence of negative Pseudorabies and Brucellosis tests taken within ninety (90) days prior to changing ownership; or
    2. Have originated from a Validated Brucellosis-Free and Qualified Pseudorabies-Negative herd that has maintained such statuses through testing; or
  - (b) Upon order of the state veterinarian, be quarantined at the swine's destination and retested within sixty (60) days of changing ownership.
- (6) Any swine originating from out of state that are acquired for use on a private wildlife preserve, and breeding swine originating from out of state that are acquired by an owner or operator of a private

wildlife preserve and whose offspring are intended for use on a private wildlife preserve, shall comply with the rules for sporting swine under 0080-02-01-.07(4).

(7) Except by permission of the state veterinarian, swine released on a private wildlife preserve shall:

(a) Bear official, individual identification as set forth in 9 C.F.R. 71; and

1. Have evidence of negative Pseudorabies and Brucellosis tests taken within twelve (12) months prior to release; or
2. Have originated from a Validated Brucellosis-Free and Qualified Pseudorabies-Negative herd that has maintained such statuses through testing; or

(8) Owners or operators of private wildlife preserves shall record, on forms provided by the commissioner, the official identification numbers of all swine released on such preserve and the corresponding date that each individual swine was released. Such records are to be kept for a minimum of three (3) years and be available for inspection at any time by agents of the Department of Agriculture.

Authority: T.C.A. §§ 4-3-203 and 44-2-102

Repeal

CHAPTER 0080-02-013  
Swine Markets

Chapter 0080-02-013 Swine Markets is repealed in its entirety.

**CHAPTER 0080-02-13**  
**SWINE MARKETS**

**~~0080-02-13-.01 GENERAL.~~**

~~(1) Only swine markets that are approved as having met state and federal standards are authorized to handle swine in Tennessee. Only three (3) types of swine markets will be approved:~~

~~(a) Slaughter-Only Market~~

- ~~1. Slaughter-only markets shall be approved in accordance with the requirements of 9 C.F.R. 71.20 and meet all the pertinent requirements of 9 C.F.R. 71, 78 and 85.~~
- ~~2. All swine shall enter the market under quarantine.~~
- ~~3. All swine entering a market shall be officially identified with a United States Department of Agriculture approved ear tag to identify the consignor. The market shall record the name, address, and signature of the consignee, the slaughter facility destination, and the identification of the swine purchased.~~
- ~~4. All swine shall be consigned from the market only to an approved slaughter establishment or to another approved market.~~

~~(b) Breeding Swine Market~~

- ~~1. All breeding swine markets shall be approved in accordance with the requirements of 9 C.F.R. 71.20 and meet all the pertinent requirements of 9 C.F.R. 71, 78 and 85.~~
- ~~2. All swine shall be officially, permanently and individually identified to the seller.~~

3. ~~Except by permission of the state veterinarian, all swine, except piglets less than eight weeks of age in the company of their Brucellosis and Pseudorabies-negative birth mothers, shall:
  - (i) ~~Be accompanied by proof that the individual animal being sold or offered for sale has tested negative on official tests for brucellosis and pseudorabies conducted within thirty (30) days of entering the market; or~~
  - (ii) ~~Have originated from a Validated Brucellosis-Free and Qualified Pseudorabies-Negative herd that has maintained such statuses throughout testing and be accompanied by proof of such statuses.~~~~
4. ~~In addition to the requirements above, imported swine entering breeding swine markets shall be accompanied by an official certificate of veterinary inspection and have an entry permit from the office of the state veterinarian.~~
5. ~~Persons selling swine or offering swine for sale, including market management, are responsible for ensuring that the provisions of 0080-02-13-.01(b)3. and 0080-02-13-.01(b)4. above are complied with. (c)~~

~~Organized Feeder Pig Sale~~

1. ~~Shall be approved in accordance with the requirements of 9 C.F.R. 71.20 and meet all the pertinent requirements of 9 C.F.R. 71, 78 and 85.~~
2. ~~All pigs shall be individually, officially, and permanently identified to the farm of origin, and shall be consigned from the farm on which they were born.~~
- (2) ~~Slaughter and feeder classes of swine shall not be commingled in Tennessee markets, nor shall they be received and sold on the same premises on market day.~~
- (3) ~~Adherence to these regulations shall be the responsibility of the market's management. It shall also be the responsibility of buyers to consign purchased swine to legal destinations.~~
- (4) ~~Swine at Tennessee markets are subject to surveillance testing for Brucellosis, Pseudorabies, or other diseases, as ordered by the Tennessee state veterinarian.~~

~~**Authority:** T.C.A. §§ 4-3-203, 44-2-102, 44-2-104, 44-2-1302, and 44-10-204.~~

CHAPTER 0080-02-014  
Regulation for the Surveillance of Swine

Chapter 0080-02-014 Regulation for the Surveillance of Swine is repealed in its entirety

**CHAPTER 0080-02-14**  
**REGULATIONS FOR SURVEILLANCE OF SWINE**

**0080-02-14-.01-DEFINITIONS.**

- (1) ~~For purposes of these rules, the following definitions shall apply:
  - (a) ~~Private Wildlife Preserve—A privately owned or lease-controlled tract of land on which a person may hunt captive wildlife originating from a legal source.~~~~

~~**Authority:** T.C.A. §§ 4-3-203 and 44-2-102.~~

**0080-02-14-.02-GENERAL.**

- (1) ~~All swine located in Tennessee are subject to being monitored for Pseudorabies in accordance with the National Pseudorabies Program Standards.~~

~~(2) Upon notice from the state veterinarian that a herd has been selected as a representative herd for testing, the owner of the herd shall have ninety (90) days to have his herd monitored for Pseudorabies at the level established by the National Pseudorabies Program Standards.~~

~~(3) The number of swine tested each year shall be determined by the state veterinarian in accordance with the National Pseudorabies Program Standards, but in no case shall it be greater than twenty five percent (25%) of the breeding swine population.~~

~~Authority: T.C.A. §§ 4-3-203 and 44-2-102~~

#### ~~0080-02-14-.03 OTHER DISEASE TESTING.~~

~~(1) Swine located in Tennessee are subject to surveillance testing for Brucellosis, Pseudorabies, or other diseases, as ordered by the Tennessee state veterinarian.~~

~~Authority: T.C.A. §§ 4-3-203 and 44-2-102.~~

#### ~~0080-02-14-.04 PRIVATE WILDLIFE PRESERVES.~~

~~(1) Except by permission of the state veterinarian, swine of Tennessee origin that are acquired for use on a private wildlife preserve, and breeding swine of Tennessee origin that are acquired by an owner or operator of a private wildlife preserve and whose offspring are intended for use on a private wildlife preserve, shall:~~

~~(a) Bear official, individual identification as set forth in 9 C.F.R. 71; and~~

~~1. Have evidence of negative Pseudorabies and Brucellosis tests taken within ninety (90) days prior to changing ownership; or~~

~~2. Have originated from a Validated Brucellosis-Free and Qualified Pseudorabies-Negative herd that has maintained such statuses through testing; or~~

~~(b) Upon order of the state veterinarian, be quarantined at the swine's destination and retested within sixty (60) days of changing ownership.~~

~~(2) Any swine originating from out of state that are acquired for use on a private wildlife preserve, and breeding swine originating from out of state that are acquired by an owner or operator of a private wildlife preserve and whose offspring are intended for use on a private wildlife preserve, shall comply with the rules for sporting swine under 0080-02-01-.07(4).~~

~~(3) Except by permission of the state veterinarian, swine released on a private wildlife preserve shall:~~

~~(a) Bear official, individual identification as set forth in 9 C.F.R. 71; and~~

~~1. Have evidence of negative Pseudorabies and Brucellosis tests taken within twelve (12) months prior to release; or~~

~~2. Have originated from a Validated Brucellosis-Free and Qualified Pseudorabies-Negative herd that has maintained such statuses through testing; or~~

~~(4) Owners or operators of private wildlife preserves shall record, on forms provided by the commissioner, the official identification numbers of all swine released on such preserve and the corresponding date that each individual swine was released. Such records are to be kept for a minimum of three (3) years and be available for inspection at any time by agents of the Department of Agriculture.~~

~~Authority: T.C.A. §§ 4-3-203 and 44-2-102.~~



I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: \_\_\_\_\_

Title of Officer: \_\_\_\_\_

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: \_\_\_\_\_

My commission expires on: \_\_\_\_\_

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\_\_\_\_\_  
Tre Hargett  
Secretary of State