

330 CMR: DEPARTMENT OF AGRICULTURAL RESOURCES

330 CMR 16.00: HORSES

Section

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16.01: Definitions

For the purposes of 330 CMR 16.00, the terms in 330 CMR 16.01 shall have the following meanings:

Department. Department of Agricultural Resources.

Person. Any individual, corporation, partnership, association or other business organization.

Reactor. Any equine which is subject to a test for equine infectious anemia and found positive.

Regular Business of Selling, Dealing, Auctioning or Transporting Equine Animals. Shall mean selling, dealing, auctioning or transporting more than 20 equine animals per year.

Stable Where Horses are Kept for Hire. Shall include the renting of horses for rides, drives, or trail rides including their use as part of camp or ranch activities, and the use of horses for hay rides or pony rides.

16.02: Licensing of Horse Riding Instructors

License Required.

- (1) No Person shall hold himself or herself out as a horse riding instructor for hire unless licensed by the Department.
- (2) Any Person desiring to apply for a riding instructor license shall submit, on a form provided by the Department, an application and the appropriate fee.
- (3) The Department may license any applicant who meets the following minimum requirements:
  - (a) The applicant must be 18 years of age or older as of the date of application;
  - (b) The applicant must have completed a six month apprenticeship with a licensed riding instructor, including at least 60 hours of directly supervised instruction to mounted students or must be licensed as a horse riding instructor by another governmental entity;
  - (c) The applicant must have received a satisfactory score on a written exam administered by the Department. The exam will evaluate an applicant's knowledge relative to the following:
    1. riding theory;
    2. safety;
    3. laws and regulations pertaining to horses including M.G.L. c. 128, §§ 2A and 2B; c. 129, §§ 9 and 44; c. 272, § 77 and 330 CMR 16.00; and
    4. horse anatomy, physiology and general health issues.
- (4) All riding instructor licenses shall expire on March 31<sup>st</sup> following the date of issuance.
- (5) Upon submission of an application and the appropriate fee, the Department may renew a license of any applicant who provided 60 hours of horse riding instruction during the preceding licensing year.
- (6) The Department may revoke or suspend any license after a M.G.L. 30A hearing and upon a finding that the licensee:
  - (a) Is not competent to provide horseback riding instructions;

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- (b) Provided instructions in a manner unsafe to either the student or the horse;
- (c) Allowed an issued license to be used by an unlicensed Person;
- (d) Violated M.G.L. 129, § 9 and c. 272, §§ 77 through 79B;
- (e) Violated a quarantine order issued by the Department; or
- (f) Made a material misstatement on the license application.

16.03: Licensing and Operation of Riding Schools and Stables

(1) License Required.

- (a) No Person shall engage in the business of operating a riding school or a Stable where horses are kept for hire in the Commonwealth of Massachusetts unless licensed by the Department.
- (b) Any Person desiring to apply for a Riding School and Stable license shall submit, on a form provided by the Department, an application and the appropriate fee.
- (c) Upon receipt of a completed application for a license, the Department shall inspect the applicant's facilities. If the Department finds the facilities and equipment in compliance with 330 CMR 16.03(2)(a) through (g), the Department may issue a license.
- (d) All Riding School and Stable licenses shall expire on March 31<sup>st</sup> following the date of issuance.
- (e) All licensees shall post their license on their premises in a place prominently visible to the public.
- (f) The Department may deny a license to any applicant whose facilities and equipment fail to comply with 330 CMR 16.03(2)(a) through (g). Any applicant whose license has been denied may submit a written request for a hearing within 14 days following receipt of the Department's decision to deny the license.
- (g) The Department may revoke or suspend a license after a M.G.L. c. 30A hearing and upon finding that the licensee has:
  1. Violated M.G. L. c. 129, §§ 9, 44, 44A, 45 or 46, or c. 128, §§ 2A or 2B, or any provision in 330 CMR 16.00 or M.G.L. c. 272, §§ 77 through 79B;
  2. Allowed an issued license to be used by an unlicensed Person;
  3. Violated a quarantine order issued by the Department; or
  4. Made a material misstatement in the application for a license.

(2) Facilities and Equipment. All licensees shall:

- (a) Maintain all areas where horses are kept:
  1. In a safe and sanitary condition, and in good repair;
  2. Free of glass, wire or other material which may cause injury to horses;
  3. In such a manner as to prevent the infestation of the horses and the premises with external parasites or vermin; and
  4. In such a manner as to prevent the spread of infectious or contagious disease.
- (b) Clean all areas where horses are kept as frequently as necessary to ensure their sanitary condition;
- (c) Provide an adequate, dry shelter for the horses maintained on the premises;
- (d) Ensure that if box stalls are utilized, they are large enough to enable any horse to stand up and lie down;
- (e) Provide shelter in outdoor holding and grazing areas if any horse is kept outdoors for more than eight hours and no natural shelter exists;
- (f) Provide equipment for any necessary storage or disposal of waste material to control vermin, insects, disease, and obnoxious odors; and
- (g) Ensure that all saddle packs and tack are clean, supple and in safe working condition.

(3) General Care of Horses and Equipment. All licensees shall ensure that:

- (a) Sufficient fresh food of a type and amount consistent with the dietary requirements and age of the horse is offered at least twice daily;
- (b) Sufficient fresh and clean water is available;
- (c) Containers used for the feeding and watering of horses are cleaned regularly in order that they remain free from debris and contamination;
- (d) All horses are properly shod or their feet are appropriately trimmed at all times;

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- (e) All horses are kept clean with particular attention given to those areas which are in contact with a saddle, harness or other tack; and
- (f) Horses are housed without overcrowding and in groups of compatible temperament and gender.

(4) Use of Horses.

(a) No licensee shall use any horse unfit for work. A horse is unfit for work if it has any of the following conditions:

1. Lameness of any kind unless the licensee has a health certificate signed by a licensed veterinarian dated within the previous 12 months stating that the lameness is mechanical in nature and does not cause pain or suffering during use;
2. Sores or abrasions caused or likely to be irritated by the bearing surfaces of saddles, girths, harnesses, or bridles being worn;
3. Serious injuries or illness;
4. Obvious signs of emaciation, malnutrition or exhaustion; or
5. Blind in both eyes.

(b) No licensee shall work a horse more than:

1. Five consecutive hours without the horse being given at a least one hour rest period;
2. Ten hours per day; or
3. 56 hours per week.

(c) All licensees shall ensure that:

1. Horses used at concessions consisting of a wheel-like device are not attached to or moving with the device unless they being ridden;
2. All horses are ridden or driven in a manner which:
  - a. Is appropriate for the terrain;
  - b. Preserves the health and safety of the horse and the rider; and
  - c. Does not cause the horse to become overheated or exhausted;
3. All horses which are worked during icy conditions are equipped with ice caulks, borium, or other similar shoes to prevent slipping; and
4. Water is offered at frequent intervals to working horses.

(5) Operation of Riding Schools and Stables. All licensees shall ensure that:

- (a) All lead riders guide in a manner which preserves the health and safety of the horses and other riders; and
- (b) Only licensed instructors provide riding lessons at the premises.

(6) Record Keeping and Inspections.

- (a) All licensees shall maintain records of the daily work periods for each horse for 30 days; and
- (b) All premises and records shall be open for inspection by the Department, Massachusetts Society for the Prevention of Cruelty to Animals and the Animal Rescue League.

16.04: Dealing in and the Transportation of Equine Animals(1) License Required.

- (a) No Person shall engage in the Regular business of selling, dealing, auctioning or transporting equine animals in the Commonwealth of Massachusetts unless licensed by the Department.
- (b) Any Person desiring to apply for a livestock dealer-transporter license shall submit, on a form provided by the Department, an application and the appropriate fee.
- (c) Upon receipt of a completed application for a license, the Department shall inspect the applicant's facilities and vehicles. If the Department finds the facilities and vehicles in compliance with 330 CMR 16.04(2)(a) through (i) and (3)(a) and (b), the Department may issue a livestock dealer-transporter license.
- (d) All livestock dealer-transporter licensees will be issued a metal license plate by the Department. The license plate will be valid for the term of the Livestock Dealer-Transporter license. If the license is revoked at any time, the license plate must be returned to the Department.

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(e) No livestock dealer-transporter licensee shall transport an equine animal in any vehicle unless the driver's side of the vehicle bears a metal livestock dealer-transporter license plate issued by the Department.

(f) Livestock dealer-transporter licenses for equines shall expire on October 31<sup>st</sup> following the date of issuance.

(g) All licensees shall post their license at a permanent location in the Commonwealth of Massachusetts in a place prominently visible to the public.

(h) The Department may deny a license to any applicant whose facilities or vehicles fail to comply with 330 CMR 16.04(2)(a) through (i) and (3)(a) and (b). Any applicant whose license has been denied may submit a written request for a hearing within 14 business days following notification of the Department's decision to deny the license.

(i) The Department may revoke or suspend a license after a M.G.L. c. 30A hearing and upon finding that the licensee has:

1. Violated M.G.L. c. 129, §§ 9, 44, 44A, 45, 46, or 47 or c. 128, §§ 2A or 2B or c. 272, §§ 77 through 79B;
2. Violated any provision of 330 CMR 16.00;
3. Allowed an issued license to be used by an unlicensed Person;
4. Violated a quarantine order issued by the Department; or
5. Made a material misstatement on the application for a license.

(2) General Care of Animals and Premises. All licensees shall:

- (a) Maintain all areas where equines are kept in a safe and sanitary condition;
- (b) Have equipment available for any necessary storage or disposal of waste material to control vermin, insects or obnoxious odors;
- (c) Provide adequate shelter for the comfort of all equines on the premises;
- (d) Take all reasonable precautions to prevent the spread of infectious or contagious diseases;
- (e) Clean stalls daily or more frequently to ensure their sanitary condition;
- (f) Ensure that box stalls are of adequate size such that the equine contained therein shall have room to stand and lie down comfortably;
- (g) Equines are housed without overcrowding and in groups of compatible temperament and gender;
- (h) Provide sufficient fresh food of a type and amount consistent with the dietary requirements and age of the horse at least twice daily; and
- (i) Ensure that fresh, clean water is available to all equines.

(3) Transporting Equines.

(a) No licensee shall maintain any equine in a vehicle within the Commonwealth of Massachusetts for a period of time exceeding ten hours without the equine being off-loaded and placed in a stable or shaded pasture.

(b) Licensees shall ensure that:

1. All vehicles are constructed with no sharp objects or protuberances on the interior or the sides;
2. All floor ramps are made of a non-skid material or coating;
3. All vehicles, stalls and loading ramps are cleaned daily;
4. All vehicles have adequate ventilation;
5. All doorway openings have a height of at least 12 inches above the withers of the tallest equine being transported;
6. All vehicles transporting more than six equines have at least two doorways on adjacent or opposite sides of the vehicle; and
7. All horses being transported are separated in a manner to prevent injury or close contact between incompatible animals.

(4) Record Keeping and Inspections.

(a) All licensees shall maintain records and interstate bills of lading for a period of 90 days from the date of sale or transport. All records shall be maintained at the location where the license is posted. All records shall include the following information:

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1. Date of purchase or transport;
  2. Name and address of Person from whom the equine was purchased or for whom it was transported;
  3. Name and address of Person to whom the equine was sold or delivered; and
  4. Complete description of the equine sufficient for identification purposes.
- (b) All premises, vehicles and records shall be open during reasonable business hours to the Department, Massachusetts Society for the Prevention of Cruelty to Animals and the Animal Rescue League.

16.05: Prevention and Suppression of Equine Infectious Anemia

(1) Negative Test Results Required

- (a) No equine over six months of age is permitted at any fair, show, race meet or similar event in the Commonwealth of Massachusetts unless it is accompanied by a negative test result for Equine Infectious Anemia which meets the requirements of 330 CMR 16.05(1)(d) and was conducted within the previous 12 months.
- (b) No equine is permitted to be auctioned, sold or offered for sale in the Commonwealth of Massachusetts unless accompanied by an official negative test result for Equine Infectious Anemia which meets the requirements of 330 CMR 16.05(1)(d) and was conducted within the previous six months.
- (c) Foals under six months of age shall be exempt from the requirements of 330 CMR 16.05(1)(a) and (b), provided that the foal is with its dam and the dam is accompanied by an official negative test result as required in 330 CMR 16.05(1)(a) or (b).
- (d) No negative test result for Equine Infectious Anemia is official unless:
  1. the test is United States Department of Agriculture (USDA) approved;
  2. the test was conducted at a USDA approved laboratory;
  3. the blood tested was drawn by an accredited veterinarian; and
  4. the test result sheet clearly identifies the horse.
- (e) Any equine found at a fair, show, auction, race meet or sale not accompanied by a negative test result as required in 330 CMR 16.05(1)(a) or (b) shall be ordered isolated and will not be permitted to enter any competition, to be exhibited or offered for sale.

(2) Reactors.

- (a) All Reactors shall be immediately isolated by their owner or agent of the owner.
- (b) Any positive test result for Equine Infectious Anemia shall be reported to the Department.
- (c) When an equine tests positive for Equine Infectious Anemia, no other exposed equine shall leave the premises until released by the Department.
- (d) No Reactor shall be retested for Equine Infectious Anemia without approval by the Department.
- (e) All Reactors shall be:
  1. Humanely destroyed in accordance with M.G.L. 129, § 44A;
  2. Shipped directly to slaughter in a sealed conveyance to an approved slaughter house; or
  3. Permanently identified with "14A" by a freeze brand on the left side of the neck; and
    - a. Retained under quarantine and held in isolation; or
    - b. Shipped directly to a research facility.

REGULATORY AUTHORITY

330 CMR 16.00 M.G.L. c. 128, §§ 2A and 2B; c. 129, §§ 2, 9, 44, 44A, 45, 46, and 47.