

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 1. DEPARTMENT OF AGRICULTURE AND MARKETS
CHAPTER II. ANIMAL INDUSTRY
SUBCHAPTER A. DISEASES OF DOMESTIC ANIMALS; GARBAGE FEEDING
PART 59. VACCINES, SERUMS AND OTHER PREPARATIONS
Current through May 31, 2014

* Section 59.1.* Products prohibited except by permit.

(a) No person, firm or corporation shall possess, use, sell, offer for sale, give away, send or bring into the State of New York the following products except as provided herein:

- (1) Anaplasmosis vaccine;
- (2) Anthrax spore vaccine;
- (3) Hog cholera virus or vaccine, either virulent, modified live or killed or any blood or other animal tissue known to contain live hog cholera virus;
- (4) Virulent virus laryngotracheitis vaccine;
- (5) Pseudorabies vaccine, both modified live and killed types; and
- (6) All other biological products which are developed for the prevention of animal or poultry diseases after the effective date of this Part and which contain a living pathogenic agent.

(b) In an emergency, after written request, the commissioner or his duly authorized agent may give permission in writing for the purchase, possession, use or shipment into the State of products listed in subdivision (a) of this section. Delivery and possession of such permitted products must be confined to the premises specified in the written permit and the use of such products must be limited to the purposes specified in the written permit.

(c) Nothing in this section shall prevent the movement of such products across New York State by common carrier for delivery to destinations outside New York State.

* Section 59.2.* Therapeutic preparations.

(a) As provided in subdivision 4 of section 89 of the Agriculture and Markets Law, all therapeutic preparations of microbiological origin prepared within or brought into the State to be retained, sold or given away within the State for use in the detection, prevention, control or eradication of infectious or contagious diseases of domestic animals or fowls, or for the administration thereto for whatever purpose shall be confined to use by legally qualified veterinarians; and

(b) All such preparations except the following are exempt from this provision:

- (1) Anaplasmosis antigen and vaccine;
- (2) Anthrax vaccine, serum, bacterin and aggressin;
- (3) Blackleg vaccine, serum, bacterin and aggressin;
- (4) Blue tongue vaccine;
- (5) Brucella abortus vaccine (bovine abortion vaccine)
- (6) Brucella abortus antigen;
- (7) Contagious ecthyma vaccine;
- (8) Antiencephalitis (encephalomyelitis) serums singly or in combination;
- (9) Equine infectious anemia antigen (swamp fever antigen);
- (10) Hog cholera virus, vaccine and serum;
- (11) Johnin;
- (12) Mallein;
- (13) Rabies vaccine and serum, except as provided in subdivision (c) of this section;
- (14) Tuberculin (bovine and avian);
- (15) Pseudorabies vaccine, both modified live and killed types; and
- (16) all other biological products which are developed for the prevention of animal or poultry diseases after the effective date of this Part and which contain a living pathogenic agent.

(c) Notwithstanding any other provision of this Chapter, rabies vaccine and serum shall not be confined to use by legally qualified veterinarians when such vaccine or serum is being administered as part of a pilot or research project involving the control of rabies in wildlife, provided such project has been approved by the Commissioner of Environmental Conservation, the Commissioner of Health and

the Commissioner of Agriculture and Markets and the vaccine or serum is being administered by persons who have been authorized in writing by the Department of Agriculture and Markets to use such vaccine or serum and the said persons so authorized are acting under the direct or indirect supervision of a licensed project staff veterinarian and in accordance with all applicable State and Federal statutes and regulations. Applications for such authorization shall be endorsed by the licensed project staff veterinarians under which supervision the applicants will be acting. Said authorization shall be granted if the commissioner is satisfied that the applicant is qualified by background, training and experience to effectively administer rabies vaccine or serum as part of a pilot or research project involving the control of rabies in wildlife.

* Section 59.3.* Report to the commissioner.

(a) As provided by subdivision 3 of section 89 of the Agriculture and Markets Law, every individual, firm, corporation or institution preparing or selling or receiving for retention or sale or giving away within this State any therapeutic preparation of microbiological origin for use in the detection, prevention, control or eradication of infectious or contagious diseases of domestic animals or fowls, or for the administration thereto for whatever purpose, shall report to the commissioner the character and purpose of the preparation, the quantity, the name and address of the manufacturer, and the name and address of the person or firm to whom the product was sold or given away.

(b) All such preparations except the following are exempt from this section:

- (1) Anaplasmosis antigen and vaccine;
- (2) Anthrax vaccine;
- (3) Blue tongue vaccine;
- (4) Brucella abortus vaccine (bovine abortion vaccine);
- (5) Brucella abortus antigen;
- (6) Encephalitis (encephalomyelitis) vaccine (avian);
- (7) Equine infectious anemia antigen (swamp fever antigen);
- (8) Gumboro (bursal) disease vaccine;
- (9) Hog cholera virus, vaccine;
- (10) Marek's disease vaccine;
- (11) Mycoplasma gallisepticum antigen and positive serum;
- (12) Mycoplasma synoviae antigen and positive serum;
- (13) Pseudorabies vaccine, both modified live and killed types; and

(14) All other biological products which are developed for the prevention of animal or poultry diseases after the effective date of this Part and which contain a living pathogenic agent.