

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED AMENDMENT
ARM 32.2.403 pertaining to)
diagnostic laboratory fees) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. The Department of Livestock proposes to amend the above-stated rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m., November 1, 2021, to advise us of the nature of the accommodation that you need. Please contact Executive Officer, Department of Livestock, 301 N. Roberts St., Room 304, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9525; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: MDOLcomments@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

32.2.403 DIAGNOSTIC LABORATORY FEES (1) through (3)(k) remain the same.

(l) Virology

Test	Fee
canine parvovirus SNAP	\$30.00
fluorescent antibody (FA) testing - per agent:	
bovine coronavirus (BCV)	\$11.00
bovine respiratory syncytial virus (BRSV) SN	\$11.00
bovine viral diarrhea virus (BVDV)	\$11.00
canine distemper (CDV)	\$11.00
canine parvovirus (CPV)	\$11.00
equine herpesvirus (EHV)	\$11.00
feline panleukopenia (FPLV)	\$11.00
feline infectious peritonitis (FIP)	\$11.00
feline herpes (FHV)	\$11.00
infectious bovine rhinotracheitis (IBR)	\$11.00
leptospira	\$11.00
parainfluenza - 3 Virus (PI-3)	\$11.00
porcine parvovirus (PPV)	\$11.00
chronic wasting disease IHC	\$34.00

chronic wasting disease ELISA	\$14.00
virus isolation (livestock only)	\$34.00
bovine viral diarrhea virus (BVDV) antigen SNAP test	\$7.00
equine virus arteritis (EVA) virus neutralization test	\$16.00
pregnancy test	\$4.50
<u>small animal pregnancy test</u>	<u>\$25.00</u>
coxiella burnetii (Q fever) ELISA	\$13.00
<u>parainfluenza 3 serum neutralization (PI-3 SN)</u>	<u>\$7.00</u>

(m) remains the same.

AUTH: 81-1-102, 81-2-102, MCA
IMP: 81-1-301, 81-1-302, 81-2-102, MCA

REASON: The department is proposing to amend the above-stated rule with two new tests as follows:

Small Animal Pregnancy Test – In response to multiple client requests, MVDL seeks to add a small animal pregnancy test to our offerings. This lateral flow assay can detect the hormone relaxin in canine and feline serum. The presence of this hormone is a reliable indicator of pregnancy in as early as 20 days of gestation in dogs and 25 days of gestation in cats. Turnaround time is expected to be same day. The proposed cost of this test is \$25/test. Cost at other diagnostic labs: Texas A&M - \$40; Arkansas - \$22.

We expect that the incremental additional test fee revenue for the small animal pregnancy test will be negligible as we do not expect high volume.

Parainfluenza Virus type 3 Serum Neutralization test (PI-3 SN) – MVDL has previously offered a hemagglutination inhibition test for the serological diagnosis of PI3 (PI3 HAI). MVDL seeks to replace this test with a serum neutralization test that will provide more reliable titer results with no additional overhead cost. The proposed cost of the test would be the same as the previous PI3 HAI (\$7/test).

There are approximately 600 veterinary submitters, at least 150 nonveterinary submitters, and 100 governmental entities only minimally affected by the proposed fee adjustments.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to Department of Livestock, 301 N. Roberts St., Room 306, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov, to be received no later than 5:00 p.m., November 5, 2021.

5. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written

comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., November 5, 2021.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those entities directly affected has been determined to be 85 based upon approximately 600 veterinary submitters, at least 150 nonveterinary submitters, and 100 governmental entities affected by the proposed fee adjustments.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

BY: /s/ Michael S. Honeycutt
Michael S. Honeycutt
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer

Certified to the Secretary of State September 28, 2021.