

14 *within the state treasury, hereby created, to be known as the physi-*
 15 *cians' assistants fund.* Such fees shall be used to finance the provi-
 16 sions of this Act and shall be subject to the provisions of section one
 17 hundred forty-seven point one hundred three (147.103) of the Code.
 18 However, the fees required by this Act shall not be included in com-
 19 puting the remainder in excess of twenty-five thousand dollars in the
 20 state board of medical examiners fund as provided in section one hun-
 21 dred forty-seven point one hundred three (147.103) of the Code, and
 22 such fees shall not revert to the general fund of the state *Funds depos-*
 23 *ited in the physicians' assistants fund shall be subject to appropriation*
 24 *by the general assembly.*

1 SEC. 2. There is appropriated from the state board of medical
 2 examiners fund for the fiscal year beginning July 1, 1972 and ending
 3 June 30, 1973 the sum of twelve thousand five hundred (12,500) dol-
 4 lars, or so much thereof as may be necessary, which sum shall be
 5 deposited in the physicians' assistants fund and used to carry out the
 6 provisions of chapter one hundred thirty-seven (137), Acts of the
 7 Sixty-fourth General Assembly, First Session. Fees collected pursu-
 8 ant to section seven (7) of chapter one hundred thirty-seven (137),
 9 Acts of the Sixty-fourth General Assembly, First Session, shall be
 10 held in trust during the fiscal year commencing July 1, 1972 for the
 11 purpose of reimbursing the board of medical examiners fund for funds
 12 appropriated by this section. The board of medical examiners in
 13 making its report to the governor and the general assembly as re-
 14 quired by section six (6) of chapter one hundred thirty-seven (137),
 15 Acts of the Sixty-fourth General Assembly, First Session, shall include
 16 within the report a complete accounting of all fees collected and funds
 17 expended. This information shall be forwarded to the committees on
 18 appropriations of each house of the general assembly for review and
 19 for the purpose of aiding such committees in determining the proper
 20 appropriation required to carry out the physicians' assistants pro-
 21 gram.

Approved March 24, 1972.

CHAPTER 1046

SWINE DISEASES

S. F. 392

AN ACT relating to the eradication of hog cholera and the control and eradication of the swine diseases.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section one hundred sixty-three point twenty-six
 2 (163.26), subsection three (3), Code 1971, is amended as follows:
 3 3. "Garbage" means putrescible animal and vegetable wastes re-
 4 sulting from the handling, preparation, cooking, and consumption of
 5 foods including animal carcasses or parts thereof, and shall include

6 all waste material, by-products of a kitchen, restaurant, hotel, or
7 slaughterhouse, every refuse accumulation of animal, fruit, or vege-
8 table matter, liquids or otherwise, except grain not consumed, that is
9 collected from hog sales pen floors in public stockyards and fed under
10 the control of the department of agriculture. Animals or parts of
11 animals, which are processed by slaughterhouses or rendering estab-
12 lishments, and which as part of such processing are heated to not
13 less than 212° degrees F. for thirty minutes, shall not be deemed
14 garbage for purposes of this chapter. ~~Where cattle slaughtering~~
15 ~~operations are completely separate from any other slaughter opera-~~
16 ~~tions, the rumen content taken from cattle slaughtered need not be~~
17 ~~cooked and shall not be considered garbage for the purposes of this~~
18 ~~chapter.~~

1 SEC. 2. Section one hundred sixty-three point thirty (163.30),
2 Code 1971, is amended by striking the section and inserting in
3 lieu thereof the following:

4 1. This section shall apply to all swine moved interstate and in-
5 trastate, except swine moved directly to slaughter or to a livestock
6 market for sale directly to a slaughtering establishment for immedi-
7 ate slaughter.

8 2. When used in this chapter:

9 a. "Dealer" means any person who is engaged in the business of
10 buying for resale, or selling, or exchanging swine as a principle or
11 agent or who holds himself out as so engaged, but does not include
12 the owner or operator of a farm who does not hold himself out as so
13 engaged, and who sells or exchanges only those swine which have
14 been kept by him solely for feeding or breeding purposes.

15 b. "Separate and apart" means a manner of holding swine so as
16 not to have physical contact with other swine on the premises.

17 c. "Swine moved" means any physical relocation of swine to dif-
18 ferent premises, except that it does not include movement of swine
19 when their ownership does not change, and both their prior and new
20 locations, and the movement between such locations, are within the
21 state of Iowa.

22 3. No person shall act as a dealer without first securing a dealer's
23 license from the department. The fee for a dealer's license shall be
24 five dollars per annum and all licenses shall expire on the first day
25 of July following date of issue. Licenses shall be numbered and
26 the dealer shall retain his number from year to year. To secure a
27 license, the applicant must file with the department a bond in the
28 sum of ten thousand dollars with the secretary named as trustee,
29 for the use and benefit of anyone damaged by a violation of this
30 section, except that the bond shall not be required for dealers who
31 are bonded in the same or a greater amount than required pursuant
32 to the federal Packers and Stockyards Act.

33 Each employee or agent doing business by buying for resale, sell-
34 ing or exchanging feeder swine in the name of a licensed dealer, shall
35 be required to secure a permit and identification card issued by the
36 department showing he is employed by or represents a licensed deal-
37 er. All such permits and identification cards shall be issued upon
38 application forms furnished by the department at a cost of three
39 dollars per annum, and shall expire on the first day of July follow-
40 ing the date of issue.

41 No permittee shall represent more than one dealer. Failure of
42 any such licensee or permittee to comply with the provisions of this
43 chapter or any rule or regulation made pursuant to this chapter is
44 cause for revocation by the secretary of the permit or license after
45 notice to the alleged offender and the holding of a hearing thereon
46 by the secretary. Such rules and regulations shall be made in ac-
47 cordance with chapter 17A, Code 1971. Any rule or regulation, the
48 violation of which is made the basis for revocation, except temporary
49 emergency rules, shall first have been approved after public hearing
50 as provided in section seventeen A point sixteen (17A.16) of the
51 Code after giving twenty days notice of such hearing as fol-
52 lows:

53 By mailing notice, by ordinary mail, to every person filing a re-
54 quest for notice accompanied by an addressed envelope with prepaid
55 postage. Any person may file such a request to be listed with any
56 agency for notice for the time and place for all hearings on proposed
57 rules, which request shall be accompanied by a remittance of five
58 dollars. Such fee shall be added to the operating fund of the de-
59 partment. The listing shall expire semiannually on January 1 and
60 July 1.

61 4. All swine moved shall be individually identified with a distinc-
62 tive and easily discernible ear tag affixed in either ear of the animal
63 or other identification acceptable to the department, which has been
64 specified by rule promulgated under the department's rule-making
65 authority. The department shall make ear tags available at conve-
66 nient locations within each county and shall sell such tags at a price
67 not exceeding the cost to producers and others to comply with this
68 section.

69 Every seller, dealer and market operator shall keep a record of
70 the ear tag numbers, or other approved identification, and the farm
71 of origin of swine moved by or through him, which records shall be
72 made available by him to any appropriate representative of the de-
73 partment or the United States department of agriculture.

74 5. All swine moved shall be accompanied by an official health cer-
75 tificate or veterinarian inspection certificate issued by the state of
76 origin and prepared and signed by a veterinarian. The health cer-
77 tificate or veterinarian inspection certificate shall show the point of
78 origin, the point of destination, individual identification, immuniza-
79 tion status, and, when required, any movement permit number as-
80 signed to the shipment by the department. All such movement of
81 swine shall be completed within seventy-two hours unless an exten-
82 sion of time for movement is granted by the department.

83 However, swine may be moved intrastate directly to an approved
84 state, federal or auction market without such identification or cer-
85 tification, there to be identified and certificated.

86 However, registered swine for exhibition or breeding purposes
87 which can be individually identified by an ear notch or tattoo or
88 other method approved by the department are excepted from this
89 identification requirement. In addition, native Iowa swine moved
90 from farm to farm may be excepted from the identification require-
91 ment if the seller and purchaser sign a statement providing that
92 feeder pigs will not be commingled for a period of thirty days and
93 such fact is stated on the health certificate.

94 6. The department may require issuance of movement permits on
 95 certain categories of swine moved, prior to their movement, pursu-
 96 ant to departmental rule. The rule shall be promulgated when in
 97 the judgment of the secretary, such movements would otherwise
 98 threaten or imperil the eradication of hog cholera in Iowa.

99 7. All swine moved shall be quarantined separate and apart from
 100 other swine located at the Iowa farm of destination for thirty days
 101 beginning with their arrival at such premises, or if such incoming
 102 swine are not held separate and apart, all swine on such premises
 103 shall be thus quarantined, except animals moving from such prem-
 104 ises directly to slaughter.

105 There can only be one transfer by a dealer, involving not more
 106 than two markets, prior to quarantine.

107 8. The use of anti-hog cholera serum or antibody concentrate shall
 108 be in accordance with rules and regulations issued by the depart-
 109 ment.

110 9. All swine found by a registered veterinarian to have any infec-
 111 tious, contagious, or communicable swine disease after delivery to
 112 any livestock sale barn or auction market for resale other than for
 113 slaughter, shall be immediately returned to the consignor's premises
 114 to be quarantined separate and apart for fifteen days. Such swine
 115 may not be moved from such premises for any purpose unless an
 116 official health certificate or veterinarian inspection certificate ac-
 117 companies the movement or unless they are sent to slaughter. This
 118 subsection shall in no way supersede the requirements of sections
 119 one hundred sixty-three A point two (163A.2) and one hundred sixty-
 120 three A point three (163A.3) of the Code.

1 SEC. 3. Section one hundred sixty-six B point three (166B.3),
 2 Code 1971, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 The department of agriculture shall appraise any swine destroyed
 5 or order* destroyed pursuant to this chapter at not to exceed current
 6 market value and shall indemnify the owner of such swine in an
 7 amount not to exceed two hundred dollars for purebred, inbred or
 8 hybrid or breeding swine; and not to exceed one hundred dollars for
 9 all other swine, provided that fifty percent or more of all such indem-
 10 nities are paid by the United States department of agriculture.

1 SEC. 4. Sections one hundred sixty-three point thirty-one
 2 (163.31), one hundred sixty-three point thirty-two (163.32), and one
 3 hundred sixty-three point thirty-three (163.33), Code 1971, are re-
 4 pealed.

Approved March 6, 1972.

*According to enrolled Act.