

*See Reg. 2/22 De. Gen. 3/1*

FILED FEB 13 1990

SENATE FILE 2315  
BY COMMITTEE ON AGRICULTURE  
*Repealed (S 298)*  
(SUCCESSOR TO LSB 8337SC)

Passed Senate, Date 2/21/90 (464) Passed House, Date 3/12/90 (7722)  
Vote: Ayes 48 Nays 0 Vote: Ayes 73 Nays 0  
Approved March 29, 1990

A BILL FOR

1 An Act relating to a pseudorabies control program, and making  
2 penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S F 2315

1 Section 1. Section 166D.2, subsection 32, Code Supplement  
2 1989, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. f. A qualified differentiable negative  
4 herd.

5 Sec. 2. Section 166D.2, Code Supplement 1989, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 36A. "Qualified differentiable negative  
8 herd" means a herd in which one hundred percent of the herd's  
9 breeding swine have been vaccinated and have reacted  
10 negatively to a differentiable test and which have been  
11 retested, as provided in this chapter.

12 Sec. 3. Section 166D.2, subsection 37, Code Supplement  
13 1989, is amended to read as follows:

14 37. "Qualified negative herd" means a herd in which one  
15 hundred percent of the herd's breeding swine have reacted  
16 negatively to a test, or-differentiable-test have not been  
17 vaccinated, and which is retested as provided in this chapter.

18 Sec. 4. Section 166D.5, Code Supplement 1989, is amended  
19 to read as follows:

20 166D.5 ADMINISTRATION OF PROGRAM AREAS.

21 Once a program has been designated, an owner of an infected  
22 herd must, within thirty days after notification, adopt a herd  
23 cleanup plan or a feeder pig cooperator herd cleanup plan, as  
24 provided in section 166D.8. An infected herd which is not  
25 subject to a cleanup plan or a feeder pig cooperator herd  
26 cleanup plan is a quarantined herd.

27 1. When the department determines that a majority of herds  
28 within a program area have been tested and-the-majority-of  
29 herds-reveal-a-noninfection-rate-of-ninety-percent-or-greater,  
30 the following shall apply:

31 a. The department shall require all herds within the  
32 program area be tested within twelve months.

33 b. All herds not tested within twelve months shall only be  
34 moved directly to slaughter or to an approved premise as swine  
35 reacting positively to the test. The movement shall require

1 notification of the department at least twenty-four hours  
2 before the movement by permit completed at the owner's  
3 expense.

4 c. Swine moving within or into the program area shall be  
5 reported to the department and identified by the herd of  
6 origin within ten days of movement. Swine moving into a  
7 program area may be inspected by the department within fifteen  
8 days of movement.

9 d. An owner of a quarantined herd has thirty days after  
10 the department's determination to petition the department for  
11 adoption of a herd cleanup plan or a feeder pig cooperator  
12 herd plan.

13 2. When the department determines that a majority of herds  
14 within a program area have been tested and a majority of herds  
15 reveal a noninfection rate of ninety percent or greater, the  
16 following shall apply:

17 1 a. A vaccine other than a differentiable vaccine shall  
18 not be used.

19 2 b. A concentration point within the program area may  
20 market all classes of swine. Swine taken to a concentration  
21 point must be held there until transfer. However, untested,  
22 known infected, or exposed swine shall be transferred from the  
23 concentration point within three days only to persons moving  
24 the swine outside the program area.

25 3.--Six-months-after-determination-by-the-department-that-a  
26 majority-of-herds-within-the-program-area-have-been-tested-and  
27 the-majority-of-herds-reveal-a-noninfection-rate-of-ninety  
28 percent-or-greater, the-following-shall-apply:

29 a c. Only noninfected herd swine may move into the program  
30 area.

31 b d. Swine herds within the area must be a qualified  
32 negative herd, a monitored herd, a qualified differentiable  
33 negative herd, or must be involved in a herd cleanup plan or  
34 feeder pig cooperator herd plan.

35 e.--Swine-moving-within-or-into-the-program-area-must-be

1 reported-to-the-department-within-ten-days-of-movement-and-be  
2 identified-by-farm-of-origin.- Swine-moving-into-a-program  
3 area-may-be-inspected-by-the-department-within-thirty-days  
4 from-the-swine's-arrival.

5 d.g. An approved premises inside the program area shall  
6 not be reapproved upon its annual renewal date.

7 4 f. At the commencement of the program and at intervals  
8 during the course of the program, the owner of a feeder pig  
9 cooperator herd may, according to rules adopted by the  
10 department, receive new swine from noninfected herds.

11 3. The cost, or any segment of the cost, of the program,  
12 testing, and vaccination may be paid for by federal or state  
13 funds or a combination of both. Federal or state funds shall  
14 not be paid to the owner of a vaccinated herd in a program  
15 area other than the owner of a herd using a differentiable  
16 vaccine. If federal or state funds are not available,  
17 producers may continue the program at their own expense under  
18 departmental supervision.

19 4. An additional program area shall not be established if  
20 funds sufficient for administration of the program within the  
21 area are not available. Program funds shall not be spent  
22 outside a program area, unless recommended by the advisory  
23 committee and approved by the department. However, this  
24 paragraph subsection does not apply to expenditures of funds  
25 for statewide surveillance or for enforcement of this chapter.

26 5. Upon the recommendation of the advisory committee, the  
27 department shall implement pilot projects to assist in the  
28 eventual eradication of pseudorabies or to lead to the  
29 designation of a program area.

30 Sec. 5. Section 166D.7, Code Supplement 1989, is amended  
31 by adding the following new subsection:

32 NEW SUBSECTION. 4. A qualified differentiable negative  
33 herd shall be certified, recertified, and maintained as  
34 follows:

35 a. The herd shall be certified when one hundred percent of

1 breeding swine have reacted negatively to a test. The herd  
2 must have been free from infection for thirty days prior to  
3 testing. At least ninety percent of swine in the herd must  
4 have been on the premises as a part of the herd for at least  
5 sixty days prior to testing, or swine in the herd must have  
6 been moved directly from a qualified negative or qualified  
7 differentiable negative herd. A differentiable vaccine must  
8 be administered at intervals in accordance with the package  
9 insert for that vaccine. To remain certified, the herd must  
10 be retested and recertified as provided by the department.  
11 The herd shall be recertified when either of the following  
12 occurs:

13 (1) Each eighty to one hundred five days at least twenty-  
14 five percent of the herd's breeding swine react negatively to  
15 a test.

16 (2) Each month at least ten percent of the herd's breeding  
17 swine react negatively to a test.

18 b. Before adding to the herd new swine, including swine  
19 returning to the herd after contact with nonherd swine, the  
20 herd shall be isolated until the new swine react negatively to  
21 a test conducted thirty days or more after the swine has been  
22 placed in isolation. Swine from a herd of unknown status must  
23 react negatively to a test not more than fifteen days prior to  
24 movement from the herd of unknown status and retested in  
25 isolation at least thirty days after movement onto the  
26 premises where the qualified differentiable negative herd is  
27 located.

28 c. Swine from a qualified negative or qualified  
29 differentiable negative herd may be added without isolation or  
30 testing.

31 d. The owner shall make a request to the department for  
32 certification or recertification of a qualified differentiable  
33 negative herd when the required tests are completed. Upon  
34 satisfactory proof that all requirements have been met, the  
35 herd shall be recertified by the department.

1 Sec. 6. Section 166D.10, subsection 1, Code Supplement  
2 1989, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. d. A qualified differentiable negative  
4 herd.

5 Sec. 7. Section 166D.11, Code Supplement 1989, is amended  
6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. The secretary shall disapprove  
8 for use in this state on and after July 1, 1991, any vaccine  
9 that is not a differentiable vaccine.

10 EXPLANATION

11 This bill amends chapter 166D which establishes a  
12 pseudorabies control program. It creates a new class of swine  
13 herd subject to regulation, entitled a "qualified  
14 differentiable negative herd." The bill provides for  
15 requirements for herds within a program area in which a  
16 majority of herds have been tested. All herds within the area  
17 must be tested, restrictions are placed on the movement of  
18 untested herds, reporting requirements are established, and  
19 quarantines may be instituted. The bill removes reporting  
20 requirements in program areas having a noninfection rate of at  
21 least ninety percent. The department is required to establish  
22 pilot projects upon recommendation of an advisory committee.  
23 The bill provides that the secretary of agriculture shall  
24 disapprove certain vaccines on and after July 1, 1991.

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**SENATE FILE 2315  
FISCAL NOTE**

A fiscal note for Senate File 2315 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2315 amends Chapter 166D, Code of Iowa, which establishes a pseudorabies control program. After the majority of herds in a program area have been tested, testing for all herds in the area will be mandatory. Swine moving in and out of a program area must be reported to the Department of Agriculture and Land Stewardship and may be inspected by the Department within fifteen days of movement.

Reporting requirements are removed from program areas having a noninfection rate of at least ninety percent. The Department is required to establish pilot projects upon recommendation of an advisory committee. The Secretary of Agriculture is required to disapprove for use after July 1, 1991 any vaccine that is not a differentiable vaccine.

Assumptions:

1. Testing, surveillance and enforcement expenses will increase.
2. Additional FTE positions needed for FY 1991 include two livestock inspectors, one secretary, one clerk and one data entry position.
3. 10% of all counties will comply with these mandates in FY 1991.

Fiscal Effect:

	<u>Fiscal Year 1991</u>		
	<u>Current</u> <u>Law</u>	<u>Proposed</u> <u>Law</u>	<u>Increase</u> <u>(Decrease)</u>
<u>REVENUE</u>			
General Fund Current Base	\$ 340,400	\$ 340,400	\$ 0
General Fund SF 2364	0	385,000	385,000
Federal Funds	0	385,000	385,000
Total	\$ 340,400	\$1,110,400	\$ 770,000
<u>EXPENDITURES</u>			
Salaries	\$ 215,753	\$ 307,527	\$ 91,774
Support	85,260	108,930	23,670
Capital Outlay	0	18,000	18,000
Program Testing	455,000	910,000	455,000
Total	\$ 756,013	\$1,344,457	\$ 588,444
<b>NET EFFECT</b>	<b>\$ (415,613)</b>	<b>\$ (234,057)</b>	<b>\$ 181,556</b>

Currently, \$340,400 is estimated to be expended in FY 1990 by the Regulatory Division for pseudorabies eradication. Additional funding for FY 1991 of \$385,000 is contained in Senate File 2364, the appropriations bill for the Department of Agriculture and Land Stewardship, to match the expected federal

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funding. The Department has indicated that this additional funding would supplement what they currently expend.

The estimated expenditure amounts do not include an estimate for conducting pilot projects. These projects would need to be recommended by the advisory committee. An example of such a project would be the Carroll County PRV demonstration project using intensive vaccination over a limited time period. The estimated cost of this project is \$739,746 over two years.

Source: Department of Agriculture and Land Stewardship (LSB 8337sv, AAW)

FILED FEBRUARY 21, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2315

AN ACT

RELATING TO A PSEUDORABIES CONTROL PROGRAM, AND MAKING PENALTIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 166D.2, subsection 32, Code Supplement 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A qualified differentiable negative herd.

Sec. 2. Section 166D.2, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 36A. "Qualified differentiable negative herd" means a herd in which one hundred percent of the herd's breeding swine have been vaccinated and have reacted negatively to a differentiable test and which have been retested, as provided in this chapter.

Sec. 3. Section 166D.2, subsection 37, Code Supplement 1989, is amended to read as follows:

37. "Qualified negative herd" means a herd in which one hundred percent of the herd's breeding swine have reacted negatively to a test, ~~or differentiable test have not been vaccinated,~~ and which is retested as provided in this chapter.

Sec. 4. Section 166D.5, Code Supplement 1989, is amended to read as follows:

166D.5 ADMINISTRATION OF PROGRAM AREAS.

Once a program has been designated, an owner of an infected herd must, within thirty days after notification, adopt a herd cleanup plan or a feeder pig cooperator herd cleanup plan, as provided in section 166D.8. An infected herd which is not subject to a cleanup plan or a feeder pig cooperator herd cleanup plan is a quarantined herd.

1. When the department determines that a majority of herds within a program area have been tested ~~and the majority of~~

~~herds reveal a noninfection rate of ninety percent or greater,~~ the following shall apply:

a. The department shall require all herds within the program area be tested within twelve months.

b. All herds not tested within twelve months shall only be moved directly to slaughter or to an approved premise as swine reacting positively to the test. The movement shall require notification of the department at least twenty-four hours before the movement by permit completed at the owner's expense.

c. Swine moving within or into the program area shall be reported to the department and identified by the herd of origin within ten days of movement. Swine moving into a program area may be inspected by the department within fifteen days of movement.

d. An owner of a quarantined herd has thirty days after the department's determination to petition the department for adoption of a herd cleanup plan or a feeder pig cooperator herd plan.

2. When the department determines that a majority of herds within a program area have been tested and a majority of herds reveal a noninfection rate of ninety percent or greater, the following shall apply:

1 a. A vaccine other than a differentiable vaccine shall not be used.

2 b. A concentration point within the program area may market all classes of swine. Swine taken to a concentration point must be held there until transfer. However, untested, known infected, or exposed swine shall be transferred from the concentration point within three days only to persons moving the swine outside the program area.

~~3. Six months after determination by the department that a majority of herds within the program area have been tested and the majority of herds reveal a noninfection rate of ninety percent or greater, the following shall apply:~~

a c. Only noninfected herd swine may move into the program area.

b d. Swine herds within the area must be a qualified negative herd, a monitored herd, a qualified differentiable negative herd, or must be involved in a herd cleanup plan or feeder pig cooperator herd plan.

~~c. Swine moving within or into the program area must be reported to the department within ten days of movement and be identified by farm of origin. Swine moving into a program area may be inspected by the department within thirty days from the swine's arrival.~~

d e. An approved premises inside the program area shall not be reapproved upon its annual renewal date.

4 f. At the commencement of the program and at intervals during the course of the program, the owner of a feeder pig cooperator herd may, according to rules adopted by the department, receive new swine from noninfected herds.

3. The cost, or any segment of the cost, of the program, testing, and vaccination may be paid for by federal or state funds or a combination of both. Federal or state funds shall not be paid to the owner of a vaccinated herd in a program area other than the owner of a herd using a differentiable vaccine. If federal or state funds are not available, producers may continue the program at their own expense under departmental supervision.

4. An additional program area shall not be established if funds sufficient for administration of the program within the area are not available. Program funds shall not be spent outside a program area, unless recommended by the advisory committee and approved by the department. However, this paragraph subsection does not apply to expenditures of funds for statewide surveillance or for enforcement of this chapter.

5. Upon the recommendation of the advisory committee, the department shall implement pilot projects to assist in the eventual eradication of pseudorabies or to lead to the designation of a program area.

Sec. 5. Section 166D.7, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A qualified differentiable negative herd shall be certified, recertified, and maintained as follows:

a. The herd shall be certified when one hundred percent of breeding swine have reacted negatively to a test. The herd must have been free from infection for thirty days prior to testing. At least ninety percent of swine in the herd must have been on the premises as a part of the herd for at least sixty days prior to testing, or swine in the herd must have been moved directly from a qualified negative or qualified differentiable negative herd. A differentiable vaccine must be administered at intervals in accordance with the package insert for that vaccine. To remain certified, the herd must be retested and recertified as provided by the department. The herd shall be recertified when either of the following occurs:

(1) Each eighty to one hundred five days at least twenty-five percent of the herd's breeding swine react negatively to a test.

(2) Each month at least ten percent of the herd's breeding swine react negatively to a test.

b. Before adding to the herd new swine, including swine returning to the herd after contact with nonherd swine, the herd shall be isolated until the new swine react negatively to a test conducted thirty days or more after the swine has been placed in isolation. Swine from a herd of unknown status must react negatively to a test not more than fifteen days prior to movement from the herd of unknown status and retested in isolation at least thirty days after movement onto the premises where the qualified differentiable negative herd is located.

c. Swine from a qualified negative or qualified differentiable negative herd may be added without isolation or testing.

d. The owner shall make a request to the department for certification or recertification of a qualified differentiable negative herd when the required tests are completed. Upon

satisfactory proof that all requirements have been met, the herd shall be recertified by the department.

Sec. 6. Section 166D.10, subsection 1, Code Supplement 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. A qualified differentiable negative herd.

Sec. 7. Section 166D.11, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The secretary shall disapprove for use in this state on and after July 1, 1991, any vaccine that is not a differentiable vaccine.

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JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2315, Seventy-third General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved March 29, 1990

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TERRY E. BRANSTAD  
Governor