

Sec. 5. Sections 167.6, 167.9, and 167.10, Code 2003, are repealed.

Sec. 6. EFFECTIVE DATE. Section 4 of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 14, 2004

CHAPTER 1163

INSPECTION AND CONTROL OF ANIMAL HEALTH

H.F. 2573

AN ACT regulating animal health by the department of agriculture and land stewardship, making an appropriation, and making penalties applicable.

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

Section 1. Section 163.1, subsections 1 through 8, Code 2003, are amended to read as follows:

1. ~~Make all~~ Adopt any necessary rules ~~rule~~ for the ~~suppression and prevention~~ control of an infectious ~~and or~~ contagious ~~diseases among~~ disease affecting animals within the state.

2. Provide for quarantining animals ~~affected~~ afflicted with ~~an~~ infectious or contagious ~~diseases~~ disease, or that have been exposed to such ~~diseases~~ disease, whether within or without the state.

3. Determine and employ the most efficient and practical means for the ~~prevention, suppression, control, and eradication~~ control of contagious or ~~an~~ infectious ~~diseases among or~~ contagious disease afflicting animals.

4. Establish, maintain, enforce, and regulate quarantine and other measures relating to the ~~movements~~ movement and care of diseased animals ~~that may be exposed or afflicted with an~~ infectious or contagious disease.

5. Provide for the disinfection of suspected yards, buildings, ~~and or~~ articles, and ~~for~~ the destruction of ~~such~~ animals as may be deemed necessary by the department.

6. Enter any place where any animal is at the time located, or where it has been kept, or where the carcass of such animal may be, for the purpose of examining it in any way that may be necessary to determine whether it was or is ~~infected~~ exposed to or afflicted with ~~any an~~ infectious or contagious ~~or infectious~~ disease.

7. Regulate or prohibit the arrival in, departure from, and passage through the state, of animals ~~infected~~ exposed to or afflicted with ~~or exposed to any~~ an infectious or contagious disease; and in case of a violation of any such regulation or prohibition, to detain any animal at the owner's cost expense.

8. Regulate or prohibit the ~~bringing~~ movement of animals into the state, which, ~~in its opinion~~ the department's determination, for any reason, may be detrimental to the health of animals in the state.

Sec. 2. Section 163.2, Code 2003, is amended to read as follows:

163.2 INFECTIOUS AND OR CONTAGIOUS DISEASES.

For the purpose of As provided in this chapter, infectious and contagious diseases shall be deemed to embrace unless the context otherwise requires:

1. “Certificate of veterinary inspection” or “certificate” means a legible record, made on an official form of the state of origin or the animal and plant health inspection service of the United States department of agriculture, and issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the animal and plant health inspection service, which shows that an animal listed on the form meets the health requirements of the state of destination.

2. “Control” means the prevention, suppression, or eradication of an infectious or contagious disease afflicting an animal within the state.

3. “Department” means the department of agriculture and land stewardship.

4. “Infectious or contagious disease” means glanders, farcy, maladie du coit (dourine), anthrax, foot and mouth disease, scabies, hog cholera, ~~swine dysentery~~, tuberculosis, brucellosis, vesicular exanthema, scrapie, rinderpest, ~~ovine foot rot~~, or any other transmissible, transferable, or communicable disease so designated by the department.

As used in this chapter, “foot and mouth disease” means a virus of the family picornaviridae, genus aphthovirus, including any immunologically distinct serotypes.

5. “Move” or “movement”, except as provided in subchapter III, means to ship, transport, or deliver an animal.

Sec. 3. Section 163.10, Code 2003, is amended to read as follows:

163.10 QUARANTINING OR KILLING ~~DESTROYING~~ ANIMALS.

The department may quarantine or ~~condemn~~ destroy any animal which is infected ~~exposed to or afflicted with any an infectious or contagious or infectious disease, but no.~~ However, cattle ~~exposed to or infected with tuberculosis shall be killed~~ not be destroyed without the owner’s consent, unless there ~~shall be~~ are sufficient funds ~~moneys~~ to pay ~~reimburse the owner for such the cattle, in which may be paid from the allotment made for that purpose from the appropriation for the eradication of infectious and contagious diseases among animals as provided in this chapter~~ section 163.15, moneys in the brucellosis and tuberculosis eradication fund created in section 165.18, or moneys made available by the United States department of agriculture.

Sec. 4. Section 163.11, unnumbered paragraph 1, Code 2003, is amended to read as follows:

No ~~A~~ person shall bring ~~not move an animal~~ into this state, except to a public livestock market market where federal inspection of livestock is maintained, ~~any animal~~ for work, breeding, or dairy purposes, unless such animal has been examined and found free from all ~~contagious or infectious or contagious~~ diseases.

Sec. 5. Section 163.12, Code 2003, is amended to read as follows:

163.12 FREEDOM FROM DISEASE.

Freedom from disease as specified in section 163.11 shall be established by a ~~certificate of health~~ certificate of veterinary inspection signed by a veterinarian acting under either the authority of the ~~federal~~ department of agriculture and land stewardship, or of the ~~state~~ United States department of agriculture ~~and land stewardship~~. A copy of the certificate shall be attached to the waybill accompanying a shipment, and a copy of the certificate shall be delivered to the department.

Sec. 6. Section 163.14, Code 2003, is amended to read as follows:

163.14 INTRASTATE SHIPMENTS ~~MOVEMENT~~.

All ~~animals~~ An animal, ~~except those intended other than an animal to be moved~~ for immediate slaughter, shall be inspected when required by the department, and accompanied by the ~~aforsaid~~ certificate of veterinary inspection provided in section 163.12 when ~~shipped~~ moved from a ~~point public stockyard~~ in this state to another point within the state where federal inspection is not maintained.

Sec. 7. Section 163.15, unnumbered paragraphs 1 and 2, Code 2003, are amended to read as follows:

~~Whenever any animal is found to be infected with one of the contagious diseases enumerated in section 163.2 or one which has been designated by the department thereunder, if there be no other provisions for indemnifying the owner in case the same be condemned and ordered by the department to be killed, and~~ If the secretary of agriculture determines that the existence of said communicable ~~the outbreak of an infectious or contagious~~ disease among an animal population constitutes a threat to the general welfare or the public health of the inhabitants of the ~~this~~ state, the secretary shall formulate a program of eradication including therein which shall include the condemnation and killing destroying of the infected animals; provided however, that said exposed to or afflicted with the disease. The program of eradication shall provide for the indemnification of owners of the livestock under this section, if there are no other sources of indemnification. The program shall not be put into effect as hereinafter provided effective until the same program has been approved by the executive council.

If an animal ~~infected~~ afflicted with a an infectious or contagious disease is destroyed under a program of eradication as provided in this section, the owner shall be compensated according to one of the following methods:

Sec. 8. Section 163.15, subsection 2, unnumbered paragraph 2, Code 2003, is amended to read as follows:

c. If an owner elects to be paid an indemnity amount based on a method that provides either a determination by appointed appraisers or pursuant to a formula, the owner shall not be entitled to revoke the election, unless otherwise provided by the department. An owner's decision to delay or refuse to make an election under this section shall not affect the condemnation and destruction of ~~infected~~ afflicted animals under the program of eradication.

d. Upon approval by the executive council, there is appropriated to the department from any moneys in the general fund of the state not otherwise appropriated moneys sufficient to carry out the provisions of this subsection.

Sec. 9. Section 163.23, Code 2003, is amended to read as follows:

163.23 FALSE CERTIFICATES OF HEALTH.

A veterinarian shall not issue a certificate of ~~health~~ veterinary inspection for an animal knowing that the animal described in the certificate ~~of health~~ was not the same animal from which tests were made as a basis for issuing the certificate. A veterinarian shall not otherwise falsify a certificate ~~of health~~.

Sec. 10. Section 163.24, Code 2003, is amended to read as follows:

163.24 USING FALSE CERTIFICATE.

A person shall not conduct a transaction to import, export, or transport an animal within this state or sell or offer for sale an animal if the person uses a certificate of ~~health~~ veterinary inspection in connection with the transaction knowing that the animal described in the certificate ~~of health~~ was not the animal from which tests were made as a basis for issuing the certificate ~~of health~~. A person shall not otherwise use an altered or otherwise false certificate in connection with such transaction.

Sec. 11. Section 163.30, subsection 5, unnumbered paragraphs 1 and 4, Code Supplement 2003, are amended to read as follows:

All swine moved shall be accompanied by ~~an official a health~~ a health certificate ~~or veterinarian of veterinary inspection certificate~~ issued by the state of origin and prepared and signed by a veterinarian. The ~~health~~ health certificate ~~or veterinarian inspection certificate~~ shall show the point of origin, the point of destination, individual identification, immunization status, and, when required, any movement permit number assigned to the shipment by the department. All such movement of swine shall be completed within seventy-two hours unless an extension of time for movement is granted by the department.

The department may combine ~~an official health a certificate or a veterinarian of veterinary inspection certificate~~ with a certificate of inspection required under chapter 166D.

Sec. 12. Section 163.30, subsection 9, Code Supplement 2003, is amended to read as follows:

9. All swine found by a registered veterinarian to have any ~~infectious, contagious, or communicable swine~~ infectious or contagious disease after delivery to any livestock sale barn or auction market for resale other than for slaughter, shall be immediately returned to the consignor's premises to be quarantined separate and apart for fifteen days. Such swine ~~may shall~~ not be moved from such premises for any purpose unless ~~an official health a certificate or veterinarian of veterinary inspection certificate~~ accompanies the movement or unless they are sent to slaughter. This subsection shall in no way supersede the requirements of sections 163A.2 and 163A.3.

Sec. 13. Section 163.43, Code 2003, is amended to read as follows:

163.43 HEALTH CERTIFICATE REQUIRED.

1. A person shall not be a party to a lease of a breeding bull within this state in which the lessor is a licensee, unless the breeding bull is accompanied by a ~~health~~ certificate of veterinary inspection. For the purposes of this section, a breeding bull is leased within this state if it is leased to an Iowa resident.

2. The ~~health~~ certificate of veterinary inspection shall be issued by a licensed veterinarian who examines the breeding bull and signs the ~~health~~ certificate. The ~~health~~ certificate shall include all of the following:

a. A statement that, to the best of the knowledge and belief of the veterinarian, the breeding bull is apparently free from ~~any an~~ infectious, or contagious, or communicable disease.

b. A statement that the breeding bull has reacted negatively to a test for brucellosis conducted within six months prior to the date that the veterinarian signs the ~~health~~ certificate.

c. If the breeding bull does not originate from this state, a statement providing that importing the breeding bull satisfies applicable importation requirements.

d. The identification number of the breeding bull as required pursuant to section 163.42.

e. The date that the ~~health~~ certificate is was issued.

3. The ~~health~~ certificate of veterinary inspection shall not be valid after the term of the lease expires or after the breeding bull moves from the lessee's premises. Thereafter, a new ~~health~~ certificate must be issued as required in this section.

4. One copy of the ~~health~~ certificate of veterinary inspection shall be issued to the licensee who shall maintain the ~~health~~ certificate as part of the licensee's business records. One copy of the ~~health~~ certificate shall be issued to the lessee when the breeding bull is delivered to the lessee. A licensee shall show the ~~health~~ certificate upon request to any person designated by the department to enforce the provisions of this section.

Sec. 14. Section 163.46, Code 2003, is amended to read as follows:

163.46 SALE OF SEMEN.

The owner of a breeding bull located within this state shall not sell the semen from that bull for the purpose of artificial insemination unless the owner is in possession of a ~~health~~ certificate of veterinary inspection signed and issued by a licensed veterinarian within six months before the date the semen is collected. The ~~health~~ certificate shall not be valid if the bull is moved to other premises between the date of examination and the date of collection. The ~~health~~ certificate shall show that on the date of issue the breeding bull had been tested negative for brucellosis and, to the best knowledge and belief of the examining veterinarian, was free from any ~~infectious, or contagious, or communicable~~ disease.

Sec. 15. Section 163.61, subsection 2, paragraph b, Code 2003, is amended to read as follows:

b. Notwithstanding the provisions of paragraph "a", a person who falsifies a ~~health~~ certifi-

cate, ~~veterinarian of veterinary inspection certificate, or certificate of inspection~~ shall be subject to a civil penalty of not more than five thousand dollars for each reference to an animal falsified on the certificate. However, a person who falsifies a certificate of inspection issued pursuant to chapter 166D shall be subject to a civil penalty as provided in this section or section 166D.16, but not both. A person shall not be subject to a civil penalty totaling more than twenty-five thousand dollars for falsifying a certificate, regardless of the number of animals falsified on the certificate.

Sec. 16. Section 163A.1, subsection 4, Code 2003, is amended to read as follows:

4. ~~“Health certificate” or “certificate of health” or “interstate health certificate” “Certificate of veterinary inspection” or “certificate” means a legible record, made on an official form of the state of origin or the animal disease eradication branch of the United States department of agriculture or any successor agency thereto, and issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the animal disease eradication branch of the United States department of agriculture or any successor agency thereto, which shows that the animals listed thereon meet the health requirements of the state of destination the same as defined in section 163.2.~~

Sec. 17. Section 163A.5, Code 2003, is amended to read as follows:

163A.5 INTERSTATE SHIPMENTS.

1. ~~All~~ Except as provided in subsection 2, breeding swine four months of age and over, entering Iowa ~~this state~~ for breeding or exhibition purposes, shall be accompanied by ~~an official interstate health~~ a certificate of inspection issued by an accredited veterinarian of the state of origin, ~~showing.~~ The certificate shall show that such swine meet the Iowa ~~this state’s~~ entry requirements and are negative to the test for brucellosis conducted by an official laboratory of the state of origin within thirty days of entry; ~~provided, that swine from validated brucellosis-free herds.~~

2. a. Swine may enter the state or be exhibited without a test for brucellosis ~~when if one of the following applies:~~

(1) The swine are from a brucellosis-free herd as validated according to rules adopted by the department.

(2) The swine are from a state that is declared to be brucellosis-free as recognized by the department.

b. ~~The swine must be~~ accompanied by a certificate of health veterinary inspection issued by an accredited veterinarian of the state of origin or a veterinarian employed by the animal disease eradication branch and plant inspection service of the United States department of agriculture or any successor agency thereto, ~~showing such swine to have originated. The certificate must indicate whether the swine are from a state that is declared to be brucellosis-free. If the swine are from a brucellosis-free herds and giving herd, the certificate must indicate the herd number and showing show~~ that the herd has been tested within the past twelve months.

Sec. 18. Section 164.1, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. “Certificate of veterinary inspection” or “certificate” means the same as defined in section 163.2.

Sec. 19. Section 164.14, subsection 2, paragraph c, Code 2003, is amended to read as follows:

c. Accompanied by ~~an official health~~ a certificate of veterinary inspection showing a record of a negative brucellosis test, when required, accomplished within thirty days of importation.

Sec. 20. NEW SUBSECTION.¹ 165.1A DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. “Department” means the department of agriculture and land stewardship.

2. “Certificate of veterinary inspection” or “certificate” means the same as defined in section 163.2.

¹ “NEW SUBSECTION.” probably intended

Sec. 21. Section 165.36, subsection 3, Code 2003, is amended to read as follows:

3. That such cattle are brought into ~~the state of Iowa~~ this state under quarantine to be tuberculin tested for tuberculosis and fully examined in not less than sixty days nor more than ninety days, ~~such. The test to~~ must be applied by a veterinarian accredited by the department of agriculture and land stewardship of the state of Iowa and at the expense of the owners owner. Such cattle brought in under quarantine shall be accompanied by ~~an official~~ a certificate of veterinary inspection issued by a veterinarian accredited by the state from which the cattle come are imported or by the department of agriculture of the animal and plant health inspection service of the United States department of agriculture showing them to be free from tuberculosis. The department of agriculture and land stewardship shall not release its quarantine thus provided for shall be established by the department of agriculture and land stewardship of the state of Iowa and shall not be released until the an examination has been made and the department determines that such cattle found free from are not afflicted with tuberculosis.

Sec. 22. Section 166A.1, subsection 8, Code 2003, is amended to read as follows:

8. "Official health certificate" "Certificate of veterinary inspection" or "certificate" means a legal record covering the requirement of the state of Iowa and approved by the proper livestock sanitary official of the state of origin and issued by an accredited veterinarian the same as defined in section 163.2.

Sec. 23. Section 166A.4, Code 2003, is amended to read as follows:

166A.4 DIPPING.

All breeding and feeding sheep offered for sale or exchange or otherwise moved or released from any premises, vehicle or conveyance, shall, within ten days prior to exchange, release, or movement, be dipped in an approved dip under the supervision of the Iowa department of ~~agriculture and land stewardship or of the animal disease eradication division or the animal and plant health inspection service~~ of the United States department of agriculture; ~~provided, that when.~~ When sheep are moved within or from a certified scabies-free area in the this state, the sheep must be accompanied by an official health certificate, a certificate of veterinary inspection as provided in chapter 163. The dipping shall not be required prior to such movement; ~~and provided further, that sheep.~~ Sheep may be moved from a premises to an approved facility for the purpose of dipping under such conditions as may be required by the rules of the department; ~~and also or the animal and plant health inspection service of the United States department of agriculture.~~ In addition, sheep are not required to be dipped if moved to a livestock auction market need not be dipped until after sale, ~~Nor.~~ Sheep are not required to be dipped if consigned directly for slaughter.

Sec. 24. Section 166A.10, Code 2003, is amended to read as follows:

166A.10 RESTRAINT OF MOVEMENT.

Sheep from noncertified scabies-free areas within Iowa this state shall not enter certified scabies-free areas unless they have been dipped in an approved dip under supervision within ten days preceding movement and satisfactory evidence of dipping accompanies the shipment, ~~except.~~ However, such sheep may move be moved into certified scabies-free areas if consigned directly to a stockyard market, auction market or slaughter establishment, under federal inspection, provided the sheep are accompanied by a certificate of veterinary inspection stating number, description, consignor and consignee.

Sec. 25. Section 166A.11, Code 2003, is amended to read as follows:

166A.11 SHEEP ENTERING STATE.

1. All sheep entering Sheep being moved into the state for breeding or feeding purposes shall be accompanied by a permit ~~and by a health certificate~~ of veterinary inspection stating the sheep are from any of the following:

a. From a certified scabies-free area ~~or if not from a certified scabies-free area that they have been dipped.~~

~~b. Dipped~~ in an approved dip within ten days prior to movement. ~~All livestock~~
~~2. Livestock~~ markets, dealers and individuals shall retain all incoming waybills, permits and health and certificates for a period of one year, ~~same to~~ which shall be made available to the department upon demand by the department.

Sec. 26. Section 166D.2, Code 2003, is amended by adding the following new subsection:
NEW SUBSECTION. 5A. "Certificate of veterinary inspection" means the same as defined in section 163.2.

Sec. 27. Section 166D.10, subsection 1, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

A person shall not sell, lease, exhibit, loan, move, or relocate swine within the state unless the swine are accompanied by a certificate of inspection in the same manner as provided for ~~an official health a certificate or veterinarian certificate~~ of veterinary inspection as provided in section 163.30. The department may combine the certificate of inspection with an ~~official health a certificate or a veterinarian of veterinary inspection certificate~~. A certificate of inspection is not required if any of the following apply:

Sec. 28. Section 166D.10, subsection 1, paragraph b, subparagraph (3), Code Supplement 2003, is amended to read as follows:

(3) A certificate of inspection, or ~~an official health a certificate or a veterinarian of veterinary inspection certificate~~ as provided in section 163.30, has been issued for the swine within thirty days prior to the date of relocation. The department may adopt rules excusing a person from complying with this subparagraph if the department determines that the purposes of the chapter as provided in section 166D.1 are not furthered by the requirement.

Sec. 29. Section 166D.10, subsection 1, paragraph b, unnumbered paragraph 2, Code Supplement 2003, is amended to read as follows:

The department shall adopt rules required to administer this paragraph "b". A transportation certificate accompanying relocated swine shall cite the relevant relocation record and certificate of inspection, or ~~official health certificate or veterinarian of veterinary inspection certificate~~. The department may provide for the examination of the relocation records on the owner's premises during normal business hours, or may require that reports containing relevant information contained in relocation records and certificates of inspection, or ~~official health certificates or veterinarian of veterinary inspection certificates~~, be periodically submitted to the department. For purposes of this section, swine production information contained in relocation records is a trade secret as provided in section 22.7, unless otherwise provided by rules adopted by the department. The department shall provide for the disclosure of confidential information only to the extent required for enforcement of this chapter, the detection and prosecution of public offenses, or to comply with a subpoena or court order.

Sec. 30. Section 166D.10, subsection 2, unnumbered paragraph 2, Code Supplement 2003, is amended to read as follows:

As used in this subsection, "farm to farm within the state" does not include the movement or relocation of native Iowa feeder pigs to the possession of a dealer licensed pursuant to section 163.30. Native Iowa feeder pigs that are moved shall be accompanied by a certificate of inspection, or ~~an official health a certificate or veterinarian certificate~~ of veterinary inspection as provided in section 163.30, unless swine are otherwise exempted from this requirement by this section.

Sec. 31. Section 172B.3, subsection 2, paragraph 1, Code 2003, is amended to read as follows:

1. The form number and state of issuance of any ~~health certificate~~ of veterinary inspection accompanying the livestock.

Approved May 14, 2004