

CHAPTER 165

ERADICATION OF BOVINE TUBERCULOSIS

[P]

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165.1 Cooperation.

The state department of agriculture and land stewardship is hereby authorized to cooperate with the federal department of agriculture for the purpose of eradicating tuberculosis from the dairy and beef breeds of cattle in the state.

[C24, 27, 31, 35, 39, §2665; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.1]

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.

2004 Acts, ch 1163, §20

165.2 State as accredited area.

The state of Iowa is hereby declared to be and is hereby established as an accredited area for the eradication of bovine tuberculosis from the dairy and breeding cattle of the state. It shall be the duty of the department of agriculture and land stewardship to eradicate bovine tuberculosis in all of the counties of the state in the manner provided by law as it appears in this chapter. Said department shall proceed with the examination, including the tuberculin test, of all such cattle as rapidly as practicable and as is consistent with efficient work, and as funds are available for paying the indemnities as provided by law.

An owner of dairy or breeding cattle in the state shall conform to and abide by the rules laid down by the department and the federal department of agriculture and follow their instructions designed to suppress the disease, prevent its spread, and avoid reinfection of the herd.

[C24, 27, 31, 35, 39, §2666; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.2]

86 Acts, ch 1245, §616

165.3 Appraisal.

Before being tested, such animals shall be appraised at their cash value for breeding, dairy, or beef purposes by the owner and a representative of the department, or a representative of the federal department of agriculture, or by the owner and both of such representatives. If

these parties cannot agree as to the amount of the appraisal, there shall be appointed three competent and disinterested persons, one by the department, one by the owner, and the third by the first two appointed, to appraise such animals, which appraisal shall be final. Every appraisal shall be under oath or affirmation and the expense of the same shall be paid by the state, except as provided in this chapter.

[C24, 27, 31, 35, 39, §2668; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.3]

165.4 Presence of tuberculosis.

If, after such examination, tubercular animals are found, the department shall have authority to order such disposition of them as it considers most desirable and economical. If the department deems that a due regard for the public health warrants it, it may enter into a written agreement with the owner, subject to such conditions as it may prescribe, for the separation and quarantine of such diseased animals. Subject to such conditions, the diseased animals may continue to be used for breeding purposes.

[C24, 27, 31, 35, 39, §2669; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.4]

165.5 Nonright to receive compensation.

Any animal retained, under section 165.4, by the owner for ninety days after it has been adjudged infected with tuberculosis shall not be made the basis of any claim for compensation against the state.

[C24, 27, 31, 35, 39, §2670; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.5]

165.6 Amount of indemnity.

When breeding animals are slaughtered following any test, there shall be deducted from their appraised value the proceeds from the sale of salvage. The owner shall be paid by the state one-third of the sum remaining after the above deduction is made, but the state shall in no case pay to such owner a sum in excess of seventy-five dollars for any registered purebred animal or fifty dollars for any grade animal.

[C24, 27, 31, 35, 39, §2671; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.6]

165.7 Pedigree.

The pedigree of purebred cattle shall be proved by certificate of registry from the herdbooks where registered.

[C24, 27, 31, 35, 39, §2672; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.7]

165.8 Right to receive pay.

No compensation shall be paid to any person for an animal condemned for tuberculosis unless said animal, if produced in, or imported into, the state has been owned by such owner for at least six months prior to condemnation or was raised by such person.

[C24, 27, 31, 35, 39, §2673; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.8]

165.9 Preference in examinations.

The department in making examinations of cattle shall give priority to applications by owners for the testing of dairy cattle from which are sold, or are offered for sale, in cities milk or milk products in liquid or condensed form.

[C24, 27, 31, 35, 39, §2674; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.9]

165.10 Examination by department.

The department may at any time, on its own motion, make an examination of any herd, and in case animals are destroyed, the appraisement and payment shall be made as provided in this chapter.

[C24, 27, 31, 35, 39, §2675; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.10]

165.11 Records public.

All records pertaining to animals infected with tuberculosis shall be open for public inspection and the department shall furnish such information relative thereto as may be requested.

[C24, 27, 31, 35, 39, §2676; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.11]

165.12 Tuberculosis-free herds.

The department shall establish rules for determining when a herd of cattle, tested and maintained under the provisions of this chapter, the laws of the United States, and the rules of the state department of agriculture and land stewardship and the federal department of agriculture, shall be considered as tuberculosis-free. When any herd meets such requirements the owner shall be entitled to a certificate from the department showing that the herd is a tuberculosis-free accredited herd. Such certificate shall be revoked whenever the herd no longer meets the necessary requirements for an accredited herd, but the herd may be reinstated as an accredited herd upon subsequent compliance with such requirements.

[C24, 27, 31, 35, 39, §2677; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.12]

165.13 Tuberculin.

The department shall have control of the sale, distribution, and use of all tuberculin in the state, and shall formulate rules for its distribution and use. Only a licensed veterinarian shall apply a tuberculin test to cattle within this state.

[C24, 27, 31, 35, 39, §2678; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.13]

165.14 Inspectors and assistants.

The department may appoint one or more accredited veterinarians as inspectors for each county and one or more persons as assistants to such inspectors. Such inspectors, with the assistance of such person or persons, shall test the breeding cattle subject to test, as provided in this chapter, and shall be subject to the direction of the department in making such tests.

[C24, 27, 31, 35, 39, §2679; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.14]

165.15 Accredited veterinarian.

An accredited veterinarian is one who has successfully passed an examination set by the department and the federal department of agriculture and may make tuberculin tests of accredited herds of cattle under the uniform methods and rules governing accredited herd work which are approved by the United States department of agriculture.

[C24, 27, 31, 35, 39, §2680; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.15]

86 Acts, ch 1245, §617

165.16 Equipment for inspector.

The department may furnish each inspector with the necessary tuberculin and other material, not including instruments and utensils, necessary to make the tests provided for in this chapter.

[C24, 27, 31, 35, 39, §2681; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.16]

165.17 Compensation.

An inspector shall receive compensation for such testing as determined by the department.

[C24, 27, 31, 35, 39, §2682; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.17]

[P] See §70A.9 et seq.

165.18 Brucellosis and tuberculosis eradication fund.

1. A brucellosis and tuberculosis eradication fund is created in the office of the secretary of agriculture, to be used together with state and federal funds available to pay:

- a. The indemnity and other expenses provided in this chapter.
- b. The indemnity as set out in section 164.21 and other expenses provided in chapter 164.
- c. The expenses of the inspection and testing program provided in chapter 163A, but only

to the extent that the moneys in the fund are not required for expenses incurred under chapter 164 or this chapter.

d. Indemnities as provided in section 159.5, subsection 12, but only to the extent that the moneys in the fund are not required to pay expenses under chapter 163A, chapter 164, or this chapter.

2. If it appears to the secretary of agriculture that the balance in the fund on January 20 is insufficient to carry on the work in the state for the following fiscal year, the secretary shall notify the board of supervisors of each county to levy an amount sufficient to pay the expenses estimated to be incurred under subsection 1 for the following fiscal year, subject to a maximum levy of thirty-three and three-fourths cents per thousand dollars of assessed value of all taxable property in the county.

3. Not later than December 15 or June 15 of a year in which the tax is collected, the county treasurer shall transmit the amount of the tax levied and collected to the treasurer of state, who shall credit it to the brucellosis and tuberculosis eradication fund.

83 Acts, ch 123, §74, 209; 84 Acts, ch 1178, §1; 2007 Acts, ch 22, §44

165.19 through 165.21 Repealed by 81 Acts, ch 117, § 1097.

165.22 and 165.23 Repealed by 83 Acts, ch 123, § 206, 209.

165.24 Repealed by 81 Acts, ch 117, § 1097.

165.25 Repealed by 83 Acts, ch 123, § 206, 209.

165.26 Permitting test.

Every owner of dairy or breeding cattle in the state shall permit the owner's cattle to be tested for tuberculosis as provided in this chapter, and shall confine the cattle in a proper place so that the examination and test can be applied. If the owner refuses to so confine the cattle the department may employ sufficient help to properly confine them and the expense of such help shall be paid by the owner or deducted from the indemnity if any is paid. Such owner shall comply with all the requirements for the establishment and maintenance of a tuberculosis-free accredited herd.

[C24, 27, 31, 35, 39, §~~2699~~; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.26]

165.27 Penalty.

Any owner of dairy or breeding cattle in the state who prevents, hinders, obstructs, or refuses to allow a veterinarian authorized by the department to conduct such tests for tuberculosis on the owner's cattle, shall be deemed guilty of a simple misdemeanor.

[S13, §2538-s; C24, 27, 31, 35, 39, §~~2700~~; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.27]

165.28 Preventing test.

The cattle owned by any owner who violates the provisions of this chapter, or which have reacted to the tuberculin test, shall be quarantined by the department until the law is complied with. When such quarantine is established no beef or dairy products shall be sold from cattle under quarantine until the test has been applied or the quarantine released.

The accredited veterinarians appointed under this chapter shall enforce this quarantine and all of the rules of the department of agriculture and land stewardship of the state of Iowa and of the provisions of this chapter, and in so doing may call to their assistance any peace officer of the state.

[C24, 27, 31, 35, 39, §~~2701~~; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.28]

165.29 Notice.

Before any action is commenced under section 165.27, upon request of the secretary of agriculture, the board of supervisors of any county shall cause such owner to be served with a

written notice of the provisions of this chapter, at least fifteen days before the commencement of the action.

[C24, 27, 31, 35, 39, §2702; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.29]

165.30 and 165.31 Repealed by 83 Acts, ch 123, § 206, 209.

165.32 Retest.

The secretary of agriculture may order a retest of any dairy or breeding cattle at any time when, in the secretary's opinion, it is necessary to do so, and shall, once in three years, order the tuberculin testing of any cattle to conform to and comply with the regulations of the federal bureau of animal industry in any county where the percentage of bovine tuberculosis has been reduced to one-half of one percent or less, subject to the provisions of this chapter with reference to the disposition or slaughtering of animals found to be reactors when given a tuberculin test. Such county shall be a modified accredited county, and it shall be unlawful for any person to transport any dairy or breeding cattle into such county unless they have been examined for tuberculosis as provided in this chapter.

[C27, 31, 35, §2704-b1; C39, §2704.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.32]

165.33 Penalty.

Any person found guilty of violating the provisions of section 165.32 shall be deemed guilty of a simple misdemeanor.

[C31, 35, §2704-c1; C39, §2704.2; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.33]

165.34 Repealed by 83 Acts, ch 123, § 206, 209.

165.35 Township animal board of health.

The township trustees in such county are hereby constituted the animal board of health in their respective townships and they shall by April 1 of each year and at such other times as they shall deem advisable, make a survey and report to the department all breeding cattle brought into their respective townships from outside of the county.

[C27, 31, 35, §2704-b3; C39, §2704.4; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.35]

165.36 Importation of cattle.

No dairy or breeding cattle shall be shipped, driven on foot, or transported, into the state of Iowa, except upon one of the following conditions:

1. That such cattle come from a herd which has been officially accredited as a tuberculosis-free accredited herd by the state from which such cattle come or by the department of agriculture of the United States; or
2. That such cattle come from an area officially declared as a modified accredited area by such state or the department of agriculture of the United States, and the herd from which they originate, if previously infected, has passed two tests free from tuberculosis; or
3. That such cattle are brought into this state under quarantine to be tuberculin tested for tuberculosis and fully examined in not less than sixty days nor more than ninety days. The test must be applied by a veterinarian accredited by the department and at the expense of the owner. Such cattle brought in under quarantine shall be accompanied by a certificate of veterinary inspection issued by a veterinarian accredited by the state from which the cattle are imported or by 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 until an examination has been made and the department determines that such cattle are not afflicted with tuberculosis.

[C31, 35, §2704-c2; C39, §2704.5; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.36]

2004 Acts, ch 1163, §21

[P] Additional provision, §163.11