

CHAPTER 166B

ERADICATION OF HOG CHOLERA

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166B.1 Definitions.

As used in this chapter:

1. “*Destroy*” means condemn under state authority and slaughter or otherwise kill as a result of or pursuant to such condemnation.
2. “*Exposed*” means all swine in physical contact with a known infected herd or tended by a person having direct contact with an infected herd.
3. “*Hog cholera*” means the contagious, infectious, and communicable disease of swine commonly known as hog cholera.

[C66, 71, 73, 75, 77, 79, 81, §166B.1]

86 Acts, ch 1245, §619

[P] Further definitions; see §159.1

166B.2 General authority.

The department may destroy or require the destruction of any swine which the state veterinarian knows to be, or suspects is, affected with or exposed to hog cholera, whenever the department finds such destruction to be necessary to prevent or reduce the danger of the spread of hog cholera. Disposal of condemned swine shall be under the supervision of a regulatory employee. Salvage of apparently healthy marketable swine is permissible as a minimum provision and may be discontinued in favor of total herd disposition with indemnification as necessary and without such salvage in any case or at any time when it is determined by the department and the United States department of agriculture that the procedure would constitute an undue threat to the eradication program. Before being condemned and ordered to be destroyed, a positive diagnosis of hog cholera affecting the herd must be confirmed by a state or federal laboratory or personnel approved by the department and the United States department of agriculture.

[C66, 71, 73, 75, 77, 79, 81, §166B.2]

166B.3 Appraisal and indemnification.

The department shall appraise any swine destroyed or ordered destroyed pursuant to this chapter at not to exceed current market value and shall indemnify the owner of such swine in an amount not to exceed two hundred dollars for purebred, inbred or hybrid or breeding swine; and not to exceed one hundred dollars for all other swine, provided that fifty percent or more of all such indemnities are paid by the United States department of agriculture.

[C66, 71, 73, 75, 77, 79, 81, §166B.3]

166B.4 Institution of indemnification.

It is hereby recognized and declared that indemnification for destruction of swine infected with or exposed to hog cholera is an expression of the public policy of this state but employed only in the final stages of eradication of the disease, or as a means of preventing or minimizing its recurrence. The department of agriculture and land stewardship shall not therefore institute an initial program of indemnification pursuant to the chapter until it is mutually agreed between the state department of agriculture and land stewardship and the United States department of agriculture that such action is necessary in order to carry out the hog-cholera eradication program.

[C66, 71, 73, 75, 77, 79, 81, §166B.4]

166B.5 Cooperation with United States.

The department may cooperate with the United States, or any department, agency or officer thereof, in the control and eradication of hog cholera, including the sharing in payment of indemnities for swine destroyed.

[C66, 71, 73, 75, 77, 79, 81, §166B.5]

166B.6 Rules.

The department of agriculture and land stewardship may make, promulgate, amend, repeal, and enforce necessary rules for implementing this chapter.

[C66, 71, 73, 75, 77, 79, 81, §166B.6]

166B.7 Judicial review.

Judicial review of department action under this chapter may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of said Act, petitions for judicial review may be filed in the district court of the county, wherein the hogs are situated.

[C66, 71, 73, 75, 77, 79, 81, §166B.7]

2003 Acts, ch 44, §114