

## CHAPTER 165A

### JOHNE'S DISEASE CONTROL

Referred to in [§172E.3](#)

|        |                                 |        |                        |
|--------|---------------------------------|--------|------------------------|
| 165A.1 | Definitions.                    | 165A.4 | Infected cattle.       |
| 165A.2 | Administration and enforcement. | 165A.5 | Enforcement — penalty. |
| 165A.3 | Determination of infection.     |        |                        |

#### 165A.1 Definitions.

1. “*Concentration point*” means a location or facility where cattle are assembled for purposes of sale or resale for feeding, breeding, or slaughtering, and where contact may occur between groups of cattle from various sources. “*Concentration point*” includes a public stockyard, auction market, street market, state or federal market, untested consignment sales location, buying station, or a livestock dealer’s yard, truck, or facility.

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

3. “*Infected*” means infected with Johne’s disease as provided in [section 165A.3](#).

4. “*Johne’s disease*” means a disease caused by the bacterium mycobacterium paratuberculosis, and which is also referred to as paratuberculosis disease.

5. “*Separate and apart*” means to hold cattle so that neither the cattle nor organic material originating from the cattle has physical contact with other animals.

6. “*Slaughtering establishment*” means a slaughtering establishment operated under the provision of the federal Meat Inspection Act, 21 U.S.C. §601 et seq., or a slaughtering establishment that has been inspected by the state.

[2001 Acts, ch 101, §1](#); [2012 Acts, ch 1095, §46, 47](#)

#### 165A.2 Administration and enforcement.

The provisions of [this chapter](#), including departmental rules adopted pursuant to [this chapter](#), shall be administered and enforced by the department. The department may assess and collect civil penalties against persons in violation of [this chapter](#) as provided in [section 165A.5](#). The attorney general may assist the department in the enforcement of [this chapter](#).

[2001 Acts, ch 101, §2](#)

#### 165A.3 Determination of infection.

The department shall adopt rules providing methods and procedures to determine whether cattle are infected, which may include detection and analysis of Johne’s disease using techniques approved by the United States department of agriculture.

[2001 Acts, ch 101, §3](#); [2012 Acts, ch 1095, §48](#)

Referred to in [§165A.1](#)

#### 165A.4 Infected cattle.

Cattle infected with Johne’s disease shall be accompanied by an owner-shipper statement. A person shall not sell infected cattle other than directly to a slaughtering establishment, or to a concentration point for sale directly to a slaughtering establishment, for immediate slaughter. Cattle infected with Johne’s disease that are kept at a concentration point shall be kept separate and apart.

[2001 Acts, ch 101, §4](#); [2002 Acts, ch 1119, §23](#); [2012 Acts, ch 1095, §49](#)

#### 165A.5 Enforcement — penalty.

1. A person violating a provision of [this chapter](#) or any rule adopted pursuant to [this chapter](#) shall be subject to a civil penalty of at least one hundred dollars but not more than one thousand dollars. The proceeding to assess a civil penalty shall be conducted as a contested case proceeding under [chapter 17A](#).

2. In addition to any other remedies provided, the department may file a petition in the district court seeking an injunction restraining any person from violating provisions of [this chapter](#) including a rule adopted pursuant to [this chapter](#).

3. [This section](#) does not prevent a person from commencing a civil cause of action based on any right that the person may assert under statute or common law.

[2001 Acts, ch 101, §5](#); [2001 Acts, ch 176, §62](#)

Referred to in [§165A.2, 172E.3](#)