

Sen. Ag #6 Do Pass 4/27 per 3446 (p. 1256)

HOUSE FILE 444

Agriculture
Tieden, Chairperson
A. Miller
Readinger

23 1977

Place On Calendar

HOUSE FILE 444

By COMMITTEE ON AGRICULTURE

(Formerly Study Bill 188)

Passed House, Date 4-1-77 (p. 1162) Passed Senate, Date 4-28-77 (p. 1238)

Vote: Ayes 87 Nays 0 Vote: Ayes 48 Nays 0

Approved

June 23, 1977

Repassed House as amended by Senate (3966)

5-4-77 (p. 1896)

92-0

A BILL FOR

1 An Act authorizing the department of agriculture to establish
2 an aujeszky's disease control program and providing
3 penalties.

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

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HOUSE FILE 444

S-3446

1 Amend House File 444 as follows:

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1. Page 2, by striking lines 21 through 29 inclusive and inserting in lieu thereof the following:

"6. The prohibition of the use, sale, distribution or offer to sell or distribute any aujeszky's disease vaccine within this state if the secretary determines that such a prohibition will aid in the control of the transmission or incidence of aujeszky's disease in this state; provided, however, that the secretary may during this prohibition issue permits for the use of a specified aujeszky's disease vaccine to an individual producer, if such use is required by an individual hardship, and a biological laboratory, governmental authority, or manufacturer of biological products for the purpose of research or testing; if such use, under the conditions imposed by the secretary, will not be detrimental to the department's statewide aujeszky's disease control program. Every permit shall specify those conditions of use which in the opinion of the secretary are necessary to prevent any detriment to the department's statewide aujeszky's disease control program and shall authorize the sale of the specified vaccine, in the amount stated in the permit, to the permit holder."

S-3446 FILED *Adopted 4/28*
APRIL 27, 1977 (p. 1238)

BY AGRICULTURE COMMITTEE
BASS VAN GILST, CHAIRPERSON

1 Section 1. NEW SECTION. INTENT. This Act is intended
2 to provide for measures to control the transmission and in-
3 cidence of aujeszky's disease among animals.

4 Sec. 2. NEW SECTION. DEFINITIONS. As used in this
5 chapter:

6 1. "Department" means the department of agriculture of
7 the state of Iowa.

8 2. "Secretary" means the secretary of agriculture of the
9 state of Iowa.

10 3. "Aujeszky's disease", commonly known as pseudorabies,
11 means the disease wherein an animal is infected with aujeszky's
12 disease virus irrespective of the occurrence or absence of
13 clinical symptoms.

14 4. "Aujeszky's disease test" means any test for aujeszky's
15 disease approved by the department.

16 5. "Infected animal" means an animal which has given a
17 positive reaction to the aujeszky's disease test.

18 6. "Approved aujeszky's disease-free herd" means a herd
19 which has met the requirements specified by the department
20 for this designation.

21 7. "Aujeszky's disease vaccine" means any vaccine con-
22 sisting of live, modified live, or killed aujeszky's disease
23 virus.

24 8. "Animal" means swine, cattle, sheep and horses.

25 Sec. 3. NEW SECTION. CONTROL PROGRAM. The department
26 shall establish an aujeszky's disease control program which
27 may include the following:

28 1. The designation of one or more aujeszky's disease tests
29 and provision for the identification of infected animals by
30 requiring the administration of any designated test at the
31 times and in the manner specified by the department. The
32 department may designate and require the use of designated
33 disease test reports, health certificates, or other permits
34 in connection therewith.

35 2. The regulation of the sale, lease, exhibition, or move-

1 ment within this state of any group, class or type of animal
2 in any manner calculated to control the transmission or
3 incidence of aujeszky's disease within this state. But the
4 department shall not regulate the movement of animals where
5 the ownership does not change unless such movement constitutes
6 a serious threat to the success of the aujeszky's disease
7 control program.

8 3. The regulation of the importation of animals into this
9 state in any manner calculated to prevent the spread of
10 aujeszky's disease.

11 4. The imposition of quarantines, including quarantines
12 until shipment to slaughter, upon herds containing one or
13 more infected animals and the release of such quarantines
14 under the conditions specified by the department. The
15 department shall provide for the movement of herds under
16 quarantine in hardship cases if such movement will not threaten
17 the success of the aujeszky's disease control program.

18 5. The establishment of a program involving approved
19 aujeszky's disease-free herds and the requirements for the
20 certification thereof.

21 6. The prohibition of the use of any aujeszky's disease
22 vaccine within this state if the secretary determines that
23 such a prohibition will aid in the control of the transmission
24 or incidence of aujeszky's disease in this state. The
25 secretary may also, during the imposition of such a ban, issue
26 permits to individual producers for the use of a designated
27 aujeszky's disease vaccine if such use is required by an
28 individual hardship and will not be detrimental to the
29 department's statewide aujeszky's disease control program.

30 Sec. 4. NEW SECTION. DEAD ANIMALS. Bodies of animals
31 which have died from aujeszky's disease shall be disposed
32 of in accordance with the provisions of chapter one hundred
33 sixty-seven (167) of the Code.

34 Sec. 5. NEW SECTION. REPORTING OF TEST RESULTS. If the
35 aujeszky's disease test result is determined by a labora-

1 tory located outside the state of Iowa, the person whose
2 animal has been tested shall be responsible for assuring that
3 the result is reported to the department, on forms prescribed,
4 within ten days following the completion of the test. If
5 the test result is determined by a laboratory located within
6 Iowa, the director of that laboratory must report the result
7 thereof to the department, on forms prescribed, within ten
8 days following completion thereof.

9 Sec. 6. NEW SECTION. RULES. The department may make
10 and adopt rules for the administration and enforcement of
11 the provisions of this chapter.

12 Sec. 7. NEW SECTION. HEARING. Any person who feels
13 wrongfully aggrieved by actions taken under the authority
14 of this chapter shall upon application to the department be
15 entitled to a prompt hearing on such matter, to be conducted
16 in accordance with the contested case procedures of the Iowa
17 administrative procedures Act.

18 Sec. 8. NEW SECTION. ENFORCEMENT. The provisions of
19 this Act and the rules adopted hereunder shall be administered
20 and enforced by the department. Any person who violates any
21 provision of this Act or any rule adopted hereunder shall
22 be assessed a fine of at least one hundred dollars but not
23 more than one thousand dollars.

24 Sec. 9. NEW SECTION. INJUNCTION. In addition to any
25 other remedies provided, the department may file a petition
26 in the district court seeking an injunction restraining any
27 person from violating any provisions of this chapter or the
28 regulations adopted hereunder.

29 Sec. 10. This Act, being deemed of immediate importance,
30 shall take effect and be in force from and after its publica-
31 tion in The Sioux City Journal, a newspaper published in Sioux
32 City, Iowa, and in the Tama News-Herald, a newspaper pub-
33 lished in Tama, Iowa.

34 EXPLANATION

35 This bill authorizes the state department of agriculture
36 to establish an aujeszky's disease control program.

SENATE AMENDMENT TO
HOUSE FILE 444

H-3906

1 Amend House File 444 as follows:

2 1. Page 2, by striking lines 21 through 29
3 and inserting in lieu thereof the following:

4 "6. The prohibition of the use, sale, distribution
5 or offer to sell or distribute any aujeszky's disease
6 vaccine within this state if the secretary determines
7 that such a prohibition will aid in the control of the
8 transmission or incidence of aujeszky's disease in
9 this state; provided, however, that the secretary may
10 during this prohibition issue permits for the use of
11 a specified aujeszky's disease vaccine to an individ-
12 ual producer, if such use is required by an
13 individual hardship, and a biological laboratory,
14 governmental authority, or manufacturer of biological
15 products for the purpose of research or testing; if
16 such use, under the conditions imposed by the
17 secretary, will not be detrimental to the department's
18 statewide aujeszky's disease program. Every
19 permit shall specify those conditions of use which
20 in the opinion of the secretary are necessary to
21 prevent any detriment to the department's statewide
22 aujeszky's disease control program and shall authorize
23 the sale of the specified vaccine, in the amount stated
24 in the permit, to the permit holder."

H-3906 FILED
RECEIVED FROM SENATE
MAY 2, 1977

House concurred 5/4 (J. 1896)

HOUSE FILE 444

AN ACT

AUTHORIZING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH AN AUJESZKY'S DISEASE CONTROL PROGRAM AND PROVIDING PENALTIES.

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

Section 1. NEW SECTION. INTENT. This Act is intended to provide for measures to control the transmission and incidence of aujeszky's disease among animals.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this chapter:

1. "Department" means the department of agriculture of the state of Iowa.
2. "Secretary" means the secretary of agriculture of the state of Iowa.
3. "Aujeszky's disease", commonly known as pseudorabies, means the disease wherein an animal is infected with aujeszky's disease virus irrespective of the occurrence or absence of clinical symptoms.
4. "Aujeszky's disease test" means any test for aujeszky's disease approved by the department.
5. "Infected animal" means an animal which has given a positive reaction to the aujeszky's disease test.
6. "Approved aujeszky's disease-free herd" means a herd which has met the requirements specified by the department for this designation.
7. "Aujeszky's disease vaccine" means any vaccine consisting of live, modified live, or killed aujeszky's disease virus.
8. "Animal" means swine, cattle, sheep and horses.

Sec. 3. NEW SECTION. CONTROL PROGRAM. The department shall establish an aujeszky's disease control program which may include the following:

1. The designation of one or more aujeszky's disease tests

and provision for the identification of infected animals by requiring the administration of any designated test at the times and in the manner specified by the department. The department may designate and require the use of designated disease test reports, health certificates, or other permits in connection therewith.

2. The regulation of the sale, lease, exhibition, or movement within this state of any group, class or type of animal in any manner calculated to control the transmission or incidence of aujeszky's disease within this state. But the department shall not regulate the movement of animals where the ownership does not change unless such movement constitutes a serious threat to the success of the aujeszky's disease control program.

3. The regulation of the importation of animals into this state in any manner calculated to prevent the spread of aujeszky's disease.

4. The imposition of quarantines, including quarantines until shipment to slaughter, upon herds containing one or more infected animals and the release of such quarantines under the conditions specified by the department. The department shall provide for the movement of herds under quarantine in hardship cases if such movement will not threaten the success of the aujeszky's disease control program.

5. The establishment of a program involving approved aujeszky's disease-free herds and the requirements for the certification thereof.

6. The prohibition of the use, sale, distribution or offer to sell or distribute any aujeszky's disease vaccine within this state if the secretary determines that such a prohibition will aid in the control of the transmission or incidence of aujeszky's disease in this state; provided, however, that the secretary may during this prohibition issue permits for the use of a specified aujeszky's disease vaccine to an individual producer, if such use is required by an individual hardship, and a biological laboratory, governmental authority, or manufacturer of biological products for the purpose of

research or testing; if such use, under the conditions imposed by the secretary, will not be detrimental to the department's statewide aujeszky's disease program. Every permit shall specify those conditions of use which in the opinion of the secretary are necessary to prevent any detriment to the department's statewide aujeszky's disease control program and shall authorize the sale of the specified vaccine, in the amount stated in the permit, to the permit holder.

Sec. 4. NEW SECTION. DEAD ANIMALS. Bodies of animals which have died from aujeszky's disease shall be disposed of in accordance with the provisions of chapter one hundred sixty-seven (167) of the Code.

Sec. 5. NEW SECTION. REPORTING OF TEST RESULTS. If the aujeszky's disease test result is determined by a laboratory located outside the state of Iowa, the person whose animal has been tested shall be responsible for assuring that the result is reported to the department, on forms prescribed, within ten days following the completion of the test. If the test result is determined by a laboratory located within Iowa, the director of that laboratory must report the result thereof to the department, on forms prescribed, within ten days following completion thereof.

Sec. 6. NEW SECTION. RULES. The department may make and adopt rules for the administration and enforcement of the provisions of this chapter.

Sec. 7. NEW SECTION. HEARING. Any person who feels wrongfully aggrieved by actions taken under the authority of this chapter shall upon application to the department be entitled to a prompt hearing on such matter, to be conducted in accordance with the contested case procedures of the Iowa administrative procedures Act.

Sec. 8. NEW SECTION. ENFORCEMENT. The provisions of this Act and the rules adopted hereunder shall be administered and enforced by the department. Any person who violates any provision of this Act or any rule adopted hereunder shall be assessed a fine of at least one hundred dollars but not more than one thousand dollars.

Sec. 9. NEW SECTION. INJUNCTION. 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 any provisions of this chapter or the regulations adopted hereunder.

Sec. 10. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Sioux City Journal, a newspaper published in Sioux City, Iowa, and in the Tama News-Herald, a newspaper published in Tama, Iowa.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 444, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved  23, 1977

ROBERT D. RAY
Governor