

REPRINTED

4/24/97 Agriculture
4/28/97 Amend & Pass
FILED APR 24 1997 S-3809

SENATE FILE **555**
BY IVERSON and GRONSTAL

Passed Senate, Date 4/28/97 (p. 1513) Passed House, Date 4/29/97 (P. 1748)
Vote: Ayes 50 Nays 0 Vote: Ayes 99 Nays 0
Approved May 26, 1997

A BILL FOR

1 An Act relating to the control of pseudorabies, making
2 corresponding changes, making penalties applicable, and
3 providing for an effective date.

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

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S.F. 555

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1 Section 1. Section 163.30, subsection 2, paragraph c, Code
2 1997, is amended to read as follows:

3 c. ~~"Swine-moved"~~ "Move" or "movement" means ~~any-physical~~
4 to ship, transport, or deliver swine by land, water, or air,
5 except that "move" or "movement" does not mean a relocation
6 of.

7 d. "Relocate" or "relocation" means to ship, transport, or
8 deliver swine by land, water, or air, to different premises,
9 if the ownership of the swine to-different does not change,
10 the prior and new premises, -except-that-it-does-not-include
11 movement-of-swine-when-their-ownership-does-not-change, -and
12 both-their-prior-and-new-locations, -and-the-movement-between
13 such-locations, are located within the state of-Iowa, and the
14 shipment, transportation, or delivery between the prior and
15 new premises occurs within the state.

16 Sec. 2. Section 166D.2, subsection 7, unnumbered paragraph
17 1, Code 1997, is amended to read as follows:

18 "Certificate of inspection" means a document approved by
19 the United States department of agriculture or the department
20 of agriculture and land stewardship, and issued by a licensed
21 veterinarian prior to the interstate or intrastate movement of
22 swine or to the relocation of swine. The certificate of
23 inspection must state all of the following:

24 Sec. 3. Section 166D.2, subsection 7, unnumbered paragraph
25 2, Code 1997, is amended by striking the unnumbered paragraph.

26 Sec. 4. Section 166D.2, subsection 31, Code 1997, is
27 amended to read as follows:

28 31. "Move" or "movement" means ~~to-ship, -transport, -or~~
29 ~~deliver-by-land, -water, -or-air~~ the same as defined in section
30 163.30.

31 Sec. 5. Section 166D.2, Code 1997, is amended by adding
32 the following new subsections:

33 NEW SUBSECTION. 39A. "Relocate" or "relocation" means the
34 same as defined in section 163.30.

35 NEW SUBSECTION. 39B. "Relocation record" means a record

1 as maintained by the owner of swine in a form and containing
2 information as required by the rules adopted by the
3 department, which indicates a relocation of swine as provided
4 in section 166D.10.

5 Sec. 6. Section 166D.2, subsection 45, Code 1997, is
6 amended to read as follows:

7 45. "Transportation certificate" means ~~the same~~ a written
8 document evidencing that the movement or relocation of swine
9 complies with the requirements of this chapter, and which may
10 be a transportation certificate as provided in chapter 172B,
11 or another document approved by the department, including but
12 not limited to one or more types of forms covering different
13 circumstances, as prescribed by the department.

14 Sec. 7. NEW SECTION. 166D.3A DEPARTMENTAL DETERMINATION
15 OF PSEUDORABIES PREVALENCE.

16 The department shall periodically determine the prevalence
17 of pseudorabies in each county in a manner and according to
18 procedures established by rules adopted by the department.

19 Sec. 8. Section 166D.9, subsection 4, unnumbered paragraph
20 1, Code 1997, is amended to read as follows:

21 While the state is classified in ~~either~~ stage I, or II, or
22 III of the national pseudorabies program pursuant to federal
23 regulations, the following requirements must be satisfied:

24 Sec. 9. Section 166D.10, subsection 1, unnumbered
25 paragraph 1, Code 1997, is amended to read as follows:

26 A person shall not sell, lease, exhibit, ~~or loan,~~ move, or
27 relocate swine within the state, ~~except-to-slaughter,~~ unless
28 the swine are accompanied by a certificate of inspection
29 ~~provided-by-the-owner-transferring-possession~~ in the same
30 manner as provided for an official health certificate or
31 veterinarian certificate as provided in section 163.30. The
32 department may combine the certificate of inspection with an
33 official health certificate or a veterinarian inspection
34 certificate. A certificate of inspection is not required if
35 any of the following apply:

- 1 a. The swine are moved to slaughter.
2 b. The swine are relocated, if all of the following apply:
3 (1) A transportation certificate accompanies the relocated
4 swine.
5 (2) The swine's owner maintains information regarding the
6 relocation in relocation records.
7 (3) A certificate of inspection or an official health
8 certificate or a veterinarian inspection certificate, as
9 provided in section 163.30, has been issued for the swine
10 within thirty days prior to the date of relocation.
11 The department shall adopt rules required to administer
12 this paragraph. The department may adopt rules excusing a
13 person from maintaining relocation records, if the department
14 determines that the purposes of the chapter as provided in
15 section 166D.1 are not furthered by the requirement. A
16 transportation certificate accompanying relocated swine shall
17 cite the relevant relocation record and certificate of
18 inspection, or official health certificate or veterinarian
19 inspection certificate. The department may provide for the
20 examination of the relocation records on the owner's premises
21 during normal business hours, or may require that reports
22 containing relevant information contained in relocation
23 records and certificates of inspection, or official health
24 certificates or veterinarian inspection certificates be
25 periodically submitted to the department. For purposes of
26 this section, swine production information contained in
27 relocation records is a trade secret as provided in section
28 22.7, unless otherwise provided by rules adopted by the
29 department. The department shall provide for the disclosure
30 of confidential information to the extent required for
31 enforcement of this chapter, the detection and prosecution of
32 public offenses, or to comply with a subpoena or court order.
33 c. The ownership of a herd changes in part or entirely, if
34 the herd remains on the same premises. However, the herd must
35 be tested by statistical sampling. If any part of herd is

1 subsequently moved or relocated, the swine that are moved or
2 relocated must be accompanied by a certificate of inspection,
3 or an official health certificate or veterinarian certificate
4 as provided in section 163.30, unless the swine are moved to
5 slaughter.

6 1A. Swine that are moved shall be individually identified
7 as provided in section 163.30, which may include requirements
8 for affixing ear tags to swine. However, a native Iowa feeder
9 pig pigs moved or relocated from farm to farm within the state
10 is-exempt-from-the-certificate-of-inspection's shall not be
11 subject to the identification requirements of this subsection,
12 if the owner transferring possession and the person taking
13 possession state-on-the-certificate-of-inspection execute a
14 written agreement that the feeder swine pigs will not be
15 commingled with other swine for a period of thirty days.

16 Sec. 10. Section 166D.10, subsection 1, unnumbered
17 paragraph 2, Code 1997, is amended to read as follows:

18 1B. Swine moved into or within Iowa for breeding purposes
19 must originate from a herd not under quarantine which is one
20 of the following:

21 Sec. 11. Section 166D.10, subsection 4, Code 1997, is
22 amended to read as follows:

23 4. In addition to other applicable requirements of this
24 section, feeder swine ~~shall not be~~ moved into from a location
25 outside of this state from-another-state-except-to-slaughter,
26 unless-the-feeder-swine-are-vaccinated-by-a-differentiable
27 vaccine-within-forty-five-days-of-arrival-in-this-state to a
28 location within this state shall be vaccinated, if the feeder
29 swine are moved into a county where the department determines
30 that more than five percent of all herds in the county are
31 infected herds. The feeder swine shall be vaccinated with a
32 differentiable vaccine according to procedures established by
33 rules adopted by the department. However, this subsection
34 shall not require vaccination if the feeder swine originate
35 from a qualified negative herd or a qualified differentiable

1 negative herd.

2 Sec. 12. EFFECTIVE DATE. Section 166D.10, subsection 4,
3 Code 1997, as amended by this Act, takes effect on October 1,
4 1997.

5 EXPLANATION

6 This bill provides for the control of pseudorabies in swine
7 as regulated by the department of agriculture and land
8 stewardship under Code chapter 166D that provides that a
9 person is prohibited from selling, leasing, or exhibiting
10 swine within the state, unless the swine are accompanied by a
11 certificate of inspection. Under Code section 163.30,
12 regulating the movement of swine generally, swine which are
13 moved must be accompanied with an official health certificate
14 or veterinarian inspection certificate. An exception is that
15 documentation is not required for swine going to slaughter.
16 The bill broadens this requirement by providing that a
17 certificate of inspection under Code chapter 166D must
18 accompany swine which are moved. The bill makes corresponding
19 changes in Code section 163.30 to match changes made in Code
20 chapter 166D.

21 Code chapter 166D also provides that in certain
22 circumstances, movement may be accompanied by a transportation
23 certificate. The bill allows the department to approve types
24 of documents which constitute a certificate of transportation.

25 The bill provides that the department must periodically
26 determine the prevalence of pseudorabies in each county.

27 The bill extends the same regulations that apply to
28 quarantined herds classified in either stage I or II of the
29 national pseudorabies program to the herds while the state is
30 classified in stage III of the program.

31 The bill provides that the movement of swine regulated by
32 the department does not include a relocation of swine from one
33 premises to another premises, if the ownership of the swine
34 does not change, the prior and new premises are located within
35 the state, and the relocation between the prior and new

1 premises is within the state. The bill provides that in cases
2 of relocation, a person may substitute a certificate of
3 transportation for a certificate of inspection. The person is
4 required to maintain records relating to the relocation
5 subject to examination by the department. A certificate of
6 inspection, or an official health certificate or veterinarian
7 inspection certificate as provided in Code section 163.30,
8 must have been issued for the swine within 30 days prior to
9 the relocation. Records are not required if the department
10 determines that the purposes of Code chapter 166D would not be
11 served. The bill provides for the confidentiality of
12 production information, unless otherwise provided by the
13 department.

14 The bill provides that native Iowa feeder pigs moved from
15 farm-to-farm do not have to be identified, including by ear
16 tags, if the persons involved in a transfer agree in writing
17 that feeders pigs will not be commingled with other swine.

18 The chapter prohibits the movement of feeder swine into the
19 state except for slaughter unless the feeder swine are
20 vaccinated. The bill eliminates that requirement on October
21 1, 1997, and provides that on and after that date, feeder
22 swine moved from a location outside of this state to a
23 location within this state must be vaccinated, if the swine
24 are moved into a county where the department determines that
25 more than 5 percent of all herds in the county are infected
26 with pseudorabies. The bill provides that the feeder swine
27 must be vaccinated with a differentiable vaccine according to
28 procedures established by rules adopted by the department.
29 The bill also provides that the requirement does not apply to
30 feeder swine originating from a qualified negative herd or a
31 qualified differentiable negative herd.

32 A person who violates the bill's provisions is subject to a
33 civil penalty of at least \$100 but not more than \$1,000.

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SENATE FILE 555

S-3815

1 Amend the amendment, S-3809, to Senate File 555, as
2 follows:

3 1. Page 4, by striking lines 31 through 43, and
4 inserting the following:

5 "Sec. 101. ADOPTION OF RULES.

6 1. Except as provided in subsection 2, the
7 department of agriculture and land stewardship shall
8 adopt all rules required to carry out this Act not
9 later than October 1, 1997.

10 2. The department of agriculture and land
11 stewardship shall adopt all rules required to carry
12 out the amendments to section 166D.10, subsection 4,
13 Code 1997, as enacted in this Act, not later than
14 January 1, 1998.

15 Sec. 102. EFFECTIVE DATES.

16 1. Except as provided in subsections 2 and 3, this
17 Act takes effect on October 1, 1997.

18 2. The amendments to section 166D.10, subsection
19 4, Code 1997, as enacted in this Act take effect on
20 January 1, 1998.

21 3. Section 101 of this Act takes effect upon
22 enactment."

23 2. By renumbering as necessary.

By JOHN P. KIBBIE

S-3815 FILED APRIL 28, 1997

ADOPTED (p. 1513)

SENATE FILE 555

S-3818

1 Amend the amendment, S-3809, to Senate File 555 as
2 follows:

3 1. Page 1, line 19, by inserting after the word
4 "state." the following: "However, "relocate" or
5 "relocation" does not mean the shipment,
6 transportation, or delivery of swine by a contract
7 feeder as defined in section 9H.1 to a facility or
8 location where the contract feeder has contracted with
9 a person, who is not an employee of the contract
10 feeder, to provide for the care of feeding of the
11 swine."

By MERLIN E. BARTZ
PATTY JUDGE

S-3818 FILED APRIL 28, 1997

WITHDRAWN (p. 1513)

SENATE FILE 555

S-3809

1 Amend Senate File 555 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 163.30, subsection 2,
5 paragraph c, Code 1997, is amended to read as follows:

6 c. ~~"Swine-moved"~~ "Move" or "movement" means any
7 physical to ship, transport, or deliver swine by land,
8 water, or air, except that "move" or "movement" does
9 not mean a relocation of.

10 d. "Relocate" or "relocation" means to ship,
11 transport, or deliver swine by land, water, or air, to
12 different premises, if the ownership of the swine to
13 different does not change, the prior and new premises,
14 except that it does not include movement of swine when
15 their ownership does not change, and both their prior
16 and new locations, and the movement between such
17 locations, are located within the state of Iowa, and
18 the shipment, transportation, or delivery between the
19 prior and new premises occurs within the state.

20 Sec. 2. Section 166D.2, subsection 7, unnumbered
21 paragraph 1, Code 1997, is amended to read as follows:

22 "Certificate of inspection" means a document
23 approved by the United States department of
24 agriculture or the department of agriculture and land
25 stewardship, and issued by a licensed veterinarian
26 prior to the interstate or intrastate movement of
27 swine or to the relocation of swine. The certificate
28 of inspection must state all of the following:

29 Sec. 3. Section 166D.2, subsection 7, unnumbered
30 paragraph 2, Code 1997, is amended by striking the
31 unnumbered paragraph.

32 Sec. 4. Section 166D.2, subsection 31, Code 1997,
33 is amended to read as follows:

34 31. "Move" or "movement" means ~~to ship, transport,~~
35 ~~or deliver by land, water, or air~~ the same as defined
36 in section 163.30.

37 Sec. 5. Section 166D.2, Code 1997, is amended by
38 adding the following new subsections:

39 NEW SUBSECTION. 39A. "Relocate" or "relocation"
40 means the same as defined in section 163.30.

41 NEW SUBSECTION. 39B. "Relocation record" means a
42 record as maintained by the owner of swine in a form
43 and containing information as required by the rules
44 adopted by the department, which indicates a
45 relocation of swine as provided in section 166D.10.

46 Sec. 6. Section 166D.2, subsection 45, Code 1997,
47 is amended to read as follows:

48 45. "Transportation certificate" means ~~the same a~~
49 written document evidencing that the movement or
50 relocation of swine complies with the requirements of

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Page 2

1 this chapter, and which may be a transportation
2 certificate as provided in chapter 172B, or another
3 document approved by the department, including but not
4 limited to one or more types of forms covering
5 different circumstances, as prescribed by the
6 department.

7 Sec. 7. NEW SECTION. 166D.3A DEPARTMENTAL
8 DETERMINATION OF PSEUDORABIES PREVALENCE.

9 The department shall periodically determine the
10 prevalence of pseudorabies in each county in a manner
11 and according to procedures established by rules
12 adopted by the department.

13 Sec. 8. Section 166D.9, subsection 4, unnumbered
14 paragraph 1, Code 1997, is amended to read as follows:

15 While the state is classified in either stage I, or
16 II, or III of the national pseudorabies program
17 pursuant to federal regulations, the following
18 requirements must be satisfied:

19 Sec. 9. Section 166D.10, subsection 1, unnumbered
20 paragraph 1, Code 1997, is amended to read as follows:

21 A person shall not sell, lease, exhibit, or loan,
22 move, or relocate swine within the state, except to
23 slaughter, unless the swine are accompanied by a
24 certificate of inspection provided by the owner
25 transferring possession in the same manner as provided
26 for an official health certificate or veterinarian
27 certificate as provided in section 163.30. The
28 department may combine the certificate of inspection
29 with an official health certificate or a veterinarian
30 inspection certificate. A certificate of inspection
31 is not required if any of the following apply:

32 a. The swine are moved to slaughter.

33 b. The swine are relocated, if all of the
34 following apply:

35 (1) A transportation certificate accompanies the
36 relocated swine.

37 (2) The swine's owner maintains information
38 regarding the relocation in relocation records. The
39 department may adopt rules excusing a person from
40 maintaining relocation records, if the department
41 determines that the purposes of the chapter as
42 provided in section 166D.1 are not furthered by the
43 requirement.

44 (3) A certificate of inspection, or an official
45 health certificate or a veterinarian inspection
46 certificate as provided in section 163.30, has been
47 issued for the swine within thirty days prior to the
48 date of relocation. The department may adopt rules
49 excusing a person from complying with this
50 subparagraph if the department determines that the

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1 purposes of the chapter as provided in section 166D.1
2 are not furthered by the requirement.

3 The department shall adopt rules required to
4 administer this paragraph. A transportation
5 certificate accompanying relocated swine shall cite
6 the relevant relocation record and certificate of
7 inspection, or official health certificate or
8 veterinarian inspection certificate. The department
9 may provide for the examination of the relocation
10 records on the owner's premises during normal business
11 hours, or may require that reports containing relevant
12 information contained in relocation records and
13 certificates of inspection, or official health
14 certificates or veterinarian inspection certificates,
15 be periodically submitted to the department. For
16 purposes of this section, swine production information
17 contained in relocation records is a trade secret as
18 provided in section 22.7, unless otherwise provided by
19 rules adopted by the department. The department shall
20 provide for the disclosure of confidential information
21 only to the extent required for enforcement of this
22 chapter, the detection and prosecution of public
23 offenses, or to comply with a subpoena or court order.

24 c. A person transferring ownership of all or part
25 of a herd, if the herd remains on the same premises.
26 However, the herd must be tested by statistical
27 sampling. If any part of the herd is subsequently
28 moved or relocated, the swine that are moved or
29 relocated must be accompanied by a certificate of
30 inspection, or an official health certificate or
31 veterinarian certificate as provided in section
32 163.30, unless the swine are moved to slaughter.

33 1A. Swine that are moved shall be individually
34 identified as provided in section 163.30, which may
35 include requirements for affixing ear tags to swine.
36 However, a native Iowa feeder pig pigs moved from farm
37 to farm within the state ~~is exempt from the~~
38 ~~certificate of inspection's~~ shall not be subject to
39 the identification requirements of this subsection, if
40 the owner transferring possession ~~and~~ of the feeder
41 pigs executes a written agreement with the person
42 taking possession ~~state on the certificate of~~
43 ~~inspection that~~ of the feeder swine pigs. The
44 agreement shall provide that the feeder pigs will not
45 be commingled with other swine for a period of thirty
46 days. The owner transferring possession shall provide
47 a copy of the agreement to the person taking
48 possession of the feeder pigs.

49 As used in this subsection "farm to farm within the
50 state" does not include the movement or relocation of

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Page 4

1 native Iowa feeder pigs to the possession of a dealer
2 licensed pursuant to section 163.30. Native Iowa
3 feeder pigs that are moved shall be accompanied by a
4 certificate of inspection, or an official health
5 certificate or veterinarian certificate as provided in
6 section 163.30, unless swine are otherwise exempted
7 from this requirement by this section.

8 Sec. 10. Section 166D.10, subsection 1, unnumbered
9 paragraph 2, Code 1997, is amended to read as follows:
10 1B. Swine moved into or within Iowa for breeding
11 purposes must originate from a herd not under
12 quarantine which is one of the following:

13 Sec. 11. Section 166D.10, subsection 4, Code 1997,
14 is amended to read as follows:

15 4. In addition to other applicable requirements of
16 this section, feeder swine ~~shall not be~~ moved into
17 from a location outside of this state from another
18 state ~~except to slaughter, unless the feeder swine are~~
19 ~~vaccinated by a differentiable vaccine within forty-~~
20 ~~five days of arrival in this state~~ to a location
21 within this state shall be vaccinated, if the feeder
22 swine are moved into a county where the department
23 determines that more than three percent of all herds
24 in the county are infected herds. The feeder swine
25 shall be vaccinated with a differentiable vaccine
26 according to procedures established by rules adopted
27 by the department. However, this subsection shall not
28 require vaccination if the feeder swine originate from
29 a qualified negative herd or a qualified
30 differentiable negative herd.

31 Sec. 12. ADOPTION OF RULES. The department of
32 agriculture and land stewardship shall adopt all rules
33 required to administer this Act not later than January
34 1, 1998.

35 Sec. 13. EFFECTIVE DATES.

36 1. Except as provided in subsection 2, this Act,
37 being deemed of immediate importance, is effective
38 upon enactment.

39 2. The amendment to section 166D.10, subsection 4,
40 Code 1997, takes effect upon the adoption of rules by
41 the department of natural resources required to
42 administer the section, but not later than January 1,
43 1998."

By COMMITTEE ON AGRICULTURE
WILMER RENSINK, Chairperson

S-3809 FILED APRIL 28, 1997
ADOPTED (p. 1506)

SENATE FILE 555
BY IVERSON and GRONSTAL

(AS AMENDED AND PASSED BY THE SENATE APRIL 28, 1997)

ALL New Language by the Senate

Passed Senate, Date _____ Passed House, Date 4-29-97
Vote: Ayes _____ Nays _____ Vote: Ayes 99 Nays 0
Approved May 26, 1997

A BILL FOR

1 An Act relating to the control of pseudorabies, making
2 corresponding changes, making penalties applicable, and
3 providing for an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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3 c. ~~"Swine-moved"~~ "Move" or "movement" means ~~any-physical~~
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5 except that "move" or "movement" does not mean a relocation
6 of.

7 d. "Relocate" or "relocation" means to ship, transport, or
8 deliver swine by land, water, or air, to different premises,
9 if the ownership of the swine to-different does not change,
10 the prior and new premises,--except-that-it-does-not-include
11 movement-of-swine-when-their-ownership-does-not-change,-and
12 both-their-prior-and-new-locations,-and-the-movement-between
13 such-locations, are located within the state of-Iowa, and the
14 shipment, transportation, or delivery between the prior and
15 new premises occurs within the state.

16 Sec. 2. Section 166D.2, subsection 7, unnumbered paragraph
17 1, Code 1997, is amended to read as follows:

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19 the United States department of agriculture or the department
20 of agriculture and land stewardship, and issued by a licensed
21 veterinarian prior to the interstate or intrastate movement of
22 swine or to the relocation of swine. The certificate of
23 inspection must state all of the following:

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25 2, Code 1997, is amended by striking the unnumbered paragraph.

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27 amended to read as follows:

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31 Sec. 5. Section 166D.2, Code 1997, is amended by adding
32 the following new subsections:

33 NEW SUBSECTION. 39A. "Relocate" or "relocation" means the
34 same as defined in section 163.30.

35 NEW SUBSECTION. 39B. "Relocation record" means a record

1 as maintained by the owner of swine in a form and containing
2 information as required by the rules adopted by the
3 department, which indicates a relocation of swine as provided
4 in section 166D.10.

5 Sec. 6. Section 166D.2, subsection 45, Code 1997, is
6 amended to read as follows:

7 45. "Transportation certificate" means ~~the same~~ a written
8 document evidencing that the movement or relocation of swine
9 complies with the requirements of this chapter, and which may
10 be a transportation certificate as provided in chapter 172B,
11 or another document approved by the department, including but
12 not limited to one or more types of forms covering different
13 circumstances, as prescribed by the department.

14 Sec. 7. NEW SECTION. 166D.3A DEPARTMENTAL DETERMINATION
15 OF PSEUDORABIES PREVALENCE.

16 The department shall periodically determine the prevalence
17 of pseudorabies in each county in a manner and according to
18 procedures established by rules adopted by the department.

19 Sec. 8. Section 166D.9, subsection 4, unnumbered paragraph
20 1, Code 1997, is amended to read as follows:

21 While the state is classified in ~~either~~ stage I, or II, or
22 III of the national pseudorabies program pursuant to federal
23 regulations, the following requirements must be satisfied:

24 Sec. 9. Section 166D.10, subsection 1, unnumbered
25 paragraph 1, Code 1997, is amended to read as follows:

26 A person shall not sell, lease, exhibit, ~~or loan,~~ move, or
27 relocate swine within the state, ~~except-to-slaughter,~~ unless
28 the swine are accompanied by a certificate of inspection
29 ~~provided-by-the-owner-transferring-possession~~ in the same
30 manner as provided for an official health certificate or
31 veterinarian certificate as provided in section 163.30. The
32 department may combine the certificate of inspection with an
33 official health certificate or a veterinarian inspection
34 certificate. A certificate of inspection is not required if
35 any of the following apply:

1 a. The swine are moved to slaughter.

2 b. The swine are relocated, if all of the following apply:

3 (1) A transportation certificate accompanies the relocated
4 swine.

5 (2) The swine's owner maintains information regarding the
6 relocation in relocation records. The department may adopt
7 rules excusing a person from maintaining relocation records,
8 if the department determines that the purposes of the chapter
9 as provided in section 166D.1 are not furthered by the
10 requirement.

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

19 The department shall adopt rules required to administer
20 this paragraph. A transportation certificate accompanying
21 relocated swine shall cite the relevant relocation record and
22 certificate of inspection, or official health certificate or
23 veterinarian inspection certificate. The department may
24 provide for the examination of the relocation records on the
25 owner's premises during normal business hours, or may require
26 that reports containing relevant information contained in
27 relocation records and certificates of inspection, or official
28 health certificates or veterinarian inspection certificates,
29 be periodically submitted to the department. For purposes of
30 this section, swine production information contained in
31 relocation records is a trade secret as provided in section
32 22.7, unless otherwise provided by rules adopted by the
33 department. The department shall provide for the disclosure
34 of confidential information only to the extent required for
35 enforcement of this chapter, the detection and prosecution of

1 public offenses, or to comply with a subpoena or court order.

2 c. A person transferring ownership of all or part of a
3 herd, if the herd remains on the same premises. However, the
4 herd must be tested by statistical sampling. If any part of
5 the herd is subsequently moved or relocated, the swine that
6 are moved or relocated must be accompanied by a certificate of
7 inspection, or an official health certificate or veterinarian
8 certificate as provided in section 163.30, unless the swine
9 are moved to slaughter.

10 1A. Swine that are moved shall be individually identified
11 as provided in section 163.30, which may include requirements
12 for affixing ear tags to swine. However, a native Iowa feeder
13 pig pigs moved from farm to farm within the state is-exempt
14 from-the-certificate-of-inspection's shall not be subject to
15 the identification requirements of this subsection, if the
16 owner transferring possession and of the feeder pigs executes
17 a written agreement with the person taking possession state-on
18 the-certificate-of-inspection-that of the feeder swine pigs.
19 The agreement shall provide that the feeder pigs will not be
20 commingled with other swine for a period of thirty days. The
21 owner transferring possession shall provide a copy of the
22 agreement to the person taking possession of the feeder pigs.

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

31 Sec. 10. Section 166D.10, subsection 1, unnumbered
32 paragraph 2, Code 1997, is amended to read as follows:

33 1B. Swine moved into or within Iowa for breeding purposes
34 must originate from a herd not under quarantine which is one
35 of the following:

1 Sec. 11. Section 166D.10, subsection 4, Code 1997, is
2 amended to read as follows:

3 4. In addition to other applicable requirements of this
4 section, feeder swine ~~shall not be~~ moved into from a location
5 outside of this state from another state except to slaughter,
6 unless the feeder swine are vaccinated by a differentiable
7 vaccine within forty-five days of arrival in this state to a
8 location within this state shall be vaccinated, if the feeder
9 swine are moved into a county where the department determines
10 that more than three percent of all herds in the county are
11 infected herds. The feeder swine shall be vaccinated with a
12 differentiable vaccine according to procedures established by
13 rules adopted by the department. However, this subsection
14 shall not require vaccination if the feeder swine originate
15 from a qualified negative herd or a qualified differentiable
16 negative herd.

17 Sec. 12. ADOPTION OF RULES.

18 1. Except as provided in subsection 2, the department of
19 agriculture and land stewardship shall adopt all rules
20 required to carry out this Act not later than October 1, 1997.

21 2. The department of agriculture and land stewardship
22 shall adopt all rules required to carry out the amendments to
23 section 166D.10, subsection 4, Code 1997, as enacted in this
24 Act, not later than January 1, 1998.

25 Sec. 13. EFFECTIVE DATES.

26 1. Except as provided in subsections 2 and 3, this Act
27 takes effect on October 1, 1997.

28 2. The amendments to section 166D.10, subsection 4, Code
29 1997, as enacted in this Act take effect on January 1, 1998.

30 3. Section 12 of this Act takes effect upon enactment.

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SENATE FILE 555

AN ACT

RELATING TO THE CONTROL OF PSEUDORABIES, MAKING CORRESPONDING CHANGES, MAKING PENALTIES APPLICABLE, AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Section 163.30, subsection 2, paragraph c, Code 1997, is amended to read as follows:

c. "Swine-moved" "Move" or "movement" means any-physical to ship, transport, or deliver swine by land, water, or air, except that "move" or "movement" does not mean a relocation of.

d. "Relocate" or "relocation" means to ship, transport, or deliver swine by land, water, or air, to different premises, if the ownership of the swine to-different does not change, the prior and new premises,-except-that-it-does-not-include movement-of-swine-when-their-ownership-does-not-change,-and both-their-prior-and-new-locations,-and-the-movement-between such-locations, are located within the state of-Iowa, and the shipment, transportation, or delivery between the prior and new premises occurs within the state.

Sec. 2. Section 166D.2, subsection 7, unnumbered paragraph 1, Code 1997, is amended to read as follows:

"Certificate of inspection" means a document approved by the United States department of agriculture or the department of agriculture and land stewardship, and issued by a licensed veterinarian prior to the interstate or intrastate movement of swine or to the relocation of swine. The certificate of inspection must state all of the following:

Sec. 3. Section 166D.2, subsection 7, unnumbered paragraph 2, Code 1997, is amended by striking the unnumbered paragraph.

Sec. 4. Section 166D.2, subsection 31, Code 1997, is amended to read as follows:

31. "Move" or "movement" means ~~to-ship,-transport,-or deliver-by-land,-water,-or-air~~ the same as defined in section 163.30.

Sec. 5. Section 166D.2, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 39A. "Relocate" or "relocation" means the same as defined in section 163.30.

NEW SUBSECTION. 39B. "Relocation record" means a record as maintained by the owner of swine in a form and containing information as required by the rules adopted by the department, which indicates a relocation of swine as provided in section 166D.10.

Sec. 6. Section 166D.2, subsection 45, Code 1997, is amended to read as follows:

45. "Transportation certificate" means ~~the-same a written document evidencing that the movement or relocation of swine complies with the requirements of this chapter, and which may be a transportation certificate as provided in chapter 172B, or another document approved by the department, including but not limited to one or more types of forms covering different circumstances, as prescribed by the department.~~

Sec. 7. NEW SECTION. 166D.3A DEPARTMENTAL DETERMINATION OF PSEUDORABIES PREVALENCE.

The department shall periodically determine the prevalence of pseudorabies in each county in a manner and according to procedures established by rules adopted by the department.

Sec. 8. Section 166D.9, subsection 4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

While the state is classified in either stage I, or II, or III of the national pseudorabies program pursuant to federal regulations, the following requirements must be satisfied:

Sec. 9. Section 166D.10, subsection 1, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

a. The swine are moved to slaughter.

b. The swine are relocated, if all of the following apply:

(1) A transportation certificate accompanies the relocated swine.

(2) The swine's owner maintains information regarding the relocation in relocation records. The department may adopt rules excusing a person from maintaining relocation records, if the department determines that the purposes of the chapter as provided in section 166D.1 are not furthered by the requirement.

(3) A certificate of inspection, or an official health certificate or a veterinarian 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.

The department shall adopt rules required to administer this paragraph. A transportation certificate accompanying relocated swine shall cite the relevant relocation record and certificate of inspection, or official health certificate or veterinarian 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 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.

c. A person transferring ownership of all or part of a herd, if the herd remains on the same premises. However, the herd must be tested by statistical sampling. If any part of the herd is subsequently moved or relocated, the swine that are moved or relocated must be accompanied by a certificate of inspection, or an official health certificate or veterinarian certificate as provided in section 163.30, unless the swine are moved to slaughter.

1A. Swine that are moved shall be individually identified as provided in section 163.30, which may include requirements for affixing ear tags to swine. However, a native Iowa feeder pig pigs moved from farm to farm within the state is-exempt from-the-certificate-of-inspection's shall not be subject to the identification requirements of this subsection, if the owner transferring possession and of the feeder pigs executes a written agreement with the person taking possession state-on the-certificate-of-inspection-that of the feeder swine pigs. The agreement shall provide that the feeder pigs will not be commingled with other swine for a period of thirty days. The owner transferring possession shall provide a copy of the agreement to the person taking possession of the feeder pigs.

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 certificate or veterinarian certificate as provided in section 163.30, unless swine are otherwise exempted from this requirement by this section.

Sec. 10. Section 166D.10, subsection 1, unnumbered paragraph 2, Code 1997, is amended to read as follows:

1B. Swine moved into or within Iowa for breeding purposes must originate from a herd not under quarantine which is one of the following:

Sec. 11. Section 166D.10, subsection 4, Code 1997, is amended to read as follows:

4. In addition to other applicable requirements of this section, feeder swine ~~shall not be moved into from a location outside of this state from another state except to slaughter, unless the feeder swine are vaccinated by a differentiable vaccine within forty-five days of arrival in this state~~ to a location within this state shall be vaccinated, if the feeder swine are moved into a county where the department determines that more than three percent of all herds in the county are infected herds. The feeder swine shall be vaccinated with a differentiable vaccine according to procedures established by rules adopted by the department: However, this subsection shall not require vaccination if the feeder swine originate from a qualified negative herd or a qualified differentiable negative herd.

Sec. 12. ADOPTION OF RULES.

1. Except as provided in subsection 2, the department of agriculture and land stewardship shall adopt all rules required to carry out this Act not later than October 1, 1997.

2. The department of agriculture and land stewardship shall adopt all rules required to carry out the amendments to section 166D.10, subsection 4, Code 1997, as enacted in this Act, not later than January 1, 1998.

Sec. 13. EFFECTIVE DATES.

1. Except as provided in subsections 2 and 3, this Act takes effect on October 1, 1997.

2. The amendments to section 166D.10, subsection 4, Code 1997, as enacted in this Act take effect on January 1, 1998.
3. Section 12 of this Act takes effect upon enactment.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 555, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved May 26, 1997

TERRY E. BRANSTAD
Governor