

Substituted for by SF 2312
(P. 1327) 4-6-00
FEB 28 2000

Place On Calendar

HOUSE FILE 2490
BY COMMITTEE ON AGRICULTURE

WITHDRAWN
4-6-00
(P. 1328)

(SUCCESSOR TO HF 2357)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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

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

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HF 2490

1 Section 1. Section 166D.2, subsections 2, 38, and 42, Code
2 1999, are amended to read as follows:

3 2. "Approved premises" means a dry-lot facility located in
4 an area with confirmed cases of pseudorabies infection, which
5 is authorized by the department to receive, hold, or feed
6 infected swine, exposed animals, or swine of unknown status.
7 The premises and all swine on the premises shall be considered
8 under quarantine. ~~However, swine may be moved to slaughter
9 under a transportation certificate or may be moved to another
10 pseudorabies approved premises under a certificate of
11 inspection.~~

12 38. "Quarantined herd" means a herd in which pseudorabies
13 infected or exposed swine are bred, reared, or fed under the
14 supervision and control of the department, as provided in
15 section 166D.9. ~~Swine in a quarantined herd may be moved only
16 to an approved premises for feeding or to a recognized
17 slaughtering establishment for slaughter. -- Either movement may
18 be completed through a concentration point in compliance with
19 section 166D.12.~~

20 42. "Restricted movement" means swine which are
21 ~~quarantined until directly moved to slaughter~~ moved as
22 provided in section 166D.10A.

23 Sec. 2. Section 166D.3, unnumbered paragraph 1, Code 1999,
24 is amended to read as follows:

25 A state pseudorabies advisory committee is established.
26 The committee shall consist of not more than seven members who
27 shall be appointed by the Iowa pork producers association. At
28 least four members of the committee must be actively engaged
29 in swine production. The members shall serve staggered terms
30 of two years, except that the initial board members shall
31 serve unequal terms. A person appointed to fill a vacancy for
32 a member shall serve only for the unexpired portion of the
33 term. A member is eligible for reappointment for three
34 successive terms. A majority of the board constitutes a
35 quorum and an affirmative vote of the majority of members is

1 necessary for substantive action taken by the board. The
2 majority shall not include any member who has a conflict of
3 interest and a statement by a member of a conflict of interest
4 shall be conclusive for this purpose. A vacancy in the
5 membership does not impair the right of a quorum to exercise
6 all rights and perform all duties of the board. The advisory
7 committee shall:

8 Sec. 3. Section 166D.8, subsection 1, paragraph a,
9 subparagraph (1), is amended to read as follows:

10 (1) The segregation of progeny ~~with-restricted-movement.~~
11 The herd cleanup plan must include the location of the any
12 approved premises that will receive the progeny, as provided
13 in section 166D.10B. ~~The-receiving-premises-shall-be~~
14 ~~quarantined.~~

15 Sec. 4. Section 166D.8, subsection 2, paragraph c, Code
16 1999, is amended to read as follows:

17 c. An approved feeder pig cooperator herd plan must be
18 implemented. The feeder pig cooperator herd plan must include
19 the location of the any approved premises that will receive
20 the progeny, as provided in section 166D.10B. ~~The-receiving~~
21 ~~premises-shall-be-quarantined.~~

22 Sec. 5. Section 166D.8, unnumbered paragraph 2, Code 1999,
23 is amended to read as follows:

24 An infected herd outside a program area shall either adopt
25 a herd cleanup plan or a feeder pig cooperator herd plan ~~with~~
26 ~~restricted-movement.~~ An infected herd not subject to such a
27 plan within thirty days of becoming a known infected herd
28 shall be quarantined. An infected herd which is not subject
29 to a herd cleanup plan or a feeder pig cooperator herd plan is
30 a quarantined herd.

31 Swine from an infected herd shall be moved only by
32 restricted movement as provided in section 166D.10A.

33 Sec. 6. Section 166D.9, subsection 5, Code 1999, is
34 amended by striking the subsection.

35 Sec. 7. Section 166D.10, subsections 4 and 5, Code 1999,

1 are amended to read as follows:

2 4. Imported feeder pigs shall originate from noninfected
3 herds.

4 5. The following swine shall be subject to restricted
5 movement:

6 a. Infected swine or swine that are part of an infected
7 herd.

8 b. Swine moved through a concentration point as provided
9 pursuant to section 166D.12.

10 c. ~~An imported~~ Imported feeder pig shall be subject to
11 ~~restricted movement, unless the pig reacted negatively to a~~
12 ~~test within the past thirty days~~ pigs.

13 ~~5. A feeder pig moved intrastate shall be moved according~~
14 ~~to the following:~~

15 ~~a. A feeder pig in a noninfected herd shall not be subject~~
16 ~~to restricted movement:~~

17 b. d. A feeder pig in Feeder pigs which are part of a herd
18 of unknown pseudorabies status shall be subject to restricted
19 movement.

20 ~~c. A feeder pig in a known infected herd shall be subject~~
21 ~~to restricted movement by certificate of inspection and only~~
22 ~~to an approved premises:~~

23 Sec. 8. NEW SECTION. 166D.10A RESTRICTED MOVEMENT --
24 REQUIREMENTS.

25 1. If swine that are moved from a herd must be moved by
26 restricted movement as provided in section 166D.10, the swine
27 shall only be moved by direct movement to a slaughtering
28 establishment, unless the department authorizes restricted
29 movement of the swine to a concentration point approved by the
30 department or feeder swine to an approved premises as provided
31 in section 166D.10B.

32 2. The department must issue a permit for restricted
33 movement, as provided by rules which must be adopted by the
34 department. The permit shall be issued to the person moving
35 the swine. The permit shall include information required by

1 the department, which shall at least include a description of
2 the swine, the name and address of the owner, the name and
3 address of the person receiving the swine, the date of
4 movement, and the seal number as prescribed by the department.
5 The moved swine must also be accompanied by a transportation
6 certificate as required in section 166D.10.

7 3. A vehicle moving swine under restricted movement shall
8 be sealed in a manner provided by the department. The seal
9 shall be furnished by the department. Each seal shall be
10 identified by number as required by the department. The
11 vehicle shall be sealed by an accredited veterinarian. The
12 seal shall only be removed by a departmental official, an
13 accredited veterinarian, an official of the United States
14 department of agriculture, or the person authorized by the
15 department to receive the swine upon arrival at the
16 slaughtering establishment, concentration point, or approved
17 premises.

18 Sec. 9. NEW SECTION. 166D.10B APPROVED PREMISES.

19 A person shall not receive feeder swine transported by
20 restricted movement as provided in section 166D.10A for the
21 purpose of feeding, unless the swine are received and kept at
22 an approved premises. The premises is an approved premises,
23 if the department has issued an approved premises permit to
24 the owner of the premises as provided by rules adopted by the
25 department.

26 1. The feeder swine from an infected herd may be kept at
27 the approved premises for purposes of feeding and restricted
28 movement as provided in section 166D.10A. Feeder swine on the
29 premises must be maintained as part of a quarantined herd as
30 provided in section 166D.9.

31 a. The owner of the approved premises must provide to the
32 department during normal business hours access to the approved
33 premises and records required by this section. Records of
34 swine transfers must be kept for at least one year. The
35 records shall include information about purchases and sales,

1 the names of buyers and sellers, the dates of transactions,
2 and the number of swine involved in each transaction.

3 b. Breeding swine must not be maintained on the approved
4 premises. However, cull sows and boars may be maintained, if
5 fed out to slaughter.

6 c. Noninfected feeder swine must be vaccinated for
7 pseudorabies at the owner's expense upon arrival at the
8 approved premises. Vaccination records must be maintained by
9 the owner of the approved premises for at least one year after
10 vaccination.

11 d. Dead swine must be disposed of in accordance with
12 chapter 167. The dead swine must be held so as to prevent
13 animals, including wild animals and livestock, from reaching
14 the dead swine.

15 e. An approved premises shall not be located within three
16 miles from a nonquarantined herd.

17 2. An approved premises permit shall be renewed annually
18 by the department. The approved premises permit shall be
19 renewed if the district veterinarian finds that the approved
20 premises is and has been in compliance with this chapter and
21 federal law. The department may suspend or cancel the permit
22 for noncompliance with this section. When a permit is
23 suspended, canceled, or not renewed, the premises remains
24 under quarantine until released pursuant to the provisions of
25 section 166D.9.

26 Sec. 10. EFFECTIVE DATE. This Act, being deemed of
27 immediate importance, takes effect upon enactment.

28 EXPLANATION

29 This bill provides for the control of pseudorabies in swine
30 under Code chapter 166D. The bill provides for the movement
31 of swine which are infected, are part of infected herds, or
32 have a risk of infection. Currently, a number of provisions
33 in the chapter govern the movement of swine. For example,
34 swine from a quarantined herd cannot be removed from the herd
35 except directly to slaughter or a concentration point.

1 However, feeder swine may be removed from a herd for further
2 feeding to a premises approved by the department. This is
3 referred to as "restricted movement".

4 The bill provides that infected swine or swine that are
5 part of an infected herd must be moved by restricted movement,
6 regardless of whether the swine are part of a quarantined
7 herd. The bill provides that if swine that are moved from
8 their herd must be moved by restricted movement, the swine can
9 only be moved by direct movement to a slaughtering
10 establishment, unless the department authorizes restricted
11 movement of the swine to a concentration point approved by the
12 department or feeder swine to an approved premises under
13 permit in the same manner as provided for quarantined herds.
14 The bill provides that imported feeder pigs are subject to
15 restricted movement, regardless of whether they have been
16 tested.

17 The bill provides that the department must issue a permit
18 for restricted movement. The bill also provides that a
19 vehicle transporting swine under restricted movement must be
20 sealed to prevent access. The vehicle must be sealed by an
21 accredited veterinarian, and be removed by a departmental
22 official, an accredited veterinarian, an official of the
23 United States department of agriculture, or the person
24 authorized by the department to receive the swine upon arrival
25 at the slaughtering establishment, concentration point, or
26 approved premises.

27 The bill also amends provisions relating to votes of the
28 state pseudorabies advisory committee.

29 The Code chapter provides that a person violating a
30 provision of the Code chapter or any rule adopted by the
31 department is subject to a civil penalty of at least \$100 but
32 not more than \$1,000.

33 The bill takes effect upon enactment.

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**HOUSE FILE 2490
FISCAL NOTE**

A fiscal note for House File 2490 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

BACKGROUND

House File 2490 amends sections of Chapter 166D, Code of Iowa, Pseudorabies Control, relating to the Pseudorabies Advisory Committee, herd clean-up plans, and restricted movement of swine from infected herds.

ASSUMPTIONS

1. Iowa will continue to import 10 to 12 million feeder pigs annually.
2. Enforcement of restricted movement of imported feeder pigs will require a Clerk Specialist to monitor imported feeder pig movement. The salary and benefits for a Clerk Specialist will be \$23,400 annually.
3. The Clerk Specialist will require a computer and software to monitor imported feeder pig movement. There will be a one-time equipment cost of \$4,000 in FY 2001.
4. Three Livestock Compliance Investigators will be needed to monitor actual compliance of imported feeder pig restricted movement. The salary and benefits for one Livestock Compliance Investigator is \$41,000 annually.
5. Each Livestock Compliance Investigator will also require computer equipment/software (\$2,000 - one-time expense), a vehicle (\$12,500 - one-time expense), and travel expense (\$9,000) in FY 2001. The ongoing support expense for FY 2002 and subsequent years is approximately \$9,000.

FISCAL IMPACT

House File 2490 is expected to increase General Fund expenditures, by the Department of Agriculture and Land Stewardship, by \$221,000 in FY 2001, and \$173,000 in FY 2002.

SOURCE

Department of Agriculture and Land Stewardship

(LSB 6094hv, SKW)

FILED MARCH 2, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2490

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1 Amend House File 2490 as follows:

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

4 "Section 1. Section 166D.2, Code 1999, is amended
5 by adding the following new subsections:

6 NEW SUBSECTION. 6A. "Buying station" means a
7 concentration point where swine are assembled for
8 purposes of sale and movement to a slaughtering
9 establishment.

10 NEW SUBSECTION. 7A. "Cleanup plan" means a herd
11 cleanup plan or feeder pig cooperator herd cleanup
12 plan as provided in section 166D.8.

13 NEW SUBSECTION. 8A. "Cull swine" means mature
14 swine fed for purposes of direct slaughter. However,
15 "cull swine" does not include swine kept for purposes
16 of breeding or reproduction.

17 NEW SUBSECTION. 26A. "Isowean feeder pig" means a
18 feeder pig that weighs twenty pounds or less.

19 Sec. 2. Section 166D.2, subsections 2, 11, 17, 19,
20 38, and 42, Code 1999, are amended to read as follows:

21 2. "Approved premises" means a dry lot facility
22 located in an area with confirmed cases of
23 pseudorabies infection, which is authorized certified
24 by the department to receive, hold, or and feed and
25 move or relocate infected swine, exposed animals, or
26 swine of unknown status as provided in section

27 166D.10B. The premises and all swine on the premises
28 shall be considered under quarantine. However, swine
29 may be moved to slaughter under a transportation
30 certificate or may be moved to another pseudorabies
31 approved premises under a certificate of inspection.

32 11. "Differentiable vaccine" means a vaccine which
33 has a licensed companion differentiable test, and
34 includes a modified-live differentiable vaccine.

35 17. "Feeder pig" means an immature swine fed for
36 purposes of direct slaughter which is weighs one
37 hundred pounds or less than slaughter weight.

38 19. "Feeder swine" means a porcine animal swine
39 fed for purposes of direct slaughter, including feeder
40 pigs, and cull sows, and boars swine. However,
41 "feeder swine" does not include animals swine kept for
42 purposes of breeding or reproduction.

43 38. "Quarantined herd" means a herd in which
44 pseudorabies infected or exposed swine are bred,
45 reared, or fed under the supervision and control of
46 the department, as provided in section 166D.9. Swine
47 in a quarantined herd may be moved only to an approved
48 premises for feeding or to a recognized slaughtering
49 establishment for slaughter. Either movement may be
50 completed through a concentration point in compliance

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1 ~~with-section-166D-12-~~

2 42. "Restricted movement" means swine which are
3 ~~quarantined-until-directly-moved-to-slaughter~~ moved or
4 relocated as provided in section 166D.10A.

5 Sec. 3. Section 166D.2, subsections 4, 5, and 34,
6 Code 1999, are amended by striking the subsections.

7 Sec. 4. Section 166D.2, subsection 32, paragraph
8 c, Code 1999, is amended by striking the paragraph.

9 Sec. 5. Section 166D.3, unnumbered paragraph 1,
10 Code 1999, is amended to read as follows:

11 A state pseudorabies advisory committee is
12 established. The committee shall consist of not more
13 than seven members who shall be appointed by the Iowa
14 pork producers association. At least four members of
15 the committee must be actively engaged in swine
16 production. The members shall serve staggered terms
17 of two years, except that the initial board members
18 shall serve unequal terms. A person appointed to fill
19 a vacancy for a member shall serve only for the
20 unexpired portion of the term. A member is eligible
21 for reappointment for three successive terms. A
22 majority of the board constitutes a quorum and an
23 affirmative vote of the majority of members is
24 necessary for substantive action taken by the board.
25 The majority shall not include any member who has a
26 conflict of interest and a statement by a member of a
27 conflict of interest shall be conclusive for this
28 purpose. A vacancy in the membership does not impair
29 the right of a quorum to exercise all rights and
30 perform all duties of the board. The advisory
31 committee shall:

32 Sec. 6. Section 166D.3, subsection 1, Code 1999,
33 is amended by striking the subsection.

34 Sec. 7. Section 166D.7, subsection 1, paragraph a,
35 Code 1999, is amended to read as follows:

36 a. The herd shall be certified when all breeding
37 swine have reacted negatively to a test. The herd
38 must have been free from infection for thirty days
39 prior to testing. At least ninety percent of swine in
40 the herd must have been on the premises as a part of
41 the herd for at least sixty days prior to testing, or
42 swine in the herd must have been moved or relocated
43 directly from another qualified negative herd. To
44 remain certified, the herd must be retested and
45 recertified as provided by the department. The herd
46 shall be recertified when each month the greater of
47 five head of swine or at least ten percent of the
48 herd's breeding swine react negatively to a test.

49 A herd shall not be certified or recertified, if
50 the herd is located within a county which is

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1 designated by the department as in stage II of the
2 national pseudorabies eradication program, pursuant to
3 section 166D.11. However, this paragraph does not
4 apply if the department exempts a qualified negative
5 herd from being vaccinated with a modified-live
6 differentiable vaccine as provided in section 166D.11.

7 Sec. 8. Section 166D.7, subsection 2, Code 1999,
8 is amended by striking the subsection.

9 Sec. 9. Section 166D.7, subsection 3, paragraphs a
10 and b, Code 1999, are amended to read as follows:

11 a. The herd shall be certified when a statistical
12 sampling of the herd is determined to be noninfected.

13 ~~b.~~ In order to remain certified the herd must
14 be retested and recertified as provided by the
15 department. The herd must be recertified annually.
16 The herd shall be recertified when a statistical
17 sampling of the herd is determined to be noninfected
18 within twelve months from initial certification or the
19 most recent recertification.

20 A herd shall not be certified or recertified, if
21 the herd is located within a county which is
22 designated by the department as in stage II of the
23 national pseudorabies eradication program, unless the
24 herd is vaccinated with a modified-live differentiable
25 vaccine pursuant to section 166D.11 and as required by
26 the department.

27 Sec. 10. Section 166D.7, subsection 4, paragraph
28 a, Code 1999, is amended to read as follows:

29 a. The herd shall be certified when one hundred
30 percent of breeding swine have reacted negatively to a
31 test. The herd must have been free from infection for
32 thirty days prior to testing. At least ninety percent
33 of swine in the herd must have been on the premises as
34 a part of the herd for at least sixty days prior to
35 testing, or swine in the herd must have been directly
36 moved directly or relocated from a qualified negative
37 herd or qualified differentiable negative herd. A
38 differentiable vaccine must be administered at
39 intervals in accordance with the package insert for
40 that vaccine. To remain certified, the herd must be
41 retested and recertified as provided by the
42 department. The herd shall be recertified when either
43 of the following occurs:

44 (1) Each eighty to one hundred five days at least
45 twenty-five percent of the herd's breeding swine react
46 negatively to a test.

47 (2) Each month at least ten percent of the herd's
48 breeding swine react negatively to a test.

49 A herd shall not be certified or recertified, if
50 the herd is located within a county which is

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1 designated by the department as in stage II of the
2 national pseudorabies eradication program, unless the
3 herd is vaccinated with a modified-live differentiable
4 vaccine pursuant to section 166D.11 and as required by
5 the department. However, this paragraph does not
6 apply if the department exempts a qualified
7 differentiable negative herd from being vaccinated
8 with a modified-live differentiable vaccine as
9 provided in section 166D.11.

10 Sec. 11. Section 166D.8, Code 1999, is amended to
11 read as follows:

12 166D.8 INFECTED HERDS.

13 An infected herd ~~in-a-program-area~~ which is not
14 quarantined under section 166D.9, shall either adopt a
15 herd cleanup plan, or a feeder pig cooperator herd
16 cleanup plan, or shall be quarantined.

17 1. a. ~~A herd cleanup plan may include any or a~~
18 ~~combination of the following:~~

19 ~~(1) The segregation of progeny with restricted~~
20 ~~movement. The herd cleanup plan must include the~~
21 ~~location of the premises that will receive the~~
22 ~~progeny. The receiving premises shall be quarantined.~~

23 ~~(2) The test shall apply to a herd, if feeder pigs~~
24 ~~are not moved from the herd. The plan shall provide~~
25 ~~for one of the following:~~

26 ~~(1) The testing of all swine capable of being~~
27 ~~accurately diagnosed with pseudorabies and the removal~~
28 ~~of infected swine from the herd.~~

29 ~~(3) (2) Depopulation.~~

30 b. ~~Notwithstanding paragraph "a", breeding swine~~
31 ~~in an infected herd shall be tested and the infected~~
32 ~~breeding swine shall be removed from the infected herd~~
33 ~~in accordance with procedures and by dates established~~
34 ~~by rules adopted by the department. A herd cleanup~~
35 ~~plan must be implemented as follows:~~

36 ~~(1) If the plan provides for the testing and~~
37 ~~removal of swine, all breeding swine must be tested~~
38 ~~with a differentiable test and react negatively to the~~
39 ~~test within fifteen days after the herd is classified~~
40 ~~by the department as infected. All breeding swine~~
41 ~~reacting positive to the test must be removed as~~
42 ~~provided in this section. At least thirty days after~~
43 ~~removal of the breeding swine testing positive, all~~
44 ~~remaining breeding swine must be tested and react~~
45 ~~negatively to the test. Subsequent testing and~~
46 ~~removal must be conducted as provided in this~~
47 ~~subparagraph until all breeding swine test negative.~~
48 ~~When all breeding swine are tested and react~~
49 ~~negatively to the test, the department shall classify~~
50 ~~the herd as a noninfected herd.~~

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1 (2) The herd cleanup plan may provide for the
2 relocation of feeder pigs or cull swine. If the plan
3 provides for the relocation of feeder pigs, the plan
4 must provide for the segregation of feeder pigs and
5 identify in writing the approved premises where feeder
6 pigs or cull swine may be relocated upon approval by
7 the department.

8 2. A feeder pig cooperator herd cleanup plan may
9 be-adopted-if shall apply to a herd, if feeder pigs
10 are moved from the herd. The plan shall include all
11 the requirements for a herd cleanup plan. In order to
12 be subject to a feeder pig cooperator herd cleanup
13 plan all of the following conditions are must be
14 satisfied:

15 a. There must have been no clinical signs of
16 pseudorabies during the past thirty days.

17 b. The production operation must be capable of
18 segregating offspring at weaning into facilities
19 separate and apart from the remainder of the herd.

20 c. ~~An-approved-feeder-pig-cooperator-herd-plan~~
21 ~~must-be-implemented:~~ The feeder pig cooperator herd
22 ~~cleanup plan must-include-the-location-of~~ may provide
23 ~~for the movement or relocation of feeder pigs or cull~~
24 ~~swine. If the feeder pig cooperator herd cleanup plan~~
25 ~~provides for the movement or relocation of feeder pigs~~
26 ~~or cull swine, the plan must identify in writing the~~
27 ~~approved premises that-will-receive-the-progeny where~~
28 ~~the feeder pigs or cull swine may be moved or~~
29 ~~relocated as provided in section 166D.10B. The~~
30 ~~receiving-premises-shall-be-quarantined:~~

31 ~~3.--Infected-herds-in-a-program-area-which-have-not~~
32 ~~adopted-an-official-herd-cleanup-plan-or-feeder-pig~~
33 ~~cooperator-herd-plan-shall-be-quarantined:~~

34 ~~4.~~ 3. Costs of program testing and vaccination
35 ~~shall may~~ be paid as provided in section 166B:5
36 166D.11.

37 ~~4. An-infected-herd-outside-a-program-area-shall~~
38 ~~either-adopt-a-herd-cleanup-plan-or-a-feeder-pig~~
39 ~~cooperator-herd-plan-with-restricted-movement:~~ An
40 infected herd not subject to such a cleanup plan shall
41 ~~be quarantined~~ within thirty ~~fifteen~~ days of becoming
42 a known infected herd ~~shall-be-quarantined~~. An
43 infected herd which is not subject to a herd cleanup
44 ~~plan-or-a-feeder-pig-cooperator-herd~~ plan is a
45 quarantined herd.

46 5. Swine which is part of a herd subject to a
47 cleanup plan shall only be moved or relocated as
48 required pursuant to section 166D.10. If the location
49 where the herd is kept is an approved premises as
50 provided in section 166D.10B, the cleanup plan shall

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1 include terms and conditions for being certified as an
2 approved premises.

3 Sec. 12. Section 166D.9, subsections 1 and 2, Code
4 1999, are amended by striking the subsections and
5 inserting in lieu thereof the following:

6 1. Swine which is part of a quarantined herd shall
7 only be moved by restricted movement in accordance
8 with section 166D.10A.

9 Sec. 13. Section 166D.9, subsection 5, Code 1999,
10 is amended by striking the subsection.

11 Sec. 14. Section 166D.10, subsection 1, paragraph
12 b, Code 1999, is amended by adding the following new
13 subparagraph:

14 NEW SUBPARAGRAPH. (4) The swine have a current
15 negative pseudorabies status.

16 Sec. 15. Section 166D.10, subsections 3 through 6,
17 Code 1999, are amended by striking the subsections and
18 inserting in lieu thereof the following:

19 3. The following shall govern the movement or
20 relocation of swine within this state, other than
21 swine moved from an infected herd:

22 a. The following shall apply to the movement of
23 swine:

24 (1) A person shall not move swine for breeding
25 purposes, unless one of the following applies:

26 (a) The swine is moved from a qualified negative
27 herd or qualified differentiable negative herd.

28 (b) The swine reacts negatively to a
29 differentiable test, within thirty days prior to
30 moving the swine.

31 (2) A person shall not move swine from a herd of
32 unknown origin, unless one of the following applies:

33 (a) The swine reacts negatively to a
34 differentiable test, within thirty days prior to
35 moving the swine.

36 (b) The swine moves to a slaughtering
37 establishment or a buying station for movement to a
38 slaughtering establishment.

39 (c) The swine is a feeder pig or cull swine which
40 is moved to an approved premises.

41 b. A person shall not relocate swine from a herd
42 of unknown origin, unless the swine is a feeder pig or
43 cull swine which is relocated to an approved premises.

44 c. A person shall not move or relocate swine, if
45 the swine are moved or relocated from a herd located
46 within a county which is designated by the department
47 as in stage II of the national pseudorabies
48 eradication program, unless the swine reacts
49 negatively to a test and is vaccinated as provided in
50 section 166D.11.

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1 4. The following shall govern the movement or
2 relocation of swine within this state from an infected
3 herd:

4 a. The following shall apply to swine that is part
5 of a cleanup plan:

6 (1) For swine, other than feeder pigs or cull
7 swine, which is part of a herd subject to a cleanup
8 plan, a person shall only move swine by restricted
9 movement to a slaughtering establishment.

10 (2) For a feeder pig or cull swine which is part
11 of a herd subject to a herd cleanup plan, a person
12 shall only move the feeder pig or cull swine by
13 restricted movement to a slaughtering establishment or
14 relocate the feeder pig or cull swine by restricted
15 movement to an approved premises. For a feeder pig or
16 cull swine which is part of a feeder pig cooperator
17 herd cleanup plan, a person shall only move the feeder
18 pig or cull swine by restricted movement to a
19 slaughtering establishment or move or relocate the
20 feeder pig or cull swine by restricted movement to an
21 approved premises. However, a person shall not move
22 or relocate a feeder pig or cull swine to an approved
23 premises, unless the approved premises is identified
24 in a cleanup plan as provided in section 166D.8, or
25 the department approves the move or relocation to
26 another approved premises. A person shall not move or
27 relocate a cull swine to an approved premises, unless
28 the cull swine reacts negatively to a test and is
29 vaccinated with a differentiable vaccine. The test
30 and vaccine must be administered within thirty days
31 prior to the movement or relocation to the approved
32 premises. A noninfected feeder pig is not required to
33 be tested or vaccinated prior to movement or
34 relocation to an approved premises, if the feeder pig
35 is vaccinated upon arrival at the approved premises.

36 (3) For swine from a herd kept on an approved
37 premises as provided in section 166D.10B, a person
38 shall only move or relocate the swine by restricted
39 movement as provided in the cleanup plan governing the
40 herd and terms and conditions of the certification
41 required for the approved premises as provided in
42 section 166D.10B.

43 b. For swine which is not part of a herd that is
44 subject to a cleanup plan, because the herd is
45 quarantined, a person shall only move the swine by
46 restricted movement to a slaughtering establishment.

47 5. The following shall govern the movement of
48 swine into this state:

49 a. Swine, other than swine moved to a slaughtering
50 establishment, shall not be moved into this state

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1 unless the swine originate from a noninfected herd.

2 b. Except as provided in this section, the owner
3 of swine shall vaccinate the swine with a
4 differentiable vaccine prior to moving swine into this
5 state. Once in this state, the owner of the swine
6 shall test the swine with a differentiable test within
7 thirty days after the swine is moved to a herd in this
8 state. A person is not required to vaccinate swine
9 prior to moving swine into this state or test the
10 swine after the swine has been moved to a herd in this
11 state, as otherwise provided in this paragraph, if one
12 of the following applies:

13 (1) The swine is part of a herd that cannot be
14 vaccinated under the law of the state in which the
15 herd is kept immediately prior to being moved into
16 this state.

17 (2) The swine is an isowean feeder pig.

18 (3) The swine is moved to a slaughtering
19 establishment.

20 c. For swine, which is not vaccinated before being
21 moved into this state as provided in this subsection,
22 the following shall apply:

23 (1) For swine other than swine moved into this
24 state as an isowean feeder pig, the owner of the swine
25 must test the swine with a differentiable test within
26 forty-eight hours after the swine moves into this
27 state. If the swine reacts positively to the test,
28 the swine must be moved by restricted movement as
29 provided in this section. If the swine reacts
30 negatively to the test, the swine must be immediately
31 vaccinated with a differentiable vaccine. The swine
32 shall be considered as part of a herd of unknown
33 status, until tested negative and vaccinated or moved
34 or relocated by restrictive movement.

35 (2) For swine moved into this state as an isowean
36 feeder pig, the owner of the swine must test the swine
37 with a differentiable test when the swine first
38 reaches a weight of more than twenty pounds. If the
39 swine reacts positively to the test, the swine must be
40 moved by restricted movement as provided in this
41 section. If the swine reacts negatively to the test,
42 the swine must be immediately vaccinated with a
43 differentiable vaccine. The department may require
44 that the swine be revaccinated with a differentiable
45 vaccine at a later date. The swine shall be
46 considered as part of a herd of unknown status, until
47 tested negative and vaccinated or moved or relocated
48 by restrictive movement.

49 d. If the swine is located within a county which
50 is designated by the department as in stage II of the

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1 national pseudorabies eradication program, the swine
2 shall be vaccinated with a modified-live
3 differentiable vaccine as provided in section 166D.11.
4 6. Swine moved under this section to a
5 slaughtering establishment shall be moved for purpose
6 of slaughter. Swine moved or relocated to an approved
7 premises shall be moved or relocated for purposes of
8 feeding prior to slaughter as provided in section
9 166D.10B.

10 Sec. 16. NEW SECTION. 166D.10A RESTRICTED
11 MOVEMENT -- REQUIREMENTS.

12 1. If swine must be moved or relocated by
13 restricted movement as provided in section 166D.10,
14 the swine shall only be transported by direct
15 movement.

16 2. a. If a person moves or relocates swine
17 subject to restricted movement, the person shall only
18 move the swine to a slaughtering establishment or move
19 or relocate the swine to an approved premises.

20 b. If a person receives swine subject to
21 restricted movement, the person shall only receive the
22 swine at a slaughtering establishment or an approved
23 premises.

24 3. Swine required to be moved or relocated by
25 restricted movement must be accompanied by a
26 restricted movement permit, as provided by rules which
27 must be adopted by the department. The department
28 shall issue a restricted movement permit to the person
29 moving or relocating the swine. The permit shall
30 include information required by the department, which
31 shall at least include a description of the swine, the
32 name and address of the owner, the name and address of
33 the person receiving the swine, the date of movement
34 or relocation, and the seal number as prescribed by
35 the department, if a seal is required. The moved or
36 relocated swine must also be accompanied by a
37 transportation certificate and certificate of
38 inspection, if required in section 166D.10.

39 4. a. Except as provided in this section, a
40 vehicle moving swine under restricted movement shall
41 contain a cargo area for the swine which shall be
42 sealed to prevent access. The seal shall conform with
43 requirements adopted by the department. Each seal
44 shall be identified by number as required by the
45 department. The vehicle shall be sealed by an
46 accredited veterinarian at the premises where the
47 swine are kept. The seal shall only be removed by a
48 departmental official, an accredited veterinarian, an
49 official of the United States department of
50 agriculture, or the person authorized by the

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1 department to receive the swine upon arrival at the
2 slaughtering establishment or approved premises.
3 b. The department may adopt rules or issue an
4 order to provide that a vehicle moving or relocating
5 feeder swine from a herd which is subject to a cleanup
6 plan is not required to be sealed as otherwise
7 provided in this subsection, if the herd is kept and
8 moved or relocated in compliance with the cleanup
9 plan.

10 Sec. 17. NEW SECTION. 166D.10B APPROVED
11 PREMISES.

12 1. A person shall not maintain swine other than
13 feeder swine or cull swine for further feeding for
14 slaughter at an approved premises.

15 a. A person shall not move or relocate swine to an
16 approved premises, unless the swine is one of the
17 following:

18 (1) A feeder pig.

19 (2) A cull swine.

20 b. A person shall not receive swine at an approved
21 premises, unless the swine is one of the following:

22 (1) A feeder pig.

23 (2) A cull swine.

24 2. If swine are moved or relocated to an approved
25 premises, the following shall apply:

26 a. A cull swine shall not be moved or relocated to
27 an approved premises, unless the cull swine reacts
28 negatively to a test and is vaccinated prior to the
29 movement or relocation, as provided in section
30 166D.10.

31 b. A noninfected feeder pig must be vaccinated
32 upon arrival at the approved premises.

33 3. Dead swine must be disposed of in accordance
34 with chapter 167. The dead swine must be held so as
35 to prevent animals, including wild animals and
36 livestock, from reaching the dead swine.

37 4. An approved premises must be located at least
38 one and one-half miles from a noninfected herd.
39 However, the approved premises must be located at
40 least three miles from a qualified negative herd or a
41 qualified differentiable negative herd.

42 5. An approved premises shall not be located in
43 any of the following:

44 a. A county in stage III of the national
45 pseudorabies eradication program, as designated by the
46 department.

47 b. A county which has a zero percent prevalence of
48 infection among all herds in the county at any time on
49 or after March 1, 2000, regardless of whether the
50 county subsequently has a greater than zero percent

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1 prevalence of infection among all herds in the county.

2 6. A feeder pig or a cull swine may be kept at the
3 approved premises only for purposes of feeding and
4 restricted movement as provided in section 166D.10A.

5 7. a. The department must certify a location as
6 an approved premises pursuant to rules adopted by the
7 department. The department may adopt rules providing
8 for the renewal, suspension, or termination of a
9 certification. The terms and conditions of the
10 certification shall be part of the cleanup plan
11 required for the herd kept at the location pursuant to
12 section 166D.8. At a minimum, a location is certified
13 as an approved premises, as long as all of the
14 following apply:

15 (1) The approved premises complies with the
16 requirements of this section and rules adopted by the
17 department.

18 (2) The owner of the approved premises or the
19 person managing the approved premises provides to the
20 department during normal business hours access to the
21 approved premises and records required by this
22 subparagraph. Records of swine transfers must be kept
23 for at least one year. Records of vaccinations
24 occurring on the approved premises must be maintained
25 by the owner for at least one year after vaccination.
26 The records shall include information about purchases
27 and sales, the names of buyers and sellers, the dates
28 of transactions, and the number of swine involved in
29 each transaction.

30 b. The department shall terminate the
31 certification of an approved premises, if the county
32 in which the approved premises is located has a zero
33 percent prevalence of infection among all herds in the
34 county, not counting a herd kept at the approved
35 premises. The department shall provide for the
36 suspension or termination of the certification for a
37 violation of a term or condition of the certification.
38 When a certification is suspended, terminated, or not
39 renewed, the location shall remain under a cleanup
40 plan until released pursuant to the provisions of
41 section 166D.8.

42 Sec. 18. Section 166D.11, Code 1999, is amended to
43 read as follows:

44 166D.11 DIFFERENTIABLE-VACCINE-REQUIRED
45 VACCINATION AND TESTING REQUIREMENTS.

46 1. Beginning-on-December-17-1989-swine Swine
47 other than unvaccinated or differentiable vaccinated
48 swine shall not be sold, marketed, or moved within
49 this state, except to slaughter or to an approved
50 premises by-certificate-of-inspection, as provided in

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1 section 166D.10B.

2 2. The secretary shall disapprove for use in this
3 state ~~on and after July 1, 1991~~; any vaccine that is
4 not a differentiable vaccine.

5 3. a. Except as provided in this section, swine
6 within a county which is designated by the department
7 as in stage II of the national pseudorabies
8 eradication program shall be vaccinated with a
9 modified-live differentiable vaccine. The swine
10 located in a stage II county shall be vaccinated as
11 follows:

12 (1) Except as provided in subparagraph (2), the
13 following applies:

14 (a) Breeding swine which shall at a minimum
15 receive quarterly vaccinations.

16 (b) Feeder swine which shall at a minimum receive
17 one vaccination. The feeder swine shall be vaccinated
18 when the feeder swine reach eight to twelve weeks of
19 age or one hundred pounds, whichever occurs earlier.

20 (2) If swine are required to be vaccinated prior
21 to or after movement, as provided in section 166D.10,
22 to a stage II county, the swine shall be vaccinated
23 with a modified-live differentiable vaccine as
24 otherwise required in that section.

25 b. The department may adopt rules or issue an
26 order that exempts swine from being vaccinated with a
27 modified-live vaccine, as provided in this subsection,
28 based on any of the following:

29 (1) The swine is part of a qualified negative herd
30 or a qualified differentiable negative herd.

31 (2) The swine belong to a herd located within a
32 county, if all of the following applies:

33 (a) The county has a history of zero percent
34 prevalence of infection among all herds in the county,
35 regardless of whether the county currently has a
36 higher than zero percent prevalence of infection among
37 all herds in the county.

38 (b) All contiguous counties have a zero percent
39 prevalence of infection among herds in that county, as
40 designated by the department.

41 4. a. The person who owns the swine when the
42 swine is required to be vaccinated under this chapter,
43 shall be solely liable for providing the vaccine and
44 administering the vaccination. A noninfected feeder
45 pig required to be vaccinated upon arrival at an
46 approved premises as provided in section 166D.10B
47 shall be vaccinated at the expenses of the owner who
48 moves the feeder pig. If the swine is moved into this
49 state, the owner shall be deemed to be the person who
50 owns the swine immediately prior to movement.

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1 b. This subsection does not prohibit the owner of
2 swine from contracting with a person, including a
3 person receiving ownership of swine moved into this
4 state, to provide the vaccination, if the person
5 receives fair compensation for providing the
6 vaccination and the sale price for the swine is not
7 increased because the owner must comply with this
8 subsection.

9 5. The cost, or any segment of the cost, of
10 purchasing a laboratory product used for testing and
11 vaccination provided in this chapter may be paid for
12 by federal or state funds or a combination of both.
13 Federal or state funds shall not be paid to the owner
14 of a vaccinated herd other than the owner of a herd
15 vaccinated with a modified-live differentiable
16 vaccine.

17 Sec. 19. Section 166D.12, Code 1999, is amended by
18 striking the section and inserting in lieu thereof the
19 following:

20 166D.12 CONCENTRATION POINTS.

21 A person shall not move through a concentration
22 point, except as provided in this section.

23 1. If the swine is from a noninfected herd, the
24 swine may be moved through any concentration point.
25 All of the following shall apply:

26 a. Breeding swine must be kept separate and apart
27 from feeder pigs.

28 b. Breeding swine must be sold first.

29 2. If the swine is from a herd of unknown origin,
30 the swine may be moved only through a buying station,
31 as required by the department.

32 3. If the swine is from an infected herd or is
33 exposed swine, the swine shall not be moved through a
34 concentration point.

35 Sec. 20. Section 166D.16, unnumbered paragraph 1,
36 Code 1999, is amended to read as follows:

37 1. The provisions of this chapter including
38 departmental rules adopted pursuant to this chapter
39 shall be administered and enforced by the department.

40 2. A Except as provided in this subsection, a
41 person violating a provision of this chapter or any
42 rule adopted pursuant to this chapter shall be subject
43 to a civil penalty of at least one hundred dollars but
44 not more than one thousand dollars.

45 a. However, -a A person who falsifies a certificate
46 of inspection issued pursuant to this chapter shall be
47 subject to a civil penalty of not more than five
48 thousand dollars for each swine falsified on the
49 certificate. A person shall not be subject to a civil
50 penalty totaling more than twenty-five thousand

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1 dollars for falsifying a certificate, regardless of
2 the number of swine falsified on the certificate.

3 b. The person who owns swine when the swine is
4 required to be vaccinated under this chapter shall be
5 subject to a civil penalty of two dollars for each
6 swine which is not vaccinated as required.

7 Sec. 21. Sections 166D.4 and 166D.5, Code 1999,
8 are repealed.

9 Sec. 22. RULEMAKING. The department of
10 agriculture and land stewardship shall adopt rules
11 necessary to implement this Act. Such rules shall be
12 effective immediately upon adoption and filing in the
13 governor's office after publication under notice and
14 after the administrative rules review committee has
15 had an opportunity to review the noticed rules, as
16 provided in chapter 17A.

17 Sec. 23. IMPLEMENTATION. The department shall
18 provide for the implementation of this Act based on a
19 schedule adopted by departmental rules. However, the
20 department shall implement all provisions of this Act
21 by August 1, 2000.

22 Sec. 24. EFFECTIVE DATE. This Act, being deemed
23 of immediate importance, takes effect upon enactment."

24 2. Title page, by striking line 2, and inserting
25 the following: "applicable, for implementation, and
26 providing an effective date."

By GREINER of Washington
KLEMME of Plymouth
DREES of Carroll

H-8638 FILED MARCH 28, 2000

HOUSE FILE 2490

H-8767

1 Amend House File 2490 as follows:

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

4 "Section 1. Section 166D.2, Code 1999, is amended
5 by adding the following new subsections:

6 NEW SUBSECTION. 7A. "Cleanup plan" means a herd
7 cleanup plan or feeder pig cooperators herd cleanup
8 plan as provided in section 166D.8.

9 NEW SUBSECTION. 8A. "Cull swine" means mature
10 swine fed for purposes of direct slaughter. However,
11 "cull swine" does not include swine kept for purposes
12 of breeding or reproduction.

13 NEW SUBSECTION. 19A. "Fixed concentration point"
14 means a concentration point which is a permanent
15 location where swine are assembled for purposes of
16 sale and movement to a slaughtering establishment as
17 provided in section 166D.12.

18 NEW SUBSECTION. 26A. "Isowean feeder pig" means a
19 feeder pig that weighs twenty pounds or less.

20 NEW SUBSECTION. 44A. "Stage II county" means a
21 county designated by the department as in stage II of
22 the national pseudorabies eradication program.

23 Sec. 2. Section 166D.2, subsections 2, 11, 17, 19,
24 38, and 42, Code 1999, are amended to read as follows:

25 2. "Approved premises" means a dry lot facility
26 located in an area with confirmed cases of
27 pseudorabies infection, which is authorized certified
28 by the department to receive, hold, or and feed and
29 move or relocate infected swine, exposed animals, or
30 swine of unknown status as provided in section

31 166D.10B. The premises and all swine on the premises
32 shall be considered under quarantine. However, swine
33 may be moved to slaughter under a transportation
34 certificate or may be moved to another pseudorabies
35 approved premises under a certificate of inspection.

36 11. "Differentiable vaccine" means a vaccine which
37 has a licensed companion differentiable test, and
38 includes a modified-live differentiable vaccine.

39 17. "Feeder pig" means an immature swine fed for
40 purposes of direct slaughter which is weighs one
41 hundred pounds or less than slaughter weight.

42 19. "Feeder swine" means a porcine animal swine
43 fed for purposes of direct slaughter, including feeder
44 pigs, and cull sows, and boars swine. However,
45 "feeder swine" does not include animals swine kept for
46 purposes of breeding or reproduction.

47 38. "Quarantined herd" means a herd in which
48 pseudorabies infected or exposed swine are bred,
49 reared, or fed under the supervision and control of
50 the department, as provided in section 166D.9. Swine

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~~1 in-a-quarantined-herd-may-be-moved-only-to-an-approved
2 premises-for-feeding-or-to-a-recognized-slaughtering
3 establishment-for-slaughter.--Either-movement-may-be
4 completed-through-a-concentration-point-in-compliance
5 with-section-166D.12-~~

6 42. "Restricted movement" means swine which are
7 ~~quarantined-until-directly-moved-to-slaughter~~ moved or
8 relocated as provided in section 166D.10A.

9 Sec. 3. Section 166D.2, subsections 4, 5, and 34,
10 Code 1999, are amended by striking the subsections.

11 Sec. 4. Section 166D.2, subsection 32, paragraph
12 c, Code 1999, is amended by striking the paragraph.

13 Sec. 5. Section 166D.3, unnumbered paragraph 1,
14 Code 1999, is amended to read as follows:

15 A state pseudorabies advisory committee is
16 established. The committee shall consist of not more
17 than seven members who shall be appointed by the Iowa
18 pork producers association. At least four members of
19 the committee must be actively engaged in swine
20 production. The members shall serve staggered terms
21 of two years, except that the initial board members
22 shall serve unequal terms. A person appointed to fill
23 a vacancy for a member shall serve only for the
24 unexpired portion of the term. A member is eligible
25 for reappointment for three successive terms. A
26 majority of the board constitutes a quorum and an
27 affirmative vote of the majority of members is
28 necessary for substantive action taken by the board.
29 The majority shall not include any member who has a
30 conflict of interest and a statement by a member of a
31 conflict of interest shall be conclusive for this
32 purpose. A vacancy in the membership does not impair
33 the right of a quorum to exercise all rights and
34 perform all duties of the board. The advisory
35 committee shall:

36 Sec. 6. Section 166D.3, subsection 1, Code 1999,
37 is amended by striking the subsection.

38 Sec. 7. Section 166D.7, subsection 1, paragraph a,
39 Code 1999, is amended to read as follows:

40 a. The herd shall be certified when all breeding
41 swine have reacted negatively to a test. The herd
42 must have been free from infection for thirty days
43 prior to testing. At least ninety percent of swine in
44 the herd must have been on the premises as a part of
45 the herd for at least sixty days prior to testing, or
46 swine in the herd must have been moved or relocated
47 directly from another qualified negative herd. To
48 remain certified, the herd must be retested and
49 recertified as provided by the department. The herd
50 shall be recertified when each month the greater of

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1 five head of swine or at least ten percent of the
2 herd's breeding swine react negatively to a test.

3 Sec. 8. Section 166D.7, subsection 2, Code 1999,
4 is amended by striking the subsection.

5 Sec. 9. Section 166D.7, subsection 3, paragraphs a
6 and b, Code 1999, are amended to read as follows:

7 a. The herd shall be certified when a statistical
8 sampling of the herd is determined to be noninfected.

9 b. ~~To~~ In order to remain certified the herd must
10 be retested and recertified as provided by the
11 department. The herd must be recertified annually.
12 The herd shall be recertified when a statistical
13 sampling of the herd is determined to be noninfected
14 within twelve months from initial certification or the
15 most recent recertification.

16 A herd shall not be certified or recertified, if
17 the herd is located within a county which is
18 designated by the department as in stage II of the
19 national pseudorabies eradication program, unless the
20 herd is vaccinated with a modified-live differentiable
21 vaccine pursuant to section 166D.11 and as required by
22 the department.

23 Sec. 10. Section 166D.7, subsection 4, paragraph
24 a, Code 1999, is amended to read as follows:

25 a. The herd shall be certified when one hundred
26 percent of breeding swine have reacted negatively to a
27 test. The herd must have been free from infection for
28 thirty days prior to testing. At least ninety percent
29 of swine in the herd must have been on the premises as
30 a part of the herd for at least sixty days prior to
31 testing, or swine in the herd must have been directly
32 moved directly or relocated from a qualified negative
33 herd or qualified differentiable negative herd. A
34 differentiable vaccine must be administered at
35 intervals in accordance with the package insert for
36 that vaccine. To remain certified, the herd must be
37 retested and recertified as provided by the
38 department. The herd shall be recertified when **either**
39 ~~of the following occurs:~~

40 ~~{1}--Each-eighty-to-one-hundred-five~~ each thirty
41 days at least twenty-five percent of the herd's
42 breeding swine react negatively to a test.

43 ~~{2}--Each-month-at-least-ten-percent-of-the-herd's~~
44 ~~breeding-swine-react-negatively-to-a-test.~~

45 Sec. 11. Section 166D.8, Code 1999, is amended to
46 read as follows:

47 166D.8 INFECTED HERDS.

48 An infected herd ~~in-a-program-area~~ which is not
49 quarantined under section 166D.9, shall either adopt a
50 herd cleanup plan, or a feeder pig cooperator herd

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1 ~~cleanup plan, or shall be quarantined.~~

2 1. a. ~~A herd cleanup plan may include any or a~~
3 ~~combination of the following:~~

4 ~~(1) The segregation of progeny with restricted~~
5 ~~movement. The herd cleanup plan must include the~~
6 ~~location of the premises that will receive the~~
7 ~~progeny. The receiving premises shall be quarantined.~~

8 ~~(2) The test shall apply to a herd, if feeder pigs~~
9 ~~are not moved from the herd. The plan shall provide~~
10 ~~for one of the following:~~

11 ~~(1) The testing of all swine capable of being~~
12 ~~accurately diagnosed with pseudorabies and the removal~~
13 ~~of infected swine from the herd.~~

14 ~~(3) (2) Depopulation.~~

15 b. ~~Notwithstanding paragraph "a", breeding swine~~
16 ~~in an infected herd shall be tested and the infected~~
17 ~~breeding swine shall be removed from the infected herd~~
18 ~~in accordance with procedures and by dates established~~
19 ~~by rules adopted by the department. A herd cleanup~~
20 ~~plan must be implemented as follows:~~

21 ~~(1) If the plan provides for the testing and~~
22 ~~removal of swine, all breeding swine must be tested~~
23 ~~with a differentiable test and react negatively to the~~
24 ~~test within fifteen days after the herd is classified~~
25 ~~by the department as infected. All breeding swine~~
26 ~~reacting positively to the test must be removed as~~
27 ~~provided in this section. At least thirty days after~~
28 ~~removal of the breeding swine reacting positively, all~~
29 ~~remaining breeding swine must be tested and react~~
30 ~~negatively to the test. Subsequent testing and~~
31 ~~removal must be conducted as provided in this~~
32 ~~subparagraph until all breeding swine react~~
33 ~~negatively. When all breeding swine are tested and~~
34 ~~react negatively to the test, the department shall~~
35 ~~classify the herd as a noninfected herd.~~

36 ~~(2) The herd cleanup plan may provide for the~~
37 ~~relocation of feeder pigs or cull swine. If the plan~~
38 ~~provides for the relocation of feeder pigs, the plan~~
39 ~~must provide for the segregation of feeder pigs and~~
40 ~~identify in writing the approved premises where feeder~~
41 ~~pigs or cull swine may be relocated upon approval by~~
42 ~~the department.~~

43 2. a. ~~A feeder pig cooperator herd cleanup plan~~
44 ~~may be adopted if shall apply to a herd, if feeder~~
45 ~~pigs are moved from the herd. The plan shall include~~
46 ~~all the requirements for a herd cleanup plan. In~~
47 ~~order to be subject to a feeder pig cooperator herd~~
48 ~~cleanup plan all of the following conditions are must~~
49 ~~be satisfied:~~

50 a. (1) There must have been no clinical signs of

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1 pseudorabies during the past thirty days.

2 b. (2) The production operation must be capable of
3 segregating offspring at weaning into facilities
4 separate and apart from the remainder of the herd.

5 c. ~~b. An-approved-feeder-pig-cooperator-herd-plan
6 must-be-implemented. The feeder pig cooperator herd
7 cleanup plan must-include-the-location-of~~ may provide
8 for the movement or relocation of feeder pigs or cull
9 swine. If the feeder pig cooperator herd cleanup plan
10 provides for the movement or relocation of feeder pigs
11 or cull swine, the plan must identify in writing the
12 approved premises that-will-receive-the-progeny where
13 the feeder pigs or cull swine may be moved or
14 relocated as provided in section 166D.10B. The
15 receiving-premises-shall-be-quarantined.

16 ~~3.---Infected-herds-in-a-program-area-which-have-not
17 adopted-an-official-herd-cleanup-plan-or-feeder-pig
18 cooperator-herd-plan-shall-be-quarantined.~~

19 4. 3. Costs of program testing and vaccination
20 shall may be paid as provided in section ~~166D-5~~
21 166D.11.

22 4. ~~An-infected-herd-outside-a-program-area-shall
23 either-adopt-a-herd-cleanup-plan-or-a-feeder-pig
24 cooperator-herd-plan-with-restricted-movement. An
25 infected herd not subject to such a cleanup plan shall
26 be quarantined within thirty fifteen days of becoming
27 a known infected herd shall-be-quarantined. An
28 infected herd which is not subject to a herd cleanup
29 plan-or-a-feeder-pig-cooperator-herd plan is a
30 quarantined herd.~~

31 5. Swine which is part of a herd subject to a
32 cleanup plan shall only be moved or relocated as
33 required pursuant to section 166D.10. If the location
34 where the herd is kept is an approved premises as
35 provided in section 166D.10B, the cleanup plan shall
36 include terms and conditions for being certified as an
37 approved premises.

38 Sec. 12. Section 166D.9, subsections 1 and 2, Code
39 1999, are amended by striking the subsections and
40 inserting in lieu thereof the following:

41 1. Swine which is part of a quarantined herd shall
42 only be moved by restricted movement in accordance
43 with section 166D.10A.

44 Sec. 13. Section 166D.9, subsection 4, paragraphs
45 c and d, Code 1999, are amended to read as follows:

46 c. The epidemiologist must either conduct two
47 successive statistical samplings at least ninety days
48 apart, or conduct statistical samplings according to
49 rules adopted by the department which are consistent
50 with the national pseudorabies eradication program,

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1 which reveal no infection within the new breeding
2 swine.

3 d. The epidemiologist must either conduct two
4 successive statistical samplings ninety days apart of,
5 or conduct statistical samplings according to rules
6 adopted by the department which are consistent with
7 the national pseudorabies eradication program, which
8 reveal no infection in the herd's progeny at least
9 four months of age which-reveal-no-infection.

10 Sec. 14. Section 166D.9, subsection 5, Code 1999,
11 is amended by striking the subsection.

12 Sec. 15. Section 166D.10, subsection 1, paragraph
13 b, Code 1999, is amended by adding the following new
14 subparagraph:

15 NEW SUBPARAGRAPH. (4) The swine have a current
16 negative pseudorabies status.

17 Sec. 16. Section 166D.10, subsections 3 through 6,
18 Code 1999, are amended by striking the subsections and
19 inserting in lieu thereof the following:

20 3. Swine from a herd located within this state
21 must be moved or relocated in compliance with this
22 section. If the swine is moved or relocated from a
23 herd located within a county which is designated by
24 the department as in stage II of the national
25 pseudorabies eradication program, the swine shall not
26 be moved or relocated unless in compliance with
27 section 166D.11. Regardless of whether the swine is
28 from a herd located in a stage II county, the
29 following shall govern the movement or relocation of
30 swine within this state:

31 a. For swine from a noninfected herd, a person
32 shall not move swine for breeding purposes, unless one
33 of the following applies:

34 (1) The swine is moved from a qualified negative
35 herd or qualified differentiable negative herd.

36 (2) The swine reacts negatively to a
37 differentiable test, within thirty days prior to
38 moving the swine.

39 b. For swine which is exposed or swine from a herd
40 of unknown status, a person shall not move or relocate
41 the swine, unless one of the following applies:

42 (1) The swine reacts negatively to a
43 differentiable test within thirty days prior to moving
44 or relocating the swine.

45 (2) The swine moves by restricted movement to
46 either a fixed concentration point or slaughtering
47 establishment.

48 c. For swine which is from an infected herd, a
49 person shall not move or relocate the swine, unless
50 one of the following applies:

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1 (1) If the swine is part of a cleanup plan, the
2 following shall apply:

3 (a) For swine, other than feeder pigs or cull
4 swine, which is part of a herd subject to a cleanup
5 plan, a person shall only move swine by restricted
6 movement to either a fixed concentration point or
7 slaughtering establishment. A person shall not
8 relocate the swine.

9 (b) For a feeder pig or cull swine which is part
10 of a herd subject to a herd cleanup plan, a person
11 shall only move the feeder pig or cull swine by
12 restricted movement to either a fixed concentration
13 point or slaughtering establishment or relocate the
14 feeder pig or cull swine by restricted movement to an
15 approved premises. For a feeder pig or cull swine
16 which is part of a feeder pig cooperator herd cleanup
17 plan, a person shall only move the feeder pig or cull
18 swine by restricted movement to either a fixed
19 concentration point or slaughtering establishment or
20 move or relocate the feeder pig or cull swine by
21 restricted movement to an approved premises. However,
22 a person shall not move or relocate a feeder pig or
23 cull swine to an approved premises, unless the
24 approved premises is identified in a cleanup plan as
25 provided in section 166D.8, or the department approves
26 the move or relocation to another approved premises.
27 A person shall not move or relocate a cull swine to an
28 approved premises, unless the cull swine reacts
29 negatively to a test and is vaccinated with a
30 differentiable vaccine. The test and vaccine must be
31 administered within thirty days prior to the movement
32 or relocation to the approved premises. A noninfected
33 feeder pig is not required to be tested or vaccinated
34 prior to movement or relocation to an approved
35 premises, if the feeder pig is vaccinated upon arrival
36 at the approved premises.

37 (c) For swine from a herd kept on an approved
38 premises, a person shall only move or relocate the
39 swine by restricted movement as provided in the
40 cleanup plan governing the herd and terms and
41 conditions of the certification required for the
42 approved premises as provided in section 166D.10B.

43 (2) If the swine is not part of a herd that is
44 subject to a cleanup plan, because the herd is
45 quarantined, a person shall only move the swine by
46 restricted movement to either a fixed concentration
47 point or slaughtering establishment.

48 4. Swine from a herd located outside this state
49 must be moved into and maintained in this state in
50 compliance with this section. A person shall not move

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1 swine into this state, except as follows:

2 a. For swine from a herd, other than a noninfected
3 herd, the swine must be moved either to a fixed
4 concentration point or slaughtering establishment.

5 b. For swine from a noninfected herd, the swine
6 may be moved to a concentration point or slaughtering
7 establishment. If the swine is not moved to a
8 concentration point or slaughtering establishment, the
9 following shall apply:

10 (1) Unless the person moves the swine into a
11 county designated by the department as in stage II of
12 the national pseudorabies eradication program, the
13 following shall apply:

14 (a) A person shall not move swine into this state
15 for breeding purposes, unless one of the following
16 applies:

17 (i) The swine is moved from a qualified negative
18 herd or qualified differentiable negative herd.

19 (ii) The swine reacts negatively to a
20 differentiable test, within thirty days prior to
21 moving the swine.

22 (b) A person shall not move feeder swine which is
23 moved into this state, unless the feeder swine reacts
24 negatively to a differentiable test within thirty days
25 prior to movement from a herd in this state.

26 (2) If a person moves the swine into a county
27 which is designated by the department as in stage II
28 of the national pseudorabies eradication program, the
29 following shall apply:

30 (a) Except as provided in this subparagraph, the
31 owner of swine shall vaccinate the swine with a
32 modified-live differentiable vaccine, prior to moving
33 swine into the stage II county. A statistical
34 sampling of the swine moved into a herd as provided in
35 this subparagraph shall be tested using a
36 differentiable test within thirty days after the swine
37 is moved to a herd in this state. If a swine reacts
38 positively to the test, the herd is an infected herd.
39 A person is not required to vaccinate swine prior to
40 moving swine into the stage II county or test the
41 swine after the swine has been moved to a herd in the
42 stage II county, if one of the following applies:

43 (i) The swine is part of a herd that cannot be
44 vaccinated under the law of the state or country in
45 which the herd is kept immediately prior to being
46 moved into the stage II county.

47 (ii) The swine is an isowean feeder pig.

48 (iii) The swine is moved either to a fixed
49 concentration point or slaughtering establishment.

50 (b) For swine, which is not vaccinated before

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1 being moved into a stage II county as provided in this
2 paragraph, the following shall apply:

3 (i) For swine other than swine moved into a herd
4 within a stage II county as an isowean feeder pig, a
5 statistical sampling of the swine moved into the herd
6 shall be tested using a differentiable test within
7 forty-eight hours after the swine moves to a herd in
8 this state. If a swine reacts positively to the test,
9 the herd is an infected herd. If, according to the
10 statistical sampling, the swine moved into the herd
11 reacts negatively to the test, all moved swine must be
12 immediately vaccinated with a differentiable vaccine,
13 as provided in section 166D.11. The swine shall be
14 considered as part of a herd of unknown status, until
15 tested negative and vaccinated.

16 (ii) For swine moved into a herd within a stage II
17 county as an isowean feeder pig, a statistical
18 sampling of the swine moved into the herd shall be
19 tested using a differentiable test when a majority of
20 swine moved together into the herd as isowean feeder
21 pigs reach a weight of more than twenty pounds. If a
22 swine reacts positively to the test, the herd is an
23 infected herd. If, according to the statistical
24 sampling, the swine moved into the herd reacts
25 negatively to the test, all swine moved into the herd
26 must be immediately vaccinated with a differentiable
27 vaccine, as provided in section 166D.11. The
28 department may require that the swine be revaccinated
29 with a differentiable vaccine at a later date. The
30 swine shall be considered as part of a herd of unknown
31 status, until tested negative and vaccinated.

32 5. A person shall not move swine within this
33 state, other than to a fixed concentration point or
34 slaughtering establishment, if the swine is vaccinated
35 with a vaccine other than a differentiable vaccine
36 approved by the department pursuant to section
37 166D.14.

38 6. Known infected swine moved through a fixed
39 concentration point, other than a buying station of a
40 slaughtering establishment, shall only be moved by
41 restricted movement to a slaughtering establishment.

42 7. Swine moved under this section to a
43 slaughtering establishment shall be for the exclusive
44 purpose of slaughtering the swine. Swine moved under
45 this section to a fixed concentration point shall be
46 for the exclusive purpose of immediately moving the
47 swine to a slaughtering establishment. Swine moved or
48 relocated under this section to an approved premises
49 shall be for the exclusive purpose of feeding the
50 swine prior to movement or relocation to another

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1 approved premises, or movement to either a fixed
2 concentration point or a slaughtering establishment.

3 Sec. 17. NEW SECTION. 166D.10A RESTRICTED

4 MOVEMENT -- REQUIREMENTS.

5 1. If swine must be moved or relocated by
6 restricted movement as provided in section 166D.10,
7 the swine shall only be transported by direct
8 movement.

9 2. a. If a person moves or relocates swine
10 subject to restricted movement, the person shall only
11 move the swine to either a fixed concentration point
12 or slaughtering establishment or move or relocate the
13 swine to an approved premises.

14 b. If a person receives swine subject to
15 restricted movement, the person shall only receive the
16 swine at either a fixed concentration point or
17 slaughtering establishment or an approved premises.

18 3. Swine required to be moved or relocated by
19 restricted movement must be accompanied by a
20 restricted movement permit, as provided by rules which
21 must be adopted by the department. The department
22 shall issue a restricted movement permit to the person
23 moving or relocating the swine. The permit shall
24 include information required by the department, which
25 shall at least include a description of the swine, the
26 name and address of the owner, the name and address of
27 the person receiving the swine, the date of movement
28 or relocation, and the seal number as prescribed by
29 the department, if a seal is required. The moved or
30 relocated swine must also be accompanied by a
31 transportation certificate and certificate of
32 inspection, if required in section 166D.10.

33 4. a. Except as provided in this section, a
34 vehicle moving swine under restricted movement shall
35 contain a cargo area for the swine which shall be
36 sealed to prevent access. The seal shall conform with
37 requirements adopted by the department. Each seal
38 shall be identified by number as required by the
39 department. The vehicle shall be sealed by an
40 accredited veterinarian at the premises where the
41 swine are kept. The seal shall only be removed by a
42 departmental official, an accredited veterinarian, an
43 official of the United States department of
44 agriculture, or the person authorized by the
45 department to receive the swine upon arrival at the
46 fixed concentration point, slaughtering establishment,
47 or approved premises.

48 b. The department may adopt rules or issue an
49 order to provide that a vehicle moving or relocating
50 feeder swine from a herd which is subject to a cleanup

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1 plan is not required to be sealed as otherwise
2 provided in this subsection, if the herd is kept and
3 moved or relocated in compliance with the cleanup
4 plan.

5 Sec. 18. NEW SECTION. 166D.10B APPROVED
6 PREMISES.

7 1. A person shall not maintain swine other than
8 feeder swine or cull swine at an approved premises.

9 a. A person shall not move or relocate swine to an
10 approved premises, unless all of the following apply:

11 (1) The swine is a feeder pig or cull swine.

12 (2) The swine is not exposed or from a herd of
13 unknown status.

14 b. A person shall not receive swine at an approved
15 premises, unless the swine is one of the following:

16 (1) The swine is a feeder pig or cull swine.

17 (2) The swine is not exposed or from a herd of
18 unknown status.

19 2. If swine is moved or relocated to an approved
20 premises, the following shall apply:

21 a. A cull swine shall not be moved or relocated to
22 an approved premises, unless the cull swine reacts
23 negatively to a test and is vaccinated prior to the
24 movement or relocation, as provided in section
25 166D.10.

26 b. A noninfected feeder pig must be vaccinated
27 upon arrival at the approved premises.

28 3. Dead swine must be disposed of in accordance
29 with chapter 167. The dead swine must be held so as
30 to prevent animals, including wild animals and
31 livestock, from reaching the dead swine.

32 4. The following shall apply to the location of an
33 approved premises:

34 a. An approved premises shall not be located
35 within one and one-half miles from a noninfected herd,
36 other than a qualified negative herd or qualified
37 differentiable negative herd.

38 b. An approved premises shall not be located
39 within three miles from a qualified negative herd or a
40 qualified differentiable negative herd.

41 c. An approved premises shall not be located in
42 any of the following:

43 (1) A county in stage III of the national
44 pseudorabies eradication program, as designated by the
45 department.

46 (2) A county which has a zero percent prevalence
47 of infection among all herds in the county at any time
48 on or after March 1, 2000, regardless of whether the
49 county subsequently has a greater than zero percent
50 prevalence of infection among all herds in the county.

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1 5. A feeder pig or a cull swine may be kept at the
2 approved premises only for purposes of feeding and
3 restricted movement as provided in section 166D.10.

4 6. a. The department must certify a location as
5 an approved premises pursuant to rules adopted by the
6 department. The department may adopt rules providing
7 for the renewal, suspension, or termination of a
8 certification. The terms and conditions of the
9 certification shall be part of the cleanup plan
10 required for the herd kept at the location pursuant to
11 section 166D.8. Except as provided in this

12 subsection, a location is certified as an approved
13 premises, as long as all of the following apply:

14 (1) The approved premises complies with the
15 requirements of this section and rules adopted by the
16 department.

17 (2) The owner of the approved premises or the
18 person managing the approved premises provides to the
19 department during normal business hours access to the
20 approved premises and records required by this
21 subparagraph. Records of swine transfers must be kept
22 for at least one year. Records of vaccinations
23 occurring on the approved premises must be maintained
24 by the owner for at least one year after vaccination.
25 The records shall include information about purchases
26 and sales, the names of buyers and sellers, the dates
27 of transactions, and the number of swine involved in
28 each transaction.

29 b. The department shall terminate the
30 certification of an approved premises, if the county
31 in which the approved premises is located has a zero
32 percent prevalence of infection among all herds in the
33 county, not counting a herd kept at the approved
34 premises. The department shall provide for the
35 suspension or termination of the certification for a
36 violation of a term or condition of the certification.
37 When a certification is suspended, terminated, or not
38 renewed, the location shall remain under a cleanup
39 plan until released pursuant to the provisions of
40 section 166D.8.

41 Sec. 19. Section 166D.11, Code 1999, is amended to
42 read as follows:

43 166D.11 DIFFERENTIABLE-VACCINE-REQUIRED
44 VACCINATION AND TESTING REQUIREMENTS.

45 ~~Beginning on December 17, 1989, swine other than~~
46 ~~unvaccinated or differentiable vaccinated swine shall~~
47 ~~not be sold, marketed, or moved within this state,~~
48 ~~except to slaughter or to an approved premises by~~
49 ~~certificate of inspection.~~

50 1. The secretary shall disapprove for A person

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1 ~~shall not use in this state on-and-after-July-17-1991,~~
2 any vaccine that is not a differentiable vaccine.

3 2. a. Except as provided in this section, swine
4 within a county which is designated by the department
5 as in stage II of the national pseudorabies
6 eradication program shall be vaccinated with a
7 modified-live differentiable vaccine. The swine
8 located in a stage II county shall be vaccinated as
9 follows:

10 (1) Except as provided in subparagraph (2), the
11 following applies:

12 (a) Breeding swine shall at a minimum receive
13 quarterly vaccinations.

14 (b) Feeder swine shall at a minimum receive one
15 vaccination. The feeder swine shall be vaccinated
16 when the feeder swine reach eight to twelve weeks of
17 age or one hundred pounds, whichever occurs earlier.

18 (2) If swine are required to be vaccinated prior
19 to or after movement, as provided in section 166D.10,
20 to a stage II county, the swine shall be vaccinated
21 with a modified-live differentiable vaccine as
22 otherwise required in that section.

23 b. The department shall adopt rules or issue an
24 order that exempts swine from being vaccinated with a
25 modified-live vaccine, as provided in this subsection,
26 based on any of the following:

27 (1) The swine is part of a qualified negative herd
28 or a qualified differentiable negative herd.

29 (2) The swine belong to a herd located within a
30 county, if all of the following applies:

31 (a) The county has a history of zero percent
32 prevalence of infection among all herds in the county,
33 regardless of whether the county currently has a
34 higher than zero percent prevalence of infection among
35 all herds in the county.

36 (b) All contiguous counties have a zero percent
37 prevalence of infection among herds in that county, as
38 designated by the department.

39 3. a. The person who owns the swine when the
40 swine is required to be vaccinated under this chapter,
41 shall be solely liable for providing the vaccine and
42 administering the vaccination. A noninfected feeder
43 pig required to be vaccinated upon arrival at an
44 approved premises as provided in section 166D.10B
45 shall be vaccinated at the expense of the owner who
46 moves the feeder pig. If the swine is transported
47 into this state, the owner shall be deemed to be the
48 person who owns the swine immediately prior to
49 transportation.

50 b. This subsection does not prohibit the owner of

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1 swine from contracting with a person, including a
2 person receiving ownership of swine moved into this
3 state, to provide the vaccination, if the person
4 receives fair compensation for providing the
5 vaccination and the sale price for the swine is not
6 increased because the owner must comply with this
7 subsection.

8 4. The cost, or any segment of the cost, of
9 purchasing a laboratory product used for testing and
10 vaccination provided in this chapter may be paid for
11 by federal or state funds or a combination of both.
12 Federal or state funds shall not be paid to the owner
13 of a vaccinated herd other than the owner of a herd
14 vaccinated with a modified-live differentiable
15 vaccine.

16 Sec. 20. Section 166D.12, Code 1999, is amended by
17 striking the section and inserting in lieu thereof the
18 following:

19 166D.12 CONCENTRATION POINTS.

20 A person shall not move swine through a
21 concentration point, except as provided in this
22 section.

23 1. For swine from a noninfected herd, the swine
24 may be moved through any concentration point. All of
25 the following shall apply:

26 a. Breeding swine must be kept separate and apart
27 from feeder pigs.

28 b. Breeding swine must be sold first.

29 2. a. For swine other than swine from a
30 noninfected herd, the swine shall not be moved through
31 a concentration point other than a fixed concentration
32 point, as required by the department. A fixed
33 concentration point shall be used exclusively for the
34 following:

35 (1) The movement of livestock other than swine.

36 (2) The immediate movement of swine to a
37 slaughtering establishment.

38 b. A fixed concentration point shall never be used
39 for the movement of swine other than to a slaughtering
40 establishment.

41 c. A person shall not move swine to or from a
42 fixed concentration point subject to restricted
43 movement or receive swine subject to restricted
44 movement at a fixed concentration point, unless the
45 swine is moved and received in compliance with section
46 166D.10A.

47 d. Livestock, other than swine, moved to the fixed
48 concentration point must be kept separate and apart.

49 e. If infected swine, exposed swine, or swine from
50 a herd of unknown status is moved through a fixed

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1 concentration point, the owner of the fixed
2 concentration point shall post and maintain a sign on
3 the premises of the fixed concentration point. The
4 sign must be posted in a conspicuous place clearly
5 visible to persons moving livestock through the fixed
6 concentration point. The notice shall appear in black
7 letters a minimum of one inch high and in the
8 following form:

9 NOTICE

10 THIS FACILITY MAY SELL SWINE WHICH
11 HAS BEEN EXPOSED TO PSEUDORABIES.
12 HOWEVER, ALL SWINE ARE MOVED
13 IMMEDIATELY TO SLAUGHTER.

14 Sec. 21. Section 166D.16, unnumbered paragraph 1,
15 Code 1999, is amended to read as follows:

16 1. The provisions of this chapter including
17 departmental rules adopted pursuant to this chapter
18 shall be administered and enforced by the department.

19 2. A Except as provided in this subsection, a
20 person violating a provision of this chapter or any
21 rule adopted pursuant to this chapter shall be subject
22 to a civil penalty of at least one hundred dollars but
23 not more than one thousand dollars.

24 a. ~~However,~~ A person who falsifies a certificate
25 of inspection issued pursuant to this chapter shall be
26 subject to a civil penalty of not more than five
27 thousand dollars for each swine falsified on the
28 certificate. A person shall not be subject to a civil
29 penalty totaling more than twenty-five thousand
30 dollars for falsifying a certificate, regardless of
31 the number of swine falsified on the certificate.

32 b. The person who owns swine when the swine is
33 required to be vaccinated under this chapter shall be
34 subject to a civil penalty of two dollars for each
35 swine which is not vaccinated as required.

36 Sec. 22. Sections 166D.4 and 166D.5, Code 1999,
37 are repealed.

38 Sec. 23. RULEMAKING. The department of
39 agriculture and land stewardship shall adopt rules
40 necessary to implement this Act. Such rules shall be
41 effective immediately upon adoption and filing in the
42 governor's office after publication under notice and
43 after the administrative rules review committee has
44 had an opportunity to review the noticed rules, as
45 provided in chapter 17A.

46 Sec. 24. IMPLEMENTATION. The department shall
47 provide for the implementation of this Act based on a
48 schedule adopted by departmental rules. However, the
49 department shall implement all provisions of this Act
50 by August 1, 2000.

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1 Sec. 25. EFFECTIVE DATE. This Act, being deemed
2 of immediate importance, takes effect upon enactment."
3 2. Title page, by striking line 2 and inserting
4 the following: "applicable, for implementation, and
5 providing an effective date."

By GREINER of Washington

H-8767 FILED APRIL 6, 2000

*Adopted
4-6-00
(P. 1327)*