

Hedge
Gaskill
Kibbie

SSB-3193
Agriculture

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON GASKILL)

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

A BILL FOR

1 An Act relating to pseudorabies control, 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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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 as
7 provided in section 166D.10B. ~~The premises and all swine on~~
8 ~~the premises shall be considered under quarantine. -- However,~~
9 ~~swine may be moved to slaughter under a transportation~~
10 ~~certificate or may be moved to another pseudorabies approved~~
11 ~~premises under a certificate of 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. A person
 33 shall not receive swine from an infected herd unless the
 34 person is a slaughtering establishment or otherwise authorized
 35 to receive swine by the department pursuant to sections

1 166D.10A and 166D.10B.

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

4 Sec. 7. Section 166D.10, subsections 4 and 5, Code 1999,
5 are amended to read as follows:

6 4. Imported feeder pigs shall originate from noninfected
7 herds.

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

10 a. Infected swine or swine that are part of an infected
11 herd.

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

14 c. An-imported Imported feeder pig-shall-be-subject-to
15 restricted-movement pigs, unless the pig pigs reacted
16 negatively to a test within the past thirty days.

17 ~~5.--A-feeder-pig-moved-intrastate-shall-be-moved-according~~
18 ~~to-the-following:~~

19 ~~a.--A-feeder-pig-in-a-noninfected-herd-shall-not-be-subject~~
20 ~~to-restricted-movement:~~

21 ~~b. d. A-feeder-pig-in Feeder pigs which are part of a herd~~
22 ~~of unknown pseudorabies status shall-be-subject-to-restricted~~
23 ~~movement.~~

24 ~~c.--A-feeder-pig-in-a-known-infected-herd-shall-be-subject~~
25 ~~to-restricted-movement-by-certificate-of-inspection-and-only~~
26 ~~to-an-approved-premises:~~

27 Sec. 8. NEW SECTION. 166D.10A RESTRICTED MOVEMENT --
28 REQUIREMENTS.

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

1 2. The department must issue a permit for restricted
 2 movement, as provided by rules which must be adopted by the
 3 department. The permit shall be issued to the person moving
 4 the swine. The permit shall include information required by
 5 the department, which shall at least include a description of
 6 the swine, the name and address of the owner, the name and
 7 address of the person receiving the swine, the date of
 8 movement, and the seal number as prescribed by the department.
 9 The moved swine must also be accompanied by a transportation
 10 certificate as required in section 166D.10.

11 3. A vehicle moving swine under restricted movement shall
 12 contain an enclosed cargo area for the swine which shall be
 13 sealed to prevent access. The seal shall be furnished by the
 14 department. Each seal shall be identified by number as
 15 required by the department. The vehicle shall be sealed by an
 16 accredited veterinarian at the premises where the swine are
 17 kept. The seal shall only be removed by a departmental
 18 official, an accredited veterinarian, an official of the
 19 United States department of agriculture, or the person
 20 authorized by the department to receive the swine upon arrival
 21 at the slaughtering establishment, concentration point, or
 22 approved premises.

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

24 A person shall not receive feeder swine transported by
 25 restricted movement as provided in section 166D.10A for the
 26 purpose of feeding, unless the swine are received and kept at
 27 an approved premises. The premises is an approved premises,
 28 if the department has issued an approved premises permit to
 29 the owner of the premises as provided by rules adopted by the
 30 department. The premises and all swine on the premises shall
 31 be under quarantine as provided in section 166D.9.

32 1. The feeder swine from an infected herd may be kept at
 33 the approved premises for purposes of feeding and restricted
 34 movement as provided in section 166D.10A.

35 a. The owner of the approved premises must provide to the

1 department during normal business hours access to the approved
2 premises and records required by this section. Records of
3 swine transfers must be kept for at least one year. The
4 records shall include information about purchases and sales,
5 the names of buyers and sellers, the dates of transactions,
6 and the number of swine involved in each transaction.

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

10 c. Noninfected feeder swine must be vaccinated for
11 pseudorabies at the owner's expense upon arrival at the
12 approved premises. Vaccination records must be maintained by
13 the owner of the approved premises for at least one year after
14 vaccination.

15 d. Dead swine must be disposed of in accordance with
16 chapter 167. The dead swine must be held so as to prevent
17 animals, including wild animals and livestock, from reaching
18 the dead swine.

19 e. An approved premises shall not be located in the
20 vicinity of a nonquarantined herd.

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

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

32 EXPLANATION

33 This bill provides for the control of pseudorabies in swine
34 under Code chapter 166D. The bill provides for the movement
35 of swine which are infected, are part of infected herds, or

1 have a risk of infection. Currently, a number of provisions
 2 in the chapter govern the movement of swine. For example,
 3 swine from a quarantined herd cannot be removed from the herd
 4 except directly to slaughter or a concentration point.
 5 However, feeder swine may be removed from a herd for further
 6 feeding to a premises approved by the department. This is
 7 referred to as "restricted movement".

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

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

29 The bill also amends Code section 166D.3 which establishes
 30 the state pseudorabies advisory committee, by providing that a
 31 majority of voting members cannot include a member who has a
 32 conflict of interest.

33 The Code chapter provides that a person violating a
 34 provision of the Code chapter or any rule adopted by the
 35 department is subject to a civil penalty of at least \$100 but

1 not more than \$1,000.

2 The bill takes effect upon enactment.

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Substitutes for HF 2490
4-6-00
(P. 1327)

3/16/00 Unfinished Business Call

FILED FEB 24 2000

SENATE FILE 2312
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3193)

Passed Senate, Date 4-5-00 Passed House, Date 4-6-00
Vote: Ayes 48 Nays 1 Vote: Ayes 97 Nays 1
Approved 4/19/00

A BILL FOR

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

SF 2312

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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 as
7 provided in section 166D.10B. ~~The premises and all swine on~~
8 ~~the premises shall be considered under quarantine. However,~~
9 ~~swine may be moved to slaughter under a transportation~~
10 ~~certificate or may be moved to another pseudorabies approved~~
11 ~~premises under a certificate of 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. A person
33 shall not receive swine from an infected herd unless the
34 person is a slaughtering establishment or otherwise authorized
35 to receive swine by the department pursuant to sections

1 166D.10A and 166D.10B.

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

4 Sec. 7. Section 166D.10, subsections 4 and 5, Code 1999,
5 are amended to read as follows:

6 4. Imported feeder pigs shall originate from noninfected
7 herds.

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

10 a. Infected swine or swine that are part of an infected
11 herd.

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

14 c. ~~An-imported Imported~~ feeder pig ~~shall-be-subject-to~~
15 ~~restricted-movement~~ pigs, unless the pig pigs reacted
16 negatively to a test within the past thirty days.

17 ~~5--A-feeder-pig-moved-intrastate-shall-be-moved-according~~
18 ~~to-the-following:~~

19 ~~a--A-feeder-pig-in-a-noninfected-herd-shall-not-be-subject~~
20 ~~to-restricted-movement:~~

21 ~~b:~~ d. A-feeder-pig-in Feeder pigs which are part of a herd
22 of unknown pseudorabies status ~~shall-be-subject-to-restricted~~
23 movement.

24 ~~c--A-feeder-pig-in-a-known-infected-herd-shall-be-subject~~
25 ~~to-restricted-movement-by-certificate-of-inspection-and-only~~
26 ~~to-an-approved-premises:~~

27 Sec. 8. NEW SECTION. 166D.10A RESTRICTED MOVEMENT --
28 REQUIREMENTS.

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

1 2. The department must issue a permit for restricted
2 movement, as provided by rules which must be adopted by the
3 department. The permit shall be issued to the person moving
4 the swine. The permit shall include information required by
5 the department, which shall at least include a description of
6 the swine, the name and address of the owner, the name and
7 address of the person receiving the swine, the date of
8 movement, and the seal number as prescribed by the department.
9 The moved swine must also be accompanied by a transportation
10 certificate as required in section 166D.10.

11 3. A vehicle moving swine under restricted movement shall
12 contain an enclosed cargo area for the swine which shall be
13 sealed to prevent access. The seal shall be furnished by the
14 department. Each seal shall be identified by number as
15 required by the department. The vehicle shall be sealed by an
16 accredited veterinarian at the premises where the swine are
17 kept. The seal shall only be removed by a departmental
18 official, an accredited veterinarian, an official of the
19 United States department of agriculture, or the person
20 authorized by the department to receive the swine upon arrival
21 at the slaughtering establishment, concentration point, or
22 approved premises.

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

24 A person shall not receive feeder swine transported by
25 restricted movement as provided in section 166D.10A for the
26 purpose of feeding, unless the swine are received and kept at
27 an approved premises. The premises is an approved premises,
28 if the department has issued an approved premises permit to
29 the owner of the premises as provided by rules adopted by the
30 department. The premises and all swine on the premises shall
31 be under quarantine as provided in section 166D.9.

32 1. The feeder swine from an infected herd may be kept at
33 the approved premises for purposes of feeding and restricted
34 movement as provided in section 166D.10A.

35 a. The owner of the approved premises must provide to the

1 department during normal business hours access to the approved
2 premises and records required by this section. Records of
3 swine transfers must be kept for at least one year. The
4 records shall include information about purchases and sales,
5 the names of buyers and sellers, the dates of transactions,
6 and the number of swine involved in each transaction.

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

10 c. Noninfected feeder swine must be vaccinated for
11 pseudorabies at the owner's expense upon arrival at the
12 approved premises. Vaccination records must be maintained by
13 the owner of the approved premises for at least one year after
14 vaccination.

15 d. Dead swine must be disposed of in accordance with
16 chapter 167. The dead swine must be held so as to prevent
17 animals, including wild animals and livestock, from reaching
18 the dead swine.

19 e. An approved premises shall not be located in the
20 vicinity of a nonquarantined herd.

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

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

32 EXPLANATION

33 This bill provides for the control of pseudorabies in swine
34 under Code chapter 166D. The bill provides for the movement
35 of swine which are infected, are part of infected herds, or

1 have a risk of infection. Currently, a number of provisions
2 in the chapter govern the movement of swine. For example,
3 swine from a quarantined herd cannot be removed from the herd
4 except directly to slaughter or a concentration point.
5 However, feeder swine may be removed from a herd for further
6 feeding to a premises approved by the department. This is
7 referred to as "restricted movement".

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

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

29 The bill also amends Code section 166D.3 which establishes
30 the state pseudorabies advisory committee, by providing that a
31 majority of voting members cannot include a member who has a
32 conflict of interest.

33 The Code chapter provides that a person violating a
34 provision of the Code chapter or any rule adopted by the
35 department is subject to a civil penalty of at least \$100 but

- 1 not more than \$1,000.
- 2 The bill takes effect upon enactment.
- 3

**SENATE FILE 2312
FISCAL NOTE**

A fiscal note for **Senate File 2312** 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

Senate File 2312 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

Senate File 2312 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 6803SV, SKW)

FILED MARCH 2, 2000 _____ BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2312

S-5299

1 Amend Senate File 2312 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 cooperater 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

S-5299

S-5299

Page 2

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. -- To~~ 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 heard 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 heard is vaccinated with a modified-live
25 differentiable vaccine pursuant to section 166D.11 and
26 as required by 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 166D-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.10.

2 2. The secretary shall disapprove for use in this
3 state on-and-after-July-17-1991, 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 expense 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 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 H. KAY HEDGE
E. THURMAN GASKILL
MERLIN E. BARTZ

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EUGENE S. FRAISE
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SENATE FILE 2312

S-5302

1 Amend the amendment, S-5229, to Senate File 2312 as
2 follows:

3 1. Page 3, line 21, by striking the word "heard"
4 and inserting the following: "herd".

5 2. Page 3, line 24, by striking the word "heard"
6 and inserting the following: "herd".

7 3. By striking page 11, line 49, through page 12,
8 line 1, and inserting the following: "this state,
9 except to a slaughtering establishment for slaughter
10 or-to-an-approved-premises-by-certificate-of
11 inspection.

o/o 4/5/00 (p. 1030)

By H. KAY HEDGE

S-5302 FILED MARCH 29, 2000

SENATE FILE 2312

S-5346

1 Amend Senate File 2312 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 cooperater 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 5, Code 1999,
45 is amended by striking the subsection.

46 Sec. 14. Section 166D.10, subsection 1, paragraph
47 b, Code 1999, is amended by adding the following new
48 subparagraph:

49 NEW SUBPARAGRAPH. (4) The swine have a current
50 negative pseudorabies status.

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

4 3. Swine from a herd located within this state
5 must be moved or relocated in compliance with this
6 section. If the swine is moved or relocated from a
7 herd located within a county which is designated by
8 the department as in stage II of the national
9 pseudorabies eradication program, the swine shall not
10 be moved or relocated unless in compliance with
11 section 166D.11. Regardless of whether the swine is
12 from a herd located in a stage II county, the
13 following shall govern the movement or relocation of
14 swine within this state:

15 a. For swine from a noninfected herd, a person
16 shall not move swine for breeding purposes, unless one
17 of the following applies:

18 (1) The swine is moved from a qualified negative
19 herd or qualified differentiable negative herd.

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

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

26 (1) The swine reacts negatively to a
27 differentiable test within thirty days prior to moving
28 or relocating the swine.

29 (2) The swine moves by restricted movement to
30 either a fixed concentration point or slaughtering
31 establishment.

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

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

37 (a) For swine, other than feeder pigs or cull
38 swine, which is part of a herd subject to a cleanup
39 plan, a person shall only move swine by restricted
40 movement to either a fixed concentration point or
41 slaughtering establishment. A person shall not
42 relocate the swine.

43 (b) For a feeder pig or cull swine which is part
44 of a herd subject to a herd cleanup plan, a person
45 shall only move the feeder pig or cull swine by
46 restricted movement to either a fixed concentration
47 point or slaughtering establishment or relocate the
48 feeder pig or cull swine by restricted movement to an
49 approved premises. For a feeder pig or cull swine
50 which is part of a feeder pig cooperator herd cleanup

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1 plan, a person shall only move the feeder pig or cull
2 swine by restricted movement to either a fixed
3 concentration point or slaughtering establishment or
4 move or relocate the feeder pig or cull swine by
5 restricted movement to an approved premises. However,
6 a person shall not move or relocate a feeder pig or
7 cull swine to an approved premises, unless the
8 approved premises is identified in a cleanup plan as
9 provided in section 166D.8, or the department approves
10 the move or relocation to another approved premises.
11 A person shall not move or relocate a cull swine to an
12 approved premises, unless the cull swine reacts
13 negatively to a test and is vaccinated with a
14 differentiable vaccine. The test and vaccine must be
15 administered within thirty days prior to the movement
16 or relocation to the approved premises. A noninfected
17 feeder pig is not required to be tested or vaccinated
18 prior to movement or relocation to an approved
19 premises, if the feeder pig is vaccinated upon arrival
20 at the approved premises.

21 (c) For swine from a herd kept on an approved
22 premises, a person shall only move or relocate the
23 swine by restricted movement as provided in the
24 cleanup plan governing the herd and terms and
25 conditions of the certification required for the
26 approved premises as provided in section 166D.10B.

27 (2) If the swine is not part of a herd that is
28 subject to a cleanup plan, because the herd is
29 quarantined, a person shall only move the swine by
30 restricted movement to either a fixed concentration
31 point or slaughtering establishment.

32 4. Swine from a herd located outside this state
33 must be moved into and maintained in this state in
34 compliance with this section. A person shall not move
35 swine into this state, except as follows:

36 a. For swine from a herd, other than a noninfected
37 herd, the swine must be moved either to a fixed
38 concentration point or slaughtering establishment.

39 b. For swine from a noninfected herd, the swine
40 may be moved to a concentration point or slaughtering
41 establishment. If the swine is not moved to a
42 concentration point or slaughtering establishment, the
43 following shall apply:

44 (1) Unless the person moves the swine into a
45 county designated by the department as in stage II of
46 the national pseudorabies eradication program, the
47 following shall apply:

48 (a) A person shall not move swine into this state
49 for breeding purposes, unless one of the following
50 applies:

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1 (i) The swine is moved from a qualified negative
2 herd or qualified differentiable negative herd.

3 (ii) The swine reacts negatively to a
4 differentiable test, within thirty days prior to
5 moving the swine.

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

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

14 (a) Except as provided in this subparagraph, the
15 owner of swine shall vaccinate the swine with a
16 modified-live differentiable vaccine, prior to moving
17 swine into the stage II county. A statistical
18 sampling of the swine moved into a herd as provided in
19 this subparagraph shall be tested using a
20 differentiable test within thirty days after the swine
21 is moved to a herd in this state. If a swine reacts
22 positively to the test, the herd is an infected herd.
23 A person is not required to vaccinate swine prior to
24 moving swine into the stage II county or test the
25 swine after the swine has been moved to a herd in the
26 stage II county, if one of the following applies:

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

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

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

34 (b) For swine, which is not vaccinated before
35 being moved into a stage II county as provided in this
36 paragraph, the following shall apply:

37 (i) For swine other than swine moved into a herd
38 within a stage II county as an isowean feeder pig, a
39 statistical sampling of the swine moved into the herd
40 shall be tested using a differentiable test within
41 forty-eight hours after the swine moves to a herd in
42 this state. If a swine reacts positively to the test,
43 the herd is an infected herd. If, according to the
44 statistical sampling, the swine moved into the herd
45 reacts negatively to the test, all moved swine must be
46 immediately vaccinated with a differentiable vaccine,
47 as provided in section 166D.11. The swine shall be
48 considered as part of a herd of unknown status, until
49 tested negative and vaccinated.

50 (ii) For swine moved into a herd within a stage II

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1 county as an isowean feeder pig, a statistical
2 sampling of the swine moved into the herd shall be
3 tested using a differentiable test when a majority of
4 swine moved together into the herd as isowean feeder
5 pigs reach a weight of more than twenty pounds. If a
6 swine reacts positively to the test, the herd is an
7 infected herd. If, according to the statistical
8 sampling, the swine moved into the herd reacts
9 negatively to the test, all swine moved into the herd
10 must be immediately vaccinated with a differentiable
11 vaccine, as provided in section 166D.11. The
12 department may require that the swine be revaccinated
13 with a differentiable vaccine at a later date. The
14 swine shall be considered as part of a herd of unknown
15 status, until tested negative and vaccinated.

16 5. A person shall not move swine within this
17 state, other than to a fixed concentration point or
18 slaughtering establishment, if the swine is vaccinated
19 with a vaccine other than a differentiable vaccine
20 approved by the department pursuant to section
21 166D.14.

22 6. Known infected swine moved through a fixed
23 concentration point, other than a buying station of a
24 slaughtering establishment, shall only be moved by
25 restricted movement to a slaughtering establishment.

26 7. Swine moved under this section to a
27 slaughtering establishment shall be for the exclusive
28 purpose of slaughtering the swine. Swine moved under
29 this section to a fixed concentration point shall be
30 for the exclusive purpose of immediately moving the
31 swine to a slaughtering establishment. Swine moved or
32 relocated under this section to an approved premises
33 shall be for the exclusive purpose of feeding the
34 swine prior to movement or relocation to another
35 approved premises, or movement to either a fixed
36 concentration point or a slaughtering establishment.

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

39 1. If swine must be moved or relocated by
40 restricted movement as provided in section 166D.10,
41 the swine shall only be transported by direct
42 movement.

43 2. a. If a person moves or relocates swine
44 subject to restricted movement, the person shall only
45 move the swine to either a fixed concentration point
46 or slaughtering establishment or move or relocate the
47 swine to an approved premises.

48 b. If a person receives swine subject to
49 restricted movement, the person shall only receive the
50 swine at either a fixed concentration point or

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1 slaughtering establishment or an approved premises.
2 3. Swine required to be moved or relocated by
3 restricted movement must be accompanied by a
4 restricted movement permit, as provided by rules which
5 must be adopted by the department. The department
6 shall issue a restricted movement permit to the person
7 moving or relocating the swine. The permit shall
8 include information required by the department, which
9 shall at least include a description of the swine, the
10 name and address of the owner, the name and address of
11 the person receiving the swine, the date of movement
12 or relocation, and the seal number as prescribed by
13 the department, if a seal is required. The moved or
14 relocated swine must also be accompanied by a
15 transportation certificate and certificate of
16 inspection, if required in section 166D.10.

17 4. a. Except as provided in this section, a
18 vehicle moving swine under restricted movement shall
19 contain a cargo area for the swine which shall be
20 sealed to prevent access. The seal shall conform with
21 requirements adopted by the department. Each seal
22 shall be identified by number as required by the
23 department. The vehicle shall be sealed by an
24 accredited veterinarian at the premises where the
25 swine are kept. The seal shall only be removed by a
26 departmental official, an accredited veterinarian, an
27 official of the United States department of
28 agriculture, or the person authorized by the
29 department to receive the swine upon arrival at the
30 fixed concentration point, slaughtering establishment,
31 or approved premises.

32 b. The department may adopt rules or issue an
33 order to provide that a vehicle moving or relocating
34 feeder swine from a herd which is subject to a cleanup
35 plan is not required to be sealed as otherwise
36 provided in this subsection, if the herd is kept and
37 moved or relocated in compliance with the cleanup
38 plan.

39 Sec. 17. NEW SECTION. 166D.10B APPROVED
40 PREMISES.

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

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

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

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

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

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

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- 1 (2) The swine is not exposed or from a herd of
2 unknown status.
- 3 2. If swine is moved or relocated to an approved
4 premises, the following shall apply:
- 5 a. A cull swine shall not be moved or relocated to
6 an approved premises, unless the cull swine reacts
7 negatively to a test and is vaccinated prior to the
8 movement or relocation, as provided in section
9 166D.10.
- 10 b. A noninfected feeder pig must be vaccinated
11 upon arrival at the approved premises.
- 12 3. Dead swine must be disposed of in accordance
13 with chapter 167. The dead swine must be held so as
14 to prevent animals, including wild animals and
15 livestock, from reaching the dead swine.
- 16 4. The following shall apply to the location of an
17 approved premises:
- 18 a. An approved premises shall not be located
19 within one and one-half miles from a noninfected herd,
20 other than a qualified negative herd or qualified
21 differentiable negative herd.
- 22 b. An approved premises shall not be located
23 within three miles from a qualified negative herd or a
24 qualified differentiable negative herd.
- 25 c. An approved premises shall not be located in
26 any of the following:
- 27 (1) A county in stage III of the national
28 pseudorabies eradication program, as designated by the
29 department.
- 30 (2) A county which has a zero percent prevalence
31 of infection among all herds in the county at any time
32 on or after March 1, 2000, regardless of whether the
33 county subsequently has a greater than zero percent
34 prevalence of infection among all herds in the county.
- 35 5. A feeder pig or a cull swine may be kept at the
36 approved premises only for purposes of feeding and
37 restricted movement as provided in section 166D.10.
- 38 6. a. The department must certify a location as
39 an approved premises pursuant to rules adopted by the
40 department. The department may adopt rules providing
41 for the renewal, suspension, or termination of a
42 certification. The terms and conditions of the
43 certification shall be part of the cleanup plan
44 required for the herd kept at the location pursuant to
45 section 166D.8. Except as provided in this
46 subsection, a location is certified as an approved
47 premises, as long as all of the following apply:
- 48 (1) The approved premises complies with the
49 requirements of this section and rules adopted by the
50 department.

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1 (2) The owner of the approved premises or the
 2 person managing the approved premises provides to the
 3 department during normal business hours access to the
 4 approved premises and records required by this
 5 subparagraph. Records of swine transfers must be kept
 6 for at least one year. Records of vaccinations
 7 occurring on the approved premises must be maintained
 8 by the owner for at least one year after vaccination.
 9 The records shall include information about purchases
 10 and sales, the names of buyers and sellers, the dates
 11 of transactions, and the number of swine involved in
 12 each transaction.

13 b. The department shall terminate the
 14 certification of an approved premises, if the county
 15 in which the approved premises is located has a zero
 16 percent prevalence of infection among all herds in the
 17 county, not counting a herd kept at the approved
 18 premises. The department shall provide for the
 19 suspension or termination of the certification for a
 20 violation of a term or condition of the certification.
 21 When a certification is suspended, terminated, or not
 22 renewed, the location shall remain under a cleanup
 23 plan until released pursuant to the provisions of
 24 section 166D.8.

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

27 166D.11 DIFFERENTIABLE-VACCINE-REQUIRED
 28 VACCINATION AND TESTING REQUIREMENTS.

29 ~~Beginning on December 17, 1989, swine other than~~
 30 ~~unvaccinated or differentiable vaccinated swine shall~~
 31 ~~not be sold, marketed, or moved within this state,~~
 32 ~~except to slaughter or to an approved premises by~~
 33 ~~certificate of inspection.~~

34 1. The secretary shall disapprove for A person
 35 shall not use in this state on and after July 17, 1991,
 36 any vaccine that is not a differentiable vaccine.

37 2. a. Except as provided in this section, swine
 38 within a county which is designated by the department
 39 as in stage II of the national pseudorabies
 40 eradication program shall be vaccinated with a
 41 modified-live differentiable vaccine. The swine
 42 located in a stage II county shall be vaccinated as
 43 follows:

44 (1) Except as provided in subparagraph (2), the
 45 following applies:

46 (a) Breeding swine shall at a minimum receive
 47 quarterly vaccinations.

48 (b) Feeder swine shall at a minimum receive one
 49 vaccination. The feeder swine shall be vaccinated
 50 when the feeder swine reach eight to twelve weeks of

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1 age or one hundred pounds, whichever occurs earlier.

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

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

11 (1) The swine is part of a qualified negative herd
12 or a qualified differentiable negative herd.

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

15 (a) The county has a history of zero percent
16 prevalence of infection among all herds in the county,
17 regardless of whether the county currently has a
18 higher than zero percent prevalence of infection among
19 all herds in the county.

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

23 3. a. The person who owns the swine when the
24 swine is required to be vaccinated under this chapter,
25 shall be solely liable for providing the vaccine and
26 administering the vaccination. A noninfected feeder
27 pig required to be vaccinated upon arrival at an
28 approved premises as provided in section 166D.10B
29 shall be vaccinated at the expense of the owner who
30 moves the feeder pig. If the swine is transported
31 into this state, the owner shall be deemed to be the
32 person who owns the swine immediately prior to
33 transportation.

34 b. This subsection does not prohibit the owner of
35 swine from contracting with a person, including a
36 person receiving ownership of swine moved into this
37 state, to provide the vaccination, if the person
38 receives fair compensation for providing the
39 vaccination and the sale price for the swine is not
40 increased because the owner must comply with this
41 subsection.

42 4. The cost, or any segment of the cost, of
43 purchasing a laboratory product used for testing and
44 vaccination provided in this chapter may be paid for
45 by federal or state funds or a combination of both.
46 Federal or state funds shall not be paid to the owner
47 of a vaccinated herd other than the owner of a herd
48 vaccinated with a modified-live differentiable
49 vaccine.

50 Sec. 19. Section 166D.12, Code 1999, is amended by

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1 striking the section and inserting in lieu thereof the
2 following:

3 166D.12 CONCENTRATION POINTS.

4 A person shall not move swine through a
5 concentration point, except as provided in this
6 section.

7 1. For swine from a noninfected herd, the swine
8 may be moved through any concentration point. All of
9 the following shall apply:

10 a. Breeding swine must be kept separate and apart
11 from feeder pigs.

12 b. Breeding swine must be sold first.

13 2. a. For swine other than swine from a
14 noninfected herd, the swine shall not be moved through
15 a concentration point other than a fixed concentration
16 point, as required by the department. A fixed
17 concentration point shall be used exclusively for the
18 following:

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

20 (2) The immediate movement of swine to a
21 slaughtering establishment.

22 b. A fixed concentration point shall never be used
23 for the movement of swine other than to a slaughtering
24 establishment.

25 c. A person shall not move swine to or from a
26 fixed concentration point subject to restricted
27 movement or receive swine subject to restricted
28 movement at a fixed concentration point, unless the
29 swine is moved and received in compliance with section
30 166D.10A.

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

33 e. If infected swine, exposed swine, or swine from
34 a herd of unknown status is moved through a fixed
35 concentration point, the owner of the fixed
36 concentration point shall post and maintain a sign on
37 the premises of the fixed concentration point. The
38 sign must be posted in a conspicuous place clearly
39 visible to persons moving livestock through the fixed
40 concentration point. The notice shall appear in black
41 letters a minimum of one inch high and in the
42 following form:

43 NOTICE

44 THIS FACILITY MAY SELL SWINE WHICH
45 HAS BEEN EXPOSED TO PSEUDORABIES.

46 HOWEVER, ALL SWINE ARE MOVED
47 IMMEDIATELY TO SLAUGHTER.

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

50 1. The provisions of this chapter including

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1 departmental rules adopted pursuant to this chapter
2 shall be administered and enforced by the department.

3 2. A Except as provided in this subsection, a
4 person violating a provision of this chapter or any
5 rule adopted pursuant to this chapter shall be subject
6 to a civil penalty of at least one hundred dollars but
7 not more than one thousand dollars.

8 a. However, -a A person who falsifies a certificate
9 of inspection issued pursuant to this chapter shall be
10 subject to a civil penalty of not more than five
11 thousand dollars for each swine falsified on the
12 certificate. A person shall not be subject to a civil
13 penalty totaling more than twenty-five thousand
14 dollars for falsifying a certificate, regardless of
15 the number of swine falsified on the certificate.

16 b. The person who owns swine when the swine is
17 required to be vaccinated under this chapter shall be
18 subject to a civil penalty of two dollars for each
19 swine which is not vaccinated as required.

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

22 Sec. 22. RULEMAKING. The department of
23 agriculture and land stewardship shall adopt rules
24 necessary to implement this Act. Such rules shall be
25 effective immediately upon adoption and filing in the
26 governor's office after publication under notice and
27 after the administrative rules review committee has
28 had an opportunity to review the noticed rules, as
29 provided in chapter 17A.

30 Sec. 23. IMPLEMENTATION. The department shall
31 provide for the implementation of this Act based on a
32 schedule adopted by departmental rules. However, the
33 department shall implement all provisions of this Act
34 by August 1, 2000.

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

37 2. Title page, by striking line 2, and inserting
38 the following: "applicable, for implementation, and
39 providing an effective date."

By H. KAY HEDGE
E. THURMAN GASKILL
JOHN P. KIBBIE

EUGENE S. FRAISE
MERLIN E. BARTZ
BETTY A. SOUKUP

S-5346 FILED APRIL 5, 2000

ADOPTED

(P.1031)

SENATE FILE 2312

S-5350

1 Amend the amendment, S-5346, to Senate File 2312 as
2 follows:

3 1. Page 11, line 21, by inserting after the word
4 "herd." the following: "This paragraph shall not
5 apply if the department waives the distance
6 requirement when the department certifies a location
7 as an approved premises, according to the following
8 requirements:

9 (1) The department must issue an order providing
10 for the terms and conditions for the certification of
11 an approved premises under the waiver, including but
12 not limited to special biosecurity requirements. The
13 department shall not issue an order, unless all of the
14 following apply:

15 (a) The owner of the location proposed as the
16 approved premises submits an application to the
17 department in a manner and according to procedures
18 required by the department.

19 (b) The location proposed as the approved premises
20 is not located within one-half mile from a noninfected
21 herd.

22 (c) The department obtains a consent statement, on
23 a form prescribed by the department, which is signed
24 by each owner of a herd kept within one and one-half
25 miles from the location proposed to be an approved
26 premises. A departmental official shall obtain the
27 consent statement. The department may mail the
28 consent statement to each owner for return to the
29 department.

30 (2) Under the terms and conditions of the
31 departmental order, all of the following must apply:

32 (a) The approved premises must only keep swine
33 which is relocated as feeder pigs.

34 (b) A person shall not relocate feeder pigs to the
35 approved premises after one relocation.

36 (3) The department shall terminate the order, if
37 the certification for the approved premises is not
38 renewed or terminated as provided in section 166D.10B.
39 The department may terminate the order, if the
40 certification for the approved premises is suspended.
41 The department may terminate or suspend the order
42 based upon noncompliance with a term or condition of
43 the order which is unrelated to certification. The
44 department shall only issue an order reestablishing a
45 location as an approved premises, if the herd from
46 which the feeder pigs were relocated is no longer an
47 infected herd."

By MIKE SEXTON
MERLIN E. BARTZ
STEWART IVERSON, Jr.

S-5350 FILED APRIL 5, 2000

LOST

(p. 1031)

SENATE FILE 2312

S-5349

1 Amend the amendment, S-5346, to Senate File 2312 as
2 follows:

3 1. Page 11, line 21, by inserting after the word
4 "herd." the following: "This paragraph shall not
5 apply to an approved premises, if all of the following
6 conditions are satisfied:

7 (1) The approved premises is not located closer
8 than one-half mile from a noninfected herd.

9 (2) The swine kept at the approved premises are
10 exclusively feeder pigs which have been relocated from
11 a herd subject to a cleanup plan.

12 (3) Prior to being relocated, the swine must be
13 part of a group within the herd that has reacted
14 negatively to a differentiable test according to
15 results of a random sampling of fifty-nine swine
16 within the group, as required by rules adopted by the
17 department consistent with the national pseudorabies
18 eradication program.

19 (4) The swine must be vaccinated twice with a
20 differentiable vaccine in accordance with the cleanup
21 plan for the herd."

By MIKE SEXTON

S-5349 FILED APRIL 5, 2000

LOST

(P. 1050)

SENATE FILE 2312

S-5351

1 Amend the amendment, S-5346, to Senate File 2312,
2 as follows:

3 1. Page 5, by inserting after line 43, the
4 following:

5 "Sec. ____ . Section 166D.9, subsection 4,
6 paragraphs c and d, Code 1999, are amended to read as
7 follows:

8 c. The epidemiologist must either conduct two
9 successive statistical samplings at least ninety days
10 apart, or conduct statistical samplings according to
11 rules adopted by the department which are consistent
12 with the national pseudorabies eradication program,
13 which reveal no infection within the new breeding
14 swine.

15 d. The epidemiologist must either conduct two
16 successive statistical samplings ninety days apart of,
17 or conduct statistical samplings according to rules
18 adopted by the department which are consistent with
19 the national pseudorabies eradication program, which
20 reveal no infection in the herd's progeny at least
21 four months of age which-reveal-no-infection."

22 2. By renumbering as necessary.

By JOHN P. KIBBIE
H. KAY HEDGE

S-5351 FILED APRIL 5, 2000

ADOPTED

(P. 1030)

SENATE FILE **2312**
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3193)

(AS AMENDED AND PASSED BY THE SENATE APRIL 5, 2000)

_____ - New Language by the Senate

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

A BILL FOR

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

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S.F. 2312

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

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

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

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

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

16 NEW SUBSECTION. 44A. "Stage II county" means a county
17 designated by the department as in stage II of the national
18 pseudorabies eradication program.

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

21 2. "Approved premises" means a dry lot facility located in
22 an area with confirmed cases of pseudorabies infection, which
23 is authorized certified by the department to receive, hold, or
24 and feed and move or relocate infected swine, ~~exposed animals,~~
25 ~~or swine of unknown status~~ as provided in section 166D.10B.

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

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

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

1 than-slaughter-weight.

2 19. "Feeder swine" means ~~a porcine animal~~ swine fed for
3 purposes of direct slaughter, including feeder pigs, and cull
4 sows, ~~and boars~~ swine. However, "feeder swine" does not
5 include ~~animals~~ swine kept for purposes of breeding or
6 reproduction.

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

15 42. "Restricted movement" means swine which are
16 ~~quarantined until directly moved to slaughter~~ moved or
17 relocated as provided in section 166D.10A.

18 Sec. 3. Section 166D.2, subsections 4, 5, and 34, Code
19 1999, are amended by striking the subsections.

20 Sec. 4. Section 166D.2, subsection 32, paragraph c, Code
21 1999, is amended by striking the paragraph.

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

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

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

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

9 Sec. 7. Section 166D.7, subsection 1, paragraph a, Code
10 1999, is amended to read as follows:

11 a. The herd shall be certified when all breeding swine
12 have reacted negatively to a test. The herd must have been
13 free from infection for thirty days prior to testing. At
14 least ninety percent of swine in the herd must have been on
15 the premises as a part of the herd for at least sixty days
16 prior to testing, or swine in the herd must have been moved or
17 relocated directly from another qualified negative herd. To
18 remain certified, the herd must be retested and recertified as
19 provided by the department. The herd shall be recertified
20 when each month the greater of five head of swine or at least
21 ten percent of the herd's breeding swine react negatively to a
22 test.

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

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

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

29 b. ~~To~~ In order to remain certified the herd must be
30 retested and recertified as provided by the department. The
31 herd must be recertified annually. The herd shall be
32 recertified when a statistical sampling of the herd is
33 determined to be noninfected within twelve months from initial
34 certification or the most recent recertification.

35 A herd shall not be certified or recertified, if the herd

1 is located within a county which is designated by the
 2 department as in stage II of the national pseudorabies
 3 eradication program, unless the herd is vaccinated with a
 4 modified-live differentiable vaccine pursuant to section
 5 166D.11 and as required by the department.

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

8 a. The herd shall be certified when one hundred percent of
 9 breeding swine have reacted negatively to a test. The herd
 10 must have been free from infection for thirty days prior to
 11 testing. At least ninety percent of swine in the herd must
 12 have been on the premises as a part of the herd for at least
 13 sixty days prior to testing, or swine in the herd must have
 14 been directly moved directly or relocated from a qualified
 15 negative herd or qualified differentiable negative herd. A
 16 differentiable vaccine must be administered at intervals in
 17 accordance with the package insert for that vaccine. To
 18 remain certified, the herd must be retested and recertified as
 19 provided by the department. The herd shall be recertified
 20 when ~~either-of-the-following-occurs:~~

21 ~~(1)--Each-eighty-to-one-hundred-five~~ each thirty days at
 22 least twenty-five percent of the herd's breeding swine react
 23 negatively to a test.

24 ~~(2)--Each-month-at-least-ten-percent-of-the-herd's-breeding~~
 25 ~~swine-react-negatively-to-a-test:~~

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

28 166D.8 INFECTED HERDS.

29 An infected herd in-a-program-area which is not quarantined
 30 under section 166D.9, shall either adopt a herd cleanup plan,
 31 or a feeder pig cooperator herd cleanup plan, ~~or shall be~~
 32 ~~quarantined.~~

33 1. a. A herd cleanup plan ~~may-include-any-or-a~~
 34 ~~combination-of-the-following:~~

35 ~~(1)--The-segregation-of-progeny-with-restricted-movement:~~

~~1 The herd cleanup plan must include the location of the
2 premises that will receive the progeny. The receiving
3 premises shall be quarantined.~~

4 ~~{2}~~ The test shall apply to a herd, if feeder pigs are not
5 moved from the herd. The plan shall provide for one of the
6 following:

7 (1) The testing of all swine capable of being accurately
8 diagnosed with pseudorabies and the removal of infected swine
9 from the herd.

10 ~~{3}~~ (2) Depopulation.

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

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

30 (2) The herd cleanup plan may provide for the relocation
31 of feeder pigs or cull swine. If the plan provides for the
32 relocation of feeder pigs, the plan must provide for the
33 segregation of feeder pigs and identify in writing the
34 approved premises where feeder pigs or cull swine may be
35 relocated upon approval by the department.

1 2. a. A feeder pig cooperator herd cleanup plan ~~may be~~
2 ~~adopted if~~ shall apply to a herd, if feeder pigs are moved
3 from the herd. The plan shall include all the requirements
4 for a herd cleanup plan. In order to be subject to a feeder
5 pig cooperator herd cleanup plan all of the following
6 conditions ~~are~~ must be satisfied:

7 a. (1) There must have been no clinical signs of
8 pseudorabies during the past thirty days.

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

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

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

25 ~~4. 3.~~ Costs of program testing and vaccination ~~shall~~ may
26 be paid as provided in section ~~166D.5~~ 166D.11.

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

34 5. Swine which is part of a herd subject to a cleanup plan
35 shall only be moved or relocated as required pursuant to

1 section 166D.10. If the location where the herd is kept is an
2 approved premises as provided in section 166D.10B, the cleanup
3 plan shall include terms and conditions for being certified as
4 an approved premises.

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

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

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

13 c. The epidemiologist must either conduct two successive
14 statistical samplings at least ninety days apart, or conduct
15 statistical samplings according to rules adopted by the
16 department which are consistent with the national pseudorabies
17 eradication program, which reveal no infection within the new
18 breeding swine.

19 d. The epidemiologist must either conduct two successive
20 statistical samplings ninety days apart of, or conduct
21 statistical samplings according to rules adopted by the
22 department which are consistent with the national pseudorabies
23 eradication program, which reveal no infection in the herd's
24 progeny at least four months of age which-reveal-no-infection.

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

27 Sec. 15. Section 166D.10, subsection 1, paragraph b, Code
28 1999, is amended by adding the following new subparagraph:

29 NEW SUBPARAGRAPH. (4) The swine have a current negative
30 pseudorabies status.

31 Sec. 16. Section 166D.10, subsections 3 through 6, Code
32 1999, are amended by striking the subsections and inserting in
33 lieu thereof the following:

34 3. Swine from a herd located within this state must be
35 moved or relocated in compliance with this section. If the

1 swine is moved or relocated from a herd located within a
2 county which is designated by the department as in stage II of
3 the national pseudorabies eradication program, the swine shall
4 not be moved or relocated unless in compliance with section
5 166D.11. Regardless of whether the swine is from a herd
6 located in a stage II county, the following shall govern the
7 movement or relocation of swine within this state:

8 a. For swine from a noninfected herd, a person shall not
9 move swine for breeding purposes, unless one of the following
10 applies:

11 (1) The swine is moved from a qualified negative herd or
12 qualified differentiable negative herd.

13 (2) The swine reacts negatively to a differentiable test,
14 within thirty days prior to moving the swine.

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

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

20 (2) The swine moves by restricted movement to either a
21 fixed concentration point or slaughtering establishment.

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

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

27 (a) For swine, other than feeder pigs or cull swine, which
28 is part of a herd subject to a cleanup plan, a person shall
29 only move swine by restricted movement to either a fixed
30 concentration point or slaughtering establishment. A person
31 shall not relocate the swine.

32 (b) For a feeder pig or cull swine which is part of a herd
33 subject to a herd cleanup plan, a person shall only move the
34 feeder pig or cull swine by restricted movement to either a
35 fixed concentration point or slaughtering establishment or

1 relocate the feeder pig or cull swine by restricted movement
2 to an approved premises. For a feeder pig or cull swine which
3 is part of a feeder pig cooperator herd cleanup plan, a person
4 shall only move the feeder pig or cull swine by restricted
5 movement to either a fixed concentration point or slaughtering
6 establishment or move or relocate the feeder pig or cull swine
7 by restricted movement to an approved premises. However, a
8 person shall not move or relocate a feeder pig or cull swine
9 to an approved premises, unless the approved premises is
10 identified in a cleanup plan as provided in section 166D.8, or
11 the department approves the move or relocation to another
12 approved premises. A person shall not move or relocate a cull
13 swine to an approved premises, unless the cull swine reacts
14 negatively to a test and is vaccinated with a differentiable
15 vaccine. The test and vaccine must be administered within
16 thirty days prior to the movement or relocation to the
17 approved premises. A noninfected feeder pig is not required
18 to be tested or vaccinated prior to movement or relocation to
19 an approved premises, if the feeder pig is vaccinated upon
20 arrival at the approved premises.

21 (c) For swine from a herd kept on an approved premises, a
22 person shall only move or relocate the swine by restricted
23 movement as provided in the cleanup plan governing the herd
24 and terms and conditions of the certification required for the
25 approved premises as provided in section 166D.10B.

26 (2) If the swine is not part of a herd that is subject to
27 a cleanup plan, because the herd is quarantined, a person
28 shall only move the swine by restricted movement to either a
29 fixed concentration point or slaughtering establishment.

30 4. Swine from a herd located outside this state must be
31 moved into and maintained in this state in compliance with
32 this section. A person shall not move swine into this state,
33 except as follows:

34 a. For swine from a herd, other than a noninfected herd,
35 the swine must be moved either to a fixed concentration point

1 or slaughtering establishment.

2 b. For swine from a noninfected herd, the swine may be
3 moved to a concentration point or slaughtering establishment.

4 If the swine is not moved to a concentration point or
5 slaughtering establishment, the following shall apply:

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

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

11 (i) The swine is moved from a qualified negative herd or
12 qualified differentiable negative herd.

13 (ii) The swine reacts negatively to a differentiable test,
14 within thirty days prior to moving the swine.

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

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

22 (a) Except as provided in this subparagraph, the owner of
23 swine shall vaccinate the swine with a modified-live
24 differentiable vaccine, prior to moving swine into the stage
25 II county. A statistical sampling of the swine moved into a
26 herd as provided in this subparagraph shall be tested using a
27 differentiable test within thirty days after the swine is
28 moved to a herd in this state. If a swine reacts positively
29 to the test, the herd is an infected herd. A person is not
30 required to vaccinate swine prior to moving swine into the
31 stage II county or test the swine after the swine has been
32 moved to a herd in the stage II county, if one of the
33 following applies:

34 (i) The swine is part of a herd that cannot be vaccinated
35 under the law of the state or country in which the herd is

1 kept immediately prior to being moved into the stage II
2 county.

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

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

6 (b) For swine, which is not vaccinated before being moved
7 into a stage II county as provided in this paragraph, the
8 following shall apply:

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

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

35 5. A person shall not move swine within this state, other

1 than to a fixed concentration point or slaughtering
2 establishment, if the swine is vaccinated with a vaccine other
3 than a differentiable vaccine approved by the department
4 pursuant to section 166D.14.

5 6. Known infected swine moved through a fixed
6 concentration point, other than a buying station of a
7 slaughtering establishment, shall only be moved by restricted
8 movement to a slaughtering establishment.

9 7. Swine moved under this section to a slaughtering
10 establishment shall be for the exclusive purpose of
11 slaughtering the swine. Swine moved under this section to a
12 fixed concentration point shall be for the exclusive purpose
13 of immediately moving the swine to a slaughtering
14 establishment. Swine moved or relocated under this section to
15 an approved premises shall be for the exclusive purpose of
16 feeding the swine prior to movement or relocation to another
17 approved premises, or movement to either a fixed concentration
18 point or a slaughtering establishment.

19 Sec. 17. NEW SECTION. 166D.10A RESTRICTED MOVEMENT --
20 REQUIREMENTS.

21 1. If swine must be moved or relocated by restricted
22 movement as provided in section 166D.10, the swine shall only
23 be transported by direct movement.

24 2. a. If a person moves or relocates swine subject to
25 restricted movement, the person shall only move the swine to
26 either a fixed concentration point or slaughtering
27 establishment or move or relocate the swine to an approved
28 premises.

29 b. If a person receives swine subject to restricted
30 movement, the person shall only receive the swine at either a
31 fixed concentration point or slaughtering establishment or an
32 approved premises.

33 3. Swine required to be moved or relocated by restricted
34 movement must be accompanied by a restricted movement permit,
35 as provided by rules which must be adopted by the department.

1 The department shall issue a restricted movement permit to the
2 person moving or relocating the swine. The permit shall
3 include information required by the department, which shall at
4 least include a description of the swine, the name and address
5 of the owner, the name and address of the person receiving the
6 swine, the date of movement or relocation, and the seal number
7 as prescribed by the department, if a seal is required. The
8 moved or relocated swine must also be accompanied by a
9 transportation certificate and certificate of inspection, if
10 required in section 166D.10.

11 4. a. Except as provided in this section, a vehicle
12 moving swine under restricted movement shall contain a cargo
13 area for the swine which shall be sealed to prevent access.
14 The seal shall conform with requirements adopted by the
15 department. Each seal shall be identified by number as
16 required by the department. The vehicle shall be sealed by an
17 accredited veterinarian at the premises where the swine are
18 kept. The seal shall only be removed by a departmental
19 official, an accredited veterinarian, an official of the
20 United States department of agriculture, or the person
21 authorized by the department to receive the swine upon arrival
22 at the fixed concentration point, slaughtering establishment,
23 or approved premises.

24 b. The department may adopt rules or issue an order to
25 provide that a vehicle moving or relocating feeder swine from
26 a herd which is subject to a cleanup plan is not required to
27 be sealed as otherwise provided in this subsection, if the
28 herd is kept and moved or relocated in compliance with the
29 cleanup plan.

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

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

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

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

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

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

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

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

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

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

14 b. A noninfected feeder pig must be vaccinated upon
15 arrival at the approved premises.

16 3. Dead swine must be disposed of in accordance with
17 chapter 167. The dead swine must be held so as to prevent
18 animals, including wild animals and livestock, from reaching
19 the dead swine.

20 4. The following shall apply to the location of an
21 approved premises:

22 a. An approved premises shall not be located within one
23 and one-half miles from a noninfected herd, other than a
24 qualified negative herd or qualified differentiable negative
25 herd.

26 b. An approved premises shall not be located within three
27 miles from a qualified negative herd or a qualified
28 differentiable negative herd.

29 c. An approved premises shall not be located in any of the
30 following:

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

33 (2) A county which has a zero percent prevalence of
34 infection among all herds in the county at any time on or
35 after March 1, 2000, regardless of whether the county

1 subsequently has a greater than zero percent prevalence of
2 infection among all herds in the county.

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

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

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

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

28 b. The department shall terminate the certification of an
29 approved premises, if the county in which the approved
30 premises is located has a zero percent prevalence of infection
31 among all herds in the county, not counting a herd kept at the
32 approved premises. The department shall provide for the
33 suspension or termination of the certification for a violation
34 of a term or condition of the certification. When a
35 certification is suspended, terminated, or not renewed, the

1 location shall remain under a cleanup plan until released
2 pursuant to the provisions of section 166D.8.

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

5 166D.11 DIFFERENTIABLE-VACCINE-REQUIRED VACCINATION AND
6 TESTING REQUIREMENTS.

7 ~~Beginning on December 1, 1989, swine other than~~
8 ~~unvaccinated or differentiable vaccinated swine shall not be~~
9 ~~sold, marketed, or moved within this state, except to~~
10 ~~slaughter or to an approved premises by certificate of~~
11 ~~inspection.~~

12 1. The secretary shall disapprove for A person shall not
13 use in this state ~~on and after July 1, 1991,~~ any vaccine that
14 is not a differentiable vaccine.

15 2. a. Except as provided in this section, swine within a
16 county which is designated by the department as in stage II of
17 the national pseudorabies eradication program shall be
18 vaccinated with a modified-live differentiable vaccine. The
19 swine located in a stage II county shall be vaccinated as
20 follows:

21 (1) Except as provided in subparagraph (2), the following
22 applies:

23 (a) Breeding swine shall at a minimum receive quarterly
24 vaccinations.

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

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

33 b. The department shall adopt rules or issue an order that
34 exempts swine from being vaccinated with a modified-live
35 vaccine, as provided in this subsection, based on any of the

1 following:

2 (1) The swine is part of a qualified negative herd or a
3 qualified differentiable negative herd.

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

6 (a) The county has a history of zero percent prevalence of
7 infection among all herds in the county, regardless of whether
8 the county currently has a higher than zero percent prevalence
9 of infection among all herds in the county.

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

13 3. a. The person who owns the swine when the swine is
14 required to be vaccinated under this chapter, shall be solely
15 liable for providing the vaccine and administering the
16 vaccination. A noninfected feeder pig required to be
17 vaccinated upon arrival at an approved premises as provided in
18 section 166D.10B shall be vaccinated at the expense of the
19 owner who moves the feeder pig. If the swine is transported
20 into this state, the owner shall be deemed to be the person
21 who owns the swine immediately prior to transportation.

22 b. This subsection does not prohibit the owner of swine
23 from contracting with a person, including a person receiving
24 ownership of swine moved into this state, to provide the
25 vaccination, if the person receives fair compensation for
26 providing the vaccination and the sale price for the swine is
27 not increased because the owner must comply with this
28 subsection.

29 4. The cost, or any segment of the cost, of purchasing a
30 laboratory product used for testing and vaccination provided
31 in this chapter may be paid for by federal or state funds or a
32 combination of both. Federal or state funds shall not be paid
33 to the owner of a vaccinated herd other than the owner of a
34 herd vaccinated with a modified-live differentiable vaccine.

35 Sec. 20. Section 166D.12, Code 1999, is amended by

1 striking the section and inserting in lieu thereof the
2 following:

3 166D.12 CONCENTRATION POINTS.

4 A person shall not move swine through a concentration
5 point, except as provided in this section.

6 1. For swine from a noninfected herd, the swine may be
7 moved through any concentration point. All of the following
8 shall apply:

9 a. Breeding swine must be kept separate and apart from
10 feeder pigs.

11 b. Breeding swine must be sold first.

12 2. a. For swine other than swine from a noninfected herd,
13 the swine shall not be moved through a concentration point
14 other than a fixed concentration point, as required by the
15 department. A fixed concentration point shall be used
16 exclusively for the following:

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

18 (2) The immediate movement of swine to a slaughtering
19 establishment.

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

22 c. A person shall not move swine to or from a fixed
23 concentration point subject to restricted movement or receive
24 swine subject to restricted movement at a fixed concentration
25 point, unless the swine is moved and received in compliance
26 with section 166D.10A.

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

29 e. If infected swine, exposed swine, or swine from a herd
30 of unknown status is moved through a fixed concentration
31 point, the owner of the fixed concentration point shall post
32 and maintain a sign on the premises of the fixed concentration
33 point. The sign must be posted in a conspicuous place clearly
34 visible to persons moving livestock through the fixed
35 concentration point. The notice shall appear in black letters

1 a minimum of one inch high and in the following form:

2 NOTICE

3 THIS FACILITY MAY SELL SWINE WHICH

4 HAS BEEN EXPOSED TO PSEUDORABIES.

5 HOWEVER, ALL SWINE ARE MOVED

6 IMMEDIATELY TO SLAUGHTER.

7 Sec. 21. Section 166D.16, unnumbered paragraph 1, Code
8 1999, is amended to read as follows:

9 1. The provisions of this chapter including departmental
10 rules adopted pursuant to this chapter shall be administered
11 and enforced by the department.

12 2. A Except as provided in this subsection, a person
13 violating a provision of this chapter or any rule adopted
14 pursuant to this chapter shall be subject to a civil penalty
15 of at least one hundred dollars but not more than one thousand
16 dollars.

17 a. However,--a A person who falsifies a certificate of
18 inspection issued pursuant to this chapter shall be subject to
19 a civil penalty of not more than five thousand dollars for
20 each swine falsified on the certificate. A person shall not
21 be subject to a civil penalty totaling more than twenty-five
22 thousand dollars for falsifying a certificate, regardless of
23 the number of swine falsified on the certificate.

24 b. The person who owns swine when the swine is required to
25 be vaccinated under this chapter shall be subject to a civil
26 penalty of two dollars for each swine which is not vaccinated
27 as required.

28 Sec. 22. Sections 166D.4 and 166D.5, Code 1999, are
29 repealed.

30 Sec. 23. RULEMAKING. The department of agriculture and
31 land stewardship shall adopt rules necessary to implement this
32 Act. Such rules shall be effective immediately upon adoption
33 and filing in the governor's office after publication under
34 notice and after the administrative rules review committee has
35 had an opportunity to review the noticed rules, as provided in

1 chapter 17A.

2 Sec. 24. IMPLEMENTATION. The department shall provide for
3 the implementation of this Act based on a schedule adopted by
4 departmental rules. However, the department shall implement
5 all provisions of this Act by August 1, 2000.

6 Sec. 25. EFFECTIVE DATE. This Act, being deemed of
7 immediate importance, takes effect upon enactment.

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SENATE FILE 2312

AN ACT

RELATING TO PSEUDORABIES CONTROL, MAKING PENALTIES APPLICABLE,
FOR IMPLEMENTATION, AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

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

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

2. "Approved premises" means a dry lot facility located in an area with confirmed cases of pseudorabies infection, which is authorized certified by the department to receive, hold ~~or~~ and feed and move or relocate infected swine ~~exposed animals~~ or swine of unknown status as provided in section 166D.10B. ~~The premises and all swine on the premises shall be considered under quarantine. However, swine may be moved to slaughter~~

~~under a transportation certificate or may be moved to another pseudorabies approved premises under a certificate of inspection.~~

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

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

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

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

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

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

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

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

A state pseudorabies advisory committee is established. The committee shall consist of not more than seven members who shall be appointed by the Iowa pork producers association. At least four members of the committee must be actively engaged in swine production. The members shall serve staggered terms

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of two years, except that the initial board members shall serve unequal terms. A person appointed to fill a vacancy for a member shall serve only for the unexpired portion of the term. A member is eligible for reappointment for three successive terms. A majority of the board constitutes a quorum and an affirmative vote of the majority of members is necessary for substantive action taken by the board. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the board. The advisory committee shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

166D.8 INFECTED HERDS.

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

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

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

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

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

~~(2) Depopulation.~~

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

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

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

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

~~a. (1) There must have been no clinical signs of pseudorabies during the past thirty days.~~

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

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

~~3. An infected herd in a program area which have not adopted an official herd cleanup plan or feeder pig cooperator herd plan shall be quarantined.~~

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

~~4. An infected herd outside a program area shall either adopt a herd cleanup plan or a feeder pig cooperator herd plan with restricted movement. An infected herd not subject to such a cleanup plan shall be quarantined within thirty fifteen.~~

days of becoming a known infected herd ~~shall be~~ quarantined. An infected herd which is not subject to a herd cleanup plan or a feeder-pig-cooperator-herd plan is a quarantined herd.

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

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

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

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

c. The epidemiologist must either conduct two successive statistical samplings at least ninety days apart, or conduct statistical samplings according to rules adopted by the department which are consistent with the national pseudorabies eradication program, which reveal no infection within the new breeding swine.

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

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

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

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

Sec. 16. Section 166D.10, subsections 3 through 5, Code 1999, are amended by striking the subsections and inserting in lieu thereof the following:

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

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

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

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

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

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

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

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

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

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

(b) For a feeder pig or cull swine which is part of a herd subject to a herd cleanup plan, a person shall only move the feeder pig or cull swine by restricted movement to either a fixed concentration point or slaughtering establishment or relocate the feeder pig or cull swine by restricted movement to an approved premises. For a feeder pig or cull swine which is part of a feeder pig cooperator herd cleanup plan, a person shall only move the feeder pig or cull swine by restricted movement to either a fixed concentration point or slaughtering establishment or move or relocate the feeder pig or cull swine by restricted movement to an approved premises. However, a person shall not move or relocate a feeder pig or cull swine to an approved premises, unless the approved premises is identified in a cleanup plan as provided in section 166D.8, or the department approves the move or relocation to another approved premises. A person shall not move or relocate a cull swine to an approved premises, unless the cull swine reacts negatively to a test and is vaccinated with a differentiable vaccine. The test and vaccine must be administered within thirty days prior to the movement or relocation to the approved premises. A noninfected feeder pig is not required to be tested or vaccinated prior to movement or relocation to an approved premises, if the feeder pig is vaccinated upon arrival at the approved premises.

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

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

4. Swine from a herd located outside this state must be moved into and maintained in this state in compliance with this section. A person shall not move swine into this state, except as follows:

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

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

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

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

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

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

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

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

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

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

(ii) The swine is an isowean feeder pig.

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

(b) For swine, which is not vaccinated before being moved into a stage II county as provided in this paragraph, the following shall apply:

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

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

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

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

7. Swine moved under this section to a slaughtering establishment shall be for the exclusive purpose of slaughtering the swine. Swine moved under this section to a fixed concentration point shall be for the exclusive purpose of immediately moving the swine to a slaughtering establishment. Swine moved or relocated under this section to an approved premises shall be for the exclusive purpose of feeding the swine prior to movement or relocation to another approved premises, or movement to either a fixed concentration point or a slaughtering establishment.

Sec. 17. NEW SECTION. 166D.10A RESTRICTED MOVEMENT -- REQUIREMENTS.

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

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

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

3. Swine required to be moved or relocated by restricted movement must be accompanied by a restricted movement permit, as provided by rules which must be adopted by the department.

The department shall issue a restricted movement permit to the person moving or relocating the swine. The permit shall include information required by the department, which shall at least include a description of the swine, the name and address of the owner, the name and address of the person receiving the swine, the date of movement or relocation, and the seal number as prescribed by the department, if a seal is required. The moved or relocated swine must also be accompanied by a transportation certificate and certificate of inspection, if required in section 166D.10.

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

b. The department may adopt rules or issue an order to provide that a vehicle moving or relocating feeder swine from a herd which is subject to a cleanup plan is not required to be sealed as otherwise provided in this subsection, if the herd is kept and moved or relocated in compliance with the cleanup plan.

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

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

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

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

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

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

- (1) The swine is a feeder pig or cull swine.
- (2) The swine is not exposed or from a herd of unknown status.

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

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

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

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

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

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

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

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

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

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

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

6. a. The department must certify a location as an approved premises pursuant to rules adopted by the department. The department may adopt rules providing for the renewal, suspension, or termination of a certification. The terms and conditions of the certification shall be part of the cleanup plan required for the herd kept at the location pursuant to section 166D.8. Except as provided in this subsection, a location is certified as an approved premises, as long as all of the following apply:

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

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

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

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

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

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

~~1. The secretary shall disapprove for a person shall not use in this state on and after July 17, 1997, any vaccine that is not a differentiable vaccine.~~

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

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

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

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

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

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

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

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

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

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

3. a. The person who owns the swine when the swine is required to be vaccinated under this chapter, shall be solely liable for providing the vaccine and administering the vaccination. A noninfected feeder pig required to be vaccinated upon arrival at an approved premises as provided in section 166D.103 shall be vaccinated at the expense of the owner who moves the feeder pig. If the swine is transported into this state, the owner shall be deemed to be the person who owns the swine immediately prior to transportation.

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

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

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

166D.12 CONCENTRATION POINTS.

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

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

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

b. Breeding swine must be sold first.

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

(1) The movement of livestock other than swine.

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

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

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

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

e. If infected swine, exposed swine, or swine from a herd of unknown status is moved through a fixed concentration point, the owner of the fixed concentration point shall post and maintain a sign on the premises of the fixed concentration point. The sign must be posted in a conspicuous place clearly visible to persons moving livestock through the fixed concentration point. The notice shall appear in black letters a minimum of one inch high and in the following form:

NOTICE

THIS FACILITY MAY SELL SWINE WHICH
HAS BEEN EXPOSED TO PSEUDORABIES.

HOWEVER, ALL SWINE ARE MOVED
IMMEDIATELY TO SLAUGHTER.

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

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

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

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

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

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

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

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

Sec. 25. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2312, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/19, 2000

THOMAS J. VILSACK
Governor