

Mantermack, Chair
Johnson
Frevert

HSB 686

Agriculture

SI 02530

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON KLEMME)

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

A BILL FOR

1 An Act providing for the control of pseudorabies, and making
2 penalties applicable.

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

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1 Section 1. Section 166D.10, subsection 3, paragraph b,
2 Code 2001, is amended to read as follows:

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

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

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

10 Sec. 2. Section 166D.10, subsection 3, Code 2001, is
11 amended by adding the following new paragraph after paragraph
12 b, and relettering the subsequent paragraph:

13 NEW PARAGRAPH. bb. For swine from a herd of unknown
14 status, a person shall not move or relocate the swine, unless
15 one of the following applies:

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

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

20 However, the swine is not required to move by restricted
21 movement, if the swine is moved from a fixed concentration
22 point directly to a slaughtering establishment.

23 Sec. 3. Section 166D.10, subsection 4, paragraph b,
24 subparagraph (2), subparagraph subdivision (a), Code 2001, is
25 amended to read as follows:

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

1 moved-to-a-herd-in-the-stage-II-county, if one of the
2 following applies:

3 Sec. 4. Section 166D.10, subsection 4, paragraph b,
4 subparagraph (2), subparagraph subdivision (b), subparagraph
5 subdivision parts (i) and (ii), Code 2001, are amended to read
6 as follows:

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

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

33 Sec. 5. Section 166D.10, subsection 6, Code 2001, is
34 amended to read as follows:

35 6. Known infected swine moved through a fixed

1 concentration point, ~~other than a buying station of a~~
2 slaughtering establishment, shall only be moved by restricted
3 movement to a slaughtering establishment.

4 Sec. 6. Section 166D.12, subsection 2, paragraph c, Code
5 Supplement 2001, is amended to read as follows:

6 c. (1) A Except as provided in subparagraph (2), a person
7 shall not move swine subject to restricted movement to or from
8 a fixed concentration point or receive swine subject to
9 restricted movement at a fixed concentration point, unless the
10 swine is moved and received in compliance with section
11 166D.10A.

12 (2) A person may move swine from a herd of unknown status
13 from a fixed concentration point other than by restricted
14 movement as provided in section 166D.10A, if the person moves
15 the swine directly to a slaughtering establishment.

16 EXPLANATION

17 This bill amends provisions in Code chapter 166D providing
18 for pseudorabies control in swine herds. The department of
19 agriculture and land stewardship administers the Code chapter
20 in conjunction with regulations promulgated by the United
21 States department of agriculture.

22 In 2000, the general assembly enacted Senate File 2312
23 (2000 Iowa Acts, chapter 1110) providing comprehensive changes
24 to the Code chapter, including providing for the movement of
25 swine and the testing and vaccination of swine. These new
26 requirements include vaccination requirements for swine in a
27 county designated by the department as in stage II of the
28 national pseudorabies eradication program. The changes
29 enacted by Senate File 2313 also provide that unless a fixed
30 concentration point belongs to a slaughtering establishment
31 (i.e., a buying station), the swine subject to restricted
32 movement must be moved to and from a fixed concentration point
33 according to strict requirements. For example, swine required
34 to be moved by restricted movement must be accompanied by a
35 permit. Code section 166D.12 provides that a fixed

1 concentration point cannot be used for the movement of swine
2 other than to a slaughtering establishment. A person who is
3 required to move swine by restricted movement must transport
4 the swine to either a fixed concentration point or
5 slaughtering establishment or move or relocate the swine to an
6 approved premises.

7 The bill amends Code section 166D.10 which regulates the
8 movement of swine. The Code section provides that swine may
9 always be moved to a fixed concentration point or slaughtering
10 establishment. Swine originating from a noninfected herd
11 outside this state may be moved into a stage II county, if the
12 swine is vaccinated, prior to movement or in some instances
13 (such as for isowean feeder pigs) after movement. The Code
14 section requires that for swine moved into a stage II county,
15 a test based on a statistical sampling of the swine moved into
16 a herd within a stage II county must be conducted. The bill
17 eliminates the testing requirement.

18 Code section 166D.10 also provides that known infected
19 swine moved through a fixed concentration point must be moved
20 by restricted movement to a slaughtering establishment. The
21 Code section provides one exception for buying stations. This
22 bill eliminates that exception.

23 The bill amends Code sections 166D.10 and 166D.12
24 prohibiting a person from moving swine subject to restricted
25 movement to or from a fixed concentration point, unless the
26 swine is moved in compliance with the requirements for
27 restricted movement under Code section 166D.10A. This bill
28 provides that a person may move swine from a fixed
29 concentration point absent requirements of restricted
30 movement, if the swine is moved directly to a slaughtering
31 establishment.

32 Under Code section 166D.16, a person who violates a
33 provision of the Code chapter is subject to a civil penalty of
34 at least \$100 but not more than \$1,000. A person who owns
35 swine when the swine is required to be vaccinated is subject

1 to a civil penalty of \$2 for each swine that is not vaccinated
2 as required.

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S-3/11/02 Agriculture
S-3/13/02 Do Pass

FEB 26 2002
Place On Calendar

HOUSE FILE 2530
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 686)

Passed House, Date 3-11-02 (P.692) Passed Senate, Date 3-25-02 (P.780)
Vote: Ayes 93 Nays 0 Vote: Ayes 46 Nays 0
Approved April 8, 2002
re-passed 3-28-02
Vote 96-0

A BILL FOR

1 An Act providing for the control of pseudorabies, and making
2 penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2530

HOUSE FILE 2530
S-5176
1 Amend House File 2530, as passed by the House, as
2 follows:
3 1. Page 3, by inserting after line 17, the
4 following:
5 "Sec ____ . EFFECTIVE DATE. This Act, being deemed
6 of immediate importance, takes effect upon enactment."
7 2. Title page, line 1, by striking the words "and
8 making" and inserting the following: "making".
9 3. Title page, line 2, by inserting after the
10 word "applicable" the following: ", and providing an
11 effective date".
By SANDRA GREINER
JOHN P. KIBBIE
Adopted 3/25/02 (P.780)
S-5176 FILED MARCH 18, 2002

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2 Code 2001, is amended to read as follows:

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4 ~~unknown status~~, a person shall not move or relocate the swine,
5 unless one of the following applies:

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7 within thirty days prior to moving or relocating the swine.

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9 fixed concentration point or slaughtering establishment.

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21 movement, if the swine is moved from a fixed concentration
22 point directly to another fixed concentration point or to a
23 slaughtering establishment.

24 Sec. 3. Section 166D.10, subsection 4, paragraph b,
25 subparagraph (2), subparagraph subdivision (a), Code 2001, is
26 amended to read as follows:

27 (a) Except as provided in this subparagraph, the owner of
28 swine shall vaccinate the swine with a modified-live
29 differentiable vaccine, prior to moving swine into the stage
30 II county. ~~A statistical sampling of the swine moved into a~~
31 ~~herd as provided in this subparagraph shall be tested using a~~
32 ~~differentiable test within thirty days after the swine is~~
33 ~~moved to a herd in this state. If a swine reacts positively~~
34 ~~to the test, the herd is an infected herd.~~ A person is not
35 required to vaccinate swine prior to moving swine into the

1 stage II county or ~~test the swine after the swine has been~~
2 ~~moved to a herd in the stage II county~~, if one of the
3 following applies:

4 Sec. 4. Section 166D.10, subsection 4, paragraph b,
5 subparagraph (2), subparagraph subdivision (b), subparagraph
6 subdivision parts (i) and (ii), Code 2001, are amended to read
7 as follows:

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

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

34 Sec. 5. Section 166D.10, subsection 6, Code 2001, is
35 amended to read as follows:

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

5 Sec. 6. Section 166D.12, subsection 2, paragraph c, Code
6 Supplement 2001, is amended to read as follows:

7 c. (1) A Except as provided in subparagraph (2), a person
8 shall not move swine subject to restricted movement to or from
9 a fixed concentration point or receive swine subject to
10 restricted movement at a fixed concentration point, unless the
11 swine is moved and received in compliance with section
12 166D.10A.

13 (2) A person may move swine from a herd of unknown status
14 from a fixed concentration point other than by restricted
15 movement as provided in section 166D.10A, if the person moves
16 the swine directly to another fixed concentration point or to
17 a slaughtering establishment.

18 EXPLANATION

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20 for pseudorabies control in swine herds. The department of
21 agriculture and land stewardship administers the Code chapter
22 in conjunction with regulations promulgated by the United
23 States department of agriculture.

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27 swine and the testing and vaccination of swine. These new
28 requirements include vaccination requirements for swine in a
29 county designated by the department as in stage II of the
30 national pseudorabies eradication program. The changes
31 enacted by Senate File 2313 also provide that unless a fixed
32 concentration point belongs to a slaughtering establishment
33 (i.e., a buying station), the swine subject to restricted
34 movement must be moved to and from a fixed concentration point
35 according to strict requirements. For example, swine required

1 to be moved by restricted movement must be accompanied by a
2 permit. Code section 166D.12 provides that a fixed
3 concentration point cannot be used for the movement of swine
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5 required to move swine by restricted movement must transport
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7 slaughtering establishment or move or relocate the swine to an
8 approved premises.

9 The bill amends Code section 166D.10 which regulates the
10 movement of swine. The Code section provides that swine may
11 always be moved to a fixed concentration point or slaughtering
12 establishment. Swine originating from a noninfected herd
13 outside this state may be moved into a stage II county, if the
14 swine is vaccinated, prior to movement or in some instances
15 (such as for isowean feeder pigs) after movement. The Code
16 section requires that for swine moved into a stage II county,
17 a test based on a statistical sampling of the swine moved into
18 a herd within a stage II county must be conducted. The bill
19 eliminates the testing requirement.

20 Code section 166D.10 also provides that known infected
21 swine moved through a fixed concentration point must be moved
22 by restricted movement to a slaughtering establishment. The
23 Code section provides one exception for buying stations. This
24 bill eliminates that exception.

25 The bill amends Code sections 166D.10 and 166D.12
26 prohibiting a person from moving swine subject to restricted
27 movement to or from a fixed concentration point, unless the
28 swine is moved in compliance with the requirements for
29 restricted movement under Code section 166D.10A. This bill
30 provides that a person may move swine from a fixed
31 concentration point absent requirements of restricted
32 movement, if the swine is moved directly to another fixed
33 concentration point or to a slaughtering establishment.

34 Under Code section 166D.16, a person who violates a
35 provision of the Code chapter is subject to a civil penalty of

1 at least \$100 but not more than \$1,000. A person who owns
2 swine when the swine is required to be vaccinated is subject
3 to a civil penalty of \$2 for each swine that is not vaccinated
4 as required.

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7 **SENATE AMENDMENT TO HOUSE FILE 2530**

8 **H-8420**

9 1 Amend House File 2530, as passed by the House, as
10 2 follows:

11 3 1. Page 3, by inserting after line 17, the
12 4 following:

13 5 "Sec ____ . EFFECTIVE DATE. This Act, being deemed
14 6 of immediate importance, takes effect upon enactment."

15 7 2. Title page, line 1, by striking the words "and
16 8 making" and inserting the following: "making".

17 9 3. Title page, line 2, by inserting after the
18 10 word "applicable" the following: ", and providing an
19 11 effective date".

20 RECEIVED FROM THE SENATE

21 **H-8420 FILED MARCH 25, 2002**

22 *House Concurred 3/28/02 (P.1067)*

HOUSE FILE 2530

AN ACT
PROVIDING FOR THE CONTROL OF PSEUDORABIES, MAKING
PENALTIES APPLICABLE, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 166D.10, subsection 3, paragraph b, Code 2001, is amended to read as follows:

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.

Sec. 2. Section 166D.10, subsection 3, Code 2001, is amended by adding the following new paragraph after paragraph b, and relettering the subsequent paragraph:

NEW PARAGRAPH. bb. For 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. However, the swine is not required to move by restricted movement, if the swine is moved from a fixed concentration point directly to another fixed concentration point or to a slaughtering establishment.

Sec. 3. Section 166D.10, subsection 4, paragraph b, subparagraph (2), subparagraph subdivision (a), Code 2001, is amended to read as follows:

(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:

Sec. 4. Section 166D.10, subsection 4, paragraph b, subparagraph (2), subparagraph subdivision (b), subparagraph subdivision parts (i) and (ii), Code 2001, are amended to read as follows:

(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 the 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 isoweane 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 isoweane 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 react negatively to the test, all~~ the 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.

Sec. 5. Section 166D.10, subsection 6, Code 2001, is amended to read as follows:

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.

Sec. 6. Section 166D.12, subsection 2, paragraph c, Code Supplement 2001, is amended to read as follows:

c. (1) A Except as provided in subparagraph (2), a person shall not move swine subject to restricted movement to or from a fixed concentration point 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.

(2) A person may move swine from a herd of unknown status from a fixed concentration point other than by restricted movement as provided in section 166D.10A, if the person moves the swine directly to another fixed concentration point or to a slaughtering establishment.

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

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2530, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/8, 2002

THOMAS J. VILSACK
Governor