

FEB 17 2004
ENVIRONMENTAL PROTECTION

HOUSE FILE 2278
BY GREINER

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

A BILL FOR

1 An Act providing for pathogens threatening animals and crops, and
2 providing a penalty.

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

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HF 2278

1 Section 1. NEW SECTION. 717A.4 PATHOGENS THREATENING
2 ANIMALS AND CROPS -- PENALTY.

3 1. Except as provided in subsection 2, a person shall not
4 possess, transport, or transfer a pathogen which may threaten
5 the health of an animal or crop.

6 a. For animals, a pathogen restricted under this section
7 shall be limited to a biological agent or toxin listed in 9
8 C.F.R. § 121.2(b), as that list exists on January 1, 2004.

9 b. For crops, a pathogen restricted under this section
10 shall be limited to a biological agent or toxin listed in 7
11 C.F.R. § 331.3, as that list exists on January 1, 2004.

12 2. This section does not apply to a person who possesses,
13 transports, or distributes a pathogen in compliance with
14 federal law, including but not limited to as provided in 9
15 C.F.R. pt. 121 or 7 C.F.R. pt. 331.

16 3. A person who violates this section is guilty of a class
17 "B" felony. However, a person shall not be prosecuted or
18 subjected to a penalty or forfeiture under this section if the
19 person is prosecuted by the United States attorney's office
20 for a federal offense based on possession, transportation, or
21 transfer of the same pathogen.

22 EXPLANATION

23 This bill amends Code chapter 717A, which prohibits a
24 person from destroying property associated with agricultural
25 production, including property related to animal agriculture
26 and crop production. Code section 717A.2 prohibits a person
27 from transmitting a disease to an agricultural animal.

28 Code section 717A.1 defines an "animal" as any warm-blooded
29 or cold-blooded animal or honeybees. It includes an
30 "agricultural animal", which is an animal maintained for its
31 parts or products having commercial value or an animal
32 belonging to the equine species. The same Code section
33 defines "crop" as any plant maintained for its parts or
34 products having commercial value, if the plant is produced
35 from an agricultural seed or vegetable seed, or is a tree,

1 shrub, vine, berry plant, greenhouse plant, or flower.

2 The bill makes it a crime to possess, transport, or
3 transfer a pathogen which may threaten the health of an animal
4 or crop. The pathogens are referenced according to federal
5 law (which refers to them as biological agents or toxins). A
6 few of the pathogens threatening animal health are African
7 horsesickness, African swine fever, bluetongue (exotic),
8 classical swine fever, contagious bovine pleuropneumonia,
9 foot-and-mouth disease, highly pathogenic avian influenza
10 lumpy skin disease, newcastle disease (exotic), peste des
11 petits ruminants, rinderpest sheep pox and goat pox, swine
12 vesicular disease, and vesicular stomatitis (exotic). The
13 pathogens threatening plant health are *Liberobacter africanus*
14 or *liberobacter asiaticus*, *peronosclerospora philippinensis*,
15 *phakopsora pachyrhizi*, plum pox potyvirus, *ralstonia*
16 *solanacearum* race 3, *sclerophthora rayssiae* var. *zeae*,
17 *synchytrium endobioticum*, *xanthomonas oryzae* pv. *Oryzicola*,
18 and *xylella fastidiosa* (citrus variegated chlorosis strain).

19 The bill provides two major qualifications. First, a
20 person is not subject to the bill's provisions if the person
21 is acting in compliance with federal law. Thus, a diagnostic
22 laboratory would be exempt from state law as long as it
23 complied with federal reporting requirements under 7 C.F.R. §
24 331.4. The bill also prevents a person from being prosecuted
25 both under federal law and state law for the same offense.

26 A person who is found guilty of an offense under the
27 provisions of the bill is guilty of a class "B" felony. A
28 class "B" felony is punishable by confinement for no more than
29 25 years.

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