

MAR 5 2004
APPROPRIATIONS

HOUSE FILE 2478
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 672)

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

A BILL FOR

1 An Act regulating animal health by the department of agriculture
2 and land stewardship, making an appropriation, and making
3 penalties applicable.

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

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HF 2478

1 Section 1. Section 163.1, subsections 1 through 8, Code
2 2003, are amended to read as follows:

3 1. ~~Make-all~~ Adopt any necessary rules rule for the
4 ~~suppression-and-prevention control~~ of an infectious and or
5 contagious ~~diseases-among~~ disease affecting animals within the
6 state.

7 2. Provide for quarantining animals ~~affected~~ afflicted
8 with an infectious or contagious ~~diseases~~ disease, or that
9 have been exposed to such ~~diseases~~ disease, whether within or
10 without the state.

11 3. Determine and employ the most efficient and practical
12 means for the ~~prevention, suppression, control, and~~
13 ~~eradication~~ control of ~~contagious-or~~ an infectious ~~diseases~~
14 ~~among~~ or contagious disease afflicting animals.

15 4. Establish, maintain, enforce, and regulate quarantine
16 and other measures relating to the ~~movements~~ movement and care
17 of ~~diseased~~ animals that may be exposed or afflicted with an
18 infectious or contagious disease.

19 5. Provide for the disinfection of suspected yards,
20 buildings, and or articles, and for the destruction of ~~such~~
21 animals as may be deemed necessary by the department.

22 6. Enter any place where any animal is at the time
23 located, or where it has been kept, or where the carcass of
24 such animal may be, for the purpose of examining it in any way
25 that may be necessary to determine whether it was or is
26 ~~infected~~ exposed to or afflicted with any an infectious or
27 contagious ~~or-infectious~~ disease.

28 7. Regulate or prohibit the arrival in, departure from,
29 and passage through the state, of animals ~~infected~~ exposed to
30 or afflicted with ~~or-exposed-to-any~~ an infectious or
31 contagious disease; and in case of a violation of any such
32 regulation or prohibition, to detain any animal at the owner's
33 cost expense.

34 8. Regulate or prohibit the ~~bringing~~ movement of animals
35 into the state, which, in ~~its-opinion~~ the department's

1 determination, for any reason, may be detrimental to the
2 health of animals in the state.

3 Sec. 2. Section 163.2, Code 2003, is amended to read as
4 follows:

5 163.2 INFECTIOUS AND OR CONTAGIOUS DISEASES.

6 ~~For-the-purpose-of~~ As provided in this chapter, infectious
7 ~~and-contagious-diseases-shall-be-deemed-to-embrace~~ unless the
8 context otherwise requires:

9 1. "Certificate of veterinary inspection" or "certificate"
10 means a legible record, made on an official form of the state
11 of origin or the animal and plant health inspection service of
12 the United States department of agriculture, and issued by an
13 accredited veterinarian of the state of origin or a
14 veterinarian in the employ of the animal and plant health
15 inspection service, which shows that an animal listed on the
16 form meets the health requirements of the state of
17 destination.

18 2. "Control" means the prevention, suppression, or
19 eradication of an infectious or contagious disease afflicting
20 an animal within the state.

21 3. "Department" means the department of agriculture and
22 land stewardship.

23 4. "Infectious or contagious disease" means glanders,
24 farcy, maladie du coit (dourine), anthrax, foot and mouth
25 disease, scabies, hog cholera, swine-dysentery, tuberculosis,
26 brucellosis, vesicular exanthema, scrapie, rinderpest, ovine
27 foot-rot, or any other transmissible, transferable, or
28 communicable disease so designated by the department.

29 As used in this chapter, "foot and mouth disease" means a
30 virus of the family picornaviridae, genus aphthovirus,
31 including any immunologically distinct serotypes.

32 5. "Move" or "movement", except as provided in subchapter
33 III, means to ship, transport, or deliver an animal.

34 Sec. 3. Section 163.10, Code 2003, is amended to read as
35 follows:

1 163.10 QUARANTINING OR ~~KILLING~~ DESTROYING ANIMALS.

2 The department may quarantine or ~~condemn~~ destroy any animal
3 ~~which-is-infected~~ exposed to or afflicted with any an
4 infectious or contagious or-infectious disease, ~~but no.~~
5 However, cattle exposed to or infected with tuberculosis shall
6 ~~be-killed~~ not be destroyed without the owner's consent, unless
7 there ~~shall-be~~ are sufficient funds moneys to pay reimburse
8 the owner for such the cattle, in which may be paid from the
9 ~~allotment-made-for-that-purpose-from-the~~ appropriation for-the
10 ~~eradication-of-infectious-and-contagious-diseases-among~~
11 ~~animals-as~~ provided in ~~this-chapter~~ section 163.15, moneys in
12 the brucellosis and tuberculosis eradication fund created in
13 section 165.18, or moneys made available by the United States
14 department of agriculture.

15 Sec. 4. Section 163.11, unnumbered paragraph 1, Code 2003,
16 is amended to read as follows:

17 No A person shall bring not move an animal into this state,
18 except to a public livestock ~~markets~~ market where federal
19 inspection of livestock is maintained, ~~any-animal~~ for work,
20 breeding, or dairy purposes, unless such animal has been
21 examined and found free from all ~~contagious-or~~ infectious or
22 contagious diseases.

23 Sec. 5. Section 163.12, Code 2003, is amended to read as
24 follows:

25 163.12 FREEDOM FROM DISEASE.

26 Freedom from disease as specified in section 163.11 shall
27 be established by a ~~certificate-of-health~~ certificate of
28 veterinary inspection signed by a veterinarian acting under
29 either the authority of the ~~federal~~ department of agriculture
30 and land stewardship, or of the ~~state~~ United States department
31 of agriculture ~~and-land-stewardship~~. A copy of the
32 certificate shall be attached to the waybill accompanying a
33 shipment, and a copy of the certificate shall be delivered to
34 the department.

35 Sec. 6. Section 163.14, Code 2003, is amended to read as

1 follows:

2 163.14 INTRASTATE SHIPMENTS MOVEMENT.

3 ~~All-animals~~ An animal, except-those-intended other than an
4 animal to be moved for immediate slaughter, shall be inspected
5 when required by the department, and accompanied by the
6 aforesaid certificate of veterinary inspection provided in
7 section 163.12 when shipped moved from a point public
8 stockyard in this state to another point within the state
9 where federal inspection is not maintained.

10 Sec. 7. Section 163.15, unnumbered paragraphs 1 and 2,
11 Code 2003, are amended to read as follows:

12 ~~Whenever-any-animal-is-found-to-be-infected-with-one-of-the~~
13 ~~contagious-diseases-enumerated-in-section-163.2-or-one-which~~
14 ~~has-been-designated-by-the-department-thereunder,if-there-be~~
15 ~~no-other-provisions-for-indemnifying-the-owner-in-case-the~~
16 ~~same-be-condemned-and-ordered-by-the-department-to-be-killed,~~
17 and If the secretary of agriculture determines that the
18 ~~existence-of-said-communicable~~ the outbreak of an infectious
19 or contagious disease among an animal population constitutes a
20 threat to the general welfare or the public health of the
21 inhabitants of this state, the secretary shall formulate a
22 program of eradication ~~including-therein~~ which shall include
23 the condemnation and killing ~~destroying~~ of the infected
24 ~~animals,provided-however,that-said~~ exposed to or afflicted
25 with the disease. The program of eradication shall provide
26 for the indemnification of owners of the livestock under this
27 section, if there are no other sources of indemnification.
28 The program shall not be ~~put-into-effect-as-hereinafter~~
29 provided effective until the same program has been approved by
30 the executive council.

31 If an animal infected afflicted with a an infectious or
32 contagious disease is destroyed under a program of eradication
33 as provided in this section, the owner shall be compensated
34 according to one of the following methods:

35 Sec. 8. Section 163.15, subsection 2, unnumbered paragraph

1 2, Code 2003, is amended to read as follows:

2 c. If an owner elects to be paid an indemnity amount based
3 on a method that provides either a determination by appointed
4 appraisers or pursuant to a formula, the owner shall not be
5 entitled to revoke the election, unless otherwise provided by
6 the department. An owner's decision to delay or refuse to
7 make an election under this section shall not affect the
8 condemnation and destruction of ~~infected~~ afflicted animals
9 under the program of eradication.

10 d. Upon approval by the executive council, there is
11 appropriated to the department from any moneys in the general
12 fund of the state not otherwise appropriated moneys sufficient
13 to carry out the provisions of this subsection.

14 Sec. 9. Section 163.23, Code 2003, is amended to read as
15 follows:

16 163.23 FALSE CERTIFICATES OF HEALTH.

17 A veterinarian shall not issue a certificate of ~~health~~
18 veterinary inspection for an animal knowing that the animal
19 described in the certificate ~~of-health~~ was not the same animal
20 from which tests were made as a basis for issuing the
21 certificate. A veterinarian shall not otherwise falsify a
22 certificate ~~of-health~~.

23 Sec. 10. Section 163.24, Code 2003, is amended to read as
24 follows:

25 163.24 USING FALSE CERTIFICATE.

26 A person shall not conduct a transaction to import, export,
27 or transport an animal within this state or sell or offer for
28 sale an animal if the person uses a certificate of ~~health~~
29 veterinary inspection in connection with the transaction
30 knowing that the animal described in the certificate ~~of-health~~
31 was not the animal from which tests were made as a basis for
32 issuing the certificate ~~of-health~~. A person shall not
33 otherwise use an altered or otherwise false certificate in
34 connection with such transaction.

35 Sec. 11. Section 163.30, subsection 5, unnumbered

1 paragraphs 1 and 4, Code Supplement 2003, are amended to read
2 as follows:

3 All swine moved shall be accompanied by ~~an-official~~ a
4 ~~health certificate or-veterinarian~~ of veterinary inspection
5 ~~certificate~~ issued by the state of origin and prepared and
6 signed by a veterinarian. The ~~health certificate or~~
7 ~~veterinarian-inspection-certificate~~ shall show the point of
8 origin, the point of destination, individual identification,
9 immunization status, and, when required, any movement permit
10 number assigned to the shipment by the department. All such
11 movement of swine shall be completed within seventy-two hours
12 unless an extension of time for movement is granted by the
13 department.

14 The department may combine ~~an-official-health~~ a certificate
15 ~~or-a-veterinarian~~ of veterinary inspection ~~certificate~~ with a
16 certificate of inspection required under chapter 166D.

17 Sec. 12. Section 163.30, subsection 9, Code Supplement
18 2003, is amended to read as follows:

19 9. All swine found by a registered veterinarian to have
20 any ~~infectious, contagious, or-communicable-swine~~ infectious
21 or contagious disease after delivery to any livestock sale
22 barn or auction market for resale other than for slaughter,
23 shall be immediately returned to the consignor's premises to
24 be quarantined separate and apart for fifteen days. Such
25 swine ~~may~~ shall not be moved from such premises for any
26 purpose unless ~~an-official-health~~ a certificate or
27 ~~veterinarian~~ of veterinary inspection ~~certificate~~ accompanies
28 the movement or unless they are sent to slaughter. This
29 subsection shall in no way supersede the requirements of
30 sections 163A.2 and 163A.3.

31 Sec. 13. Section 163.43, Code 2003, is amended to read as
32 follows:

33 163.43 HEALTH CERTIFICATE REQUIRED.

34 1. A person shall not be a party to a lease of a breeding
35 bull within this state in which the lessor is a licensee,

1 unless the breeding bull is accompanied by a health
2 certificate of veterinary inspection. For the purposes of
3 this section, a breeding bull is leased within this state if
4 it is leased to an Iowa resident.

5 2. The health certificate of veterinary inspection shall
6 be issued by a licensed veterinarian who examines the breeding
7 bull and signs the health certificate. The health certificate
8 shall include all of the following:

9 a. A statement that, to the best of the knowledge and
10 belief of the veterinarian, the breeding bull is apparently
11 free from any an infectious, or contagious, or communicable
12 disease.

13 b. A statement that the breeding bull has reacted
14 negatively to a test for brucellosis conducted within six
15 months prior to the date that the veterinarian signs the
16 health certificate.

17 c. If the breeding bull does not originate from this
18 state, a statement providing that importing the breeding bull
19 satisfies applicable importation requirements.

20 d. The identification number of the breeding bull as
21 required pursuant to section 163.42.

22 e. The date that the health certificate is was issued.

23 3. The health certificate of veterinary inspection shall
24 not be valid after the term of the lease expires or after the
25 breeding bull moves from the lessee's premises. Thereafter, a
26 new health certificate must be issued as required in this
27 section.

28 4. One copy of the health certificate of veterinary
29 inspection shall be issued to the licensee who shall maintain
30 the health certificate as part of the licensee's business
31 records. One copy of the health certificate shall be issued
32 to the lessee when the breeding bull is delivered to the
33 lessee. A licensee shall show the health certificate upon
34 request to any person designated by the department to enforce
35 the provisions of this section.

1 Sec. 14. Section 163.46, Code 2003, is amended to read as
2 follows:

3 163.46 SALE OF SEMEN.

4 The owner of a breeding bull located within this state
5 shall not sell the semen from that bull for the purpose of
6 artificial insemination unless the owner is in possession of a
7 health certificate of veterinary inspection signed and issued
8 by a licensed veterinarian within six months before the date
9 the semen is collected. The ~~health~~ certificate shall not be
10 valid if the bull is moved to other premises between the date
11 of examination and the date of collection. The ~~health~~
12 certificate shall show that on the date of issue the breeding
13 bull had been tested negative for brucellosis and, to the best
14 knowledge and belief of the examining veterinarian, was free
15 from any infectious, or ~~contagious, or communicable~~ disease.

16 Sec. 15. Section 163.61, subsection 2, paragraph b, Code
17 2003, is amended to read as follows:

18 b. Notwithstanding the provisions of paragraph "a", a
19 person who falsifies a ~~health certificate, veterinarian of~~
20 veterinary inspection certificate, or certificate of
21 inspection shall be subject to a civil penalty of not more
22 than five thousand dollars for each reference to an animal
23 falsified on the certificate. However, a person who falsifies
24 a certificate ~~of inspection~~ issued pursuant to chapter 166D
25 shall be subject to a civil penalty as provided in this
26 section or section 166D.16, but not both. A person shall not
27 be subject to a civil penalty totaling more than twenty-five
28 thousand dollars for falsifying a certificate, regardless of
29 the number of animals falsified on the certificate.

30 Sec. 16. Section 163A.1, subsection 4, Code 2003, is
31 amended to read as follows:

32 4. "~~Health certificate or certificate of health or~~
33 ~~interstate health certificate~~" "Certificate of veterinary
34 inspection" or "certificate" means ~~a legible record made on~~
35 ~~an official form of the state of origin or the animal disease~~

1 ~~eradication-branch-of-the-United-States-department-of~~
2 ~~agriculture-or-any-successor-agency-thereto, and-issued-by-an~~
3 ~~accredited-veterinarian-of-the-state-of-origin-or-a~~
4 ~~veterinarian-in-the-employ-of-the-animal-disease-eradication~~
5 ~~branch-of-the-United-States-department-of-agriculture-or-any~~
6 ~~successor-agency-thereto, which-shows-that-the-animals-listed~~
7 ~~thereon-meet-the-health-requirements-of-the-state-of~~
8 ~~destination~~ the same as defined in section 163.2.

9 Sec. 17. Section 163A.5, Code 2003, is amended to read as
10 follows:

11 163A.5 INTERSTATE SHIPMENTS.

12 1. All Except as provided in subsection 2, breeding swine
13 four months of age and over, entering Iowa this state for
14 breeding or exhibition purposes, shall be accompanied by an
15 official-interstate-health a certificate of inspection issued
16 by an accredited veterinarian of the state of origin, showing.
17 The certificate shall show that such swine meet the-Iowa this
18 state's entry requirements and are negative to the test for
19 brucellosis conducted by an official laboratory of the state
20 of origin within thirty days of entry, provided, that swine
21 from-validated-brucellosis-free-herds.

22 2. a. Swine may enter the state or be exhibited without a
23 test for brucellosis when if one of the following applies:

24 (1) The swine are from a brucellosis-free herd as
25 validated according to rules adopted by the department.

26 (2) The swine are from a state that is declared to be
27 brucellosis-free as recognized by the department.

28 b. The swine must be accompanied by a certificate of
29 health veterinary inspection issued by an accredited
30 veterinarian of the state of origin or a veterinarian employed
31 by the animal disease-eradication-branch and plant inspection
32 service of the United States department of agriculture or-any
33 successor-agency-thereto, showing-such-swine-to-have
34 originated. The certificate must indicate whether the swine
35 are from a state that is declared to be brucellosis-free. If

1 the swine are from a brucellosis-free herds-and-giving herd,
2 the certificate must indicate the herd number and showing show
3 that the herd has been tested within the past twelve months.

4 Sec. 18. Section 164.1, Code 2003, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 2A. "Certificate of veterinary
7 inspection" or "certificate" means the same as defined in
8 section 163.2.

9 Sec. 19. Section 164.14, subsection 2, paragraph c, Code
10 2003, is amended to read as follows:

11 c. Accompanied by ~~an-official-health~~ a certificate of
12 veterinary inspection showing a record of a negative
13 brucellosis test, when required, accomplished within thirty
14 days of importation.

15 Sec. 20. NEW SUBSECTION. 165.1A DEFINITIONS.

16 As used in this chapter, unless the context otherwise
17 requires:

18 1. "Department" means the department of agriculture and
19 land stewardship.

20 2. "Certificate of veterinary inspection" or "certificate"
21 means the same as defined in section 163.2.

22 Sec. 21. Section 165.36, subsection 3, Code 2003, is
23 amended to read as follows:

24 3. That such cattle are brought into ~~the-state-of-Iowa~~
25 this state under quarantine to be tuberculin tested for
26 tuberculosis and fully examined in not less than sixty days
27 nor more than ninety days, ~~such.~~ The test to must be applied
28 by a veterinarian accredited by the ~~department of-agriculture~~
29 ~~and-land-stewardship-of-the-state-of-Iowa~~ and at the expense
30 of the owners owner. Such cattle brought in under quarantine
31 shall be accompanied by ~~an-official~~ a certificate of
32 veterinary inspection issued by a veterinarian accredited by
33 the state from which the cattle come are imported or by the
34 ~~department-of-agriculture-of-the~~ animal and plant health
35 inspection service of the United States department of

1 agriculture showing them to be free from tuberculosis. The
2 department of agriculture and land stewardship shall not
3 release its quarantine thus-provided-for-shall-be-established
4 by-the-department-of-agriculture-and-land-stewardship-of-the
5 state-of-Iowa-and-shall-not-be-released until the an
6 examination has been made and the department determines that
7 such cattle found-free-from are not afflicted with
8 tuberculosis.

9 Sec. 22. Section 166A.1, subsection 8, Code 2003, is
10 amended to read as follows:

11 8. "~~Official-health-certificate~~" "Certificate of
12 veterinary inspection" or "certificate" means a-legal-record
13 covering-the-requirement-of-the-state-of-Iowa-and-approved-by
14 the-proper-livestock-sanitary-official-of-the-state-of-origin
15 and-issued-by-an-accredited-veterinarian the same as defined
16 in section 163.2.

17 Sec. 23. Section 166A.4, Code 2003, is amended to read as
18 follows:

19 166A.4 DIPPING.

20 All breeding and feeding sheep offered for sale or exchange
21 or otherwise moved or released from any premises, vehicle or
22 conveyance, shall, within ten days prior to exchange, release,
23 or movement, be dipped in an approved dip under the
24 supervision of the ~~Iowa department of agriculture and land~~
25 ~~stewardship or of the animal disease eradication division~~ or
26 the animal and plant health inspection service of the United
27 States department of agriculture; ~~provided, that when.~~ When
28 sheep are moved within or from a certified scabies-free area
29 in the this state, the sheep must be accompanied by an
30 ~~official-health-certificate,~~ a certificate of veterinary
31 inspection as provided in chapter 163. The dipping shall not
32 be required prior to such movement; ~~and provided further, that~~
33 sheep. Sheep may be moved from a premises to an approved
34 facility for the purpose of dipping under such conditions as
35 may be required by the rules of the department; ~~and also~~ or

1 the animal and plant health inspection service of the United
2 States department of agriculture. In addition, sheep are not
3 required to be dipped if moved to a livestock auction market
4 need-not-be-dipped until after sale, Nor. Sheep are not
5 required to be dipped if consigned directly for slaughter.

6 Sec. 24. Section 166A.10, Code 2003, is amended to read as
7 follows:

8 166A.10 RESTRAINT OF MOVEMENT.

9 Sheep from noncertified scabies-free areas within Iowa this
10 state shall not enter certified scabies-free areas unless they
11 have been dipped in an approved dip under supervision within
12 ten days preceding movement and satisfactory evidence of
13 dipping accompanies the shipment, ~~except.~~ However, such sheep
14 may move be moved into certified scabies-free areas if
15 consigned directly to a stockyard market, auction market or
16 slaughter establishment, under federal inspection, provided
17 the sheep are accompanied by a certificate of veterinary
18 inspection stating number, description, consignor and
19 consignee.

20 Sec. 25. Section 166A.11, Code 2003, is amended to read as
21 follows:

22 166A.11 SHEEP ENTERING STATE.

23 1. All-sheep-entering Sheep being moved into the state for
24 breeding or feeding purposes shall be accompanied by a permit
25 and-by-a-health certificate of veterinary inspection stating
26 the sheep are ~~from~~ any of the following:

27 a. From a certified scabies-free area ~~or-if-not-from-a~~
28 ~~certified-scabies-free-area-that-they-have-been-dipped.~~

29 b. Dipped in an approved dip within ten days prior to
30 movement. ~~All-livestock~~

31 2. Livestock markets, dealers and individuals shall retain
32 all incoming waybills, ~~permits-and-health~~ and certificates for
33 a period of one year, ~~same-to~~ which shall be made available to
34 the department upon demand ~~by-the-department.~~

35 Sec. 26. Section 166D.2, Code 2003, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 5A. "Certificate of veterinary
3 inspection" means the same as defined in section 163.2.

4 Sec. 27. Section 166D.10, subsection 1, unnumbered
5 paragraph 1, Code Supplement 2003, is amended to read as
6 follows:

7 A person shall not sell, lease, exhibit, loan, move, or
8 relocate swine within the state unless the swine are
9 accompanied by a certificate of inspection in the same manner
10 as provided for ~~an-official-health~~ a certificate ~~or~~
11 ~~veterinarian-certificate of veterinary inspection~~ as provided
12 in section 163.30. The department may combine the certificate
13 of inspection with ~~an-official-health~~ a certificate ~~or-a~~
14 ~~veterinarian of veterinary inspection~~ certificate. A
15 certificate of inspection is not required if any of the
16 following apply:

17 Sec. 28. Section 166D.10, subsection 1, paragraph b,
18 subparagraph (3), Code Supplement 2003, is amended to read as
19 follows:

20 (3) A certificate of inspection, or ~~an-official-health~~ a
21 certificate ~~or-a-veterinarian of veterinary~~ inspection
22 certificate as provided in section 163.30, has been issued for
23 the swine within thirty days prior to the date of relocation.
24 The department may adopt rules excusing a person from
25 complying with this subparagraph if the department determines
26 that the purposes of the chapter as provided in section 166D.1
27 are not furthered by the requirement.

28 Sec. 29. Section 166D.10, subsection 1, paragraph b,
29 unnumbered paragraph 2, Code Supplement 2003, is amended to
30 read as follows:

31 The department shall adopt rules required to administer
32 this paragraph "b". A transportation certificate accompanying
33 relocated swine shall cite the relevant relocation record and
34 certificate of inspection, or ~~official-health~~ certificate ~~or~~
35 ~~veterinarian of veterinary~~ inspection certificate. The

1 department may provide for the examination of the relocation
2 records on the owner's premises during normal business hours,
3 or may require that reports containing relevant information
4 contained in relocation records and certificates of
5 inspection, or ~~official-health~~ certificates ~~or-veterinarian~~ of
6 veterinary inspection certificates, be periodically submitted
7 to the department. For purposes of this section, swine
8 production information contained in relocation records is a
9 trade secret as provided in section 22.7, unless otherwise
10 provided by rules adopted by the department. The department
11 shall provide for the disclosure of confidential information
12 only to the extent required for enforcement of this chapter,
13 the detection and prosecution of public offenses, or to comply
14 with a subpoena or court order.

15 Sec. 30. Section 166D.10, subsection 2, unnumbered
16 paragraph 2, Code Supplement 2003, is amended to read as
17 follows:

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

26 Sec. 31. Section 172B.3, subsection 2, paragraph 1, Code
27 2003, is amended to read as follows:

28 1. The form number and state of issuance of any health
29 certificate of veterinary inspection accompanying the
30 livestock.

31 EXPLANATION

32 This bill amends a number of provisions in Title V of the
33 Code relating to animal health, and specifically infectious or
34 contagious diseases regulated by the department of agriculture
35 and land stewardship. The bill amends the term "infectious or

1 contagious" throughout the title to be consistent. The bill
2 provides a common definition of the term "certificate of
3 veterinary inspection" (formerly "health certificate" or
4 "certificate of health") as used throughout chapters
5 regulating animal health. The definition is borrowed from
6 Code chapter 163A regulating brucellosis in swine. The bill
7 also amends Code chapter 163 to provide a definition of
8 "control" and "movement".

9 Code section 163.1 currently authorizes the department to
10 quarantine animals that have been infected or exposed to an
11 infectious or contagious disease and provides for the
12 destruction of such animals as determined by the department.
13 This presumably refers to animals which have been exposed to
14 or afflicted with the disease and this bill specifically
15 provides for that. The bill makes a related change to Code
16 section 163.10, which provides for quarantining and destroying
17 animals infected with the disease. The bill provides that
18 this includes animals which are exposed to the disease. Code
19 section 163.15 currently provides for indemnifying owners
20 whose livestock has been destroyed by the department. One
21 method is based on a formula adopted by the department and
22 approved by the executive council. The other method is an
23 appraisal method. The bill provides an appropriation to the
24 department from the general fund as approved by the executive
25 council to support payments under the formula method just as
26 executive council approves payments now based on the appraisal
27 method.

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Dolecheck - Chair
Olson
Frevett

HSB 672
Agriculture

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
AGRICULTURE AND LAND
STEWARDSHIP BILL)

SF 02478

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

A BILL FOR

1 An Act regulating animal health by the department of agriculture
2 and land stewardship, making an appropriation, and making
3 penalties applicable.

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

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1 Section 1. Section 163.1, subsections 1 through 8, Code
2 2003, are amended to read as follows:

3 1. ~~Make-att~~ Adopt any necessary rules rule for the
4 ~~suppression-and-prevention control~~ of an infectious and or
5 ~~contagious diseases-among~~ disease affecting animals within the
6 state.

7 2. Provide for quarantining animals ~~affected~~ afflicted
8 with an infectious or contagious diseases disease, or that
9 have been exposed to such ~~diseases~~ disease, whether within or
10 without the state.

11 3. Determine and employ the most efficient and practical
12 means for the ~~prevention, suppression, control, and~~
13 ~~eradication~~ control of ~~contagious-or~~ an infectious diseases
14 ~~among or contagious disease~~ afflicting animals.

15 4. Establish, maintain, enforce, and regulate quarantine
16 and other measures relating to the ~~movements~~ movement and care
17 of ~~diseased~~ animals that may be exposed or afflicted with an
18 infectious or contagious disease.

19 5. Provide for the disinfection of suspected yards,
20 buildings, and or articles, and for the destruction of such
21 animals as may be deemed necessary by the department.

22 6. Enter any place where any animal is at the time
23 located, or where it has been kept, or where the carcass of
24 such animal may be, for the purpose of examining it in any way
25 that may be necessary to determine whether it was or is
26 ~~infected~~ exposed to or afflicted with any an infectious or
27 ~~contagious or-infectious~~ disease.

28 7. Regulate or prohibit the arrival in, departure from,
29 and passage through the state, of animals ~~infected~~ exposed to
30 or afflicted with ~~or-exposed-to-any~~ an infectious or
31 contagious disease; and in case of a violation of any such
32 regulation or prohibition, to detain any animal at the owner's
33 ~~cost~~ expense.

34 8. Regulate or prohibit the bringing movement of animals
35 into the state, which, in ~~its-opinion~~ the department's

1 determination, for any reason, may be detrimental to the
2 health of animals in the state.

3 Sec. 2. Section 163.2, Code 2003, is amended to read as
4 follows:

5 163.2 INFECTIOUS AND OR CONTAGIOUS DISEASES.

6 ~~For-the-purpose-of~~ As provided in this chapter, infectious
7 ~~and-contagious-diseases-shall-be-deemed-to-embrace~~ unless the
8 context otherwise requires:

9 1. "Certificate of veterinary inspection" or "certificate"
10 means a legible record, made on an official form of the state
11 of origin or the animal and plant health inspection service of
12 the United States department of agriculture, and issued by an
13 accredited veterinarian of the state of origin or a
14 veterinarian in the employ of the animal and plant health
15 inspection service, which shows that an animal listed on the
16 form meets the health requirements of the state of
17 destination.

18 2. "Control" means the prevention, suppression, or
19 eradication of an infectious or contagious disease afflicting
20 an animal within the state.

21 3. "Department" means the department of agriculture and
22 land stewardship.

23 4. "Infectious or contagious disease" means glanders,
24 farcy, maladie du coit (dourine), anthrax, foot and mouth
25 disease, scabies, hog cholera, swine-dysentery, tuberculosis,
26 brucellosis, vesicular exanthema, scrapie, rinderpest, ovine
27 foot-rot, or any other transmissible, transferable, or
28 communicable disease so designated by the department.

29 As used in this chapter, "foot and mouth disease" means a
30 virus of the family picornaviridae, genus aphthovirus,
31 including any immunologically distinct serotypes.

32 5. "Move" or "movement", except as provided in subchapter
33 III, means to ship, transport, or deliver an animal.

34 Sec. 3. Section 163.10, Code 2003, is amended to read as
35 follows:

1 163.10 QUARANTINING OR ~~KIBBING~~ DESTROYING ANIMALS.

2 The department may quarantine or ~~condemn~~ destroy any animal
3 ~~which-is-infected~~ exposed to or afflicted with ~~any an~~
4 infectious or contagious ~~or-infectious~~ disease, ~~-but-no.~~
5 However, cattle exposed to or infected with tuberculosis shall
6 ~~be-killed~~ not be destroyed without the owner's consent, unless
7 there ~~shall-be~~ are sufficient funds ~~moneys~~ to pay reimburse
8 the owner for ~~such the~~ cattle, in which may be paid from the
9 ~~allotment-made-for-that-purpose-from-the~~ appropriation ~~for-the~~
10 ~~eradication-of-infectious-and-contagious-diseases-among~~
11 ~~animals-as~~ provided in ~~this-chapter~~ section 163.15, moneys in
12 the brucellosis and tuberculosis eradication fund created in
13 section 165.18, or moneys made available by the United States
14 department of agriculture.

15 Sec. 4. Section 163.11, unnumbered paragraph 1, Code 2003,
16 is amended to read as follows:

17 ~~No~~ A person shall ~~bring~~ not move an animal into this state,
18 except to a public livestock markets market where federal
19 inspection of livestock is maintained, ~~any-animal~~ for work,
20 breeding, or dairy purposes, unless such animal has been
21 examined and found free from all ~~contagious-or~~ infectious or
22 contagious diseases.

23 Sec. 5. Section 163.12, Code 2003, is amended to read as
24 follows:

25 163.12 FREEDOM FROM DISEASE.

26 Freedom from disease as specified in section 163.11 shall
27 be established by a ~~certificate-of-health~~ certificate of
28 veterinary inspection signed by a veterinarian acting under
29 either the authority of the ~~federal~~ department of agriculture
30 and land stewardship, or of the ~~state~~ United States department
31 of agriculture ~~and-land-stewardship~~. A copy of the
32 certificate shall be attached to the waybill accompanying a
33 shipment, and a copy of the certificate shall be delivered to
34 the department.

35 Sec. 6. Section 163.14, Code 2003, is amended to read as

1 follows:

2 163.14 INTRASTATE SHIPMENTS MOVEMENT.

3 ~~All-animals~~ An animal, except-those-intended other than an
4 animal to be moved for immediate slaughter, shall be inspected
5 when required by the department, and accompanied by the
6 aforsaid certificate of veterinary inspection provided in
7 section 163.12 when shipped moved from a point public
8 stockyard in this state to another point within the state
9 where federal inspection is not maintained.

10 Sec. 7. Section 163.15, unnumbered paragraphs 1 and 2,
11 Code 2003, are amended to read as follows:

12 ~~Whenever-any-animal-is-found-to-be-infected-with-one-of-the~~
13 ~~contagious-diseases-enumerated-in-section-163-2-or-one-which~~
14 ~~has-been-designated-by-the-department-thereunder,-if-there-be~~
15 ~~no-other-provisions-for-indemnifying-the-owner-in-case-the~~
16 ~~same-be-condemned-and-ordered-by-the-department-to-be-killed,~~
17 and If the secretary of agriculture determines that the
18 ~~existence-of-said-communicable~~ the outbreak of an infectious
19 or contagious disease among an animal population constitutes a
20 threat to the general welfare or the public health of the
21 inhabitants of the this state, the secretary shall formulate a
22 program of eradication ~~including-therein~~ which shall include
23 the condemnation and ~~killing~~ destroying of the ~~infected~~
24 ~~animals,-provided-however,-that-said~~ exposed to or afflicted
25 with the disease. The program of eradication shall provide
26 for the indemnification of owners of the livestock under this
27 section, if there are no other sources of indemnification.
28 ~~The~~ program shall not be ~~put-into-effect-as-hereinafter~~
29 provided effective until the ~~same~~ program has been approved by
30 the executive council.

31 If an animal ~~infected~~ afflicted with a an infectious or
32 contagious disease is destroyed under a program of eradication
33 as provided in this section, the owner shall be compensated
34 according to one of the following methods:

35 Sec. 8. Section 163.15, subsection 2, unnumbered paragraph

1 2, Code 2003, is amended to read as follows:

2 c. If an owner elects to be paid an indemnity amount based
3 on a method that provides either a determination by appointed
4 appraisers or pursuant to a formula, the owner shall not be
5 entitled to revoke the election, unless otherwise provided by
6 the department. An owner's decision to delay or refuse to
7 make an election under this section shall not affect the
8 condemnation and destruction of ~~infected~~ afflicted animals
9 under the program of eradication.

10 d. Upon approval by the executive council, there is
11 appropriated to the department from any moneys in the general
12 fund of the state not otherwise appropriated moneys sufficient
13 to carry out the provisions of this subsection.

14 Sec. 9. Section 163.23, Code 2003, is amended to read as
15 follows:

16 163.23 FALSE CERTIFICATES OF HEALTH.

17 A veterinarian shall not issue a certificate of ~~health~~
18 veterinary inspection for an animal knowing that the animal
19 described in the certificate ~~of-health~~ was not the same animal
20 from which tests were made as a basis for issuing the
21 certificate. A veterinarian shall not otherwise falsify a
22 certificate ~~of-health~~.

23 Sec. 10. Section 163.24, Code 2003, is amended to read as
24 follows:

25 163.24 USING FALSE CERTIFICATE.

26 A person shall not conduct a transaction to import, export,
27 or transport an animal within this state or sell or offer for
28 sale an animal if the person uses a certificate of ~~health~~
29 veterinary inspection in connection with the transaction
30 knowing that the animal described in the certificate ~~of-health~~
31 was not the animal from which tests were made as a basis for
32 issuing the certificate ~~of-health~~. A person shall not
33 otherwise use an altered or otherwise false certificate in
34 connection with such transaction.

35 Sec. 11. Section 163.30, subsection 5, unnumbered

1 paragraphs 1 and 4, Code Supplement 2003, are amended to read
2 as follows:

3 All swine moved shall be accompanied by ~~an-official~~ a
4 ~~health~~ certificate ~~or-veterinarian~~ of veterinary inspection
5 ~~certificate~~ issued by the state of origin and prepared and
6 signed by a veterinarian. The ~~health~~ certificate or
7 ~~veterinarian-inspection-certificate~~ shall show the point of
8 origin, the point of destination, individual identification,
9 immunization status, and, when required, any movement permit
10 number assigned to the shipment by the department. All such
11 movement of swine shall be completed within seventy-two hours
12 unless an extension of time for movement is granted by the
13 department.

14 The department may combine ~~an-official-health~~ a certificate
15 ~~or-a-veterinarian~~ of veterinary inspection certificate with a
16 certificate of inspection required under chapter 166D.

17 Sec. 12. Section 163.30, subsection 9, Code Supplement
18 2003, is amended to read as follows:

19 9. All swine found by a registered veterinarian to have
20 any ~~infectious, contagious, or communicable~~-swine infectious
21 or contagious disease after delivery to any livestock sale
22 barn or auction market for resale other than for slaughter,
23 shall be immediately returned to the consignor's premises to
24 be quarantined separate and apart for fifteen days. Such
25 swine ~~may~~ shall not be moved from such premises for any
26 purpose unless ~~an-official-health~~ a certificate or
27 ~~veterinarian~~ of veterinary inspection certificate accompanies
28 the movement or unless they are sent to slaughter. This
29 subsection shall in no way supersede the requirements of
30 sections 163A.2 and 163A.3.

31 Sec. 13. Section 163.43, Code 2003, is amended to read as
32 follows:

33 163.43 HEALTH CERTIFICATE REQUIRED.

34 1. A person shall not be a party to a lease of a breeding
35 bull within this state in which the lessor is a licensee,

1 unless the breeding bull is accompanied by a health
2 certificate of veterinary inspection. For the purposes of
3 this section, a breeding bull is leased within this state if
4 it is leased to an Iowa resident.

5 2. The health certificate of veterinary inspection shall
6 be issued by a licensed veterinarian who examines the breeding
7 bull and signs the health certificate. The health certificate
8 shall include all of the following:

9 a. A statement that, to the best of the knowledge and
10 belief of the veterinarian, the breeding bull is apparently
11 free from ~~any~~ an infectious, or contagious, ~~or~~ ~~communicable~~
12 disease.

13 b. A statement that the breeding bull has reacted
14 negatively to a test for brucellosis conducted within six
15 months prior to the date that the veterinarian signs the
16 health certificate.

17 c. If the breeding bull does not originate from this
18 state, a statement providing that importing the breeding bull
19 satisfies applicable importation requirements.

20 d. The identification number of the breeding bull as
21 required pursuant to section 163.42.

22 e. The date that the health certificate ~~is~~ was issued.

23 3. The health certificate of veterinary inspection shall
24 not be valid after the term of the lease expires or after the
25 breeding bull moves from the lessee's premises. Thereafter, a
26 new health certificate must be issued as required in this
27 section.

28 4. One copy of the health certificate of veterinary
29 inspection shall be issued to the licensee who shall maintain
30 the health certificate as part of the licensee's business
31 records. One copy of the health certificate shall be issued
32 to the lessee when the breeding bull is delivered to the
33 lessee. A licensee shall show the health certificate upon
34 request to any person designated by the department to enforce
35 the provisions of this section.

1 Sec. 14. Section 163.46, Code 2003, is amended to read as
2 follows:

3 163.46 SALE OF SEMEN.

4 The owner of a breeding bull located within this state
5 shall not sell the semen from that bull for the purpose of
6 artificial insemination unless the owner is in possession of a
7 ~~health~~ health certificate of veterinary inspection signed and issued
8 by a licensed veterinarian within six months before the date
9 the semen is collected. The ~~health~~ certificate shall not be
10 valid if the bull is moved to other premises between the date
11 of examination and the date of collection. The ~~health~~
12 certificate shall show that on the date of issue the breeding
13 bull had been tested negative for brucellosis and, to the best
14 knowledge and belief of the examining veterinarian, was free
15 from any infectious, or contagious, ~~or-communicable~~ disease.

16 Sec. 15. Section 163.61, subsection 2, paragraph b, Code
17 2003, is amended to read as follows:

18 b. Notwithstanding the provisions of paragraph "a", a
19 person who falsifies a ~~health certificate, veterinarian of~~
20 veterinary inspection certificate, or certificate of
21 ~~inspection~~ shall be subject to a civil penalty of not more
22 than five thousand dollars for each reference to an animal
23 falsified on the certificate. However, a person who falsifies
24 a certificate ~~of-inspection~~ issued pursuant to chapter 166D
25 shall be subject to a civil penalty as provided in this
26 section or section 166D.16, but not both. A person shall not
27 be subject to a civil penalty totaling more than twenty-five
28 thousand dollars for falsifying a certificate, regardless of
29 the number of animals falsified on the certificate.

30 Sec. 16. Section 163A.1, subsection 4, Code 2003, is
31 amended to read as follows:

32 4. ~~"Health-certificate"-or-"certificate-of-health"-or~~
33 ~~"interstate-health-certificate"~~ "Certificate of veterinary
34 inspection" or "certificate" means ~~a-legible-record, made-on~~
35 ~~an-official-form-of-the-state-of-origin-or-the-animal-disease~~

1 eradication-branch-of-the-United-States-department-of
2 agriculture-or-any-successor-agency-thereto, and issued by an
3 accredited-veterinarian-of-the-state-of-origin-or-a
4 veterinarian-in-the-employ-of-the-animal-disease-eradication
5 branch-of-the-United-States-department-of-agriculture-or-any
6 successor-agency-thereto, which shows that the animals listed
7 thereon meet the health requirements of the state of
8 destination the same as defined in section 163.2.

9 Sec. 17. Section 163A.5, Code 2003, is amended to read as
10 follows:

11 163A.5 INTERSTATE SHIPMENTS.

12 1. All Except as provided in subsection 2, breeding swine
13 four months of age and over, entering Iowa this state for
14 breeding or exhibition purposes, shall be accompanied by an
15 official-interstate-health a certificate of inspection issued
16 by an accredited veterinarian of the state of origin, showing.
17 The certificate shall show that such swine meet the-Iowa this
18 state's entry requirements and are negative to the test for
19 brucellosis conducted by an official laboratory of the state
20 of origin within thirty days of entry, provided, that swine
21 from-validated-brucellosis-free-herds.

22 2. a. Swine may enter the state or be exhibited without a
23 test for brucellosis when if one of the following applies:

24 (1) The swine are from a brucellosis-free herd as
25 validated according to rules adopted by the department.

26 (2) The swine are from a state that is declared to be
27 brucellosis-free as recognized by the department.

28 b. The swine must be accompanied by a certificate of
29 health veterinary inspection issued by an accredited
30 veterinarian of the state of origin or a veterinarian employed
31 by the animal disease-eradication-branch and plant inspection
32 service of the United States department of agriculture or-any
33 successor-agency-thereto, showing-such-swine-to-have
34 originated. The certificate must indicate whether the swine
35 are from a state that is declared to be brucellosis-free. If

1 the swine are from a brucellosis-free herds-and-giving herd,
2 the certificate must indicate the herd number and showing show
3 that the herd has been tested within the past twelve months.

4 Sec. 18. Section 164.1, Code 2003, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 2A. "Certificate of veterinary
7 inspection" or "certificate" means the same as defined in
8 section 163.2.

9 Sec. 19. Section 164.14, subsection 2, paragraph c, Code
10 2003, is amended to read as follows:

11 c. Accompanied by ~~an-official-health~~ a certificate of
12 veterinary inspection showing a record of a negative
13 brucellosis test, when required, accomplished within thirty
14 days of importation.

15 Sec. 20. NEW SUBSECTION. 165.1A DEFINITIONS.

16 As used in this chapter, unless the context otherwise
17 requires:

18 1. "Department" means the department of agriculture and
19 land stewardship.

20 2. "Certificate of veterinary inspection" or "certificate"
21 means the same as defined in section 163.2.

22 Sec. 21. Section 165.36, subsection 3, Code 2003, is
23 amended to read as follows:

24 3. That such cattle are brought into ~~the-state-of-Iowa~~
25 this state under quarantine to be tuberculin tested for
26 tuberculosis and fully examined in not less than sixty days
27 nor more than ninety days, ~~such.~~ The test to must be applied
28 by a veterinarian accredited by the department ~~of-agriculture~~
29 ~~and-land-stewardship-of-the-state-of-Iowa~~ and at the expense
30 of the ~~owners~~ owner. Such cattle brought in under quarantine
31 shall be accompanied by ~~an-official~~ a certificate of
32 veterinary inspection issued by a veterinarian accredited by
33 the state from which the cattle ~~come~~ are imported or by the
34 ~~department-of-agriculture-of-the~~ animal and plant health
35 inspection service of the United States department of

1 agriculture showing them to be free from tuberculosis. The
2 department of agriculture and land stewardship shall not
3 release its quarantine thus-provided-for-shall-be-established
4 by-the-department-of-agriculture-and-land-stewardship-of-the
5 state-of-iowa-and-shall-not-be-released until the an
6 examination has been made and the department determines that
7 such cattle found-free-from are not afflicted with
8 tuberculosis.

9 Sec. 22. Section 166A.1, subsection 8, Code 2003, is
10 amended to read as follows:

11 8. "~~Official-health-certificate~~" "Certificate of
12 veterinary inspection" or "certificate" means ~~a-legal-record~~
13 ~~covering-the-requirement-of-the-state-of-iowa-and-approved-by~~
14 ~~the-proper-livestock-sanitary-official-of-the-state-of-origin~~
15 ~~and-issued-by-an-accredited-veterinarian~~ the same as defined
16 in section 163.2.

17 Sec. 23. Section 166A.4, Code 2003, is amended to read as
18 follows:

19 166A.4 DIPPING.

20 All breeding and feeding sheep offered for sale or exchange
21 or otherwise moved or released from any premises, vehicle or
22 conveyance, shall, within ten days prior to exchange, release,
23 or movement, be dipped in an approved dip under the
24 supervision of the ~~Iowa department of-agriculture-and-land~~
25 ~~stewardship-or-of-the-animal-disease-eradication-division~~ or
26 the animal and plant health inspection service of the United
27 States department of agriculture, ~~provided-that-when.~~ When
28 sheep are moved within or from a certified scabies-free area
29 in this state, the sheep must be accompanied by an
30 ~~official-health-certificate,~~ a certificate of veterinary
31 inspection as provided in chapter 163. The dipping shall not
32 be required prior to such movement, ~~and-provided-further,~~ that
33 sheep. Sheep may be moved from a premises to an approved
34 facility for the purpose of dipping under such conditions as
35 may be required by the rules of the department, ~~and-also~~ or

1 the animal and plant health inspection service of the United
2 States department of agriculture. In addition, sheep are not
3 required to be dipped if moved to a livestock auction market
4 ~~need-not-be-dipped~~ until after sale~~7-Nor.~~ Sheep are not
5 required to be dipped if consigned directly for slaughter.

6 Sec. 24. Section 166A.10, Code 2003, is amended to read as
7 follows:

8 166A.10 RESTRAINT OF MOVEMENT.

9 Sheep from noncertified scabies-free areas within ~~Iowa~~ this
10 state shall not enter certified scabies-free areas unless they
11 have been dipped in an approved dip under supervision within
12 ten days preceding movement and satisfactory evidence of
13 dipping accompanies the shipment~~7-except.~~ However, such sheep
14 may move be moved into certified scabies-free areas if
15 consigned directly to a stockyard market, auction market or
16 slaughter establishment, under federal inspection, provided
17 the sheep are accompanied by a certificate of veterinary
18 inspection stating number, description, consignor and
19 consignee.

20 Sec. 25. Section 166A.11, Code 2003, is amended to read as
21 follows:

22 166A.11 SHEEP ENTERING STATE.

23 1. All-sheep-entering Sheep being moved into the state for
24 breeding or feeding purposes shall be accompanied by a permit
25 ~~and-by-a-health~~ certificate of veterinary inspection stating
26 the sheep are from any of the following:

27 a. From a certified scabies-free area ~~or-if-not-from-a~~
28 ~~certified-scabies-free-area-that-they-have-been-dipped.~~

29 b. Dipped in an approved dip within ten days prior to
30 movement. ~~All-livestock~~

31 2. Livestock markets, dealers and individuals shall retain
32 all incoming waybills~~7-permits-and-health~~ and certificates for
33 a period of one year~~7-same-to~~ which shall be made available to
34 the department upon demand ~~by-the-department.~~

35 Sec. 26. Section 166D.2, Code 2003, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 5A. "Certificate of veterinary
3 inspection" means the same as defined in section 163.2.

4 Sec. 27. Section 166D.10, subsection 1, unnumbered
5 paragraph 1, Code Supplement 2003, is amended to read as
6 follows:

7 A person shall not sell, lease, exhibit, loan, move, or
8 relocate swine within the state unless the swine are
9 accompanied by a certificate of inspection in the same manner
10 as provided for ~~an-official-health~~ a certificate or
11 ~~veterinarian-certificate~~ of veterinary inspection as provided
12 in section 163.30. The department may combine the certificate
13 of inspection with ~~an-official-health~~ a certificate or-a
14 ~~veterinarian~~ of veterinary inspection certificate. A
15 certificate of inspection is not required if any of the
16 following apply:

17 Sec. 28. Section 166D.10, subsection 1, paragraph b,
18 subparagraph (3), Code Supplement 2003, is amended to read as
19 follows:

20 (3) A certificate of inspection, or ~~an-official-health~~ a
21 ~~certificate or-a-veterinarian~~ of veterinary inspection
22 certificate as provided in section 163.30, has been issued for
23 the swine within thirty days prior to the date of relocation.
24 The department may adopt rules excusing a person from
25 complying with this subparagraph if the department determines
26 that the purposes of the chapter as provided in section 166D.1
27 are not furthered by the requirement.

28 Sec. 29. Section 166D.10, subsection 1, paragraph b,
29 unnumbered paragraph 2, Code Supplement 2003, is amended to
30 read as follows:

31 The department shall adopt rules required to administer
32 this paragraph "b". A transportation certificate accompanying
33 relocated swine shall cite the relevant relocation record and
34 certificate of inspection, or ~~official-health~~ certificate or
35 ~~veterinarian~~ of veterinary inspection certificate. The

1 department may provide for the examination of the relocation
 2 records on the owner's premises during normal business hours,
 3 or may require that reports containing relevant information
 4 contained in relocation records and certificates of
 5 inspection, or ~~official-health certificates or-veterinarian~~ of
 6 veterinary inspection certificates, be periodically submitted
 7 to the department. For purposes of this section, swine
 8 production information contained in relocation records is a
 9 trade secret as provided in section 22.7, unless otherwise
 10 provided by rules adopted by the department. The department
 11 shall provide for the disclosure of confidential information
 12 only to the extent required for enforcement of this chapter,
 13 the detection and prosecution of public offenses, or to comply
 14 with a subpoena or court order.

15 Sec. 30. Section 166D.10, subsection 2, unnumbered
 16 paragraph 2, Code Supplement 2003, is amended to read as
 17 follows:

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

26 Sec. 31. Section 172B.3, subsection 2, paragraph 1, Code
 27 2003, is amended to read as follows:

28 1. The form number and state of issuance of any ~~health~~
 29 certificate of veterinary inspection accompanying the
 30 livestock.

31 EXPLANATION

32 This bill amends a number of provisions in Title V of the
 33 Code relating to animal health, and specifically infectious or
 34 contagious diseases regulated by the department of agriculture
 35 and land stewardship. The bill amends the term "infectious or

1 contagious" throughout the title to be consistent. The bill
2 provides a common definition of the term "certificate of
3 veterinary inspection" (formerly "health certificate" or
4 "certificate of health") as used throughout chapters
5 regulating animal health. The definition is borrowed from
6 Code chapter 163A regulating brucellosis in swine. The bill
7 also amends Code chapter 163 to provide a definition of
8 "control" and "movement".

9 Code section 163.1 currently authorizes the department to
10 quarantine animals that have been infected or exposed to an
11 infectious or contagious disease and provides for the
12 destruction of such animals as determined by the department.
13 This presumably refers to animals which have been exposed to
14 or afflicted with the disease and this bill specifically
15 provides for that. The bill makes a related change to Code
16 section 163.10, which provides for quarantining and destroying
17 animals infected with the disease. The bill provides that
18 this includes animals which are exposed to the disease. Code
19 section 163.15 currently provides for indemnifying owners
20 whose livestock has been destroyed by the department. One
21 method is based on a formula adopted by the department and
22 approved by the executive council. The other method is an
23 appraisal method. The bill provides an appropriation to the
24 department from the general fund as approved by the executive
25 council to support payments under the formula method just as
26 executive council approves payments now based on the appraisal
27 method.

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