

# House File 2162 - Introduced

HOUSE FILE \_\_\_\_\_  
BY HORBACH

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to swine by providing for their health and  
2 movement, the taking of estray swine, the registration of game  
3 swine, the imposition of fees, and providing for penalties and  
4 an effective date.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 5757YH 82  
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1 1 Section 1. Section 163.2, Code 2007, is amended by adding  
1 2 the following new subsections:  
1 3 NEW SUBSECTION. 3A. "Estray" means not to be in the  
1 4 custody or control of a person.  
1 5 NEW SUBSECTION. 3B. "Game swine" means the same as  
1 6 defined in section 171.1.  
1 7 Sec. 2. Section 163.30, subsection 5, unnumbered paragraph  
1 8 1, Code 2007, is amended to read as follows:  
1 9 All swine moved shall be accompanied by a certificate of  
1 10 veterinary inspection issued by the state of origin and  
1 11 prepared and signed by a veterinarian. The certificate shall  
1 12 show the point of origin, the point of destination, individual  
1 13 identification, immunization status, and, when required, any  
1 14 movement permit number assigned to the shipment by the  
1 15 department. The certificate of veterinary inspection shall  
1 16 state whether the swine are game swine, and shall provide any  
1 17 registration information as required by section 171.4. All  
1 18 ~~such~~ movement of swine shall be completed within seventy-two  
1 19 hours unless an extension of time for movement is granted by  
1 20 the department.  
1 21 Sec. 3. NEW SECTION. 163.32 ESTRAY SWINE IN ANOTHER  
1 22 STATE.  
1 23 A person who captures swine which is estray in another  
1 24 state shall not move that swine into this state.  
1 25 Sec. 4. NEW SECTION. 163.61A PENALTY AND DISCIPLINARY  
1 26 ACTION FOR MOVING ESTRAY SWINE INTO STATE.  
1 27 1. A person who violates section 163.32 is guilty of an  
1 28 aggravated misdemeanor. A person is guilty of a separate  
1 29 offense for each swine which is the subject of the violation.  
1 30 2. Upon a person's conviction for violating section  
1 31 163.32, the sentencing court may, as part of the judgment,  
1 32 revoke or suspend a license issued pursuant to chapter 481A or  
1 33 483A for a definite period of time.  
1 34 Sec. 5. NEW SECTION. 171.1 DEFINITIONS.  
1 35 As used in this chapter, unless the context otherwise  
2 1 requires:  
2 2 1. "Custody or control" means to keep an animal in an  
2 3 enclosed or confined location, in a manner that prevents the  
2 4 release or escape of the animal from the location including  
2 5 but not limited to keeping the animal for breeding, growing,  
2 6 movement, or harvesting.  
2 7 2. "Department" means the department of agriculture and  
2 8 land stewardship.  
2 9 3. "Game swine" means swine that are classified as part of  
2 10 the species *sus scrofa linnaeus* which may be commonly known as  
2 11 Russian boar or European boar of either sex.  
2 12 4. "Swine" means an animal belonging to the order  
2 13 artiodactyla, and classified as part of the family suidae.  
2 14 Sec. 6. NEW SECTION. 171.2 RULES.  
2 15 The department may adopt rules pursuant to chapter 17A as  
2 16 necessary to administer this chapter.  
2 17 Sec. 7. NEW SECTION. 171.3 IDENTIFICATION.

2 18 A person who has custody or control of game swine shall  
2 19 identify the game swine as required by the department. Game  
2 20 swine shall at least be identified with a numbered metal ear  
2 21 tag affixed to the game swine or other method such as  
2 22 installing an electronic device onto or beneath the hide of  
2 23 the game swine as prescribed by the department. The game  
2 24 swine must be identified within ten days following the  
2 25 person's acquisition of the game swine, including acquisition  
2 26 by transfer or birth.

2 27 Sec. 8. NEW SECTION. 171.4 GAME SWINE REGISTRATION  
2 28 SYSTEM.

2 29 The department of agriculture and land stewardship shall  
2 30 establish a game swine registration system, in cooperation  
2 31 with the department of natural resources.

2 32 1. A person who has custody or control of a game swine  
2 33 shall register the game swine within ten days following the  
2 34 person's acquisition of the game swine, including acquisition  
2 35 by transfer or birth.

3 1 2. The person required to register game swine as provided  
3 2 in this section shall provide information required by the  
3 3 department which shall at least include all of the following:

3 4 a. The number, age, and description of the game swine,  
3 5 including its identification number as provided in section  
3 6 171.3.

3 7 b. The location where the person maintains custody or  
3 8 control of the game swine.

3 9 c. The purpose of the person in maintaining custody or  
3 10 control of the game swine.

3 11 d. Whether the person has been issued a hunting preserve  
3 12 operator's license as required in chapter 484B.

3 13 3. The department shall to every extent feasible provide  
3 14 for registration using the internet, including programming,  
3 15 necessary to ensure the convenience, completeness, and  
3 16 accuracy of the registrations.

3 17 Sec. 9. NEW SECTION. 171.5 GAME SWINE REGISTRATION FEE.

3 18 A person required to register game swine as provided in  
3 19 section 171.4 shall remit a registration fee to the  
3 20 department. The amount of the registration fee shall not  
3 21 exceed five dollars per head of swine. The moneys collected  
3 22 by the department under this section shall be retained as  
3 23 repayment receipts by the department exclusively to offset the  
3 24 costs of providing for registrations pursuant to section  
3 25 171.4.

3 26 Sec. 10. NEW SECTION. 171.6 HEALTH REQUIREMENTS.

3 27 Game swine shall be free of an infectious or contagious  
3 28 disease as defined in section 163.2. The department shall  
3 29 regulate game swine as any other swine for purposes of  
3 30 preventing, suppressing, and eradicating an infectious or  
3 31 contagious disease afflicting swine within the state.

3 32 Sec. 11. NEW SECTION. 171.7 PENALTY.

3 33 A person who violates section 171.3 or 171.4 is subject to  
3 34 a civil penalty of not more than one hundred dollars. Penalty  
3 35 moneys shall be deposited into the general fund of the state.

4 1 Sec. 12. Section 484B.1, Code 2007, is amended by adding  
4 2 the following new subsection:

4 3 NEW SUBSECTION. 4A. "Game swine" means the same as  
4 4 defined in section 171.1.

4 5 Sec. 13. NEW SECTION. 484B.12A HEALTH AND MOVEMENT  
4 6 REQUIREMENTS == GAME SWINE.

4 7 1. All game swine which are purchased, propagated,  
4 8 confined, released, or sold by a hunting preserve required to  
4 9 be licensed under this chapter shall be free of diseases  
4 10 considered significant for wildlife, poultry, or livestock.  
4 11 The department of agriculture and land stewardship shall  
4 12 provide for the regulation of game swine as any other swine  
4 13 for purposes of preventing, suppressing, and eradicating an  
4 14 infectious or contagious disease afflicting swine within the  
4 15 state.

4 16 2. Game swine that are purchased, propagated, confined,  
4 17 released, or sold by a hunting preserve shall only be moved in  
4 18 accordance with rules adopted or orders issued by the  
4 19 department of agriculture and land stewardship.

4 20 Sec. 14. Section 717F.1, subsection 1, Code Supplement  
4 21 2007, is amended to read as follows:

4 22 1. "Agricultural animal" means an agricultural animal as  
4 23 defined in section 717A.1 ~~other than swine which is a member~~  
~~4 24 of the species sus scrofa linnaeus, including but not limited~~  
~~4 25 to swine commonly known as Russian boar or European boar of~~  
~~4 26 either sex.~~

4 27 Sec. 15. Section 717F.1, subsection 5, paragraph a,  
4 28 subparagraph (11), Code Supplement 2007, is amended by

4 29 striking the subparagraph.

4 30 Sec. 16. Section 717F.7, subsection 13, Code Supplement  
4 31 2007, is amended to read as follows:

4 32 13. A location operated by a person licensed to practice  
4 33 veterinary medicine pursuant to chapter 169. ~~However, this~~  
~~4 34 subsection shall not apply to a swine which is a member of the~~  
~~4 35 species sus scrofa linnaeus, including but not limited to~~  
~~5 1 swine commonly known as Russian boar or European boar of~~  
~~5 2 either sex.~~

5 3 Sec. 17. Section 717F.8, subsection 2, paragraph 1, Code  
5 4 Supplement 2007, is amended by striking the paragraph.

5 5 Sec. 18. IDENTIFICATION AND REGISTRATION == COMPLIANCE  
5 6 PERIOD. Notwithstanding sections 171.3 and 171.4, a person  
5 7 required to identify game swine and register game swine shall  
5 8 have until September 1, 2008, to comply with those sections.

5 9 Sec. 19. EFFECTIVE DATE. This Act, being deemed of  
5 10 immediate importance, takes effect upon enactment.

5 11 EXPLANATION

5 12 GENERAL. This bill provides for the regulation of swine  
5 13 including estray swine and game swine.

5 14 ESTRAY SWINE. The bill amends Code chapter 163 which in  
5 15 part regulates the health of swine. The bill prohibits a  
5 16 person who captures estray swine in another state from moving  
5 17 the swine into this state. A person who violates the  
5 18 provision is guilty of an aggravated misdemeanor. An  
5 19 aggravated misdemeanor is punishable by confinement for not  
5 20 more than two years and a fine of at least \$625 but not more  
5 21 than \$6,250. Upon conviction, the sentencing court may also  
5 22 revoke or suspend licenses associated with taking or managing  
5 23 wildlife including fishing and hunting licenses.

5 24 GAME SWINE. The bill establishes a new Code chapter 171  
5 25 which provides for the regulation of swine classified as game  
5 26 swine (classified as part of the species sus scrofa linnaeus)  
5 27 commonly referred to as a Russian boar or European boar. The  
5 28 bill requires game swine to be identified (e.g., by an ear  
5 29 tag) and establishes a game swine registration system  
5 30 administered by the department of agriculture and land  
5 31 stewardship. A person registering the game swine must remit a  
5 32 registration fee to the department. The bill grants  
5 33 jurisdiction to the department of agriculture and land  
5 34 stewardship to regulate the movement and health of game swine,  
5 35 including game swine which are part of a hunting preserve  
6 1 otherwise regulated by the department of natural resources. A  
6 2 person who violates the movement and health requirements is  
6 3 subject to a civil penalty of not more than \$100. Under  
6 4 section 484B.14, a person who violates provisions regulating  
6 5 hunting preserves is guilty of a simple misdemeanor. A simple  
6 6 misdemeanor is punishable by confinement for no more than 30  
6 7 days or a fine of at least \$65 but not more than \$625 or by  
6 8 both.

6 9 WILD DANGEROUS ANIMALS. The bill amends provisions in Code  
6 10 chapter 717F prohibiting a person from acquiring, and  
6 11 restricting a person from owning or possessing, a dangerous  
6 12 wild animal. The bill provides that a dangerous wild animal  
6 13 no longer includes swine (e.g., Russian boars or European  
6 14 boars).

6 15 EFFECTIVE DATE. The bill takes effect upon enactment.

6 16 LSB 5757YH 82

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