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Approved April 9, A. D. 1921.

I hereby certify that the foregoing act was published in the Des Moines Register  
April 13, 1921, and in the Des Moines Capital April 12, 1921.

W. C. RAMSAY, *Secretary of State.*

## CHAPTER 173

### HOG CHOLERA

S. F. 448.

AN ACT to repeal sections one (1) to five (5) inclusive of chapter three hundred  
seventy-nine (379) acts of the thirty-eighth (38th) general assembly (C. C. Secs.  
the manufacture, sale and use of hog cholera virus, and anti-hog cholera serum  
the manufacture, sale and use of hog cholera virus, and anti-hog cholera serum  
and other biological products for use upon domestic animals and providing penalties  
for violation of the provisions of this act.

*Be it enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. **Rules in re manufacture and sale.** It shall be the  
2 duty of the commission of animal health and it shall have the power  
3 and authority to make and promulgate such rules and regulations gov-  
4 erning the manufacture, sale and distribution of hog cholera serum,  
5 virus and other biological products for use upon domestic animals, as  
6 it deems necessary to maintain the potency and purity of such serum,  
7 virus and biological products.

1 SEC. 2. **Terms defined.** Whenever used in this act the word  
2 "commission" shall refer to the commission of animal health; the  
3 word "person" shall include individuals, firms, partnerships, compa-  
4 nies and corporations; the words "biological products" shall include  
5 and refer to hog cholera serum and virus; the word "manufacturer"  
6 shall include all persons engaged in the preparation of biological  
7 products as construed by this section in this state at any stage of the  
8 process; except those engaged under the provisions of sections two  
9 thousand five hundred thirty-eight-w (2538-w) to two thousand five  
10 hundred thirty-eight-w2 (2538-w2) inclusive, of supplemental supple-  
11 ment to the code 1915, (C. C. Secs. 2422, 2423, 2424), or in any other  
12 state or governmental institution; the word "dealer" shall include any  
13 person engaged in the sale, dispensation, or other distribution for  
14 profit or who shall offer for sale, dispensation, or other distribution  
15 for profit biological products whether as principal or agent, other than  
16 manufacturers, provided that a regularly licensed veterinarian who  
17 has in his possession biological products for use in the practice of  
18 his profession, but not for sale to other veterinarians or permit hold-  
19 ers shall not be considered a dealer as herein defined.

1 SEC. 3. **Permission to manufacture or sell.** No person shall  
2 manufacture, sell, offer for sale or otherwise distribute within this  
3 state any biological products unless he shall have been granted per-

4 mission to manufacture or sell such products by the commission, upon  
5 application as provided in this act.

1 **SEC. 4. Applications.** Application for permission to manufac-  
2 ture, sell or otherwise distribute biological products shall be made,  
3 by any person desiring to manufacture, sell, or otherwise distribute  
4 such products, which application shall give the applicant's name, his  
5 place of business, and such other information as may be required by  
6 the commission.

1 **SEC. 5. Requirements.** Application to manufacture biological  
2 products shall be accompanied by evidence satisfactory to the com-  
3 mission that the applicant is holder of a valid and unrevoked United  
4 States government license for the manufacture and sale of biological  
5 products and was such holder at the time the same biological products  
6 were made.

1 **SEC. 6. Bond.** Application for dealer's permit shall be accom-  
2 panied by an undertaking on the part of the applicant faithfully to  
3 comply with the law governing the warehousing, handling, sale and  
4 distribution of biological products and the rules and regulations of  
5 the commission promulgated thereunder, and by a bond in the penal  
6 sum of five thousand dollars (\$5,000.00), to be approved by the com-  
7 mission for the use and benefit of all persons using the biological  
8 products sold by the permit holder, who may be damaged by reason  
9 of his negligence in the warehousing, handling or distribution of  
10 such products, and for the use and benefit of the state for all penal-  
11 ties adjudged against the principal thereon in any actions instituted  
12 in the name of the state.

1 **SEC. 7. Liability—revocation of permit.** The provisions of the  
2 preceding section shall be construed only to limit the liability of the  
3 surety upon the respective bonds, and any party damaged by the neg-  
4 ligence of the principal thereon may recover damages to the full  
5 amount suffered by such injured party by reason of negligence of the  
6 dealer in the discharge of any of the duties imposed by this act or by  
7 the rules promulgated by the commission thereunder or in the ware-  
8 housing, handling or distribution, as the case may be, of such biologi-  
9 cal products, and in the event of judgment being obtained upon any  
10 bond provided in this act the commission may immediately revoke the  
11 permit issued, if in its judgment the conditions warrant such revoca-  
12 tion, and shall in any event require a further bond the amount of the  
13 penalty upon which shall be such as to afford the same security to  
14 all persons entitled thereto as is provided in bonds originally filed,  
15 and upon failure to furnish such additional bond the said permit shall  
16 be thereby revoked without further action by the commission.

1 **SEC. 8. Liability of manufacturer.** Any party damaged by the  
2 negligence of a manufacturer may recover damages to the full amount  
3 suffered by such injured party, by reason of negligence of such man-  
4 ufacturer in the discharge of any duties imposed by this act or by the  
5 rules promulgated by the commission thereunder or in the manufac-  
6 ture, warehousing, handling or distribution, as the case may be, of  
7 such biological products.

1 **SEC. 9. Inspection of premises.** Before the issuance of an orig-  
2 inal permit to any manufacturer or dealer the commission may

3 cause the premises upon which it is proposed to manufacture or sell  
4 biological products to be inspected, and shall make such requirements  
5 regarding the physical condition and sanitation of such premises as  
6 in its judgment are necessary to insure the maintenance of the po-  
7 tency and purity of the said products; provided, that such inspection  
8 shall be made of all such plants and agencies prior to the renewal  
9 after the passage of this act of permits heretofore issued, and such  
10 premises shall be subject to inspection at such time and in such man-  
11 ner as the commission may consider proper and necessary to insure  
12 compliance with its rules and regulations and the statutes relative  
13 thereto.

1 SEC. 10. Fees. A fee of twenty-five dollars (\$25.00) shall ac-  
2 company applications for manufacturer's permit for each plant where  
3 it is proposed to manufacture biological products, and a fee of fifteen  
4 dollars (\$15.00) shall accompany applications for dealer's permit for  
5 each warehouse or distributing agency it is proposed to maintain. All  
6 permits shall be valid for one year from the date of issuance and re-  
7 newals thereof shall be subject to like conditions, including fees as  
8 are imposed in the case of original permits.

1 SEC. 11. Reports. All permit holders shall make such written re-  
2 port to the commission as it may from time to time require.

1 SEC. 12. Revocation of permits. The commission may revoke  
2 any permit issued by it for violation of the terms and conditions un-  
3 der which it was issued.

1 SEC. 13. Federal license required. No biological products shall  
2 be sold or otherwise distributed, or offered for sale or other distribu-  
3 tion, or be used in this state except such as have been produced at a  
4 plant holding a United States government license for the manufacture  
5 of biological products or of such of said products as are offered for  
6 sale, distribution or use, at the time said products were made.

1 SEC. 14. Sales only to permit holders. No person shall sell, of-  
2 fer for sale or otherwise distribute or offer for distribution virulent  
3 blood or virus from cholera infected hogs other than to holders of valid  
4 permits to use the same.

1 SEC. 15. Permit holder—qualification—discrimination. Writ-  
2 ten permits to administer virulent blood or virus from cholera infect-  
3 ed hogs shall be issued by the commission only to such persons as  
4 present satisfactory evidence that they are qualified to administer the  
5 same. Such permits may be canceled by the commission upon it ap-  
6 pearing that the holder thereof is no longer a proper person to ad-  
7 minister such virulent blood or virus. No person shall administer  
8 such virulent blood or virus unless he is the holder of a valid unre-  
9 voked permit, and manufacturers and dealers shall sell to all permit  
10 holders without discriminating as to the price of products.

1 SEC. 16. Instruction—fee. Provisions shall be made by the state  
2 veterinarian for instruction in the use of serum and virus in each  
3 county not oftener than once each year, and he is hereby authorized  
4 and directed to make all necessary arrangements for such instruction,  
5 at a convenient time and place, when there are seven (7) or more ap-  
6 plicants, who are residents of the county, for such instruction. Per-

7 sons who desire to avail themselves of such courses of instruction shall  
8 make application to the county agent accompanied by a fee of five dol-  
9 lars (\$5.00).

1 SEC. 17. **School of instruction—compensation.** The county  
2 agent shall forward such applications and fees to the state veterinar-  
3 ian, who shall notify the extension department of the Iowa state col-  
4 lege of agriculture and mechanic arts at Ames, and said department  
5 shall within thirty days send competent instructors to such county to  
6 hold a school of instructions. Such instructor or instructors shall give  
7 all instructions and demonstrations necessary, and conduct examina-  
8 tions and forward his report to the commission immediately. Upon  
9 receiving such report, it shall be the duty of the commission to issue  
10 permits to those instructed as provided in section 15 of this act.  
11 Such permits shall allow the applicant to use virulent blood or virus  
12 upon animals owned by himself. The compensation of the instructors  
13 and other expenses connected with such instructions, shall be paid out  
14 of the fees received from applicants, and any surplus shall be paid in-  
15 to the funds of the commission.

1 SEC. 18. **Instructions at Ames.** The animal health commission  
2 may hold such schools of instruction at Ames at such times as they  
3 deem proper, and shall hold the same upon the application of ten (10)  
4 or more for such schools and at such schools no fees shall be charged  
5 and permits shall be granted to applicants as provided in section 17,  
6 and shall hold two stated schools each year on the first Monday of  
7 January and August respectively.

1 SEC. 19. **Seizure of samples.** The commission, or its duly au-  
2 thorized deputies, assistants, or agents may seize, at any time or  
3 place, for examination samples of biological products manufactured  
4 or kept for use or sale within the state.

1 SEC. 20. **Unsafe products.** The commission shall have power to  
2 seize, condemn or destroy any biological products which it deems un-  
3 safe.

1 SEC. 21. **Labels.** No person shall remove or deface any label up-  
2 on the bottles or packages containing any biological product, or change  
3 the contents from the original container except for immediate use.

1 SEC. 22. **Separate examinations.** The examination of applicants  
2 provided for in section 16 hereof, shall be in addition to the examina-  
3 tion of applicants for permits made at the Iowa state college of  
4 agriculture and mechanic arts.

1 SEC. 23. **Uniform price.** It shall be unlawful for any person,  
2 firm, company or corporation authorized under this act to manufac-  
3 ture, sell or distribute serum or virulent blood or virus to grant  
4 any rebate, either directly or indirectly, to any person or to sell said  
5 products at any other than a uniform price to all persons, and any  
6 person, firm, company or corporation violating the provisions of  
7 this section shall forfeit their license to manufacture or sell such  
8 products and the same shall not be renewed for a period of one year.

1 SEC. 24. **Rebates.** Any regularly licensed veterinarian who shall  
2 receive or collect, directly or indirectly, any rebate or commission or

3 compensation for the handling and sale or use of any hog cholera  
4 serum or virus other than his charges for services rendered in ad-  
5 ministering the same, unless said amount if requested is made known  
6 to the customer using the same in writing, shall forfeit his license as  
7 a veterinarian, and the same shall not be renewed for a period of  
8 one year.

1 SEC. 25. Solicitation prohibited. It shall be unlawful for any  
2 person, firm, company or corporation licensed as herein provided  
3 to manufacture, sell or distribute hog cholera serum or virus, direct-  
4 ly or indirectly, by their agents or employes or any representative,  
5 to solicit or attempt to induce farmers or others to make application  
6 for examination as provided in section 16 hereof, or to in any way  
7 assist or be interested in procuring applicants for permits as herein  
8 provided. Any such firm, person, company or corporation violating  
9 the provisions of this section, shall forfeit their license granted under  
10 this act.

1 SEC. 26. Penalties. Any person who shall violate any of the pre-  
2 ceding provisions of this act, or any of the rules of the commission  
3 legally promulgated, or who shall hinder or attempt to hinder the  
4 commission or any duly authorized agent or official thereof in the  
5 discharge of his duty, shall be fined in a sum not less than one hun-  
6 dred dollars (\$100.00) nor more than five hundred dollars (\$500.00),  
7 or in default thereof shall be imprisoned not less than thirty (30)  
8 nor more than one hundred fifty (150) days.

1 SEC. 27. Repeal. That sections one (1) to five (5) inclusive of  
2 chapter three hundred seventy-nine (379) acts of the thirty-eighth  
3 (38th) general assembly be and the same are hereby repealed, (C.  
4 C. 1778 to 1783 inclusive), and all laws or parts of laws inconsistent  
5 with the provisions of this act be and the same are hereby repealed.

1 SEC. 28. Publication clause. This act being deemed of immedi-  
2 ate importance shall be in force and effect upon and after its pub-  
3 lication in the Des Moines Register and Des Moines Capital, news-  
4 papers of general circulation published in Des Moines, Iowa.

Approved April 9, A. D. 1921.

I hereby certify that the foregoing act was published in the Des Moines Register  
April 16, 1921, and in the Des Moines Capital April 18, 1921.

W. C. RAMSAY, *Secretary of State.*

## CHAPTER 174

### EXECUTORS AND ADMINISTRATORS.

S. F. 455.

AN ACT to amend section thirty-three hundred twenty-four (3324), of the code, (C. C.  
Sec. 7848), and to provide for notice of applications to sell real estate of a decedent.

*Be it enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Sale of real estate—unknown claimants. That sec-  
2 tion thirty-three hundred twenty-four (3324), of the code, (C. C.