

## CHAPTER 131

## BOVINE BRUCELLOSIS

S. F. 94

AN ACT relating to the eradication of bovine brucellosis.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 Chapter one hundred sixty-four (164), Code 1962, is hereby repealed  
2 and the following enacted in lieu thereof:

1 SECTION 1. As used in this Act:

2 1. "Department" means the department of agriculture of the state  
3 of Iowa.

4 2. "Condemned" or "reactor" applies to cattle reacting to a test  
5 applied for brucellosis.

6 3. "Quarantine" means the entire herd must be confined to the  
7 premise if any reactor is disclosed.

8 4. "Official test" for brucellosis includes all tests under the super-  
9 vision of, or the authorization from, the department.

10 5. "Owner" includes any person, persons, firm copartnership, asso-  
11 ciation or corporation owning or leasing livestock from another owner.

12 6. "Registered purebred" shall include cattle with a certificate from  
13 herdbooks where registered.

14 7. "Official calthood vaccination" shall mean the vaccination of any  
15 calf between the ages of four (4) months and eight (8) months with  
16 brucella abortus vaccine strain number nineteen (19) or such other  
17 vaccine as may hereafter be approved by U.S. department of agricul-  
18 ture, which calf shall have been vaccinated by a licensed accredited  
19 veterinarian according to the rules and regulations established by the  
20 department. The officially vaccinated animal shall be identified by a  
21 vaccination tattoo mark, and ear tag or owners purebred identification.  
22 Such tattoo mark, ear tag or owners purebred identification shall be  
23 described in a certificate furnished by the attending veterinarian.

24 Within thirty (30) days following such vaccination, the attending  
25 veterinarian shall supply the owner with a certificate of vaccination.  
26 The veterinarian shall retain a copy of same and forward a copy to the  
27 local office of the U.S. department of agriculture or a copy to the Iowa  
28 department of agriculture. The veterinarian certificate covering the  
29 official vaccination shall entitle the vaccinated animal to be consigned  
30 to sales and exhibited at shows within the state at any time until said  
31 animal is thirty (30) months of age.

32 8. "Modified certified brucellosis area" means an area of less than  
33 one (1) percent brucellosis infection, as determined by official test, in  
34 all breeding cattle over eight (8) months of age, and official vaccinates  
35 over thirty (30) months of age, and all infected cattle are restricted  
36 to not more than five (5) percent of the herds in the area.

1 SEC. 2. The state of Iowa is hereby declared to be an eradication  
2 area. It shall be compulsory that every owner of dairy or breeding  
3 cattle within the area shall permit his cattle to be tested when so  
4 ordered by the department or a representative of the department. The  
5 owner shall confine and restrain his cattle in a suitable place so that a  
6 test can be applied. If he refuses to confine and restrain his cattle,

7 after reasonable time the department may employ sufficient help to  
8 properly confine and restrain them and the expense of such help shall  
9 be paid by the owner.

1 SEC. 3. All female cattle born after July 1, 1963, sold or otherwise  
2 disposed of, or moved to comingle\* with cattle of another owner for  
3 dairy or breeding purposes, after reaching the age of nine (9) months  
4 must have been officially vaccinated for brucellosis according to the  
5 method approved by the United States Department of Agriculture.  
6 In a hardship case the department may issue a permit for the move-  
7 ment of such animals providing it is warranted. This section does not  
8 apply to animals sold for movement direct to slaughter.  
9 The expense of such compulsory vaccination shall be borne in the  
10 same manner as set forth in section five (5) of this Act.

1 SEC. 4. The department may adopt rules and regulations respect-  
2 ing the official testing of cattle, the disposal by segregation and quar-  
3 antine or slaughter of condemned livestock, the disinfection of the  
4 premises, the introduction into the herd of other cattle, the control  
5 and eradication of brucellosis, the prevention of the spread thereof to  
6 the cattle of this state, and the proper enforcement of this Act.

1 SEC. 5. Whenever the owner of cattle shall request the department  
2 to make an inspection of his cattle for brucellosis, the department may  
3 designate a veterinarian to make an inspection and, if authorized by  
4 the department, conduct a plate or tube agglutination test by the  
5 method or methods adopted and approved by the department.

1 SEC. 6. If the owner shall agree to comply with and carry out the  
2 rules and regulations made by the department under section four (4)  
3 of this Act, the expense of such inspection and test shall be borne by  
4 the United States department of agriculture, or by the department, or  
5 county brucellosis eradication fund or any combination thereof.

1 SEC. 7. Whenever an official test of any cattle is made by an ac-  
2 credited veterinarian authorized by the department, and such cattle  
3 are found to be free from brucellosis, a certificate, setting forth this  
4 fact, shall be issued by said veterinarian or the department, providing  
5 all rules and regulations under the plan adopted by the department  
6 for the control and eradication of brucellosis in cattle have been com-  
7 plied with. Official vaccinates shall not be considered reactors unless  
8 reacting in dilutions of one to two hundred (200) or more.

1 SEC. 8. Cattle purchased at an auction market regardless of breed  
2 or classification may be tested for brucellosis on the auction market  
3 premises, in the new owner's name at owner's request. This test must  
4 be made within twenty-four (24) hours from the time of sale. If such  
5 test discloses reactors, the herd of origin shall be placed under quaran-  
6 tine.

\*According to enrolled Act.

1 SEC. 9. The department may order a retest of any breeding cattle  
2 at any time, when in their opinion, it is necessary. In case of reactors,  
3 one retest shall be granted the owner of the cattle by the department  
4 upon the request of the owner or owner's veterinarian, such retest of  
5 reactors shall be at the owner's expense.

1 SEC. 10. A report of such tests shall be made in writing to the  
2 chief of the division of animal industry within seven (7) days im-  
3 mediately following the completion of the tests, upon blanks furnished  
4 by the department and signed by the director of the laboratory or the  
5 person making the test.

1 SEC. 11. All cattle subjected to an official test under the depart-  
2 ment shall be plainly and permanently marked for identification in a  
3 manner authorized by the department. All native grade cattle carry-  
4 ing the calfhood vaccination and all calves vaccinated after importa-  
5 tion from other states shall be tattooed in the ear. All purebred reg-  
6 istered cattle must be tattooed in the ear either with a vaccination  
7 tattoo or the purebred identification tattoo and the same shall be evi-  
8 denced on the official certificate of vaccination.

1 SEC. 12. All cattle condemned as a result of a test for brucellosis  
2 shall be plainly and permanently marked for identification by any qual-  
3 ified veterinarian making test in a manner authorized by the depart-  
4 ment.

1 SEC. 13. It shall be unlawful for any owner to sell or transfer own-  
2 ership of any bovine animal or allow comingling\* of cattle belonging to  
3 two or more owners, or the comingling\* of dairy or breeding cattle with  
4 cattle under feeder quarantine as feeding or grazing animals, unless  
5 they are accompanied by a negative brucellosis test report issued by an  
6 accredited veterinarian, conducted within thirty (30) days. The pro-  
7 visions of this section do not apply to the following:  
8 1. Calves under eight (8) months of age, spayed heifers, and steers.  
9 2. Official vaccinates under thirty (30) months of age if accompa-  
10 nied by official calfhood vaccination certificates.  
11 3. Animals consigned directly to slaughter.  
12 4. Animals moved for exhibition purposes.  
13 a. when under thirty (30) months of age and accompanied by an  
14 official vaccination certificate.  
15 b. animals of any age when accompanied by a report of a negative  
16 brucellosis test conducted within seventy-five (75) days.  
17 5. Animals from a herd certified to be free of brucellosis or animals  
18 from a herd not under quarantine located in a modified certified brucel-  
19 losis area.  
20 6. Native female cattle of recognized beef type under twenty-one  
21 (21) months of age, not under quarantine. Such cattle may be sold or  
22 transferred between owners for feeding purposes only, but they shall  
23 be subject to the same provisions as for imported feeder cattle. It  
24 shall be the responsibility of the seller or owner to furnish evidence

\*According to enrolled Act.

25 of the sale or transfer to the Iowa division of animal industry within  
26 seventy-two (72) hours.

1 SEC. 14. The following requirements apply to cattle imported into  
2 the state for feeding or grazing purposes:

3 1. Female cattle of recognized beef type under twenty-one (21)  
4 months of age may enter the state for feeding or grazing purposes  
5 under quarantine for a period not to exceed twelve (12) months. An  
6 owner may upon written request receive an extension of quarantine  
7 not to exceed one hundred twenty (120) days.

8 2. Female calves under eight (8) months of age imported for feed-  
9 ing purposes may be released from feeder quarantine for brucellosis  
10 if vaccinated in accordance with the provisions of this Act. Vaccina-  
11 tion shall be indicated by metal ear tag numbers and tattoo.

12 3. All female cattle over twenty-one (21) months of age, entering  
13 the state for feeding and grazing purposes, must meet all dairy and  
14 breeding cattle requirements unless they are consigned to a state-  
15 federal approved market.

1 SEC. 15. No cattle shall be brought in contact with any condemned  
2 cattle held in quarantine. If any cattle are added to the quarantined  
3 lot, said cattle shall become a part of the lot and held subject to the  
4 same rules and regulations.

1 SEC. 16. No condemned cattle shall be slaughtered, have their loca-  
2 tion changed, or be moved from quarantine except by official written  
3 permit by the department or by a licensed veterinarian authorized by  
4 the department.

1 SEC. 17. When a written order has been issued by the department  
2 or its authorized representative for the removal of condemned cattle  
3 to slaughter, such cattle within thirty (30) days shall be moved and  
4 slaughtered under the direct supervision of a duly authorized agent  
5 or representative of the United States department of agriculture at a  
6 time and place designated by the department. Any animal condemned  
7 because of brucellosis shall be disposed of by its owner within a period  
8 not to exceed forty-five (45) days from the date on which blood samples  
9 were drawn disclosing it as a reactor.

1 SEC. 18. No person shall sell, offer for sale, or purchase any cattle  
2 condemned as a result of an official test, except under regulations is-  
3 sued by the department.

1 SEC. 19. The department may issue any quarantine orders deemed  
2 necessary for the control and eradication of brucellosis and the proper  
3 enforcement of this Act. Any lot or group of cattle in which reactors  
4 have been disclosed shall be under quarantine along with any cattle  
5 from which the lot or group originated or comingled.\* Such cattle may  
6 be sold for slaughter under permit, or returned to their place of origin,  
7 or may be sold under quarantine subject to a brucellosis test in not

\*According to enrolled Act.

8 less than thirty (30) or more than sixty (60) days. Public announce-  
9 ment shall be made prior to sale, stating health status of the herd,  
10 group or animal, and all quarantine restrictions shall be announced  
11 prior to sale. In hardship cases the department may upon investiga-  
12 tion of the case alter any quarantine orders deemed necessary to  
13 alleviate the hardship and protect the industry and prospective pur-  
14 chasers.

1 SEC. 20. Before being slaughtered, condemned cattle shall be ap-  
2 praised at their cash value for dairy and breeding purposes by the  
3 owner and a representative of the state department of agriculture, or  
4 a representative of the United States department of agriculture, or  
5 by the owner and both of such representatives. If these parties can-  
6 not agree as to the amount of the appraisal, there shall be appointed  
7 three (3) competent and disinterested persons, one (1) by the state  
8 department of agriculture, one (1) by the owner, and one (1) by the  
9 first two (2) appointed, to appraise such animals, which appraisal  
10 shall be final.

1 SEC. 21. The department shall certify the claim of the owner for  
2 each animal slaughtered in accordance with this Act for not more than  
3 one-third ( $\frac{1}{3}$ ) of the difference between the appraised value of such  
4 animal and the net salvage value thereof, but in no case more than  
5 twelve (12) dollars and fifty (50) cents for a grade animal or not more  
6 than twenty-five (25) dollars for a registered purebred animal, but in  
7 no case shall the department pay indemnity on cattle not receiving a  
8 like amount from the United States department of agriculture.

9 No indemnity shall be paid:

10 1. Whenever the owner or agent in possession of said animal has not  
11 complied with the rules and regulations of the department.

12 2. When the condemned animals are not destroyed within forty-five  
13 (45) days after the blood samples are drawn.

14 3. On animals owned by the state of Iowa.

1 SEC. 22. All funds appropriated by the state for carrying out the  
2 provisions of this chapter shall be administered by the department for  
3 the payment of indemnity, salaries, and other necessary expenses.

1 SEC. 23. In each county in the state, the board of supervisors shall  
2 each year, when it makes the levy for taxes, levy a tax sufficient to  
3 provide a fund to pay the indemnity, as set out in section twenty-one  
4 (21) of this Act, and other expenses provided in this Act, and such  
5 levy shall not exceed one-half ( $\frac{1}{2}$ ) mill in any year upon the taxable  
6 value of all the property in the county.

1 SEC. 24. Such levy shall be placed upon the tax list by the county  
2 auditor and collected by the county treasurer in the same manner and  
3 at the same time as other taxes of the county. The money derived  
4 from such levy shall be placed in a fund to be known as the "County  
5 Brucellosis Eradication Fund", and shall be used only for the payment  
6 of claims as provided in this Act.

1 SEC. 25. The county auditor of each county shall, not later than  
2 July 15 of each year, certify to the secretary of agriculture a report  
3 showing the amount in the brucellosis eradication fund on July 1 of  
4 each year.

1 SEC. 26. Should it appear to the secretary of agriculture that the  
2 balance in such fund is sufficient, with the county's allotment of state  
3 and federal funds available, to carry on the work in such county for  
4 the ensuing year, he shall so certify to the county auditor, and, when  
5 such certification has been made, the board of supervisors shall make  
6 no levy for such brucellosis eradication fund for such year.

1 SEC. 27. Whenever the balance of such fund becomes less than  
2 twenty-five hundred (2500) dollars, the county auditor shall notify the  
3 department in writing of such fact, and no expense shall be incurred  
4 on such account in excess of the cash available in such fund.

1 SEC. 28. All claims presented under authority of this Act shall be  
2 certified by the department and filed with the county auditor, who shall  
3 present them to the board of supervisors, and such board shall allow  
4 and pay the same as other claims against the county.

1 SEC. 29. The secretary of agriculture of the state of Iowa is hereby  
2 authorized and directed to enter into reciprocal agreements with other  
3 states to the end that cattle which are covered by certificates of vac-  
4 cination in the state of Iowa and other states may be transported and  
5 sold in interstate commerce between the state of Iowa and such other  
6 states which enter into reciprocal agreements.

1 SEC. 30. Any person found guilty of violating the provisions of  
2 this Act shall be deemed guilty of a misdemeanor and punished by a  
3 fine not to exceed one hundred (100) dollars on first offense, two hun-  
4 dred (200) dollars on second offense, and three hundred (300) dollars  
5 on the third and all subsequent offenses.

1 SEC. 31. This Act being deemed of immediate importance shall be  
2 in full force and effect from and after its passage and publication in  
3 The Daily Freeman-Journal, a newspaper published in Webster City,  
4 Iowa, and in The Maquoketa Community Press, a newspaper published  
5 in Maquoketa, Iowa.

Approved April 1, 1963.

I hereby certify that the foregoing Act, Senate File 94, was published in The Daily Freeman-Journal, Webster City, Iowa, April 5, 1963, and in The Maquoketa Community Press, Maquoketa, Iowa, April 8, 1963.

MELVIN D. SYNHORST, *Secretary of State.*