

tion with the intent to defraud on the physician's, physician assistant's, nurse practitioner's, or chiropractor's statement used in establishing proof under subsection 1 is subject to a civil penalty of three hundred dollars which may be imposed by the department. In addition to the civil penalty, the department shall revoke the permit issued pursuant to this section.

Approved May 6, 1997

CHAPTER 124

BRUCELLOSIS ERADICATION

H.F. 694

AN ACT extending the provisions relating to the eradication of brucellosis to apply to animals other than bovine animals, making penalties applicable, and providing an effective date.

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

Section 1. Section 164.1, Code 1997, is amended to read as follows:

164.1 DEFINITIONS.

As used in this chapter:

1. "Animal" means a nonhuman vertebrate.

2. "Bovine animal" means bison or cattle.

~~3.~~ 3. "Class free state" means there has been no known brucellosis in eattle bovine animals for a period of twelve months. States are A state is classified as class free, class A, class B, and class C, according to guidelines set forth in 9 C.F.R. § 78.1.

~~2.~~ 4. "Condemned" or "reactor" applies to eattle a designated animal reacting to a an official test applied for conducted to determine if a designated animal is infected with brucellosis.

5. "Designated animal" means a bovine animal or any other species of animal that the department by rule determines is capable of carrying and spreading brucellosis, including elk or goats.

~~3.~~ 6. "Official calfhood vaccination" means the vaccination of a female calf of any breed species of bovine animal between the ages of four months and ten months with brucella vaccine approved for that species of bovine animal by the United States department of agriculture, which if the vaccination has been administered by a licensed accredited veterinarian according to the rules established by the department. The officially vaccinated animal shall be identified by an official vaccination tattoo mark, and an official ear tag or owner's purebred identification. The tattoo mark, ear tag or owner's purebred identification shall be described in a certificate furnished by the attending veterinarian.

~~Within thirty days following the vaccination, the attending veterinarian shall supply the owner with a certificate of vaccination. The veterinarian shall retain a copy of the certificate and forward a copy to the office of the state veterinarian within the Iowa department of agriculture and land stewardship.~~

~~4.~~ 7. "Official test" means a test for brucellosis includes all tests approved for a species of designated animal by the department and to the extent applicable by the United States department of agriculture which is conducted under the supervision of, or the authorization from, the department.

~~5.~~ 8. "Owner" includes any person, persons, firm copartnership, association or corporation owning or leasing livestock from another owner a designated animal.

6. 9. "Quarantine" means the entire herd of designated animals must be confined to the premise a premises designated by the department, if any reactor is disclosed.

7. 10. "Registered purebred" ~~shall include~~ includes cattle with a certificate from herdbooks where registered.

8. 11. "State-approved premises" means an area, including a feedlot or grazing areas area established at the discretion of the department for the feeding, fattening or growing care and feeding of untested designated animals as provided by the department. However, for cattle, "state-approved premises" means an area where untested heifers over four six months of age but under eighteen months of age are subject to care and feeding. Rules governing the operation of the premises shall be made at the discretion of the department and subject to chapter 17A.

12. "Veterinarian" means a licensed accredited veterinarian authorized by the department.

Sec. 2. Section 164.2, Code 1997, is amended to read as follows:

164.2 ERADICATION AREA.

~~The This state of Iowa is hereby declared to be an a brucellosis eradication area. It shall be compulsory that every An owner of dairy or breeding cattle within the area shall permit allow the owner's cattle designated animals to be tested when so ordered by the department or a representative of the department. The owner shall confine and restrain the cattle designated animal in a suitable place so that a test can be applied conducted. If the owner refuses to confine and restrain the cattle designated animal, after a reasonable time the department may employ sufficient help assistance to properly confine and restrain them and the designated animal. The expense of such help for obtaining assistance shall be paid by the owner.~~

Sec. 3. Section 164.3, Code 1997, is amended to read as follows:

164.3 FEMALE CALVES DESIGNATED ANIMALS VACCINATED.

~~All native Native female cattle bovine animals of any breed between the ages of four months and ten months may be officially vaccinated for brucellosis according to the method procedures approved by the United States department of agriculture. Native female designated animals other than bovine animals may be vaccinated as provided by rules adopted by the department. The expense of the vaccination shall be borne in the same manner as provided in section 164.6.~~

Sec. 4. Section 164.4, Code 1997, is amended to read as follows:

164.4 RULES.

1. The department may adopt rules ~~respecting as provided in chapter 17A relating to the official testing of cattle designated animals, the disposal by segregation and quarantine or slaughter of condemned livestock designated animals, the operation of state-approved premises, the disinfection of the premises where designated animals are kept, the introduction of designated animals into the a herd of other cattle designated animals, the control and eradication of brucellosis, the prevention of the spread thereof of brucellosis to the cattle of designated animals in this state, and the proper enforcement of this chapter.~~

2. The department shall not adopt rules relating to cattle that are ~~no~~ less restrictive than the uniform methods and rules for brucellosis eradication promulgated by the United States department of agriculture, APHIS 91-1, as effective January 1, 1996, but may adopt rules that are more restrictive, ~~subject to chapter 17A.~~

3. The department ~~shall have the discretion to~~ may implement any of the ~~procedures enumerated procedure provided~~ in the uniform methods and rules if approved jointly by state and federal animal health officials, including but not limited to the use of quarantined pastures, quarantined feedlots, or other options permitted under the uniform methods and rules.

Sec. 5. Section 164.5, Code 1997, is amended to read as follows:

164.5 REQUEST FOR TEST.

~~Whenever Upon request by the owner of cattle shall request the department to make an for a departmental inspection of the owner's cattle designated animals for brucellosis, the department may designate a veterinarian to make an inspection and, if of the designated animals. If authorized by the department, the veterinarian may conduct a plate or tube agglutination an official test by the method or methods adopted and approved by the department on the designated animals.~~

Sec. 6. Section 164.6, Code 1997, is amended to read as follows:

164.6 EXPENSE OF TEST.

The expense for an inspection and official test of a designated animal other than for bovine animals shall be borne by the owner. If the designated animal is a bovine animal, and the owner agrees to comply with and carry out the provisions of this chapter and the rules made adopted by the department under section 164.4, the expense of the inspection and test shall be borne by the United States department of agriculture, or by the department, or by the brucellosis and tuberculosis eradication fund or any combination of these sources.

Sec. 7. Section 164.7, Code 1997, is amended to read as follows:

164.7 CERTIFICATE ISSUED COPY OF A REPORT PROVIDED TO THE OWNER.

~~Whenever A veterinarian or the department shall provide a report to the owner of a designated animal showing the results of an official test of any cattle is made conducted by an accredited a veterinarian authorized by the department, and such cattle are found to be free from brucellosis, a certificate, setting forth this fact, shall be issued by said veterinarian or the department, providing all rules under the plan adopted by the department for the control and eradication of brucellosis in cattle have been complied with. The report may be a copy of a test chart.~~

Sec. 8. Section 164.8, Code 1997, is amended to read as follows:

164.8 TEST AT AUCTION PREMISES.

Cattle A designated animal purchased at an auction market regardless of breed or classification may be officially tested for brucellosis on the auction market premises, in the new owner's name at the owner's request and expense. This official test must be made within twenty-four hours from the time of sale. If such the test discloses reactors, the herd of origin shall be placed under quarantine.

Sec. 9. Section 164.9, Code 1997, is amended to read as follows:

164.9 RETEST BY ORDER OR REQUEST, EXPENSE.

~~The department may order a retest of any breeding cattle designated animals at any time, when in the department's opinion, it if the department determines that a retest is necessary. In case of reactors, one retest shall be granted the owner of the cattle designated animals by the department upon the request of the owner or owner's veterinarian before the cattle are designated animals are permanently marked as reactors, and the. The expense of the retest of reactors shall be borne in the same manner as provided in section 164.6.~~

Sec. 10. Section 164.10, Code 1997, is amended to read as follows:

164.10 REPORT OF LABORATORY TESTS.

~~A report of such tests conducted by a laboratory under this chapter shall be made in writing to the chief of the division of animal industry department within seven days immediately following the completion of the tests, upon blanks furnished by the. The department and shall supply forms for the report. The report shall be signed by the director of the laboratory or the person making conducting the test.~~

Sec. 11. Section 164.11, Code 1997, is amended to read as follows:

164.11 IDENTIFICATION MARK.

~~All cattle A designated animal subjected to an official test under the department shall be plainly and permanently marked for identification in a manner authorized by the depart-~~

ment. ~~All native~~ Native grade ~~cattle~~ bovine carrying the calfhood vaccination and ~~all~~ calves vaccinated after importation from other states shall be tattooed in the ear. ~~All Officially vaccinated~~ purebred registered cattle must be tattooed in the ear either with receive a vaccination tattoo and either an official vaccination tag or the a purebred identification tattoo and the same. The vaccination tattoo and the vaccination tag number or the purebred identification tattoo shall be evidenced on the official certificate of vaccination.

Sec. 12. Section 164.12, Code 1997, is amended to read as follows:

164.12 ~~CONDEMNED QUARANTINED MARKING.~~

~~All cattle condemned~~ A designated animal which is quarantined as a result of a test for brucellosis shall be plainly and permanently marked for identification by ~~any qualified a~~ a veterinarian making the test in a manner authorized by the department and to the extent applicable by the United States department of agriculture.

Sec. 13. Section 164.13, Code 1997, is amended to read as follows:

164.13 ~~UNLAWFUL ACTS.~~

~~It shall be unlawful for any An~~ owner to shall not sell or transfer ownership of ~~any bovine a designated animal, or allow the~~ commingling of cattle designated animals belonging to two or more owners, or ~~allow the~~ commingling of dairy or breeding cattle with cattle designated animals with other designated animals under feeder quarantine on a ~~state approved~~ state-approved premises, unless they the commingled designated animals are accompanied by a negative brucellosis test report issued by an accredited a veterinarian, conducted within thirty days. The provisions of this section do not apply to the following:

1. ~~Calves~~ Bovine animals under ~~four~~ six months of age, spayed heifers, ~~and or~~ steers.
2. Official vaccinates of ~~beef breeds~~ bovine animals other than dairy cattle under twenty-four months of age ~~and of or~~ dairy breeds cattle under twenty months of age, if not ~~visibly parturient or postparturient.~~
3. ~~Animals~~ Designated animals which are consigned directly to slaughter.
4. ~~Animals moved~~ Designated animals which are imported for exhibition purposes, if any of the following apply:
 - a. ~~When under the test-eligible ages specified in subsection 2 and as provided by the department for designated animals other than bovine. For bovine the test-eligible ages are as provided in this section. The designated animal must be accompanied by an official vaccination certificate as provided by the department. A bovine animal which is six months or older must be accompanied with a vaccination certificate.~~
 - b. ~~Animals~~ Designated animals of any age when accompanied by a report of a negative brucellosis test conducted within thirty days.
 - c. Designated animals originating from a herd in a class free state or designated animals from a brucellosis-free herd.
5. ~~Animals~~ Designated animals originating from a herd in a class free state or ~~designated~~ animals from a certified brucellosis-free herd.
6. ~~Cattle~~ Designated animals moved to a state-approved premises, ~~as defined in section 164.1, subsection 8, as provided by the department.~~

Sec. 14. Section 164.14, Code 1997, is amended to read as follows:

164.14 ~~IMPORTED CATTLE DESIGNATED ANIMALS.~~

1. ~~Female cattle~~ designated animals other than female bovine animals, which are under an age established by the department, and female bovine animals over four six months of age, and under eighteen months not visibly parturient or postparturient of age, may enter the state for feeding purposes to be consigned to a state-approved premises under quarantine, if the female designated animals are not postparturient. Such cattle as well as The designated native female animals that have been consigned to the lot state-approved premises may be released from the state-approved premises if they have been any of the following:

- a. Consigned to slaughter.

- b. Consigned to a federally approved market.
- c. Consigned to another quarantined premises.
- d. Tested negative to for brucellosis at the owner's expense. The test shall be made not less than sixty days after the last consignment to the premises and shall include all animals on the premises.

2. Female cattle designated animals, other than female bovine, over an age established by the department and female bovine over eighteen months of age may enter the state if they the designated animals are any of the following:

- a. Consigned to a federally approved market.
- b. Consigned to a slaughter plant for immediate slaughter.
- c. Accompanied by an official health certificate showing a record of a negative brucellosis test, when required, accomplished within thirty days of importation.

Sec. 15. Section 164.15, Code 1997, is amended to read as follows:

164.15 QUARANTINED CATTLE DESIGNATED ANIMALS.

~~No cattle~~ A designated animal shall not be brought ~~in into~~ contact with ~~any a~~ condemned ~~cattle~~ designated animal held in quarantine. If ~~any cattle are a~~ designated animal is added to the quarantined lot, ~~said cattle~~ the designated animal shall become a part of the lot and held subject to the same ~~rules~~ requirements as applies to the quarantined designated animals.

Sec. 16. Section 164.16, Code 1997, is amended to read as follows:

164.16 MOVEMENT OR SLAUGHTER PERMIT.

~~No condemned cattle~~ A designated animal shall not be slaughtered, have ~~their~~ its location changed, or be moved from quarantine except by as authorized by an official written permit issued by the department or by a ~~licensed~~ licensed veterinarian ~~authorized by the department.~~

Sec. 17. Section 164.17, Code 1997, is amended to read as follows:

164.17 CONDEMNED QUARANTINED FOR SLAUGHTER PERMIT.

When a written order has been issued by the department or its authorized representative for the removal of ~~condemned cattle~~ a quarantined designated animal to slaughter, ~~all the~~ the designated animal shall be tagged and handled within fifteen days after the date of testing; ~~such cattle within.~~ Within thirty days the designated animal shall be moved and slaughtered under the direct supervision of a duly authorized agent or representative of the United States department of agriculture at a time and place designated by the department. ~~Any A~~ designated animal ~~condemned~~ quarantined because of brucellosis shall be disposed of by its owner within a period not to exceed forty-five days from the date on which blood samples were drawn disclosing it as a reactor.

Sec. 18. Section 164.18, Code 1997, is amended to read as follows:

164.18 UNLAWFUL SALE.

~~No A~~ person shall not sell, offer for sale, or purchase ~~any cattle condemn~~ a designated animal which is quarantined as a result of an official test, except ~~under regulations issued as~~ provided by rules adopted by the department.

Sec. 19. Section 164.19, Code 1997, is amended to read as follows:

164.19 QUARANTINE.

The department may issue any quarantine ~~orders~~ order deemed necessary for the control and eradication of brucellosis and the proper enforcement of this chapter. ~~Any A~~ lot or group of ~~cattle~~ designated animals in which reactors have been disclosed shall be under quarantine along with any ~~cattle~~ designated animal from which the lot or group originated or commingled. ~~Such cattle~~ The designated animals may be sold for slaughter under permit, or returned to their place of origin. In ~~hardship cases~~ case of hardship the department may upon investigation of the case alter ~~any a~~ quarantine ~~orders deemed order~~ to the extent that the department determines that it is necessary to alleviate the hardship and protect the

industry and prospective purchasers. The department shall ~~promulgate~~ adopt rules ~~subject to provisions of~~ pursuant to chapter 17A necessary in order to administer this section.

Sec. 20. Section 164.20, Code 1997, is amended to read as follows:

164.20 APPRAISAL OF VALUE FOR BOVINE ANIMALS.

Before being slaughtered, ~~condemned cattle~~ quarantined bovine animals shall be appraised at their cash value for dairy and breeding purposes by the owner and a representative of the ~~state department of agriculture and land stewardship, or~~ a representative of the United States department of agriculture, or by the owner and both of ~~such~~ the representatives. If these parties cannot agree as to the amount of the appraisal, ~~there shall be appointed three competent and disinterested persons, one shall be appointed to render a final appraisal. One person shall be appointed by the state department of agriculture and land stewardship, one by the owner, and one by the first two appointed, to appraise such animals, which appraisal shall be final persons.~~

Sec. 21. Section 164.21, Code 1997, is amended to read as follows:

164.21 AMOUNT OF INDEMNITY.

The owner of a bovine animal shall be indemnified for the bovine animal as provided in this section. The department shall certify the claim of the owner for ~~each~~ the bovine animal slaughtered in accordance with this chapter. An infected bovine animal herd may be completely depopulated and indemnity paid when, in the opinion of the department and the veterinary service of the United States department of agriculture, the disease cannot be adequately controlled by routine testing.

~~Indemnity~~ The owner shall only be paid if indemnified to the extent that money is available in the brucellosis and tuberculosis eradication fund as created in section 165.18 and if indemnity payment indemnification is also made by the United States department of agriculture. However, if the United States department of agriculture is unable to pay indemnity indemnify the owner, the state department may still pay indemnity for condemned animals indemnify the owner, if money is available.

In the case of individual payment, all ~~animals~~ cattle shall be individually appraised and the amount of indemnity shall be equal to the difference between the slaughter value and the appraisal price, less the amount of indemnity paid by the United States department of agriculture. Bison shall be appraised as if the bison are beef cattle. The total amount of indemnity paid by the brucellosis and tuberculosis eradication fund for a grade animal or a purebred animal shall not exceed two hundred dollars. However, if a purebred ~~animal is~~ cattle are purchased and owned for at least one year before testing and the owner can verify the actual cost, the ~~secretary of agriculture~~ department may ~~award the payment of an additional indemnification~~ further indemnify the owner. The amount of the indemnification shall not ~~to~~ exceed five hundred fifty dollars or the actual cost of the animal when purchased, whichever is less.

Sec. 22. Section 164.22, Code 1997, is amended to read as follows:

164.22 FUNDS MONEYS ADMINISTERED.

All ~~funds~~ moneys appropriated by the state for carrying out the provisions of this chapter shall be administered by the department for the payment of the indemnity, salaries, and other necessary expenses.

Sec. 23. Section 164.29, Code 1997, is amended to read as follows:

164.29 RECIPROCAL AGREEMENTS.

~~The secretary of agriculture of the state of Iowa is hereby authorized and directed to~~ department to every extent practical shall enter into reciprocal agreements with other states ~~to the end provide that cattle designated animals~~ which are covered by certificates of vaccination in ~~the~~ this state of Iowa and other states may be transported and sold in interstate commerce between ~~the~~ this state of Iowa and ~~such~~ the other states ~~which enter into reciprocal agreements.~~

Sec. 24. Section 164.30, Code 1997, is amended to read as follows:

164.30 ~~BACK-TAGGING CATTLE TAGGING DESIGNATED ANIMALS RECEIVED FOR SALE OR SLAUGHTER.~~

1. All bovine The department shall provide requirements for tagging designated animals which are received for sale or shipment to a slaughtering establishment.

a. Bovine animals two years of age and older received for sale or shipment to a slaughtering establishment shall be identified with a back tag issued by the department. The back tag shall be affixed to the animal as directed by the department. ~~It shall be the duty of every~~

b. A livestock trucker when delivering a designated animal to an out-of-state markets market, and every livestock dealer, livestock market operator, stockyards stockyard operator, and or slaughtering establishment to shall identify all such bovine animals a designated animal which is not bearing a back tag tagged as provided in this section, at the time of taking possession or control of such animals the designated animal. A livestock trucker may be exempted from this requirement if the ~~animals are~~ designated animal's farm of origin is identified as to the farm of origin when delivered to a livestock market, ~~stockyards stockyard~~, or slaughtering establishment which agrees to accept responsibility for ~~back-tag identification tagging the designated animal.~~

2. Every A person required to identify animals a designated animal in accordance with this section shall file ~~reports a report~~ a report of ~~such the~~ identification on forms and as specified by the department, including ~~thereon the~~ the following for bovine animals:

a. The back-tag number and date of application;~~the.~~

b. The name, address, and county of residence of the person who owned or controlled the herd from which such animals the bovine animal originated;~~and whether.~~

c. The type of bovine animal. If the bovine animal is cattle, the person shall identify whether the animal was of the a beef or dairy type.

Each ~~such report should~~ shall cover all bovine animals identified during the preceding week.

3. The removal of back tags A person shall be restricted to personnel specifically not remove a tag affixed to a designated animal, unless the person is authorized by the department, and removes the tag according to, instructions and policies issued established by the department. The removal of back tags a tag by a person who is unauthorized personnel by the department shall be considered a violation of this section and subject to the penalties as provided in section 164.31.

Sec. 25. Section 164.31, Code 1997, is amended to read as follows:

164.31 PENALTIES.

~~Any A person found guilty of violating the provisions a provision of this chapter shall be deemed is~~ is guilty of a simple misdemeanor.

Approved May 6, 1997