

Sec. 30. Section 135H.10, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Except for those psychiatric medical institutions for children which are specialized to provide substance abuse treatment, unless expressly authorized in statute, the department of human services shall not include services provided by psychiatric medical institutions for children in any managed care contract.

Approved May 16, 2001

CHAPTER 136

INFECTIOUS AND CONTAGIOUS DISEASES IN ANIMALS — REGULATION AND REMEDIES

S.F. 470

AN ACT relating to the regulation of infectious and contagious diseases in animals, and providing for penalties.

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

Section 1. Section 163.1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

~~In the enforcement of~~ The department shall administer and enforce the provisions of this chapter, and rules adopted by the department pursuant to this chapter. In administering the provisions of this chapter, the department of agriculture and land stewardship shall have power to do all of the following:

Sec. 2. Section 163.6, subsection 4, Code 2001, is amended by striking the subsection.

Sec. 3. Section 163.18, Code 2001, is amended to read as follows:

163.18 FALSE REPRESENTATION.

~~Any A person who shall not knowingly makes any make a false representation as to the purpose for which a about the shipment of animals an animal that is being or will be made, with the intent to avoid or prevent an the animal's inspection of such animals for the purpose of determining that is conducted in order to determine whether the animals are animal is free from disease, shall be guilty of a simple misdemeanor.~~

Sec. 4. Section 163.23, Code 2001, is amended to read as follows:

163.23 FALSE CERTIFICATES OF HEALTH — PENALTY.

~~Any A veterinarian issuing shall not issue a certificate of health for an animal knowing that the animal described therein in the certificate of health was not the same animal from which the tests were made as a basis for issuing the certificate or who. A veterinarian shall not otherwise falsifies any such falsify a certificate shall be guilty of a fraudulent practice of health.~~

Sec. 5. Section 163.24, Code 2001, is amended to read as follows:

163.24 USING FALSE CERTIFICATE.

~~Any A person, firm, or corporation importing, exporting, or transporting shall not conduct a transaction to import, export, or transport an animal within this state or selling sell or offering offer for sale any an animal for which, if the person uses a certificate of health~~

~~has been issued and who uses such certificate in connection with any of said transactions the transaction knowing that the animal described in said the certificate of health was not the animal from which the tests were made as a basis for issuing the certificate or who knowingly uses any of health. A person shall not otherwise use an altered or otherwise false certificate in connection with any of said transactions shall be guilty of a fraudulent practice such transaction.~~

Sec. 6. Section 163.25, Code 2001, is amended to read as follows:

163.25 ALTERING CERTIFICATE.

~~Any A person, firm, or corporation removing or altering shall not remove or alter a tag or mark of identification appearing on any an animal, tested or being tested for disease, any if the tag or mark of identification is authorized by the department or inserted by any qualified veterinarian or altering any. A person shall not alter a certificate of vaccination issued by one a person authorized to vaccinate animals shall be guilty of a fraudulent practice the animal.~~

Sec. 7. NEW SECTION. 163.51 CIVIL PENALTIES.

1. The department shall establish, by rule, civil penalties which may be administratively or judicially assessed. The attorney general shall cooperate with the department in the assessment and collection of civil penalties.

2. a. Except as provided in paragraph "b", a person violating a provision of this chapter, or a rule adopted pursuant to this chapter, shall be subject to a civil penalty of at least one hundred dollars but not more than one thousand dollars. In the case of a continuing violation, each day of the continuing violation is a separate violation. However, a person shall not be subject to a civil penalty totaling more than twenty-five thousand dollars.

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

3. Moneys collected from civil penalties shall be deposited into the general fund of the state.

Sec. 8. NEW SECTION. 163.52 INJUNCTIVE RELIEF.

The department or the attorney general acting on behalf of the department may apply to the district court for injunctive relief in order to restrain a person from acting in violation of this chapter. In order to obtain injunctive relief, the department shall not be required to post a bond or prove the absence of an adequate remedy at law, unless the court for good cause otherwise orders. The court may order any form of prohibitory or mandatory relief that is appropriate under principles of equity, including but not limited to issuing a temporary or permanent restraining order.

Sec. 9. DIRECTIONS TO CODE EDITOR. The Code editor shall organize chapter 163 into subchapters based on divisions of the chapter and this Act, and replace the term "division" with "subchapter" wherever it occurs in the chapter.

Sec. 10. Sections 163.21, 163.29, and 163.31, Code 2001, are repealed.

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