

H. 5/1/01 Amend / Do Pass w/H1823

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APR 30 2001
Agriculture

HOUSE FILE 745
BY RANTS

(COMPANION TO LSB 3695XS
BY IVERSON)

Passed House, Date 5/2/01 (P.1736) Passed Senate, Date 5/3/01 (P.1505)
Vote: Ayes 97 Nays 0 Vote: Ayes 48 Nays 1
Approved June 1, 2001

A BILL FOR

1 An Act regulating infectious and contagious diseases in animals,
2 providing for the indemnification of owners, and providing an
3 effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 745

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

3 163.1 POWERS OF DEPARTMENT.

4 In ~~the-enforcement~~ enforcing the provisions of this chapter
5 the department of agriculture and land stewardship shall have
6 power to do all of the following:

7 1. ~~Make-all-necessary~~ Adopt rules as provided in chapter
8 17A required to administer this chapter, including for the
9 prevention, suppression, and-prevention control, or
10 eradication of infectious and contagious diseases among
11 ~~animals-within-the-state.~~

12 2. Provide for ~~quarantining~~ the quarantine, condemnation,
13 or destruction of animals ~~affected-with-infectious-or~~
14 ~~contagious-diseases, or-that-have-been-exposed-to-such~~
15 ~~diseases, whether-within-or-without-the-state~~ that the
16 department determines are infected, exposed, or that may be
17 infected or exposed, as provided in section 163.10.

18 3. Determine and employ the most efficient and practical
19 means for the prevention, suppression, control, and
20 eradication of contagious ~~or~~ and infectious diseases among
21 animals.

22 4. Establish, ~~maintain~~ administer, and enforce, and
23 ~~regulate-quarantine-and-other~~ measures relating to the
24 ~~movements-and~~ movement or care of ~~diseased~~ animals that the
25 department determines are or may be infected or exposed.

26 5. Provide for the cleaning and disinfection of ~~suspected~~
27 property including real property such as yards, or buildings,
28 ~~and-articiles, and-the~~ or personal property such as vehicles or
29 equipment. The department may provide for the destruction of
30 ~~such-animals~~ personal property as may-be-deemed the department
31 determines is necessary in order to prevent, suppress,
32 control, or eradicate a contagious and infectious disease. In
33 administering this subsection, the department may prohibit a
34 person from bringing personal property into this state or from
35 moving personal property within this state.

1 6. Enter any-place onto a premises where any an animal or
2 animal carcass is at-the-time-located, or where-it has been
3 kept, or-where-the-carcass-of-such-animal-may-be, for the
4 purpose of examining it-in-any-way-that-may-be the animal or
5 carcass in a manner considered necessary by the department in
6 order to determine whether it-was-or an animal is or was
7 infected with-any-contagious-or-infectious-disease. The
8 examination may include but is not limited to testing the
9 animal or taking blood or tissue samples.

10 7. Regulate or prohibit the arrival in, departure from,
11 and passage movement through the state, of animals infected
12 with or exposed to-any-contagious-disease,-and-in or that may
13 be infected or exposed. In the case of a violation of any
14 such regulation or prohibition, to the department may detain
15 any an animal at the owner's cost expense.

16 8. Regulate or prohibit the-bringing-of-animals movement
17 of an animal into the this state or restrict or prohibit the
18 movement of an animal within this state, which,-in-its
19 opinion,-for-any-reason, if the department determines that the
20 movement may be-detrimental constitute a threat to the state's
21 general welfare, including to the public health or to the
22 health of animals in-the-state.

23 9. Co-operate Cooperate with and arrange for assistance
24 from federal agencies, including but not limited to the United
25 States department of agriculture in-performing-its-duties
26 under-this-chapter, other state agencies, or agencies of other
27 states.

28 10. Impose civil penalties upon a person violating this
29 chapter as provided in this chapter. The department may refer
30 cases-for-prosecution a case to the attorney general who may
31 bring an action in district court on behalf of the department.

32 Sec. 2. NEW SECTION. 163.1A INVESTIGATIONS -- ORIGINS,
33 MOVEMENT, AND HEALTH STATUS.

34 The department may compel a person who is the owner or
35 custodian of an animal or herd to provide information

1 regarding the origin of the animal or herd, the movement of
2 the animal or herd, or the vaccination status of the animal or
3 herd. In carrying out this section, the department may
4 subpoena the person as a witness, administer an oath, and
5 compel the production of a record as defined in section
6 516E.1. In case of a failure or refusal of a person to comply
7 with a subpoena issued by the department, the district court,
8 upon the application of the department or the attorney general
9 acting upon behalf of the department, may order the person to
10 show cause why the person should not be held in contempt. The
11 court may order the person to provide the testimony or produce
12 the record. The court may punish the person for contempt as
13 if the person refused to testify before the court or disobeyed
14 a subpoena issued by the court.

15 Sec. 3. Section 163.2, Code 2001, is amended to read as
16 follows:

17 163.2 INFECTIOUS AND CONTAGIOUS DISEASES.

18 ~~For-the-purpose-of~~ As used in this chapter, infectious
19 unless the context otherwise requires:

20 1. "Exposed" means exposed to an infectious and contagious
21 disease.

22 2. "Infected" means infected with an infectious and
23 contagious disease.

24 3. "Infectious and contagious diseases-shall-be-deemed-to
25 embrace disease" means glanders, farcy, maladie du coit
26 (dourine), anthrax, foot and mouth disease, scabies, hog
27 cholera, swine dysentery, tuberculosis, brucellosis, vesicular
28 exanthema, scrapie, rinderpest, ovine foot rot, or any other
29 communicable disease so designated by the department.

30 4. "Quarantine" means the limitation of freedom of
31 movement of an animal or herd of animals that are infected,
32 exposed, or may be infected or exposed as provided in section
33 163.10.

34 Sec. 4. Section 163.6, subsections 2 and 3, Code 2001, are
35 amended to read as follows:

1 2. The department may require that samples of blood or
2 tissue be collected from animals at a slaughtering
3 establishment in order to determine if the animals are
4 infected ~~with-an-infectious-or-contagious-disease~~, according
5 to rules adopted by the department of agriculture and land
6 stewardship. Upon approval by the department, the collection
7 shall be performed by either of the following:

8 a. A slaughtering establishment under an agreement
9 executed by the department and the slaughtering establishment.

10 b. A person authorized by the department.

11 An authorized person collecting samples shall have access
12 to areas where the animals are confined in order to collect
13 blood or tissue samples. The department shall notify the
14 slaughtering establishment in writing that blood or tissue
15 samples ~~of-blood~~ must be collected for analysis. The notice
16 shall be provided in a manner required by the department.

17 3. In carrying out this section, a person authorized by
18 the department to collect blood or tissue samples from animals
19 as provided in this section shall have the right to enter and
20 remain on the premises of the slaughtering establishment in
21 the same manner and on the same terms as a meat inspector
22 authorized by the department, including the right to access
23 facilities routinely available to employees of the
24 slaughtering establishment such as toilet and lavatory
25 facilities, lockers, cafeterias, areas reserved for work
26 breaks or dining, and storage facilities. The slaughtering
27 establishment shall provide a secure area for the permanent
28 storage of equipment used to collect ~~blood~~ samples, an area
29 reserved for collecting the ~~blood~~ samples, including the
30 storage of blood or tissue during the collection, and a
31 refrigerated area used to store ~~blood~~ samples prior to
32 analysis. The area reserved for collecting the blood or
33 tissue shall be adjacent to the area where the animals are
34 killed, unless the authorized person and the slaughtering
35 establishment select another area. The department is not

1 required to compensate a slaughtering establishment for
2 allowing a person authorized by the department to carry out
3 this section.

4 Sec. 5. Section 163.10, Code 2001, is amended by striking
5 the section and inserting in lieu thereof the following:

6 163.10 SECURITY MEASURES -- QUARANTINE.

7 The department may issue any order for the quarantine of
8 animals or herds and provide security measures as required in
9 the order as provided in this section.

10 1. The department shall issue the order upon finding that
11 an animal is infected or exposed, or is likely to be infected
12 or exposed.

13 2. The terms and conditions of the order shall provide for
14 the prevention, suppression, control, or eradication of an
15 infectious and contagious disease, and the enforcement of this
16 chapter. The order shall expire upon the terms or conditions
17 contained in the order. As part of the order, the department
18 may establish a quarantine district. If a quarantine district
19 is created, all of the following shall apply:

20 a. The department may restrict, prohibit, or prevent the
21 movement of animals into, within, or from the quarantine
22 district. The department may restrict, prohibit, and prevent
23 the movement of personal property into, within, or from the
24 quarantine district, unless the personal property is
25 inspected.

26 b. The department may provide for the condemnation,
27 destruction, and disposal of any domestic or wild animal found
28 within the quarantine district.

29 3. The owner of an animal condemned and destroyed under
30 this section may file a claim with the department for
31 indemnification as provided in section 163.15.

32 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
33 immediate importance, takes effect upon enactment.

34 EXPLANATION

35 This bill amends Code chapter 163 that provides for the

1 prevention, suppression, control, and eradication of
2 infectious and contagious diseases in animals.

3 The bill amends Code section 163.1 that provides general
4 authority to the department to carry out the chapter. In
5 part, the bill provides for the movement or care of animals
6 that the department determines is or may be infected or
7 exposed, provides for the cleaning and disinfection of
8 property, for the entering onto a person's premises in order
9 to examine an animal or animal carcass, including by taking
10 blood or tissue samples, and for cooperation with federal and
11 state agencies.

12 The bill creates new Code section 163.1A that authorizes
13 the department to compel a person who is the owner or
14 custodian of the animal or herd to provide information
15 regarding the origin of the animal or herd, the movement of
16 the animal or herd, or the vaccination status of the animal or
17 herd.

18 The bill amends Code section 163.6 that provides authority
19 to the department to inspect slaughtering establishments and
20 to collect blood samples from animals. The bill provides that
21 the department may also collect tissue samples.

22 The bill eliminates provisions in Code section 163.10 that
23 provides for quarantining animals. The bill replaces those
24 provisions with provisions authorizing the department to issue
25 any order for the quarantine of animals or herds and to
26 provide security measures. As part of the order, the
27 department may establish a quarantine district. If a
28 quarantine district is created, the department may restrict,
29 prohibit, or prevent the movement of animals into, within, or
30 from the quarantine district. The department may restrict,
31 prohibit, and prevent the movement of personal property into,
32 within, or from the quarantine district, unless the personal
33 property is inspected. The bill provides that the department
34 may also provide for the condemnation, destruction, and
35 disposal of any domestic or wild animal found within the

1 quarantine district. The bill provides that the owner of an
2 animal that is condemned and destroyed may file a claim with
3 the department for indemnification as provided in Code section
4 163.15.

5 The bill takes effect upon enactment.

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HOUSE FILE 745

H-1823

1 Amend House File 745 as follows:

2 1. By striking page 1, line 1, through page 5,
3 line 31, and inserting the following:

4 "FOOT AND MOUTH DISEASE

5 Sec. ____ . NEW SECTION. 163.51 SECURITY MEASURES.

6 1. The department may establish security measures
7 in order to control outbreaks of foot and mouth
8 disease in this state, including by providing for the
9 prevention, suppression, and eradication of foot and
10 mouth disease. In administering and enforcing this
11 section, the department may adopt rules and shall
12 issue orders in a manner consistent with sound
13 veterinary principles and federal law for the control
14 of outbreaks of the disease. The department may
15 implement the security measures by doing any of the
16 following:

17 a. If the department determines that an animal is
18 infected with or exposed to foot and mouth disease, or
19 the department suspects that an animal is so infected
20 or exposed, the department may provide for all of the
21 following:

22 (1) The quarantine, condemnation, or destruction
23 of the animal. The department may establish
24 quarantined areas and regulate activities in the
25 quarantined areas, including movement or relocation of
26 animals or other property within, into, or from the
27 quarantined areas.

28 (2) The inspection or examination of the animal's
29 premises in order to perform an examination or test to
30 determine whether the animal is or was infected or
31 exposed or whether the premises is contaminated. The
32 department may take a blood or tissue sample of any
33 animal on the premises.

34 (3) The compelling of a person who is the owner or
35 custodian of the animal to provide information
36 regarding the movement or relocation of the animal or
37 the vaccination status of the animal or the herd where
38 the animal originates. The department may issue a
39 subpoena for relevant testimony or records as defined
40 in section 516E.1. In the case of a failure or
41 refusal of the person to provide testimony or records,
42 the district court upon application of the department
43 or the attorney general acting upon behalf of the
44 department, may order the person to show cause why the
45 person should not be held in contempt. The court may
46 order the person to provide testimony or produce the
47 record or be punished for contempt as if the person
48 refused to testify before the court or disobeyed a
49 subpoena issued by the court.

50 b. The department may provide for the cleaning and

H-1823

H-1823

Page 2

1 disinfection of real or personal property, if the
2 department determines that the property is
3 contaminated with foot and mouth disease or suspects
4 that the property is contaminated with foot and mouth
5 disease.

6 2. The department shall immediately notify the
7 United States department of agriculture of a suspected
8 outbreak of foot and mouth disease.

9 3. The department shall cooperate with federal
10 agencies, including the United States department of
11 agriculture, other state agencies and law enforcement
12 entities, and agencies of other states. Other state
13 agencies and law enforcement entities shall assist the
14 department.

15 4. Nothing in this section limits the department's
16 authority to regulate animals or premises under other
17 provisions of state law, including this chapter."

18 2. Title page, by striking lines 1 and 2, and
19 inserting the following: "An Act regulating foot and
20 mouth disease and providing an".

21 3. By renumbering as necessary.

By COMMITTEE ON AGRICULTURE
KLEMME of Plymouth, Chairperson

H-1823 FILED MAY 1, 2001

HOUSE FILE 745**H-1873**

1 Amend the amendment H-1823, to House File 745, as
2 follows:

3 1. Page 2, by inserting after line 14, the
4 following:

5 "____. To the extent that an animal's owner would
6 not otherwise be compensated, section 163.15 shall
7 apply to the owner's loss of any animal destroyed
8 under this section."

9 2. By renumbering as necessary.

By KLEMME of Plymouth
MERTZ of Kossuth

H-1873 FILED MAY 1, 2001

Adapted
5/2/01

(P. 1734)

HOUSE FILE 745**H-1877**

1 Amend the amendment, H-1823, to House File 745, as
2 follows:

3 1. Page 1, by striking lines 26 and 27, and
4 inserting the following: "animals within, into, or
5 from the quarantined areas. The department may
6 restrict the movement or relocation of other property
7 within, into, or from the quarantined areas, upon a
8 proclamation by the governor of a state of public
9 disorder emergency pursuant to section 29C.3 that
10 provides for measures to control an outbreak of the
11 disease. The restrictions may extend beyond the
12 duration of or geographical area affected by the
13 proclamation, unless otherwise provided in the
14 proclamation."

By KREIMAN of Davis

H-1877 FILED MAY 1, 2001

W/D
5/2/01 (P. 1734)

HOUSE FILE 745**H-1878**

1 Amend the amendment, H-1823, to House File 745, as
2 follows:

3 1. By striking page 1, line 5, through page 2,
4 line 17, and inserting the following:

5 "Sec. ____ . NEW SECTION. 163.51 QUARANTINE,
6 CONDEMNATION, OR DESTRUCTION OF ANIMALS.

7 The department may provide for the quarantine,
8 condemnation, or destruction of animals that the
9 department determines are infected with or exposed to
10 or may be infected with or exposed to foot and mouth
11 disease. The department shall adopt rules as
12 necessary in order to administer and enforce this
13 section. The rules shall to every extent practicable
14 be based on 9 C.F.R., chapter I, subchapter B, part
15 53.""

16 2. By renumbering as necessary.

By KREIMAN of Davis

H-1878 FILED MAY 1, 2001

W/D
5/2/01
(P. 1735)

HOUSE FILE 745

H-1904

1 Amend the amendment, H-1823, to House File 745, as
2 follows:

3 1. Page 2, by striking lines 6 through 8, and
4 inserting the following:

5 "____. If the department determines that there is a
6 suspected outbreak of foot and mouth disease in this
7 state, the department shall immediately notify all of
8 the following:

9 a. The governor or a designee of the governor.
10 The notification shall contain information regarding
11 actions being implemented or recommended in order to
12 determine if the outbreak is genuine and measures to
13 control a genuine outbreak.

14 b. The administrative unit of the United States
15 department of agriculture responsible for controlling
16 outbreaks in this state."

By KREIMAN of Davis

H-1904 FILED MAY 2, 2001

adapted

5/2/01

(P. 1734)

5/3/01

HOUSE FILE 745
BY RANTS

(COMPANION TO LSB 3695XS
BY IVERSON)

(As Amended and Passed by the House May 2, 2001)

Re-Passed House, Date 5-7-01 (p.1891) Passed Senate, Date 5/3/01 (p.1505)
Vote: Ayes 86 Nays 0 Vote: Ayes 48 Nays 1
Approved June 1, 2001

A BILL FOR

1 An Act regulating foot and mouth disease and providing an
2 effective date.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

FOOT AND MOUTH DISEASESection 1. NEW SECTION. 163.51 SECURITY MEASURES.

1. The department may establish security measures in order to control outbreaks of foot and mouth disease in this state, including by providing for the prevention, suppression, and eradication of foot and mouth disease. In administering and enforcing this section, the department may adopt rules and shall issue orders in a manner consistent with sound veterinary principles and federal law for the control of outbreaks of the disease. The department may implement the security measures by doing any of the following:

a. If the department determines that an animal is infected with or exposed to foot and mouth disease, or the department suspects that an animal is so infected or exposed, the department may provide for all of the following:

(1) The quarantine, condemnation, or destruction of the animal. The department may establish quarantined areas and regulate activities in the quarantined areas, including movement or relocation of animals or other property within, into, or from the quarantined areas.

(2) The inspection or examination of the animal's premises in order to perform an examination or test to determine whether the animal is or was infected or exposed or whether the premises is contaminated. The department may take a blood or tissue sample of any animal on the premises.

(3) The compelling of a person who is the owner or custodian of the animal to provide information regarding the movement or relocation of the animal or the vaccination status of the animal or the herd where the animal originates. The department may issue a subpoena for relevant testimony or records as defined in section 516E.1. In the case of a failure or refusal of the person to provide testimony or records, the district court upon application of the department or the attorney general acting upon behalf of the department, may order the person to show cause why the person should not

1 be held in contempt. The court may order the person to
2 provide testimony or produce the record or be punished for
3 contempt as if the person refused to testify before the court
4 or disobeyed a subpoena issued by the court.

5 b. The department may provide for the cleaning and
6 disinfection of real or personal property, if the department
7 determines that the property is contaminated with foot and
8 mouth disease or suspects that the property is contaminated
9 with foot and mouth disease.

10 2. If the department determines that there is a suspected
11 outbreak of foot and mouth disease in this state, the
12 department shall immediately notify all of the following:

13 a. The governor or a designee of the governor. The
14 notification shall contain information regarding actions being
15 implemented or recommended in order to determine if the
16 outbreak is genuine and measures to control a genuine
17 outbreak.

18 b. The administrative unit of the United States department
19 of agriculture responsible for controlling outbreaks in this
20 state.

21 3. The department shall cooperate with federal agencies,
22 including the United States department of agriculture, other
23 state agencies and law enforcement entities, and agencies of
24 other states. Other state agencies and law enforcement
25 entities shall assist the department.

26 4. To the extent that an animal's owner would not
27 otherwise be compensated, section 163.15 shall apply to the
28 owner's loss of any animal destroyed under this section.

29 5. Nothing in this section limits the department's
30 authority to regulate animals or premises under other
31 provisions of state law, including this chapter.

32 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
33 immediate importance, takes effect upon enactment.

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HOUSE FILE 745**S-3643**

1 Amend House File 745, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 28, by inserting after the word
4 "section." the following: "However, the owner may
5 elect to be compensated by the executive council for
6 an amount determined by the executive council, which
7 may be in the form of a reimbursement or loan payment,
8 according to procedures required by the executive
9 council. If the destroyed animal is determined not to
10 be infected, the owner who makes the election shall be
11 reimbursed for one hundred percent of the loss after
12 deducting all other compensatory payments owing to or
13 received by the owner."

By MIKE SEXTON

S-3643 FILED MAY 3, 2001
WITHDRAWN (p. 1504)

HOUSE FILE 745**S-3646**

1 Amend House File 745, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 20, by inserting after the word
4 "areas." the following: "Notwithstanding chapter 167,
5 if an animal is determined to be or suspected of being
6 infected or exposed, the animal shall be immediately
7 destroyed and the animal's carcass disposed of by the
8 department to prevent the transmission of the disease,
9 but in no case more than twenty-four hours following
10 the time that the animal is first determined to be or
11 suspected of being infected or exposed."
12 2. By renumbering as necessary.

By MIKE SEXTON

S-3646 FILED MAY 3, 2001
LOST (p. 1504)

HOUSE FILE 745**S-3642**

1 Amend House File 745, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 9, the
4 following:
5 "____. Notwithstanding chapter 167, if an animal is
6 determined to be infected according to procedures
7 required by the department, the animal shall be
8 immediately destroyed and the animal's carcass
9 disposed of as required by the department to prevent
10 the transmission of the disease, but in no case more
11 than twenty-four hours following the determination."
12 2. By renumbering as necessary.

By MIKE SEXTON

S-3642 FILED MAY 3, 2001
WITHDRAWN (p. 1504)

HOUSE FILE 745

S-3649

1 Amend House File 745, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 163.2, Code 2001, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. As used in this chapter,
8 "foot and mouth disease" means a virus of the family
9 picornaviridae, genus aphthovirus, including any
10 immunologically distinct serotypes."

11 2. Page 1, line 20, by inserting after the word
12 "areas." the following: "This section does not
13 authorize the department to provide for the
14 destruction of personal property other than an
15 animal."

16 3. Page 2, line 10, by inserting after the figure
17 "2." the following: "a."

18 4. Page 2, line 13, by striking the letter "a."
19 and inserting the following: "(1)".

20 5. Page 2, line 18, by striking the letter "b."
21 and inserting the following: "(2)".

22 6. Page 2, by inserting after line 20, the
23 following:

24 "b. If the department confirms an outbreak of foot
25 and mouth disease in this state, the department shall
26 cooperate with the governor; federal agencies,
27 including the United States department of agriculture;
28 and state agencies, including the emergency management
29 division of the department of public defense, in order
30 to provide the public with timely and accurate
31 information regarding the outbreak. The department
32 shall cooperate with organizations representing
33 agricultural producers in order to provide all
34 necessary information to agricultural producers
35 required to control the outbreak."

36 7. Page 2, line 26, by inserting after the figure
37 "4." the following: "a."

38 8. Page 2, by inserting after line 28, the
39 following:

40 "b. Upon the request of the executive council, the
41 department shall develop and submit a plan to the
42 executive council that compensates an owner of
43 property, other than an animal, that is inadvertently
44 destroyed by the department as a result of the
45 department's regulation of activities in a quarantined
46 area. The plan shall not be implemented without the
47 approval of at least three members of the executive
48 council. The payment of the compensation under the
49 plan shall be made in the same manner as provided in
50 section 163.15. The owner may submit a claim for

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Page 2

1 compensation prior to the plan's implementation. The
2 executive council may apply the plan retroactively,
3 but not earlier than the effective date of this Act."

By MERLIN E. BARTZ
THOMAS FIEGEN

KEN VEENSTRA
SANDRA GREINER

S-3649 FILED MAY 3, 2001

ADOPTED (p. 1504)

SENATE AMENDMENT TO HOUSE FILE 745**H-1996**

1 Amend House File 745, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 163.2, Code 2001, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. As used in this chapter,
8 "foot and mouth disease" means a virus of the family
9 picornaviridae, genus aphthovirus, including any
10 immunologically distinct serotypes."

11 2. Page 1, line 20, by inserting after the word
12 "areas." the following: "This section does not
13 authorize the department to provide for the
14 destruction of personal property other than an
15 animal."

16 3. Page 2, line 10, by inserting after the figure
17 "2." the following: "a."

18 4. Page 2, line 13, by striking the letter "a."
19 and inserting the following: "(1)".

20 5. Page 2, line 18, by striking the letter "b."
21 and inserting the following: "(2)".

22 6. Page 2, by inserting after line 20, the
23 following:

24 "b. If the department confirms an outbreak of foot
25 and mouth disease in this state, the department shall
26 cooperate with the governor; federal agencies,
27 including the United States department of agriculture;
28 and state agencies, including the emergency management
29 division of the department of public defense, in order
30 to provide the public with timely and accurate
31 information regarding the outbreak. The department
32 shall cooperate with organizations representing
33 agricultural producers in order to provide all
34 necessary information to agricultural producers
35 required to control the outbreak."

36 7. Page 2, line 26, by inserting after the figure
37 "4." the following: "a."

38 8. Page 2, by inserting after line 28, the
39 following:

40 "b. Upon the request of the executive council, the
41 department shall develop and submit a plan to the
42 executive council that compensates an owner of
43 property, other than an animal, that is inadvertently
44 destroyed by the department as a result of the
45 department's regulation of activities in a quarantined
46 area. The plan shall not be implemented without the
47 approval of at least three members of the executive
48 council. The payment of the compensation under the
49 plan shall be made in the same manner as provided in
50 section 163.15. The owner may submit a claim for

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1 compensation prior to the plan's implementation. The
2 executive council may apply the plan retroactively,
3 but not earlier than the effective date of this Act."

RECEIVED FROM THE SENATE

H-1996 FILED MAY 4, 2001*Concurred 5/7/01 (p. 1890)*

HOUSE FILE 745

AN ACT

REGULATING FOOT AND MOUTH DISEASE AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 163.2, Code 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. As used in this chapter, "foot and mouth disease" means a virus of the family picornaviridae, genus aphthovirus, including any immunologically distinct serotypes.

FOOT AND MOUTH DISEASE

Sec. 2. NEW SECTION. 163.51 SECURITY MEASURES.

1. The department may establish security measures in order to control outbreaks of foot and mouth disease in this state, including by providing for the prevention, suppression, and eradication of foot and mouth disease. In administering and enforcing this section, the department may adopt rules and shall issue orders in a manner consistent with sound veterinary principles and federal law for the control of outbreaks of the disease. The department may implement the security measures by doing any of the following:

a. If the department determines that an animal is infected with or exposed to foot and mouth disease, or the department suspects that an animal is so infected or exposed, the department may provide for all of the following:

(1) The quarantine, condemnation, or destruction of the animal. The department may establish quarantined areas and regulate activities in the quarantined areas, including movement or relocation of animals or other property within, into, or from the quarantined areas. This section does not authorize the department to provide for the destruction of

personal property other than an animal.

(2) The inspection or examination of the animal's premises in order to perform an examination or test to determine whether the animal is or was infected or exposed or whether the premises is contaminated. The department may take a blood or tissue sample of any animal on the premises.

(3) The compelling of a person who is the owner or custodian of the animal to provide information regarding the movement or relocation of the animal or the vaccination status of the animal or the herd where the animal originates. The department may issue a subpoena for relevant testimony or records as defined in section 516E.1. In the case of a failure or refusal of the person to provide testimony or records, the district court upon application of the department or the attorney general acting upon behalf of the department, may order the person to show cause why the person should not be held in contempt. The court may order the person to provide testimony or produce the record or be punished for contempt as if the person refused to testify before the court or disobeyed a subpoena issued by the court.

b. The department may provide for the cleaning and disinfection of real or personal property, if the department determines that the property is contaminated with foot and mouth disease or suspects that the property is contaminated with foot and mouth disease.

2. a. If the department determines that there is a suspected outbreak of foot and mouth disease in this state, the department shall immediately notify all of the following:

(1) The governor or a designee of the governor. The notification shall contain information regarding actions being implemented or recommended in order to determine if the outbreak is genuine and measures to control a genuine outbreak.

(2) The administrative unit of the United States department of agriculture responsible for controlling

outbreaks in this state.

b. If the department confirms an outbreak of foot and mouth disease in this state, the department shall cooperate with the governor; federal agencies, including the United States department of agriculture; and state agencies, including the emergency management division of the department of public defense, in order to provide the public with timely and accurate information regarding the outbreak. The department shall cooperate with organizations representing agricultural producers in order to provide all necessary information to agricultural producers required to control the outbreak.

3. The department shall cooperate with federal agencies, including the United States department of agriculture, other state agencies and law enforcement entities, and agencies of other states. Other state agencies and law enforcement entities shall assist the department.

4. a. To the extent that an animal's owner would not otherwise be compensated, section 163.15 shall apply to the owner's loss of any animal destroyed under this section.

b. Upon the request of the executive council, the department shall develop and submit a plan to the executive council that compensates an owner of property, other than an animal, that is inadvertently destroyed by the department as a result of the department's regulation of activities in a quarantined area. The plan shall not be implemented without the approval of at least three members of the executive council. The payment of the compensation under the plan shall be made in the same manner as provided in section 163.15. The owner may submit a claim for compensation prior to the plan's implementation. The executive council may apply the plan retroactively, but not earlier than the effective date of this Act.

5. Nothing in this section limits the department's authority to regulate animals or premises under other

provisions of state law, including this chapter.

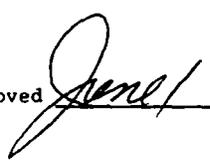
Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 745, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved  2001

THOMAS J. VILSACK
Governor