

FEB 21 2002

Agriculture

HOUSE FILE 2485
BY MANTERNACH

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to cancer eye affecting bovine animals, and
2 making penalties applicable.

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

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HF 2485

1 SUBCHAPTER 1

2 GENERAL

3 Section 1. Section 165A.1, Code Supplement 2001, is
4 amended by adding the following new subsections:

5 NEW SUBSECTION. 0A. "Bovine animal" means the same as
6 defined in section 164.1.

7 NEW SUBSECTION. 0B. "Broker" means a person, other than
8 an agent of a slaughtering establishment, who is engaged in
9 the business of purchasing bovine animals for sale to a
10 slaughtering establishment.

11 NEW SUBSECTION. 0C. "Cancer eye" means a condition of
12 ophthalmic neoplasm affecting the medial and lateral limbal
13 regions or the conjunctivae or nictitating membrane in bovine
14 animals, if the condition may progress to bovine ocular
15 squamous cell carcinoma.

16 Sec. 2. Section 165A.1, subsections 3 and 6, Code
17 Supplement 2001, are amended to read as follows:

18 3. "Infected" means infected with paratuberculosis as
19 provided in ~~section 165A.3~~ subchapter 2.

20 6. "Slaughtering establishment" means a slaughtering
21 ~~establishment-operated-under-the-provision-of-the-federal-Meat~~
22 ~~Inspection-Act, 21-U.S.C. § 601-et-seq., or a slaughtering~~
23 ~~establishment-that-has-been-inspected-by-the-state~~ person
24 engaged in the business of receiving bovine animals for
25 purposes of producing parts or products from their carcasses,
26 regardless of whether those parts or products originating from
27 those parts are capable of use as human food as defined in
28 section 189A.2.

29 SUBCHAPTER 3

30 CANCER EYE

31 Sec. 3. NEW SECTION. 165A.4A AFFLICTION --
32 DETERMINATION.

33 For purposes of this subchapter, a bovine animal is
34 afflicted with cancer eye if a person customarily engaged in
35 the purchase of bovine animals would have made a determination

1 that the bovine animal is afflicted.

2 Sec. 4. NEW SECTION. 165A.4B RESTRICTIONS.

3 1. Except as provided in subsection 2, all of the
4 following apply:

5 a. A person shall not move an afflicted bovine animal to a
6 broker, concentration point, or slaughtering establishment.

7 b. A broker, concentration point, or slaughtering
8 establishment shall not receive an afflicted bovine animal.

9 2. a. A person, including but not limited to a broker,
10 may move bovine animals afflicted with cancer eye to a
11 concentration point or slaughtering establishment if the
12 concentration point or slaughtering establishment is qualified
13 to receive the afflicted bovine animal.

14 b. A broker, concentration point, or slaughtering
15 establishment may receive a bovine animal afflicted with
16 cancer eye if the bovine animal is directly moved to a
17 concentration point or slaughtering establishment that is
18 qualified to receive the afflicted bovine animal.

19 c. For purposes of this subsection, a concentration point
20 is qualified to receive a bovine animal afflicted with cancer
21 eye if the concentration point is exclusively used to assemble
22 animals for purposes of slaughter at a slaughtering
23 establishment qualified under this paragraph. A slaughtering
24 establishment is qualified to receive a bovine animal
25 afflicted with cancer eye if the establishment does not
26 produce food capable of human consumption as regulated under
27 the provisions of the federal Meat Inspection Act, 21 U.S.C.
28 601 et seq. or inspected by the department under chapter 189A.
29 A qualified slaughtering establishment includes but is not
30 limited to an animal food manufacturer or renderer as defined
31 in section 189A.2.

32 Sec. 5. DIRECTIONS TO CODE EDITOR.

33 1. The Code editor shall divide chapter 165A as amended by
34 this Act into subchapters in accordance with this Act as
35 follows:

- 1 a. Sections 165A.1 and 165A.2 shall be designated as
2 subchapter 1.
- 3 b. Sections 165A.3 and 165A.4 shall be designated as
4 subchapter 2.
- 5 c. Sections 165A.4A and 165A.4B shall be designated as
6 subchapter 3.
- 7 d. Section 165A.5 shall be designated as subchapter 4.
- 8 2. The Code editor may renumber the sections in chapter
9 165A as amended by this Act in order to enhance the chapter's
10 readability.

11 EXPLANATION

12 This bill amends Code chapter 165A, which includes
13 provisions regulating cattle infected with paratuberculosis by
14 the department of agriculture and land stewardship, as enacted
15 in 2001 by the general assembly in Senate File 209 (2001 Iowa
16 Acts, chapter 101). The bill regulates cattle afflicted with
17 bovine ocular squamous cell carcinoma, commonly referred to as
18 "cancer eye".

19 The bill provides that a bovine animal (cattle or bison) is
20 deemed afflicted with cancer eye, if a person customarily
21 engaged in the purchase of bovine animals would determine the
22 animal to be so afflicted. The bill prohibits a person from
23 moving an afflicted bovine animal to a broker, concentration
24 point, or slaughtering establishment. It similarly prohibits
25 a broker, concentration point, or slaughtering establishment
26 from receiving such an animal.

27 The bill provides exceptions that allow a person to move an
28 afflicted bovine animal to a concentration point or
29 slaughtering establishment if the concentration point or
30 slaughtering establishment is qualified to receive the
31 afflicted bovine animal. It also provides that a broker,
32 concentration point, or slaughtering establishment may receive
33 a bovine animal afflicted with cancer eye if the bovine animal
34 is directly moved to a concentration point or slaughtering
35 establishment that is qualified to receive the afflicted

1 bovine animal. A concentration point is qualified to receive
2 the bovine animal if it is exclusively used to assemble
3 animals for purposes of slaughter at a qualified slaughtering
4 establishment. An establishment is qualified to receive a
5 bovine animal afflicted with cancer eye if the establishment
6 does not produce food capable of human consumption.

7 According to Code section 165A.5, a person violating a
8 provision of Code chapter 165A is subject to a civil penalty
9 of at least \$100 but not more than \$1,000. The department may
10 file a petition in the district court seeking an injunction
11 restraining any person from violating provisions of the
12 chapter.

13 The bill directs the Code editor to organize Code chapter
14 165A in a manner that makes it easier to read.

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