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2/22/01 Do Pass  
H. 3/22/01 Agricultural Title

AGRICULTURE

FILED FEB 15 '01

SENATE FILE 209  
BY JENSEN

Passed Senate, Date (P. 718) 3/20/01 Passed House, Date (P. 1388) 4/23/01  
Vote: Ayes 50 Nays 0 Vote: Ayes 96 Nays 0  
Approved 5/2/01

A BILL FOR

1 An Act providing for the control of paratuberculosis, and  
2 providing for penalties.

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

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SF 209  
AGRICULTURE

1 Section 1. NEW SECTION. 165A.1 DEFINITIONS.

2 1. "Concentration point" means a location or facility  
3 where cattle are assembled for purposes of sale or resale for  
4 feeding, breeding, or slaughtering, and where contact may  
5 occur between groups of cattle from various sources.

6 "Concentration point" includes a public stockyard, auction  
7 market, street market, state or federal market, untested  
8 consignment sales location, buying station, or a livestock  
9 dealer's yard, truck, or facility.

10 2. "Department" means the department of agriculture and  
11 land stewardship.

12 3. "Paratuberculosis" means a disease caused by the  
13 bacterium mycobacterium paratuberculosis, and which is also  
14 referred to as Johne's disease.

15 4. "Separate and apart" means to hold cattle so that  
16 neither the cattle nor organic material originating from the  
17 cattle has physical contact with other animals.

18 5. "Slaughtering establishment" means a slaughtering  
19 establishment operated under the provision of the federal Meat  
20 Inspection Act, 21 U.S.C. § 601 et seq., or a slaughtering  
21 establishment that has been inspected by the state.

22 6. "Statistical sampling" means a test based on at least a  
23 ninety percent probability of detecting at least a ten percent  
24 incidence of positive reaction within a herd.

25 7. "Test" means an ELISA test, or other test licensed by  
26 the United States department of agriculture or approved by the  
27 department for detection of paratuberculosis and performed by  
28 a laboratory approved by the department.

29 Sec. 2. NEW SECTION. 165A.2 ADMINISTRATION AND  
30 ENFORCEMENT.

31 The provisions of this chapter, including departmental  
32 rules adopted pursuant to this chapter, shall be administered  
33 and enforced by the department. The department may assess and  
34 collect civil penalties against persons in violation of this  
35 chapter as provided in section 165A.7. The attorney general

1 may assist the department in the enforcement of this chapter.

2 Sec. 3. NEW SECTION. 165A.3 DEPARTMENTAL DETERMINATION  
3 OF PARATUBERCULOSIS.

4 The department shall periodically determine the prevalence  
5 of paratuberculosis in the state in a manner and according to  
6 procedures established by the department. The department  
7 shall report to the general assembly regarding findings or  
8 recommendations required to amend this chapter or other  
9 chapters in order to more effectively control  
10 paratuberculosis.

11 Sec. 4. NEW SECTION. 165A.4 STATUS -- TESTING.

12 1. A herd shall be classified as at maximum risk status,  
13 moderate risk status, or minimum risk status.

14 a. A herd is classified as at maximum risk, if any of the  
15 following apply:

16 (1) The herd has not been tested in the previous twelve  
17 months.

18 (2) The herd has tested positive in the previous twelve  
19 months.

20 b. A herd is classified as at moderate risk, if the herd  
21 is determined to be noninfected based on testing a statistical  
22 sampling of the herd within the previous twelve months.  
23 However, a herd with thirty or fewer cattle shall not be  
24 tested by statistical sampling.

25 c. A herd is classified as at minimum risk, if the herd is  
26 determined to be noninfected based on testing all eligible  
27 cattle in the herd.

28 2. A test shall be administered by a licensed veterinarian  
29 according to rules adopted by the department. The department  
30 shall adopt rules for testing eligible cattle. The department  
31 shall establish criteria for eligibility based on factors  
32 determined relevant by the department, including but not  
33 limited to age. The department may require different testing  
34 requirements for dairy cattle.

35 3. A veterinarian who determines that a herd is infected

1 shall report the determination to the department in a manner  
2 and according to procedures required by the department.

3 Sec. 5. NEW SECTION. 165A.5 STATUS REPORTED.

4 The owner of cattle shall designate the status of the herd  
5 from which the cattle originate as provided in section 165A.4,  
6 by stating whether the herd is classified as at maximum risk,  
7 moderate risk, or minimum risk. The designation shall appear  
8 on a bill of sale for cattle and on any health certificate  
9 required to be provided to a person taking possession of the  
10 cattle, as provided by rules adopted by the department.

11 Sec. 6. NEW SECTION. 165A.6 INFECTED CATTLE.

12 The owner of infected cattle shall comply with this chapter  
13 and chapter 163 as that chapter applies to cattle with a  
14 contagious disease. Infected cattle shall be immediately kept  
15 separate and apart and moved for slaughter to a concentration  
16 point or slaughtering establishment. Infected cattle that are  
17 kept at the concentration point shall also be kept separate  
18 and apart. The owner of infected cattle shall mark the cattle  
19 by punching the letter "J" through the right ears of the  
20 cattle as required by the department.

21 Sec. 7. NEW SECTION. 165A.7 ENFORCEMENT -- PENALTY.

22 1. a. Except as provided in this subsection, a person  
23 violating a provision of this chapter or any rule adopted  
24 pursuant to this chapter shall be subject to a civil penalty  
25 of at least one hundred dollars but not more than one thousand  
26 dollars.

27 b. A person who intentionally falsifies the status  
28 classification of cattle on a bill of sale or health  
29 certificate in violation of section 165A.5 is subject to a  
30 civil penalty of not more than five thousand dollars for each  
31 animal falsely classified. A person shall not be subject to a  
32 civil penalty totaling more than twenty-five thousand dollars  
33 for falsifying the status classification appearing on a single  
34 bill of sale or health certificate.

35 2. In addition to any other remedies provided, the

1 department may file a petition in the district court seeking  
2 an injunction restraining any person from violating provisions  
3 of this chapter including a rule adopted pursuant to this  
4 chapter.

5 EXPLANATION

6 This bill provides for the control of a disease affecting  
7 ruminants and especially cattle, which is referred to as  
8 paratuberculosis, but more commonly known as Johne's disease.  
9 This bill specifically provides for the control of  
10 paratuberculosis in cattle.

11 The bill provides that the department of agriculture and  
12 land stewardship is responsible for administering the chapter,  
13 including by adopting rules as necessary, and by assessing and  
14 collecting civil penalties. The bill requires the department  
15 to periodically determine the prevalence of paratuberculosis  
16 and report to the general assembly regarding findings or  
17 recommendations required to amend statutes providing for the  
18 control of paratuberculosis.

19 The bill establishes a number of classifications for cattle  
20 herds at risk of carrying paratuberculosis, including the  
21 status of maximum risk, moderate risk, or minimum risk. A  
22 herd is classified as at maximum risk if the herd has not been  
23 tested for the disease in the previous 12 months or the herd  
24 tested positive for the disease in the previous 12 months.  
25 The bill provides that a herd is classified as a moderate risk  
26 if the herd is determined to be noninfected based on testing a  
27 statistical sampling of the herd within the previous 12  
28 months. However, a herd with 30 or fewer cattle cannot be  
29 tested by statistical sampling. The bill provides that a herd  
30 is classified as at minimum risk if the herd is determined to  
31 be noninfected based on testing the entire herd. According to  
32 the bill, the test must be administered by a licensed  
33 veterinarian according to rules adopted by the department.  
34 The bill requires that a positive indication of the disease  
35 must be reported to the department.

1 The bill requires the owner of cattle to designate the  
2 status of the herd from which the cattle originate on a bill  
3 of sale for cattle and on any health certificate required to  
4 be provided to a person taking possession of the cattle.

5 The bill requires that infected cattle be kept separate and  
6 apart and moved for slaughter to a concentration point or  
7 slaughtering establishment. The cattle's owner must mark  
8 infected cattle by punching the letter "J" through the right  
9 ears of the cattle.

10 The bill provides that a person violating a provision of  
11 the bill is subject to a civil penalty of at least \$100 but  
12 not more than \$1,000. However, a person who intentionally  
13 falsifies the status classification of cattle on a bill of  
14 sale or health certificate is subject to a civil penalty of  
15 not more than \$5,000 for each animal falsely classified (but  
16 not more than \$25,000). The bill also provides that the  
17 department may seek injunctive relief against violators.

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SENATE FILE 209

S-3173

1 Amend Senate File 209 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 165A.1 DEFINITIONS.

5 1. "Concentration point" means a location or  
6 facility where cattle are assembled for purposes of  
7 sale or resale for feeding, breeding, or slaughtering,  
8 and where contact may occur between groups of cattle  
9 from various sources. "Concentration point" includes  
10 a public stockyard, auction market, street market,  
11 state or federal market, untested consignment sales  
12 location, buying station, or a livestock dealer's  
13 yard, truck, or facility.

14 2. "Department" means the department of  
15 agriculture and land stewardship.

16 3. "Paratuberculosis" means a disease caused by  
17 the bacterium mycobacterium paratuberculosis, and  
18 which is also referred to as Johne's disease.

19 4. "Separate and apart" means to hold cattle so  
20 that neither the cattle nor organic material  
21 originating from the cattle has physical contact with  
22 other animals.

23 5. "Slaughtering establishment" means a  
24 slaughtering establishment operated under the  
25 provision of the federal Meat Inspection Act, 21  
26 U.S.C. § 601 et seq., or a slaughtering establishment  
27 that has been inspected by the state.

28 Sec. 2. NEW SECTION. 165A.2 ADMINISTRATION AND  
29 ENFORCEMENT.

30 The provisions of this chapter, including  
31 departmental rules adopted pursuant to this chapter,  
32 shall be administered and enforced by the department.  
33 The department may assess and collect civil penalties  
34 against persons in violation of this chapter as  
35 provided in section 165A.4. The attorney general may  
36 assist the department in the enforcement of this  
37 chapter.

38 Sec. 3. NEW SECTION. 165A.3 INFECTED CATTLE.

39 The owner of cattle infected with paratuberculosis  
40 shall comply with this chapter and chapter 163 as that  
41 chapter applies to cattle with a contagious disease.  
42 Infected cattle shall be immediately kept separate and  
43 apart and moved for slaughter to a concentration point  
44 or slaughtering establishment. Infected cattle that  
45 are kept at the concentration point shall also be kept  
46 separate and apart. The owner of infected cattle  
47 shall mark the cattle by punching the letter "J"  
48 through the right ears of the cattle as required by  
49 the department.

50 Sec. 4. NEW SECTION. 165A.4 ENFORCEMENT --

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Page 2

1 PENALTY.

2 1. Except as provided in this subsection, a person  
3 violating a provision of this chapter or any rule  
4 adopted pursuant to this chapter shall be subject to a  
5 civil penalty of at least one hundred dollars but not  
6 more than one thousand dollars. The proceeding to  
7 assess a civil penalty shall be conducted as a  
8 contested case proceeding under chapter 17A.

9 2. In addition to any other remedies provided, the  
10 department may file a petition in the district court  
11 seeking an injunction restraining any person from  
12 violating provisions of this chapter including a rule  
13 adopted pursuant to this chapter.

14 Sec. 5. NEW SECTION. 172E.1. DEFINITIONS.

15 As used in this chapter, unless the context  
16 otherwise requires:

17 1. "Livestock" means the same as defined in  
18 section 717.1.

19 2. "Livestock market" means any place where  
20 livestock are assembled from two or more sources for  
21 public auction, private sale, or on a commission  
22 basis, which is under state or federal supervision,  
23 including a livestock sale barn or auction market, if  
24 such livestock are kept in the place for ten days or  
25 less.

26 3. "Packer" means a person who is engaged in the  
27 business of slaughtering livestock or receiving,  
28 purchasing, or soliciting livestock for slaughter. As  
29 used in this chapter, "packer" includes an agent of  
30 the packer engaged in buying or soliciting livestock  
31 for slaughter on behalf of a packer.

32 Sec. 6. NEW SECTION. 172E.2. MARKETING PRACTICES  
33 -- LIVESTOCK SOLD FOR SLAUGHTER.

34 1. If a livestock market accepts livestock upon  
35 condition that the livestock are to be moved directly  
36 to slaughter, the livestock shall be segregated with  
37 other livestock to be moved directly to slaughter  
38 until sold to a packer. A person other than a packer  
39 shall not purchase the livestock.

40 2. This section shall not supersede requirements  
41 relating to the movement or marketing of livestock  
42 infected with an infectious or contagious disease,  
43 including but not limited to those diseases enumerated  
44 in section 163.2.

45 Sec. 7. NEW SECTION. 172E.3. PENALTIES.

46 A person who purchases livestock at a livestock  
47 market in violation of this chapter is guilty of a  
48 simple misdemeanor.

49 Sec. 8. PARATUBERCULOSIS TASK FORCE.

50 1. A paratuberculosis task force is established

8-3173

**S-3173**

Page 3

1 for purposes of determining the prevalence of  
 2 paratuberculosis in this state and methods required to  
 3 control it, including the effectiveness and  
 4 practicability of requiring that cattle or only dairy  
 5 cattle be tested using a test currently or expected to  
 6 be licensed by the United States department of  
 7 agriculture to detect the presence of  
 8 paratuberculosis.

9 2. The task force shall be composed of the state  
 10 veterinarian who shall serve as chairperson, a member  
 11 of the faculty of Iowa state university appointed by  
 12 the dean of the college of agriculture, who is engaged  
 13 in the teaching of veterinary medicine and who is  
 14 knowledgeable regarding dairying, and the practicing  
 15 veterinarian who serves as a member of the livestock  
 16 health advisory council.

17 3. The task force shall submit a report to the  
 18 governor and general assembly by January 10, 2002.  
 19 The report shall contain its findings and any  
 20 recommendations."

21 2. Title page, line 1, by inserting after the  
 22 word "for" the following: "livestock, including".

By JOHN P. KIBBIE  
 JOHN W. JENSEN

*Adopted 3/20/01  
 (p. 717)*  
**S-3173 FILED MARCH 8, 2001**

**SENATE FILE 209****S-3188**

1 Amend the amendment, S-3173, to Senate File 209, as  
 2 follows:

3 1. Page 1, by striking lines 39 through 46, and  
 4 inserting the following: "The owner of infected  
 5 cattle".

6 2. Page 3, line 14, by striking the words "and  
 7 the" and inserting the following: "the".

8 3. Page 3, line 16, by inserting after the word  
 9 "council" the following: ", a person actively engaged  
 10 in beef cattle production who is appointed by the Iowa  
 11 cattlemen's association, and a person actively engaged  
 12 in dairying who is appointed by the Iowa dairy  
 13 products association".

By JOHN P. KIBBIE  
 JOHN W. JENSEN

*Adopted 3/20/01 (p. 717)*  
**S-3188 FILED MARCH 19, 2001**

**SENATE FILE 209**  
**FISCAL NOTE**

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A fiscal note for **Senate File 209** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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**SUMMARY**

Senate File 209 allows the Department of Agriculture and Land Stewardship to establish a program for controlling paratuberculosis, more commonly known as Johne's Disease that is found in cattle. The Department will be responsible for developing rules, investigating conflicts or complaints, and monitoring the permanent marking of cattle at licensed establishments.

**ASSUMPTIONS**

1. The average cost for salary and benefits for one full-time Livestock Compliance Investigator is \$43,000 per year for FY 2002 and \$45,000 per year for FY 2003 and subsequent years.
2. The average cost for supplies is \$9,000 for FY 2002 and \$10,000 for FY 2003 and subsequent years.
3. The average cost for equipment is \$19,000 for FY 2002. This includes the purchase of a vehicle for \$16,000 and a computer for \$3,000.
4. The average cost developing an educational information program is \$20,000 for FY 2002 and \$5,000 for FY 2003 and subsequent years.

**FISCAL IMPACT**

The estimated fiscal impact of Senate File 209 is an increase in General Fund expenditures of \$90,000 and 1.00 FTE position for FY 2002. The fiscal impact for FY 2003 and subsequent years is \$60,000 and no change in FTE positions.

**SOURCE**

Department of Agriculture and Land Stewardship

(LSB 1990SS, DFK)

FILED MARCH 5, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

4/3/01 Amend/Do Pass  
with H-142)

H. 4/12/01 UNFINISHED BUSINESS CALENDAR

SENATE FILE 209  
BY JENSEN

(AS AMENDED AND PASSED BY THE SENATE MARCH 20, 2001)

ALL New Language by the Senate

Passed Senate, Date <sup>(P. 1265)</sup> 4/24/01 Passed House, Date <sup>(P. 1388)</sup> 4/23/01  
Vote: Ayes 49 Nays 0 Vote: Ayes 96 Nays 0  
Approved 5/2/01

**A BILL FOR**

1 An Act providing for livestock, including the control of  
2 paratuberculosis, and providing for penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 209

1 Section 1. NEW SECTION. 165A.1 DEFINITIONS.

2 1. "Concentration point" means a location or facility  
3 where cattle are assembled for purposes of sale or resale for  
4 feeding, breeding, or slaughtering, and where contact may  
5 occur between groups of cattle from various sources.

6 "Concentration point" includes a public stockyard, auction  
7 market, street market, state or federal market, untested  
8 consignment sales location, buying station, or a livestock  
9 dealer's yard, truck, or facility.

10 2. "Department" means the department of agriculture and  
11 land stewardship.

12 3. "Paratuberculosis" means a disease caused by the  
13 bacterium mycobacterium paratuberculosis, and which is also  
14 referred to as Johne's disease.

15 4. "Separate and apart" means to hold cattle so that  
16 neither the cattle nor organic material originating from the  
17 cattle has physical contact with other animals.

18 5. "Slaughtering establishment" means a slaughtering  
19 establishment operated under the provision of the federal Meat  
20 Inspection Act, 21 U.S.C. § 601 et seq., or a slaughtering  
21 establishment that has been inspected by the state.

22 Sec. 2. NEW SECTION. 165A.2 ADMINISTRATION AND  
23 ENFORCEMENT.

24 The provisions of this chapter, including departmental  
25 rules adopted pursuant to this chapter, shall be administered  
26 and enforced by the department. The department may assess and  
27 collect civil penalties against persons in violation of this  
28 chapter as provided in section 165A.4. The attorney general  
29 may assist the department in the enforcement of this chapter.

30 Sec. 3. NEW SECTION. 165A.3 INFECTED CATTLE. The owner  
31 of infected cattle shall mark the cattle by punching the  
32 letter "J" through the right ears of the cattle as required by  
33 the department.

34 Sec. 4. NEW SECTION. 165A.4 ENFORCEMENT -- PENALTY.

35 1. Except as provided in this subsection, a person

1 violating a provision of this chapter or any rule adopted  
2 pursuant to this chapter shall be subject to a civil penalty  
3 of at least one hundred dollars but not more than one thousand  
4 dollars. The proceeding to assess a civil penalty shall be  
5 conducted as a contested case proceeding under chapter 17A.

6 2. In addition to any other remedies provided, the  
7 department may file a petition in the district court seeking  
8 an injunction restraining any person from violating provisions  
9 of this chapter including a rule adopted pursuant to this  
10 chapter.

11 Sec. 5. NEW SECTION. 172E.1 DEFINITIONS.

12 As used in this chapter, unless the context otherwise  
13 requires:

14 1. "Livestock" means the same as defined in section 717.1.

15 2. "Livestock market" means any place where livestock are  
16 assembled from two or more sources for public auction, private  
17 sale, or on a commission basis, which is under state or  
18 federal supervision, including a livestock sale barn or  
19 auction market, if such livestock are kept in the place for  
20 ten days or less.

21 3. "Packer" means a person who is engaged in the business  
22 of slaughtering livestock or receiving, purchasing, or  
23 soliciting livestock for slaughter. As used in this chapter,  
24 "packer" includes an agent of the packer engaged in buying or  
25 soliciting livestock for slaughter on behalf of a packer.

26 Sec. 6. NEW SECTION. 172E.2 MARKETING PRACTICES --  
27 LIVESTOCK SOLD FOR SLAUGHTER.

28 1. If a livestock market accepts livestock upon condition  
29 that the livestock are to be moved directly to slaughter, the  
30 livestock shall be segregated with other livestock to be moved  
31 directly to slaughter until sold to a packer. A person other  
32 than a packer shall not purchase the livestock.

33 2. This section shall not supersede requirements relating  
34 to the movement or marketing of livestock infected with an  
35 infectious or contagious disease, including but not limited to

1 those diseases enumerated in section 163.2.

2 Sec. 7. NEW SECTION. 172E.3 PENALTIES.

3 A person who purchases livestock at a livestock market in  
4 violation of this chapter is guilty of a simple misdemeanor.

5 Sec. 8. PARATUBERCULOSIS TASK FORCE.

6 1. A paratuberculosis task force is established for  
7 purposes of determining the prevalence of paratuberculosis in  
8 this state and methods required to control it, including the  
9 effectiveness and practicability of requiring that cattle or  
10 only dairy cattle be tested using a test currently or expected  
11 to be licensed by the United States department of agriculture  
12 to detect the presence of paratuberculosis.

13 2. The task force shall be composed of the state  
14 veterinarian who shall serve as chairperson, a member of the  
15 faculty of Iowa state university appointed by the dean of the  
16 college of agriculture, who is engaged in the teaching of  
17 veterinary medicine and who is knowledgeable regarding  
18 dairying, the practicing veterinarian who serves as a member  
19 of the livestock health advisory council, a person actively  
20 engaged in beef cattle production who is appointed by the Iowa  
21 cattlemen's association, and a person actively engaged in  
22 dairying who is appointed by the Iowa dairy products  
23 association.

24 3. The task force shall submit a report to the governor  
25 and general assembly by January 10, 2002. The report shall  
26 contain its findings and any recommendations.

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**SENATE FILE 209****H-1421**

1 Amend Senate File 209, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 11, the  
4 following:

5 "\_\_\_\_. "Infected" means infected with  
6 paratuberculosis as provided in section 165A.3."

7 2. Page 1, line 28, by striking the figure  
8 "165A.4." and inserting the following: "165A.5."

9 3. Page 1, by inserting after line 29, the  
10 following:

11 "Sec. \_\_\_\_ NEW SECTION. 165A.3 DETERMINATION OF  
12 INFECTION.

13 The department shall adopt rules providing methods  
14 and procedures to determine whether cattle are  
15 infected, which may include detection and analysis of  
16 paratuberculosis using techniques approved by the  
17 United States department of agriculture."

18 4. Page 1, line 30, by striking the figure  
19 "165A.3" and inserting the following: "165A.4".

20 5. Page 1, line 33, by inserting after the word  
21 "department." the following: "A person shall not sell  
22 infected cattle other than directly to a slaughtering  
23 establishment or to a concentration point for sale  
24 directly to a slaughtering establishment, for  
25 immediate slaughter. Cattle marked with a letter "J"  
26 that are kept at a concentration point must be kept  
27 separate and apart."

28 6. Page 1, line 34, by striking the figure  
29 "165A.4" and inserting the following: "165A.5".

30 7. Page 2, by inserting after line 13, the  
31 following:

32 "\_\_\_\_. "Dairy cattle" means cattle belonging to a  
33 breed that is used to produce milk for human  
34 consumption, including but not limited to holstein and  
35 jersey breeds."

36 8. Page 2, line 18, by striking the words "sale  
37 barn or".

38 9. Page 2, line 28, by striking the words  
39 "livestock upon" and inserting the following: "dairy  
40 cattle upon express".

41 10. Page 2, line 29, by striking the word  
42 "livestock" and inserting the following: "dairy  
43 cattle".

44 11. Page 2, line 30, by striking the word  
45 "livestock" and inserting the following: "dairy  
46 cattle".

47 12. Page 2, line 31, by inserting after the word  
48 "person" the following: "shall not sell the dairy  
49 cattle to a purchaser other than a packer and a  
50 person".

**H-1421**

**H-1421**

Page 2

- 1 13. Page 2, line 32, by striking the word  
2 "livestock" and inserting the following: "dairy  
3 cattle".
- 4 14. Page 3, by striking lines 3 and 4, and  
5 inserting the following: "The department shall have  
6 the same authority to enforce this chapter as it does  
7 under chapter 165A. A person who violates section  
8 172E.2 is subject to the same penalties as provided in  
9 section 165A.5."
- 10 15. Page 3, line 7, by striking the word  
11 "determining" and inserting the following: "advising  
12 the department regarding the administration of chapter  
13 165A as enacted in this Act, including the adoption of  
14 rules providing methods and procedures to determine  
15 whether cattle are infected. The task force shall  
16 study".
- 17 16. Page 3, by striking lines 13 through 23, and  
18 inserting the following:  
19 "\_\_\_\_\_. The task force shall be composed of all of  
20 the following:
- 21 a. Persons who represent the department of  
22 agriculture and land stewardship. One person shall be  
23 the state veterinarian who shall serve as the  
24 chairperson of the committee. The secretary of  
25 agriculture may appoint up to two more persons if  
26 necessary who shall be knowledgeable regarding the  
27 control of diseases affecting cattle.
- 28 b. Persons representing the veterinary college of  
29 medicine at Iowa state university who shall be the  
30 dean of the college, the head of serology of the  
31 department of the veterinary diagnostic laboratory of  
32 the veterinary diagnostic and production animal  
33 medicine, and the chair of the department of  
34 veterinary microbiology and preventative medicine.
- 35 c. Persons actively engaged in the cattle or dairy  
36 industry, including a person actively engaged in  
37 producing milk who is appointed by the Iowa dairy  
38 products association, a person who is actively engaged  
39 in producing dairy products who is appointed by the  
40 Iowa dairy products association, a person who is  
41 actively engaged in producing beef cattle who is  
42 appointed by the Iowa cattlemen's association, and a  
43 person actively engaged in marketing cattle who is  
44 appointed by the livestock marketing association."
- 45 17. By renumbering as necessary.

**By** COMMITTEE ON AGRICULTURE  
KLEMME of Plymouth, Chairperson

**H-1421** FILED APRIL 3, 2001

*Adopted*  
*4/23/01*  
*(P. 1388)*

SENATE FILE 209

H-1475

1 Amend the amendment, H-1421, to Senate File 209, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 37, the  
5 following:

6 "\_\_\_\_. Page 2, line 27, by striking the word  
7 "LIVESTOCK" and inserting the following: "DAIRY  
8 CATTLE"."

9 2. Page 2, by striking lines 5 and 6, and  
10 inserting the following: "inserting the following:

11 "1. The department with assistance by the attorney  
12 general shall have the same authority to enforce this  
13 chapter as it does"."

14 3. Page 2, by inserting after line 9, the  
15 following:

16 "\_\_\_\_. This section does not prevent a person from  
17 commencing a civil cause of action based on any right  
18 that the person may assert under statute or common  
19 law"."

20 4. By renumbering as necessary.

By KREIMAN of Davis

H-1475 FILED APRIL 10, 2001

0/0  
4/23/01  
(P 1387)

## SENATE FILE 209

## H-1584

1 Amend the amendment, H-1421, to Senate File 209, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by inserting after line 29, the  
5 following:  
6 "\_\_\_\_. Page 2, by inserting after line 10, the  
7 following:  
8 "\_\_\_\_. This section does not prevent a person from  
9 commencing a civil cause of action based on any right  
10 that the person may assert under statute or common  
11 law".  
12 2. Page 1, by inserting after line 37, the  
13 following:  
14 "\_\_\_\_. Page 2, line 27, by striking the word  
15 "LIVESTOCK" and inserting the following: "DAIRY  
16 CATTLE".  
17 3. Page 2, by striking lines 5 and 6, and  
18 inserting the following: "inserting the following:  
19 "1. The department with assistance by the attorney  
20 general shall have the same authority to enforce this  
21 chapter as it does".  
22 4. Page 2, by inserting after line 9, the  
23 following:  
24 "\_\_\_\_. This section does not prevent a person from  
25 commencing a civil cause of action based on any right  
26 that the person may assert under statute or common  
27 law".  
28 5. By renumbering as necessary.

By KREIMAN of Davis

H-1584 FILED APRIL 18, 2001

*A. Daptes*  
4/23/01  
(P. 1387)

## SENATE FILE 209

## H-1589

1 Amend the amendment H-1421, to Senate File 209, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 19 the  
5 following:

6 "\_\_\_ Page 1, line 32, by striking the letter  
7 ""J"" and inserting the following: ""C""."

8 2. Page 1, line 25, by striking the letter ""J""  
9 and inserting the following: ""C"".

10 3. Page 1, line 40, by inserting after the word  
11 "express" the following: "written".

12 4. By striking page 1, line 47, through page 2,  
13 line 3, and inserting the following:

14 "\_\_\_ Page 2, by striking lines 31 and 32, and  
15 inserting the following: "directly to slaughter until  
16 sold to a packer. A person shall not knowingly sell  
17 the dairy cattle to a purchaser other than to a packer  
18 at the livestock market. A person other than a packer  
19 shall not knowingly purchase the dairy cattle at the  
20 livestock market.""

21 5. Page 2, by striking lines 28 through 34, and  
22 inserting the following:

23 "\_\_\_ Persons representing the college of  
24 veterinary medicine at Iowa state university who shall  
25 be the dean of the college or the dean's designee, the  
26 head of serology for the veterinary diagnostic  
27 laboratory, the head of the department of veterinary  
28 diagnostic and production animal medicine, and the  
29 chair of the department of veterinary microbiology and  
30 preventive medicine.

31 \_\_\_ A person who is a member or officer of the  
32 Iowa veterinary medical association who is appointed  
33 by the association."

34 6. By renumbering as necessary.

By REKOW of Allamakee

H-1589 FILED APRIL 19, 2001

*Adopted*  
*4-23-01*  
*(P1386)*

SENATE FILE 209

H-1631

- 1 Amend the amendment H-1421, to Senate File 209, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 5, by striking the word  
5 "infected" and inserting the following: "to be  
6 infected".  
7 2. Page 1, by striking lines 30 through 35.  
8 3. Page 1, by striking lines 38 through 46, and  
9 inserting the following:  
10 "\_\_\_\_". Page 2, line 28, by inserting after the  
11 word "upon" the following: "express".  
12 4. Page 1, lines 48 and 49, by striking the words  
13 "dairy cattle" and inserting the following:  
14 "livestock".  
15 5. Page 2, by striking lines 1 through 3.

H-1631 FILED APRIL 23, 2001

By SENG of Scott

*W/D 4/23/01  
(P 1386)*

**HOUSE AMENDMENT TO  
SENTE FILE 209**

**S-3444**

1 Amend Senate File 209, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 11, the  
4 following:

5 "\_\_\_\_. "Infected" means infected with  
6 paratuberculosis as provided in section 165A.3."

7 2. Page 1, line 28, by striking the figure  
8 "165A.4." and inserting the following: "165A.5."

9 3. Page 1, by inserting after line 29, the  
10 following:

11 "Sec. \_\_\_\_ NEW SECTION. 165A.3 DETERMINATION OF  
12 INFECTION.

13 The department shall adopt rules providing methods  
14 and procedures to determine whether cattle are  
15 infected, which may include detection and analysis of  
16 paratuberculosis using techniques approved by the  
17 United States department of agriculture."

18 4. Page 1, line 30, by striking the figure  
19 "165A.3" and inserting the following: "165A.4".

20 5. Page 1, line 32, by striking the letter "'J'"  
21 and inserting the following: "'C'".

22 6. Page 1, line 33, by inserting after the word  
23 "department." the following: "A person shall not sell  
24 infected cattle other than directly to a slaughtering  
25 establishment or to a concentration point for sale  
26 directly to a slaughtering establishment, for  
27 immediate slaughter. Cattle marked with a letter "C"  
28 that are kept at a concentration point must be kept  
29 separate and apart."

30 7. Page 1, line 34, by striking the figure  
31 "165A.4" and inserting the following: "165A.5".

32 8. Page 2, by inserting after line 10, the  
33 following:

34 "\_\_\_\_. This section does not prevent a person from  
35 commencing a civil cause of action based on any right  
36 that the person may assert under statute or common  
37 law."

38 9. Page 2, by inserting after line 13, the  
39 following:

40 "\_\_\_\_. "Dairy cattle" means cattle belonging to a  
41 breed that is used to produce milk for human  
42 consumption, including but not limited to holstein and  
43 jersey breeds."

44 10. Page 2, line 18, by striking the words "sale  
45 barn or".

46 11. Page 2, line 27, by striking the word  
47 "LIVESTOCK" and inserting the following: "DAIRY  
48 CATTLE".

49 12. Page 2, line 28, by striking the words  
50 "livestock upon" and inserting the following: "dairy

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Page 2

1 cattle upon express written".

2 13. Page 2, line 29, by striking the word  
3 "livestock" and inserting the following: "dairy  
4 cattle".

5 14. Page 2, line 30, by striking the word  
6 "livestock" and inserting the following: "dairy  
7 cattle".

8 15. Page 2, by striking lines 31 and 32, and  
9 inserting the following: "directly to slaughter until  
10 sold to a packer. A person shall not knowingly sell  
11 the dairy cattle to a purchaser other than to a packer  
12 at the livestock market. A person other than a packer  
13 shall not knowingly purchase the dairy cattle at the  
14 livestock market."

15 16. Page 3, by striking lines 3 and 4, and  
16 inserting the following:

17 "1. The department with assistance by the attorney  
18 general shall have the same authority to enforce this  
19 chapter as it does under chapter 165A. A person who  
20 violates section 172E.2 is subject to the same  
21 penalties as provided in section 165A.5.

22 2. This section does not prevent a person from  
23 commencing a civil cause of action based on any right  
24 that the person may assert under statute or common  
25 law."

26 17. Page 3, line 7, by striking the word  
27 "determining" and inserting the following: "advising  
28 the department regarding the administration of chapter  
29 165A as enacted in this Act, including the adoption of  
30 rules providing methods and procedures to determine  
31 whether cattle are infected. The task force shall  
32 study".

33 18. Page 3, by striking lines 13 through 23, and  
34 inserting the following:

35 "2. The task force shall be composed of all of the  
36 following:

37 a. Persons who represent the department of  
38 agriculture and land stewardship. One person shall be  
39 the state veterinarian who shall serve as the  
40 chairperson of the committee. The secretary of  
41 agriculture may appoint up to two more persons if  
42 necessary who shall be knowledgeable regarding the  
43 control of diseases affecting cattle.

44 b. Persons representing the college of veterinary  
45 medicine at Iowa state university who shall be the  
46 dean of the college or the dean's designee, the head  
47 of serology for the veterinary diagnostic laboratory,  
48 the head of the department of veterinary diagnostic  
49 and production animal medicine, and the chair of the  
50 department of veterinary microbiology and preventive

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- 1 medicine.
- 2 c. A person who is a member or officer of the Iowa
- 3 veterinary medical association who is appointed by the
- 4 association.
- 5 d. Persons actively engaged in the cattle or dairy
- 6 industry, including a person actively engaged in
- 7 producing milk who is appointed by the Iowa dairy
- 8 products association, a person who is actively engaged
- 9 in producing dairy products who is appointed by the
- 10 Iowa dairy products association, a person who is
- 11 actively engaged in producing beef cattle who is
- 12 appointed by the Iowa cattlemen's association, and a
- 13 person actively engaged in marketing cattle who is
- 14 appointed by the livestock marketing association."
- 15 19. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3444 FILED APRIL 23, 2001

*Senate Concurred*

*4-24-01*

*(P. 1264)*

SENATE FILE 209

AN ACT

PROVIDING FOR LIVESTOCK, INCLUDING THE CONTROL OF  
PARATUBERCULOSIS, AND PROVIDING FOR PENALTIES.

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

Section 1. NEW SECTION. 165A.1 DEFINITIONS.

1. "Concentration point" means a location or facility where cattle are assembled for purposes of sale or resale for feeding, breeding, or slaughtering, and where contact may occur between groups of cattle from various sources.

"Concentration point" includes a public stockyard, auction market, street market, state or federal market, untested consignment sales location, buying station, or a livestock dealer's yard, truck, or facility.

2. "Department" means the department of agriculture and land stewardship.

3. "Infected" means infected with paratuberculosis as provided in section 165A.3.

4. "Paratuberculosis" means a disease caused by the bacterium mycobacterium paratuberculosis, and which is also referred to as Johne's disease.

5. "Separate and apart" means to hold cattle so that neither the cattle nor organic material originating from the cattle has physical contact with other animals.

6. "Slaughtering establishment" means a slaughtering establishment operated under the provision of the federal Meat Inspection Act, 21 U.S.C. § 601 et seq., or a slaughtering establishment that has been inspected by the state.

Sec. 2. NEW SECTION. 165A.2 ADMINISTRATION AND ENFORCEMENT.

The provisions of this chapter, including departmental rules adopted pursuant to this chapter, shall be administered

and enforced by the department. The department may assess and collect civil penalties against persons in violation of this chapter as provided in section 165A.5. The attorney general may assist the department in the enforcement of this chapter.

Sec. 3. NEW SECTION. 165A.3 DETERMINATION OF INFECTION.

The department shall adopt rules providing methods and procedures to determine whether cattle are infected, which may include detection and analysis of paratuberculosis using techniques approved by the United States department of agriculture.

Sec. 4. NEW SECTION. 165A.4 INFECTED CATTLE.

The owner of infected cattle shall mark the cattle by punching the letter "C" through the right ears of the cattle as required by the department. A person shall not sell infected cattle other than directly to a slaughtering establishment or to a concentration point for sale directly to a slaughtering establishment, for immediate slaughter. Cattle marked with a letter "C" that are kept at a concentration point must be kept separate and apart.

Sec. 5. NEW SECTION. 165A.5 ENFORCEMENT -- PENALTY.

1. Except as provided in this subsection, a person violating a provision of this chapter or any 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. The proceeding to assess a civil penalty shall be conducted as a contested case proceeding under chapter 17A.

2. In addition to any other remedies provided, the department may file a petition in the district court seeking an injunction restraining any person from violating provisions of this chapter including a rule adopted pursuant to this chapter.

3. This section does not prevent a person from commencing a civil cause of action based on any right that the person may assert under statute or common law.

Sec. 6. NEW SECTION. 172E.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Dairy cattle" means cattle belonging to a breed that is used to produce milk for human consumption, including but not limited to holstein and jersey breeds.
2. "Livestock" means the same as defined in section 717.1.
3. "Livestock market" means any place where livestock are assembled from two or more sources for public auction, private sale, or on a commission basis, which is under state or federal supervision, including a livestock auction market, if such livestock are kept in the place for ten days or less.
4. "Packer" means a person who is engaged in the business of slaughtering livestock or receiving, purchasing, or soliciting livestock for slaughter. As used in this chapter, "packer" includes an agent of the packer engaged in buying or soliciting livestock for slaughter on behalf of a packer.

Sec. 7. NEW SECTION. 172E.2 MARKETING PRACTICES -- DAIRY CATTLE SOLD FOR SLAUGHTER.

1. If a livestock market accepts dairy cattle upon express written condition that the dairy cattle are to be moved directly to slaughter, the dairy cattle shall be segregated with other livestock to be moved directly to slaughter until sold to a packer. A person shall not knowingly sell the dairy cattle to a purchaser other than to a packer at the livestock market. A person other than a packer shall not knowingly purchase the dairy cattle at the livestock market.

2. This section shall not supersede requirements relating to the movement or marketing of livestock infected with an infectious or contagious disease, including but not limited to those diseases enumerated in section 163.2.

Sec. 8. NEW SECTION. 172E.3 PENALTIES.

1. The department with assistance by the attorney general shall have the same authority to enforce this chapter as it does under chapter 165A. A person who violates section 172E.2 is subject to the same penalties as provided in section 165A.5.

2. This section does not prevent a person from commencing a civil cause of action based on any right that the person may assert under statute or common law.

Sec. 9. PARATUBERCULOSIS TASK FORCE.

1. A paratuberculosis task force is established for purposes of advising the department regarding the administration of chapter 165A as enacted in this Act, including the adoption of rules providing methods and procedures to determine whether cattle are infected. The task force shall study the prevalence of paratuberculosis in this state and methods required to control it, including the effectiveness and practicability of requiring that cattle or only dairy cattle be tested using a test currently or expected to be licensed by the United States department of agriculture to detect the presence of paratuberculosis.

2. The task force shall be composed of all of the following:

a. Persons who represent the department of agriculture and land stewardship. One person shall be the state veterinarian who shall serve as the chairperson of the committee. The secretary of agriculture may appoint up to two more persons if necessary who shall be knowledgeable regarding the control of diseases affecting cattle.

b. Persons representing the college of veterinary medicine at Iowa state university who shall be the dean of the college or the dean's designee, the head of serology for the veterinary diagnostic laboratory, the head of the department of veterinary diagnostic and production animal medicine, and the chair of the department of veterinary microbiology and preventive medicine.

c. A person who is a member or officer of the Iowa veterinary medical association who is appointed by the association.

d. Persons actively engaged in the cattle or dairy industry, including a person actively engaged in producing

milk who is appointed by the Iowa dairy products association, a person who is actively engaged in producing dairy products who is appointed by the Iowa dairy products association, a person who is actively engaged in producing beef cattle who is appointed by the Iowa cattlemen's association, and a person actively engaged in marketing cattle who is appointed by the livestock marketing association.

3. The task force shall submit a report to the governor and general assembly by January 10, 2002. The report shall contain its findings and any recommendations.

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 209, Seventy-ninth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 5/2, 2001

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THOMAS J. VILSACK  
Governor