TITLE 25
ANIMALS

CHAPTER 2
INSPECTION AND SUPPRESSION OF DISEASES AMONG LIVESTOCK

25-201. POWERS OF DIVISION OF ANIMAL INDUSTRIES -- BY WHOM EXERCISED. The powers in this chapter conferred upon the division of animal industries (and unless otherwise apparent from the context, the word "division" hereinafter used refers to the division of animal industries) shall be exercised by the director of the department of agriculture or the administrator of the division of animal industries and such officers, employees and deputies as the administrator, with the approval of the director, may authorize, with the exception of those powers and duties pertaining to sheep, which powers and duties shall be exercised in said department by the board.

[(25-201) 1919, ch. 35, sec. 1, p. 121; C.S., sec. 1840; am. 1921, ch. 15, sec. 16, p. 14; I.C.A., sec. 24-201; am. 1974, ch. 18, sec. 101, p. 364; am. 2012, ch. 117, sec. 22, p. 330.]

25-202. ADMINISTRATOR -- QUALIFICATIONS. The administrator of the division of animal industries in the department of agriculture shall be a competent, qualified graduate in good standing of an accredited veterinary college recognized by the United States department of agriculture and a licensed veterinarian of the state of Idaho.

[(25-202) 1919, ch. 35, sec. 2, p. 121; C.S., sec. 1841; I.C.A., sec. 24-202; am. 1974, ch. 18, sec. 102, p. 364; am. 1993, ch. 16, sec. 1, p. 58.]

25-203. DIVISION OF ANIMAL INDUSTRIES -- RULES AND REGULATIONS. The division shall be authorized and empowered to make, promulgate and enforce general and reasonable rules and regulations not inconsistent with law for the enforcement of the provisions of this chapter. A violation of such rules and regulations shall constitute a misdemeanor.

[(25-203) 1919, ch. 35, sec. 2a, p. 122; C.S., sec. 1842; I.C.A., sec. 24-203; am. 1974, ch. 18, sec. 103, p. 364.]

25-204. VETERINARIANS AND LIVESTOCK INSPECTORS. When it shall be deemed necessary by reason of the prevalence of disease among any of the animals of this state, the division may employ deputy state veterinarians and livestock inspectors to assist in its control and eradication.

Veterinarians so employed shall be competent, qualified graduates in good standing of a veterinary college recognized by the United States department of agriculture. Each veterinarian shall receive a per diem not to exceed the reasonable value of his services and actual and necessary traveling expenses incurred in the performance of his duties, to be approved by the state veterinarian and director and paid as other like claims.

Livestock inspectors shall be competent and qualified to inspect and dip sheep for scabies, to supervise the cleaning and disinfecting of premises where any contagious, infectious or communicable disease has existed, and to perform such other duties as may be imposed by the division.

They shall receive a per diem and actual and necessary traveling expenses incurred in the performance of their duties.

[(25-204) 1919, ch. 35, sec. 3, p. 122; C.S., sec. 1843; I.C.A., sec. 24-204; am. 1947, ch. 42, sec. 1, p. 47; am. 1974, ch. 18, sec. 104, p. 364; am. 1985, ch. 63, sec. 11, p. 133; am. 1993, ch. 16, sec. 2, p. 59.]

25-205. MUNICIPAL VETERINARY SANITARY OFFICERS. Whenever any municipality in the state shall have in its employ any veterinary sanitary officer engaged in the inspection of meat, milk, or animals, and the qualifications of such officer are equal to those in this chapter provided for state veterinarians, then the division may appoint such city veterinary sanitary officer a state veterinarian, but such officer shall not be entitled to claim reimbursement from the state for any services rendered or expense incurred; and his appointment may at any time be revoked by the division.

[(25-205) 1919, ch. 35, sec. 4, p. 122; C.S., sec. 1844; I.C.A., sec. 24-205; am. 1974, ch. 18, sec. 105, p. 364.]

25-206. EXAMINATIONS BY VETERINARIANS. The division shall have the authority to appoint at different points in this state, qualified veterinarians to examine any of the animals enumerated in this chapter that are to be moved to states where the sanitary laws require such examination, provided the owner requests such inspection. It shall also be the duty of the division to specify and regulate the fees charged for such examination and to remove such veterinarian whenever it may see fit: provided, that no veterinarian appointed under this section shall make any charge against the state for such service as he may render. No certificate shall be issued or no fee charged by such veterinarian unless he has himself actually examined the animals in question; failure to do so shall be considered a misdemeanor and subject to a fine of not less than twenty-five dollars ($25.00) or more than one hundred dollars ($100).

[(25-206) 1919, ch. 35, sec. 5, p. 122; C.S., sec. 1845; I.C.A., sec. 24-206; am. 1974, ch. 18, sec. 106, p. 364.]

25-207. MOVEMENT AND DISEASE CONTROL OF LIVESTOCK AND OTHER ANIMALS -- RULES AND REGULATIONS. The division shall have authority to make and promulgate rules and regulations for the movement and disease control of livestock and other animals into, within and out of this state as may from time to time be deemed necessary; and to compensate the state for the expense of carrying out such regulations the division may collect a reasonable fee to be by it fixed not exceeding the actual cost to the state, such fees to be deposited with the state treasurer to the credit of the livestock disease control and T.B. indemnity fund.

[(25-207) 1919, ch. 35, sec. 6, p. 123; C.S., sec. 1846; I.C.A., sec. 24-207; am. 1943, ch. 139, sec. 1, p. 277; am. 1957, ch. 60, sec. 1, p. 102; am. 1974, ch. 18, sec. 107, p. 364; am. 1993, ch. 16, sec. 3, p. 59.]

25-207A. PRIVATE FEEDING OF BIG GAME ANIMALS -- RULES FOR DISEASE CONTROL. (1) In order to provide for disease control and the protection of health and human safety, the division of animal industries is authorized to

promulgate rules for the regulation and prohibition of the private feeding of big game animals.

(2) The division shall cooperate with the department of fish and game in the designation of such areas and the promulgation of rules necessary to facilitate such regulation.

(3) The Idaho department of fish and game shall cooperate with the division regarding spacial separation of big game and livestock in any areas designated by the division as requiring disease control methods.

(4) Rulemaking authority pursuant to the provisions of this section shall only apply to regulate or prohibit persons who purposely or knowingly provide supplemental feed to big game animals in a manner that results in an artificial concentration of such animals that may potentially contribute to the transmission of disease.

(5) Rulemaking authority pursuant to the provisions of this section shall not apply to supplemental feeding activities conducted by the department of fish and game.

[25-207A, added 2003, ch. 83, sec. 1, p. 258; am. 2004, ch. 151, sec. 1, p. 486.]

25-207B. IDENTIFICATION OF LIVESTOCK, POULTRY OR FISH -- RULES FOR DISEASE CONTROL. (1) In order to provide for disease control and increase the traceability of infected or exposed animals or fish, the division of animal industries, in cooperation with the state brand board, is authorized to promulgate rules for the identification of livestock, poultry or fish and the registration of premises where such animals or fish are held.

(2) All data and information collected by the division of animal industries or the state brand board pursuant to the provisions of this section, or rules promulgated hereunder, shall not be considered a public record and shall be exempt from public disclosure requirements as provided in section 74-107, Idaho Code.

[25-207B, added 2004, ch. 205, sec. 1, p. 627; am. 2015, ch. 141, sec. 38, p. 412.]

25-207C. TRICHOMONIASIS CONTROL AND ERADICATION. All non-virgin beef bulls not consigned to slaughter or to an approved feedlot within the state of Idaho shall be tested for trichomoniasis annually.

[25-207C, added 2014, ch. 48, sec. 1, p. 125.]

25-208. COOPERATION WITH FEDERAL GOVERNMENT. The governor is hereby authorized to accept upon behalf of the state, rules and regulations prepared by the secretary of agriculture and under and in pursuance of section 3 of the Act of Congress, May 29, 1884, entitled: "An act for the establishment of the bureau of animal industry to prevent the exportation of diseased cattle and provide means for the suppression and extirpation of pleuropneumonia and other contagious diseases among domestic animals;" and the state shall cooperate with the authorities of the United States department of agriculture in the enforcement of the provisions of said act, and of the Act of March 3, 1905, entitled: "An act to enable the secretary of agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other livestock therefrom for other purposes."

[(25-208) 1919, ch. 35, sec. 7, p. 123; C.S., sec. 1847; I.C.A., sec. 24-208; am. 1993, ch. 16, sec. 4, p. 59.]

25-209. POWERS OF FEDERAL OFFICERS. When the governor has requested through the United States secretary of agriculture and accepted the cooperation of the United States department of agriculture, for the purpose of controlling or eradicating any contagious, infectious or communicable disease that may exist among any of the animals of this state, and when the said United States department of agriculture, through its duly authorized officers, agents or employees, shall be thus engaged, each of such officers, agents or employees shall possess the full power and authority of a state veterinarian under and by virtue of this chapter, and the rules and regulations of the state division, but shall not be entitled to claim reimbursement from the state for services he may perform unless a mutual agreement exists for cooperative employment and joint payment.

[(25-209) 1919, ch. 35, sec. 8, p. 123; C.S., sec. 1848; I.C.A., sec. 24-209; am. 1974, ch. 18, sec. 108, p. 364; am. 1993, ch. 16, sec. 5, p. 60.]

25-210. POWERS OF VETERINARIANS AND INSPECTORS. (1) In order to prevent the introduction or dissemination of disease among the animals of this state, the administrator of the division shall be authorized and directed to:

(a) Quarantine any portion of this state and it shall be unlawful to move animals from or into such quarantined area except in accordance with the rules of the division;

(b) Prohibit or restrict entry of animals into the state that may be exposed to, infected with or may otherwise harbor or be contaminated with any contagious, infectious or communicable disease or agent;

(c) Prohibit or restrict entry of vehicles, other means of conveyance or any other item into the state which may harbor or be contaminated with any contagious, infectious or communicable disease or agent;

(d) Prohibit or restrict movement of vehicles, other means of conveyance, or any other item, that may harbor or be contaminated with any contagious, infectious or communicable disease or agent, out of any quarantined area or into any quarantined area;

(e) Authorize and empower state veterinarians, livestock inspectors and the inspectors or agents of the United States department of agriculture/animal and plant health inspection service/veterinary services under the joint supervision of the state division and chief of the United States department of agriculture/animal and plant health inspection service/veterinary services to inspect, quarantine, treat, test, vaccinate, and condemn, appraise, slaughter and dispose of any animals affected or infected with any contagious, infectious or communicable disease, or infected with the disease of epithelioma of the eye, commonly known as "cancer eye," or that have been exposed to any such disease;

(f) Order the preventive slaughter or destruction of disease susceptible animals that have not been exposed to create an area or areas that are free of all susceptible animals in order to stop spread of a highly contagious disease in the state;

(g) Establish biosecurity procedures and restrict human access to quarantined areas and infected and exposed premises in order to prevent dissemination of disease;

(h) Quarantine, clean and disinfect all premises where infected or exposed animals have been kept.

(2) In order to carry out the purpose of this chapter, state and federal veterinarians, inspectors, or agents are hereby authorized and empowered to enter any field, feed yard, barn, stable, railroad car, stockyards, truck, airplane, other means of conveyance, or other premises in this state where animals are kept. Said veterinarians, inspectors or agents, state and federal, shall be empowered to call on sheriffs, constables and peace officers to assist them in the discharge of their duties and in carrying out the provisions of this chapter and of said Acts of Congress approved May 29, 1884, and the Act of March 3, 1905. Such sheriffs, constables, and other peace officers shall give such assistance as may be requested by said veterinarians, inspectors or agents in carrying out the provisions of this chapter and said Acts of Congress. The word animal or animals used in this chapter shall include any vertebrate member of the animal kingdom, except man; and the word disease shall include diseases of these animals.

(3) Any deer, elk, moose, bighorn sheep or bison handled, imported or transported by the department of fish and game shall be tested for the presence of certain communicable diseases that can be transmitted to domestic livestock. Those communicable diseases to be tested for shall be arrived at by mutual agreement between the department of fish and game and the department of agriculture.

[(25-210) 1919, ch. 35, sec. 9, p. 124; C.S., sec. 1849; I.C.A., sec. 24-210; am. 1953, ch. 6, sec. 1, p. 7; am. 1957, ch. 60, sec. 2, p. 102; am. 1974, ch. 18, sec. 109, p. 364; am. 1987, ch. 211, sec. 1, p. 445; am. 1991, ch. 36, sec. 1, p. 72; am. 1993, ch. 16, sec. 6, p. 60; am. 2002, ch. 87, sec. 1, p. 206.]

25-211. REPORTABLE DISEASES. It is hereby made the duty of all persons practicing veterinary medicine in this state, all owners or operators of any laboratory making tests for the following named diseases, or owners or persons in charge of livestock or other animals, to report to the division all cases of glanders, farcy, hog cholera, tuberculosis, anthrax, rabies, dourine, scabies, pseudorabies, trichomoniasis, or brucellosis that they may find existing among animals, within this state, within forty-eight (48) hours from the date that any such case shall come to their knowledge, providing, that any such report of any of the foregoing diseases made by any practicing veterinarian, or owner or operator of any laboratory shall be made upon forms prescribed and approved by the division of animal industries of the department of agriculture of the state of Idaho, and providing that no such practicing veterinarian or owner or operator of any laboratory in this state shall make any blood tests or other official tests upon any of such animals unless they are marked with an official ear tag, other approved identification device or tattoo mark, and the number of such tag, device or mark with the name and address of the owner or owners of such animals shall be included in such report.

[(25-211) 1919, ch. 35, sec. 10, p. 124; C.S., sec. 1850; I.C.A., sec. 24-211; am. 1945, ch. 110, sec. 1, p. 169; am. 1974, ch. 18, sec. 110, p.

364; am. 1979, ch. 182, sec. 1, p. 536; am. 1989, ch. 6, sec. 1, p. 7; am. 1993, ch. 16, sec. 7, p. 61.]

25-212. REPORTABLE DISEASES WHICH CONSTITUTE AN EMERGENCY -- RULES -- DUTY OF VETERINARIANS AND OWNERS OF LIVESTOCK AND OTHER ANIMALS -- INDEMNITY. The director is authorized to declare any disease, parasite or agent which: (1) has been identified by the United States department of agriculture/animal and plant health inspection service/veterinary services (USDA/APHIS/VS) as a "communicable foreign disease not known to exist in the United States"; or (2) which is not naturally occurring in or has been eradicated from Idaho and which, if introduced into Idaho, would have a devastating impact on the livestock or other animals of the state, a disease which constitutes an emergency. The presence of such disease in any state in the United States, any country contiguous to the United States, or any country from which the state of Idaho receives animals or animal products may constitute an emergency. The director is also authorized to promulgate rules which list and regulate diseases, parasites and other agents which, if introduced into the state, would result in devastation of the livestock or other animals within the state and which diseases therefore constitute an emergency. It is hereby made the duty of all persons practicing veterinary medicine in this state to report to the division immediately, by telephone or facsimile, any and all cases of exposure to or infection of foot and mouth disease, bovine spongiform encephalopathy, chronic wasting disease, other transmissible spongiform encephalopathies, brucellosis, tuberculosis, or any foreign, exotic or emerging disease, or such other disease or diseases as may be declared to constitute an emergency by state or national authorities that they may find existing among animals of the state. Every owner of livestock or other animals and every breeder or dealer in livestock or other animals and everyone bringing livestock or other animals into this state upon observing the appearance of, or symptoms of any disease or diseases, or who has knowledge of exposure of the livestock or other animals to diseases as herein set forth among the livestock or other animals owned by him or under his care, shall give immediate notice by telephone or facsimile to the division of the facts discovered by him as aforesaid, and any owner of livestock or other animals who shall fail to make report as herein provided shall forfeit all claims for indemnity for animals condemned and slaughtered or destroyed on account of any disease or diseases as herein provided for in accordance with the provisions made and promulgated by the division. In the event the director determines that animals in the state have been exposed to or are infected with a disease which constitutes an emergency or in the event of an outbreak of any disease or diseases as herein provided among any of the animals of this state the state board of examiners is authorized and empowered, upon the recommendation of the division, to reimburse the owner by cash payment or to issue or cause to be issued certificates of indebtedness having interest at such rate as shall be set by the said state board of examiners, for the purpose of reimbursing the owner of any affected or exposed animal, any animal ordered slaughtered or destroyed, or animals which have been condemned, appraised and slaughtered or destroyed by direction of the division, and for property destroyed and for labor employed in digging trenches, or disposing of animals by any other means and for cleaning and disinfecting premises where such infected or exposed animal or animals have been kept; provided, that the state shall only pay the difference between appraised price less federal indemnity and salvage value for any

animals condemned and slaughtered or destroyed under this section and the actual costs for burial or disposal of animal carcasses and for cleaning and disinfection of premises where infected or exposed animals have been kept. In the event federal indemnity is unavailable, the state shall only pay the difference between appraised price and salvage value. Appraisals shall be performed by a team comprised of an animal health representative, the owner and a person with experience in marketing the species of the animal condemned. The director may grant a hearing to any person, under such rules as the department may prescribe which are in compliance with chapter 52, title 67, Idaho Code, when the appraisal price is in dispute. An appeal may be taken from the decision of the director under the provisions of chapter 52, title 67, Idaho Code.

[(25-212) 1919, ch. 35, sec. 11, p. 124; C.S., sec. 1851; I.C.A., sec. 24-212; am. 1947, ch. 163, sec. 1, p. 419; am. 1953, ch. 4, sec. 1, p. 6; am. 1974, ch. 18, sec. 111, p. 364; am. 1993, ch. 16, sec. 8, p. 61; am. 1997, ch. 21, sec. 1, p. 30; am. 2002, ch. 87, sec. 2, p. 208.]

25-212A. DEFICIENCY WARRANTS FOR DISEASE CONTROL. Whenever the director declares an emergency, as provided in section 25-212, Idaho Code, the director shall cause the disease to be controlled and eradicated, using such funds as have been appropriated or may hereafter be made available for such purposes; provided, that whenever the cost of disease control and eradication exceeds the funds appropriated or otherwise available for that purpose, the state board of examiners may authorize the issuance of deficiency warrants against the general fund for up to five million dollars ($5,000,000) in any one (1) year for such disease control and eradication. The director, in executing the provisions of this chapter insofar as it relates to disease control and eradication, shall have the authority to cooperate with federal, state, county and municipal agencies and private citizens in disease control and eradication efforts; provided, that the state funds shall only be used to pay the state's share of the cost of the disease control and eradication efforts. Disease control and eradication costs may include costs for inspection, diagnosis of disease, indemnity paid to owners for infected, exposed or disease susceptible animals purchased and destroyed by order of the director, costs associated with burial or disposal of animal carcasses, and costs for cleaning and disinfecting of infected premises. Such moneys as the state shall thus become liable for shall be paid as a part of the expenses of the department of agriculture out of appropriations which shall be made by the legislature for that purpose. In all appropriations hereafter made for expenses of the department of agriculture, account shall be taken of and provision made for this item of expense.

[25-212A, added 2002, ch. 291, sec. 1, p. 840.]

25-213. SALE OF ANIMALS AFFECTED WITH COMMUNICABLE DISEASES. It shall be unlawful for any person, firm or corporation, agent, or employee thereof, knowingly to sell, offer to sell, or in any manner to part with to another, any animal affected or infected with any contagious or communicable disease, or with the disease of epithelioma of the eye, commonly known as "cancer eye," except for immediate slaughter, and in accordance with the meat inspection regulations of the United States department of agriculture, or dispose of the meat, milk or other products of any animal that may be affected or infected with such contagious, infectious or communicable disease or with

the disease of epithelioma of the eye, commonly known as "cancer eye," for use as food or for other purposes, except in such manner as shall be provided by the rules and regulations of the division, or to dispose of to another in any manner an animal or animals that may be in quarantine without notifying the purchaser of the existence of such quarantine, or until such time as the quarantine shall have been raised by the proper officer.

[(25-213) 1919, ch. 35, sec. 12, p. 125; C.S., sec. 1852; I.C.A., sec. 24-213; am. 1957, ch. 60, sec. 3, p. 102; am. 1974, ch. 18, sec. 112, p. 364; am. 1993, ch. 16, sec. 9, p. 62.]

25-214. UNLAWFUL TO BRING INFECTED ANIMALS INTO STATE. It shall be unlawful for any person, firm or corporation or its agents or employees to bring or cause to be brought in any manner whatsoever into this state any animal affected or infected with any contagious, infectious or communicable disease.

[(25-214) 1919, ch. 35, sec. 13, p. 125; C.S., sec. 1853; I.C.A., sec. 24-214.]

25-214A. STOPPING AND INSPECTION. All motor vehicles and trailers transporting livestock into the state of Idaho are hereby required to stop at Idaho ports of entry or checking stations established by the Idaho transportation department, and which are located on the highway upon which the livestock are being transported, and submit to inspection for compliance with the livestock entry requirements of the state of Idaho. For the purposes of this chapter, the term livestock shall include bovidae, suidae, equidae, captive cervidae, captive antilocapridae, camelidae, ratitidae, gallinaceous birds and captive waterfowl.

[25-214A, added 1988, ch. 113, sec. 1, p. 205; am. 1993, ch. 16, sec. 10, p. 62.]

25-215. TUBERCULAR ANIMALS. The division or the inspectors of the United States department of agriculture, animal and plant health inspection service, veterinary services shall be authorized and empowered to test (in the manner prescribed) with tuberculin or any other approved tuberculosis test any animal kept, transported into or within this state or herded within this state, subject to the rules and regulations of the division, and when such animal is found by the officer making the test, to give what the division shall have prescribed by its rules and regulations to be a clearly defined reaction to such tests, the said animal shall be considered to be affected with tuberculosis. The reacting animal shall be slaughtered or destroyed and the owner indemnified in accordance with cooperative agreement between the division and the veterinary services, and in accordance with the rules and regulations of the division, and the meat inspection regulations of the United States department of agriculture.

[(25-215) 1919, ch. 35, sec. 14, p. 125; C.S., sec. 1854; I.C.A., sec. 24-215; am. 1974, ch. 18, sec. 113, p. 364; am. 1993, ch. 16, sec. 11, p. 63.]

25-216. APPRAISAL AND COMPENSATION. If in the opinion of the state department of agriculture or other qualified veterinarian working under

its direction or under the direction of the secretary of agriculture of the United States, it shall be deemed necessary to destroy animals affected with tuberculosis, the procedure shall be as follows: each animal shall be appraised according to the plan outlined by the United States department of agriculture (B.A.I. Order 260 or any future amendments or modifications thereof) except that the appraisal value as determined by the representatives of the respective departments shall be final, and compensation shall be made out of any money in the treasury of the state of Idaho, appropriated for that purpose, on the certificate of the state department of agriculture or duly appointed deputy or assistant, filed with the state board of examiners: provided, however, that in no case shall compensation from the state of Idaho exceed twenty-five dollars ($25.00) for any grade animal and fifty dollars ($50.00) for any purebred animal; and, provided further, that the salvage of the animal shall first be deducted from the appraised value of the animal, and the state of Idaho shall pay up to one-third (1/3) of the difference between the salvage and the appraised value, thereby adding to the sum provided by the United States department of agriculture, and leaving the remaining sum to be borne by the owner thereof; and, provided further, that no compensation shall be made for or on account of any animal destroyed, if at the time of inspection or test of such animal or at the time of destruction thereof, it shall belong to or be on the premises of any person, firm or corporation, to which it has been sold, shipped or delivered for the purpose of being slaughtered, or is being kept in violation of any law of the United States or of the state of Idaho, or any rule or regulation of the United States department of agriculture or the state department of agriculture.

[(25-216) 1919, ch. 144, sec. 1, p. 438; C.S., sec. 1855; I.C.A., sec. 24-216; am. 1993, ch. 16, sec. 12, p. 63.]

25-217. TUBERCULOSIS ERADICATION -- COOPERATION WITH FEDERAL DEPARTMENT. The state of Idaho, through its department of agriculture, is authorized to cooperate with the United States department of agriculture in the tuberculosis eradication from all animals, except sheep, on cooperative agreement, as given in B.A.I. Order No. 263, promulgated from the provisions of the Act of Congress approved October 1, 1918, and effective October 15, 1918, entitled, "An act making appropriations for the department of agriculture for the fiscal year ending June 30, 1919"; and the department of agriculture of the state of Idaho and all representatives thereof are required to work in cooperation with the United States department of agriculture, animal and plant health inspection service, veterinary services.

[(25-217) 1921, ch. 35, sec. 1, p. 45; I.C.A., sec. 24-217; am. 1993, ch. 16, sec. 13, p. 64.]

25-218. DISEASED ANIMALS -- TEMPORARY QUARANTINE -- NOTICE. The representatives of the department of agriculture or division of animal industries of the state of Idaho, or any inspector or agent of the United States department of agriculture, animal and plant health inspection service, veterinary services shall have authority to quarantine temporarily, where found or in any convenient place nearby, any animals affected or infected with, or exposed to, the contagion or infection of any contagious, infectious or communicable disease. The establishment of any such temporary quarantine except the quarantine of domestic sheep, shall be immediately reported to the state division of animal industries; the temporary quarantine of domestic sheep

shall be reported to the Idaho sheep and goat health board; and the state department of agriculture and state division of animal industries are hereby authorized and empowered to prescribe and enforce such rules and regulations as may be deemed necessary for the movement within the state, and the handling, method of treatment and disposition of such animals except domestic sheep, so temporarily quarantined. Such rules and regulations so made shall have the same effect as if contained in this act. Written notice of such quarantine shall be given to the owner or custodian of the quarantined animals, and it shall be unlawful to move, treat, test, dip or dispose of such animals except in accordance with said rules and regulations of said department and division.

[(25-218) 1921, ch. 35, sec. 2, p. 45; I.C.A., sec. 24-218; am. 1974, ch. 18, sec. 114, p. 364; am. 1993, ch. 16, sec. 14, p. 64; am. 2012, ch. 117, sec. 23, p. 330.]

25-219. PUNISHMENT FOR VIOLATION OF RULES AND REGULATIONS. Any person, firm or corporation violating any of the provisions of this chapter or any of the rules and regulations made and in force and effect by the department of agriculture or division of animal industries of the state of Idaho, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than one hundred dollars ($100) nor more than five thousand dollars ($5,000) for each offense, or by imprisonment in the county jail not exceeding six (6) months.

[(25-219) 1921, ch. 35, sec. 3, p. 45; I.C.A., sec. 24-219; am. 1974, ch. 18, sec. 115, p. 364; am. 1982, ch. 21, sec. 1, p. 25.]

25-221. IMPORTATION OF LIVESTOCK AND OTHER ANIMALS. It shall be unlawful for any person, firm or corporation or its agents or employees to bring or cause to be brought in any manner whatsoever into this state livestock or other animals unless they are accompanied by a certificate of veterinary inspection, other approved certificate or permit, or certificate and permit showing the livestock or other animals to be free from contagious, infectious or communicable diseases or exposure thereto, the certificate or permit to be rendered in such form and manner as may be provided in the rules and regulations of the division. It shall further be unlawful to alter, change or modify an issued certificate or permit.

[(25-221) 1919, ch. 35, sec. 16, p. 126; C.S., sec. 1858; I.C.A., sec. 24-221; am. 1974, ch. 18, sec. 116, p. 364; am. 1982, ch. 21, sec. 2, p. 25; am. 1991, ch. 36, sec. 2, p. 73; am. 1993, ch. 16, sec. 15, p. 65.]

25-221A. DIVERSION OF LIVESTOCK AND OTHER ANIMALS. It shall be unlawful to divert livestock or other animals from destinations consigned on a certificate of veterinary inspection, other approved certificate or permit without notifying the division within seventy-two (72) hours following the diversion. When livestock or other animals are found not to be in compliance with the provisions of this chapter, the department of agriculture may order such livestock or other animals to be slaughtered, removed from the state, placed in an Idaho quarantined or approved feedlot or other approved facility.

[25-221A, added 1982, ch. 21, sec. 3, p. 26; am. 1993, ch. 16, sec. 16, p. 65.]

25-222. CONSENT OF DIVISION REQUIRED FOR INDIVIDUAL TESTS -- INDEMNITY TO OWNERS FOR DESTROYED ANIMALS. It shall be unlawful for any person, except the representatives of the division, or the inspectors of the United States department of agriculture, to inject any tuberculin into any animal of the families bovidae, cervidae, antilocapridae, or camelidae or to conduct any other approved tuberculosis test on such animals in this state without first having been approved by the division to conduct such tests. All such tests shall be conducted in accordance with the rules and regulations of the division. The division shall be authorized and empowered to make and promulgate rules and regulations for the appraising and slaughtering or destroying of animals which are deemed to be affected with tuberculosis as determined through a tuberculin or other approved tuberculosis test, and to indemnify the owners when it becomes necessary to destroy such animals in order to control or eradicate tuberculosis and to protect the public health. The indemnity is to be made in accordance with the provisions of section 25-216, Idaho Code.

[(25-222) 1919, ch. 35, sec. 17, p. 127; C.S., sec. 1859; I.C.A., sec. 24-222; am. 1974, ch. 18, sec. 117, p. 364; am. 1993, ch. 16, sec. 17, p. 65.]

25-223. SWINE -- PROTECTIVE RULES AND REGULATIONS. The division shall be authorized and empowered to make and enforce such rules and regulations as shall be deemed necessary in order to cooperate with the United States department of agriculture/animal and plant health inspection service/veterinary services to prevent the introduction or dissemination of hog cholera, pseudorabies, or other contagious, infectious or communicable disease among swine or other livestock of this state. Swine shall not be imported or brought into this state for any purpose except in accordance with the said rules and regulations. Swine shall not be exhibited at any fair or exhibition, except in accordance with the said rules and regulations. Hog cholera serum or virus shall not be manufactured or sold within this state except in accordance with the said rules and regulations.

[(25-223) 1919, ch. 35, sec. 27, p. 130; C.S., sec. 1869; I.C.A., sec. 24-223; am. 1974, ch. 18, sec. 118, p. 364; am. 1991, ch. 36, sec. 3, p. 73.]

25-224. SWINE -- INSPECTION, TESTING AND TREATMENT. The representatives of the division or the inspectors or agents of the United States department of agriculture/animal and plant health inspection service/veterinary services shall be authorized and empowered to enter any premises where swine are or have been kept, for the purpose of inspecting, testing, treating, or disinfecting swine, or inspecting, cleaning or disinfecting such premises for the purpose of controlling or eradicating hog cholera, pseudorabies, or any other infectious, contagious or communicable disease.

[(25-224) 1919, ch. 35, sec. 28, p. 130; C.S., sec. 1870; I.C.A., sec. 24-224; am. 1974, ch. 18, sec. 119, p. 364; am. 1991, ch. 36, sec. 4, p. 74.]

25-225. SWINE -- QUARANTINE. The representatives of the division or the inspectors or agents of the United States department of agriculture/animal and plant health inspection service/veterinary services shall be authorized and empowered to place under quarantine any swine affected or infected with, or exposed to hog cholera, pseudorabies, or any other infectious, contagious, or communicable disease, also to quarantine any premises that may have contained any swine affected or infected with or exposed to hog cholera, pseudorabies, or other contagious, infectious or communicable disease. All quarantines shall be enforced according to the rules and regulations of the division.

[(25-225) 1919, ch. 35, sec. 29, p. 130; C.S., sec. 1871; I.C.A., sec. 24-225; am. 1974, ch. 18, sec. 120, p. 364; am. 1991, ch. 36, sec. 5, p. 74.]

25-225A. SWINE -- PSEUDORABIES -- HERD DEPOPULATION. In order to prevent the introduction or dissemination of pseudorabies into or among the swine population of Idaho, the division of animal industries is granted authority to condemn pseudorabies infected herds and to require the destruction of such herds. The board of examiners is authorized and empowered upon the recommendation of the division to reimburse the owner by cash payment for pseudorabies affected or exposed animals which have been appraised and slaughtered or condemned by the direction of the division, provided that the state shall only pay the difference between appraised price less federal indemnity and salvage for any livestock slaughtered or condemned under this section. In the event federal indemnity is unavailable, the state shall only pay the difference between appraised price and salvage. Appraisals shall be performed by a team comprised of an animal health representative, the owner and a person with experience in swine marketing. However, the director or his designee may grant a hearing to any person under such rules as the department may prescribe which are in compliance with chapter 52, title 67, Idaho Code, when the appraisal price is in dispute. An appeal may be taken from the decision of the director or his designee under the provisions of chapter 52, title 67, Idaho Code.

[25-225A, added 1991, ch. 36, sec. 6, p. 74; am. 1993, ch. 216, sec. 8, p. 594.]

25-226. SWINE -- TREATMENT BY FEDERAL AND STATE AGENTS. The representatives of the division or the inspectors or agents of the United States bureau of animal industry shall be authorized and empowered to treat any swine affected or infected with or exposed to hog cholera or any other contagious, infectious or communicable disease with antihog cholera serum or virus or to disinfect or otherwise treat such swine within this state in accordance with the rules and regulations of the division.

[(25-226) 1919, ch. 35, p. 131; C.S., sec. 1872; I.C.A., sec. 24-226; am. 1974, ch. 18, sec. 121, p. 364.]

25-227. SWINE -- DISPOSAL OF DISEASED CARCASSES. Any person, firm or corporation owning or having charge of any swine which have died of hog cholera, pseudorabies, or other contagious, infectious or communicable disease, shall within twenty-four (24) hours from the death of such animal,

dispose of the carcass of such animal by burning or in such other manner as may be provided in the rules and regulations of the division.

[(25-227) 1919, ch. 35, sec. 31, p. 131; C.S., sec. 1873; I.C.A., sec. 24-227; am. 1974, ch. 18, sec. 122, p. 364; am. 1991, ch. 36, sec. 7, p. 75.]

25-228. SWINE -- DISINFECTION OF PENS AND OTHER PREMISES. The representatives of the division or the inspectors or agents of the United States department of agriculture/animal and plant health inspection service/veterinary services shall be authorized and empowered to clean and disinfect any premises that may have contained swine affected or infected with or exposed to hog cholera, pseudorabies, or other contagious, infectious or communicable disease. Such disinfecting shall be done at the expense of the owner and under the supervision of the division, with a disinfecting agent, approved by and used in accordance with the rules and regulations of the division.

[(25-228) 1919, ch. 35, sec. 32, p. 131; C.S., sec. 1874; I.C.A., sec. 24-228; am. 1974, ch. 18, sec. 123, p. 364; am. 1991, ch. 36, sec. 8, p. 75.]

25-230. PENALTY FOR VIOLATION OF REGULATIONS. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than $100, nor more than $5000 for each offense.

[(25-230) 1919, ch. 35, sec. 34, p. 132; C.S., sec. 1876; I.C.A., sec. 24-230.]

25-231. SEPARABILITY. If any part or section of this chapter be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the chapter as a whole, or any part thereof which can be given effect without the part so decided to be unconstitutional.

[(25-231) 1919, ch. 35, sec. 35, p. 132; C.S., sec. 1877; I.C.A., sec. 24-231.]

25-232. DISEASE AND ANIMAL DAMAGE CONTROL TAX LEVY AND FEES ON CATTLE, HORSES, AND MULES. (a) There is hereby imposed upon cattle, horses, and mules in the state of Idaho a fee of twenty-two cents (22¢) per head. Said fee shall be collected at the time of every brand inspection when a charge for brand inspection is made as required by law. Such fee when collected shall be paid by the person paying the charge for brand inspection and shall be used by the Idaho department of agriculture for livestock disease control. The state brand inspector shall collect said fees in addition to, at the same time and in the same manner as the fee collected for brand inspection. The fees so collected shall be deposited as provided in section 25-233, Idaho Code.

(b) In addition to the fee imposed in subsection (a) of this section, there is hereby imposed an additional fee not to exceed five cents (5¢) per head upon the same livestock subject to the fee required in subsection (a) of this section. The amount of the additional fee shall be fixed by order of the state brand board upon the written recommendation of the Idaho cattle association. The fees collected under the provisions of this subsection shall be deposited in the Idaho sheep and goat health account, and the board shall

quarterly transmit the proper share of such moneys to the board of directors of each animal damage control district. The provisions of section 67-3525, Idaho Code, shall not apply to the payment of moneys from the Idaho sheep and goat health account to the animal damage control districts.

(c) The state brand inspector shall be reimbursed for the reasonable and necessary expenses incurred for the collections required in this section, in an amount determined by the administrator of the division of animal industries, a representative of the Idaho cattle association and the inspector, but the total of such expense reimbursement for the fees collected as required in subsections (a) and (b) of this section shall not exceed one and one-quarter cents (1 1/4¢) per head.

[25-232, added 1943, ch. 139, sec. 8, p. 277; am. 1951, ch. 124, sec. 1, p. 292; am. 1955, ch. 46, sec. 1, p. 64; am. 1970, ch. 81, sec. 1, p. 200; am. 1974, ch. 18, sec. 125, p. 364; am. 1982, ch. 251, sec. 1, p. 642; am. 1985, ch. 37, sec. 1, p. 79; am. 1986, ch. 177, sec. 1, p. 467; am. 1989, ch. 5, sec. 1, p. 6; am. 1995, ch. 33, sec. 1, p. 51; am. 2012, ch. 117, sec. 24, p. 331; am. 2015, ch. 244, sec. 5, p. 1010.]

25-233. LIVESTOCK DISEASE CONTROL AND T.B. INDEMNITY FUND. All moneys derived from this act shall be deposited with the state treasurer to the credit of the livestock disease control and T.B. indemnity fund, and shall be used for the purpose of payment of deputy veterinarians' salaries, travel expense and cooperating with the United States department of agriculture, animal and plant health inspection service, veterinary services in maintaining laboratories, laboratory expense, equipment and supplies and for payment of indemnities for tubercular animals slaughtered, and for other purposes deemed advisable by the administrator of the division of animal industries providing that such expenditures shall further the betterment of the livestock industry in the state of Idaho.

[25-233, added 1943, ch. 139, sec. 9, p. 277; am. 1974, ch. 18, sec. 126, p. 364; am. 1993, ch. 16, sec. 18, p. 66.]

25-234. FEEDING GARBAGE TO SWINE. It shall be unlawful for any person to feed garbage to swine, or to deposit or receive such garbage on any premises where swine are kept, and no swine having fed on such garbage may be sold or removed from the premises.

Garbage as used in this section means putrescible animal or vegetable wastes containing animal parts, resulting from the handling, preparation, processing, cooking or consumption of food and which is collected from any source and includes animals or parts thereof as defined in section 25-3201, Idaho Code. The term shall not apply to private household wastes not removed from the premises where produced.

Any person, firm, partnership or corporation violating the provisions of this act shall, upon conviction thereof, be guilty of a misdemeanor. Each day the provisions of this act are violated shall constitute a separate offense.

[I.C., sec. 25-234, as added by 1973, ch. 39, sec. 3, p. 73.]

25-235. ENFORCEMENT. The department of agriculture, division of animal industries of the state of Idaho, is hereby charged with the enforcement of this act, and is empowered, in conformity with the provisions of the ad-

ministrative procedures act, to promulgate and adopt such reasonable rules and regulations as may be necessary to carry into effect the full intent and meaning of this act.

[I.C., sec. 25-235, as added by 1973, ch. 39, sec. 4, p. 73; am. 1974, ch. 18, sec. 127, p. 364.]

25-236. POSSESSION, SALE, TRADE, BARTER, EXCHANGE AND IMPORTATION OF ANIMALS. (1) No person shall possess, offer for sale, trade, barter, exchange or importation into the state of Idaho any fox, skunk or raccoon, except as provided in subsection (2) or (3) of this section.

(2) Fur farms may possess or import any domestic fur-bearing animals with a certificate of veterinary inspection and domestic fur-bearing animals may be sold, traded, bartered or exchanged between fur farms in Idaho.

(3) Public parks, zoos, museums, and educational institutions may possess or import the animals listed in subsection (1) of this section only if the entity possesses a permit from the department of agriculture and the imported animal is accompanied by a certificate of veterinary inspection. The department of agriculture may refuse to issue a permit if the department finds that the entity requesting the permit does not have physical facilities adequate to maintain the animal in health and safety and to prevent the escape of the animal from confinement. Public parks, zoos, museums, and educational institutions that possess a permit from the department of agriculture may sell, trade, barter or exchange any of the animals listed in subsection (1) of this section with any other entity that has a valid permit from the department of agriculture.

[25-236, added 1981, ch. 217, sec. 1, p. 405; am. 1993, ch. 16, sec. 19, p. 66; am. 2006, ch. 226, sec. 1, p. 677.]

25-237. DISPOSAL OF DEAD ANIMAL BODIES, CARCASSES AND BODY PARTS. (1) The administrator of the division is authorized to regulate the disposal of dead animal bodies, carcasses and body parts, and similar activities to protect public health, animals and the environment. The administrator is authorized to promulgate and enforce rules that may be necessary for the efficient administration and enforcement of this section. Such rules shall be consistent with other applicable state or federal laws or rules or regulations which relate to disposal of dead animal bodies, carcasses and body parts.

(2) Any person violating this section or rules promulgated under this section is guilty of a misdemeanor. Upon conviction, violators are subject to a fine of not less than one hundred dollars ($100) and not more than five thousand dollars ($5,000) for each offense, or by imprisonment in the county jail for a period not to exceed six (6) months.

(3) Any person violating this section or rules promulgated under this section may be assessed a civil penalty by the department or its agent of not more than five thousand dollars ($5,000) for each offense. Persons against whom civil penalties are assessed are liable for reasonable attorney's fees. Civil penalties may be assessed in conjunction with any other department administrative action. Civil penalties may not be assessed unless the person charged has been given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act, chapter 52, title 67, Idaho Code. If the department is unable to collect an assessed civil penalty or if any person fails to pay all or a set portion of a civil penalty as determined by the

department, the department may recover such amount by action in the appropriate district court. Any person against whom the department has assessed a civil penalty under this section may, within twenty-eight (28) days of the final agency action making the assessment, seek judicial review of the assessment in accordance with the provisions of chapter 52, title 67, Idaho Code. Moneys collected for violations of this section or rules promulgated under this section shall be deposited in the state treasury and credited to the livestock disease control and T.B. indemnity fund. If the director determines that a person has not complied with this section or the rules promulgated under this section, the director shall identify appropriate corrective actions. The director may develop a formal compliance schedule to correct deficiencies caused by noncompliance. The director may, through a formal compliance schedule, allow all or part of the value of the assessed civil penalties to apply toward correction of the deficiencies.

(4) Nothing in this section requires the director to report minor violations for prosecution when he believes that the public interest will be best served by suitable warnings or other administrative action.

[25-237, added 2000, ch. 259, sec. 1, p. 730.]

25-238. CIVIL PENALTIES. (1) Any person, firm or corporation violating the provisions of this chapter or rules promulgated under this chapter may be assessed a civil penalty by the department or its agent of not more than five thousand dollars ($5,000) for each offense. Persons, firms or corporations against whom civil penalties are assessed are liable for reasonable attorney's fees. Civil penalties may be assessed in conjunction with any other department administrative action. Civil penalties may not be assessed unless the person, firm or corporation charged has been given notice and an opportunity for a hearing pursuant to the provisions of chapter 52, title 67, Idaho Code. If the department is unable to collect an assessed civil penalty or if any person, firm or corporation fails to pay all or a set portion of a civil penalty as determined by the department, the department may recover such amount by action in the appropriate district court. Any person, firm or corporation against whom the department has assessed a civil penalty under this chapter may, within twenty-eight (28) days of the final agency action making the assessment, seek judicial review of the assessment in accordance with the provisions of chapter 52, title 67, Idaho Code. Moneys collected for violations of this chapter, or rules promulgated under this chapter, shall be deposited in the state treasury and credited to the livestock disease control and T.B. indemnity fund. If the director determines that a person, firm or corporation has not complied with this chapter, or the rules promulgated under this chapter, the director shall identify appropriate corrective actions. The director may develop a formal compliance schedule to correct deficiencies caused by noncompliance. The director may, through a formal compliance schedule, allow all or part of the value of the assessed civil penalties to apply toward correction of the deficiencies.

(2) Nothing in this section requires the director to report minor violations for prosecution when he believes that the public interest will be best served by suitable warnings or other administrative action.

[25-238, added 2005, ch. 44, sec. 1, p. 172.]

25-239. DEFINITIONS. When used in this chapter or in rules promulgated under this chapter:

(1) "Administrator" means the administrator of the division of animal industries, Idaho state department of agriculture, or his designee.

(2) "Approved feedlot" means a livestock feedlot, inspected and approved by the department, for finish feeding cattle or bison of unknown disease, test or vaccination status.

(3) "Approved trader lot" means a livestock facility operated by a livestock dealer licensed by the Idaho state brand board where cattle of unknown disease status are received and then sold and transported to other destinations. All approved trader lots must be inspected and approved by the department.

(4) "Buying station" means a livestock facility where cattle are gathered to be shipped directly to slaughter within seven (7) days of arrival at the buying station. All buying stations must be inspected and approved by the department.

(5) "Department" means the Idaho state department of agriculture.

(6) "Livestock dealer" means any person who buys livestock and offers them for resale within twenty (20) days from the date of purchase. All livestock dealers are required to be licensed by the Idaho state brand board.

(7) "Livestock market" means any facility where livestock are sold, received or shipped for profit. Anyone operating as a public livestock market must first secure a charter from the department. To maintain a charter, a public livestock market must conduct a minimum of one (1) sale per calendar year.

[25-239, added 2016, ch. 49, sec. 1, p. 143.]

25-240. LIVESTOCK REMOVAL REQUIREMENTS. Livestock removal requirements shall apply as follows:

(1) For approved feedlots, all animals must go to slaughter except under conditions specified in rule by the department.

(2) For approved trader lots, brucellosis test-eligible cattle that are sexually intact cattle over eighteen (18) months or pregnant or post-pregnant cattle of any age, must receive a health certificate prior to release for breeding or grazing purposes. Cattle destined for slaughter, an approved feedlot or a livestock market are exempt from this requirement. Cattle that are not brucellosis test-eligible are not required to receive a health certificate prior to release. All non-virgin bulls and all bulls over eighteen (18) months of age leaving a trader lot must be accompanied with a current negative trichomoniasis test or undergo three (3) negative trichomoniasis tests collected at least seven (7) days apart unless they are destined for slaughter, an approved feedlot or a livestock market.

(3) For buying stations, no health certificate or saleyard release is required because all buying station livestock must go directly to slaughter and cattle going to slaughter do not require a health certificate.

(4) For livestock dealers, if cattle are sold and are moving within the state, the only removal requirement is to receive a brand inspection. No health certificate is required. If cattle are crossing state lines, all livestock interstate movement requirements shall apply, which in most instances will include a health certificate.

(5) For livestock markets, all animals shall be inspected by an accredited veterinarian, confirmed to be free of disease and receive either a saleyard release form or health certificate to certify the livestock meet all requirements to ship to their destinations.

[25-240, added 2016, ch. 49, sec. 2, p. 143.]