

TITLE 25
ANIMALS

CHAPTER 6
BANG'S DISEASE

25-601. DUTIES OF DEPARTMENT OF AGRICULTURE. The department of agriculture (hereinafter referred to as department) is hereby authorized to cooperate with veterinary services of the United States department of agriculture (hereinafter referred to as veterinary services), for the purpose of eradication of brucellosis among cattle and other animals which shall include, but not be limited to, other bovidae, captive cervidae, captive antilocapridae, camelidae and suidae in the state of Idaho. The department shall make rules and regulations for the administration of this chapter and provide therein for the manner, method and system of testing cattle and other animals for brucellosis in cooperation with veterinary services for the eradication of said disease, and for such preventive measures as may be deemed necessary to carry out the cooperative work for the eradication of brucellosis among cattle and other animals in this state.

[25-601, added 1939, ch. 150, sec. 1, p. 267; am. 1988, ch. 114, sec. 1, p. 206; am. 1993, ch. 13, sec. 1, p. 49.]

25-602. DUTIES OF COUNTY COMMISSIONERS. The department is hereby authorized to cooperate with veterinary services and with the boards of county commissioners of this state (hereinafter referred to as commissioners), and it is hereby made the duty of the commissioners to cooperate with said department and veterinary services for the purpose of preventing reintroduction or eradicating said disease from Idaho cattle and other animals under the provisions of this chapter and the rules and regulations of the department.

[25-602, added 1939, ch. 150, sec. 2, p. 267; am. 1988, ch. 114, sec. 2, p. 206; am. 1993, ch. 13, sec. 2, p. 50.]

25-603. BRUCELLOSIS ERADICATION AREA. The state of Idaho and its counties are engaged in the eradication of brucellosis from the cattle and other animals within this state and the movement of cattle and other animals is prohibited except in conformity with the rules and regulations of the department promulgated for the purpose of preventing the introduction of brucellosis into an Idaho county from any other county or state. Any person, firm, or corporation, who shall bring into the state or such county any cattle or other animals in violation of the rules and regulations of the department, shall upon conviction be fined not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) for each animal brought into such county in violation of such rules and regulations. The department shall issue permits authorizing the moving of cattle or other animals to and from and through and across such areas for exhibition, sale, or feeding purposes and for transporting or moving cattle or other animals from one (1) locality to another outside of such areas. Such permits shall be issued under such reasonable rules and regulations as may be promulgated from time to time by the department, with due regard to the convenience of the livestock owners and the protection of livestock within the areas established as herein provided for the eradication of brucellosis.

[25-603, added 1939, ch. 150, sec. 3, p. 267; am. 1986, ch. 102, sec. 1, p. 288; am. 1988, ch. 114, sec. 3, p. 206; am. 1993, ch. 13, sec. 3, p. 50.]

25-604. EXTENT OF ERADICATION AREA -- SUPERVISION AND QUARANTINE OF PREMISES. The area designated for the control of brucellosis may consist of the entire state, a portion of the state, entire county or part of the county, but if less than the entire county the boundary of the area shall be clearly defined in the order for the establishment of such area. When the department has established an area for the control of such disease, within a county, the commissioners of such county shall be notified and assist in the dissemination of the order and in policing the movement of livestock and other animals into and out of such area.

[25-604, added 1939, ch. 150, sec. 4, p. 267; am. 1988, ch. 114, sec. 4, p. 207; am. 1993, ch. 13, sec. 4, p. 50.]

25-605. BRUCELLOSIS TESTS. The entire state of Idaho is in the process of eradicating brucellosis in accordance with the provisions of this chapter and it shall be the duty of each owner of cattle or other animals to allow the brucellosis test to be made upon any and all cattle or other animals owned by him within the state and to pen such cattle or other animals in suitable pens and restrain them for the test whenever directed to do so in writing by the department or its representative, and each day the owner or person in charge of such cattle or other animals shall fail or refuse to allow such test, or shall fail and refuse to pen and restrain said cattle or other animals as requested by the department, shall constitute a separate offense and the owner and person in charge of said cattle or other animals shall, upon conviction for failure to comply with such request, each be fined not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000); provided that no owner of cattle ranging on United States forest reserve or on the public domain shall be directed to pen his cattle for a brucellosis test between the dates of April 1 and December 1 of any year.

[25-605, added 1939, ch. 150, sec. 5, p. 267; am. 1941, ch. 58, sec. 1, p. 118; am. 1957, ch. 17, sec. 1, p. 20; am. 1986, ch. 102, sec. 2, p. 289; am. 1988, ch. 114, sec. 5, p. 207; am. 1993, ch. 13, sec. 5, p. 50.]

25-606. SALE OF REACTORS FOR SLAUGHTER -- PAYMENTS TO OWNERS. The owner of cattle or other animals which have shown a positive reaction to the brucellosis test shall sell such reactors under the direction of the department at a public auction market for immediate slaughter at a public slaughtering establishment where federal or state post mortem inspection is maintained; or the department may authorize such slaughter upon the owner's property or other place under the direction of said department. After such sale and slaughter the board of examiners is authorized to pay such owner in accordance with section [25-614A](#), Idaho Code. No compensation shall be made until said owner complies with the rules and regulations of the department. Proof of destruction is required. Post mortem reports will be accepted as proof of slaughter.

[25-606, added 1939, ch. 150, sec. 6, p. 267; am. 1978, ch. 156, sec. 1, p. 344; am. 1988, ch. 114, sec. 6, p. 208; am. 1993, ch. 13, sec. 6, p. 51; am. 2003, ch. 106, sec. 1, p. 333.]

25-607. DISPOSAL OF POSITIVE REACTORS RESTRICTED. It shall be unlawful for any positive reactor to the brucellosis test, in said cooperative eradication work, to be slaughtered or to be otherwise disposed of except under the direction of the department, and any person who kills or destroys or removes the carcass of any such positive reactor without permission from the department, from the premises whereon said animal was tested, shall be fined the same as if he had violated section [25-603](#), Idaho Code.

[25-607, added 1939, ch. 150, sec. 7, p. 267; am. 1993, ch. 13, sec. 7, p. 51.]

25-608. IDENTIFICATION OF TESTED ANIMALS. It shall be the duty of all veterinarians in the state of Idaho, at the time of taking a blood sample from any animal for the purpose of having such blood sample tested for brucellosis, to record the number of the official eartag or other official identification, if present or affix an official metal eartag bearing a number of identification on the right ear of said animal, or affix other official identification to the animal, except that in the case of registered cattle or other animals a legible tattoo number may suffice for identification.

[25-608, added 1939, ch. 150, sec. 8, p. 267; am. 1988, ch. 114, sec. 7, p. 208; am. 1993, ch. 13, sec. 8, p. 52.]

25-609. OFFICIAL BRUCELLOSIS TEST CHARTS -- TRANSMISSION OF COPIES TO LABORATORIES. It shall be the duty of all veterinarians to transmit to the laboratory conducting the brucellosis test on blood samples of cattle or other animals, three (3) copies of the official brucellosis test charts, showing the eartag, other official identification or tattoo number of each individual animal from which the samples were taken opposite the appropriate tube number, and designate on the chart the purpose of the test, --whether for annual, addition to tested or certified herd, local or interstate shipment. Such charts shall be transmitted at the same time the samples are transmitted to the laboratory.

[25-609, added 1939, ch. 150, sec. 9, p. 267; am. 1993, ch. 13, sec. 9, p. 52.]

25-610. BRANDING OF POSITIVE REACTORS -- REVOKING ACCREDITATION OF VETERINARIANS FOR NONCOMPLIANCE. It shall further be the duty of each veterinarian in the state of Idaho, upon the receipt of such brucellosis test chart from the laboratory, to brand clearly or have branded in his presence in accordance with the U.S. department of agriculture's publication entitled "brucellosis eradication: uniform methods and rules, effective October 1, 2003," and place an official brucellosis reactor tag in the left ear of any animals which show a positive reaction to the test in accordance with the code of federal regulation definition for a reactor. A statement that such reactors have been so branded will be made on the said chart and a copy mailed to the department within forty-eight (48) hours after receipt of said chart. A copy of any brucellosis test chart which does not show positive reactors shall also be mailed to the department within forty-eight (48) hours after receipt of said chart. Failure on the part of any veterinarian authorized by law to make blood tests, appraise reactors, vaccinate cattle or other animals, or issue quarantines shall be cause for revocation of accreditation if he fails to comply with all provisions of this law, and such

veterinarian shall no longer be allowed to perform any duties for the state of Idaho until he has been reinstated.

[25-610, added 1939, ch. 150, sec. 10, p. 267; am. 1988, ch. 114, sec. 8, p. 208; am. 1993, ch. 13, sec. 10, p. 52; am. 2006, ch. 216, sec. 1, p. 651.]

25-611. LABORATORY TESTS -- WHERE AND BY WHOM TAKEN. All laboratory tests of blood samples taken from cattle or other animals in certified brucellosis-free herds, cattle or other animals in cooperative herds in process of certification, additions to certified free and process herds, and all other animals on which an official test is required, including cattle or other animals intended for interstate shipment and exhibition at livestock fairs, expositions and shows, shall be made in the laboratory of the Idaho department of agriculture and such blood samples for official test may only be taken by persons approved by the department and the United States department of agriculture, veterinary services.

[25-611, added 1939, ch. 150, sec. 11, p. 267; am. 1988, ch. 114, sec. 9, p. 209; am. 1993, ch. 13, sec. 11, p. 52.]

25-612. DUTY OF OWNER TO HAVE REACTORS SLAUGHTERED. It shall be the duty of the owner of any cattle or other animals which have been officially classified as reactors to the brucellosis disease test in accordance with the provisions of this chapter, after receiving a written order and permit to move such animals for immediate slaughter, to move such animals or cause the same to be moved to the point designated in the order and permit, and to cause such animals to be slaughtered in accordance with the provisions of this chapter not later than fifteen (15) days from the date the test was made.

[25-612, added 1939, ch. 150, sec. 12, p. 267; am. 1988, ch. 114, sec. 10, p. 209; am. 1993, ch. 13, sec. 12, p. 53.]

25-613. VACCINATION METHOD OF CONTROL. (1) The owner of any cattle who has such cattle vaccinated for protection against brucellosis shall have such cattle vaccinated by a veterinarian who is licensed and accredited in the state of Idaho or vaccinated by state or federal regulatory personnel.

(2) The director shall designate in rules the vaccine to be utilized, the vaccinal dose to be administered, age range of cattle that may be vaccinated, the method for identification of vaccinated cattle and the form and contents of reports to be made of cattle vaccinated.

(3) No person, firm, or corporation shall sell, give away, or in any manner place in the hands of any owner or caretaker of cattle any brucellosis vaccine, and only licensed and accredited veterinarians, and state or federal regulatory personnel, may inject brucellosis vaccine into any cattle.

[25-613, added 1939, ch. 150, sec. 13, p. 267; am. 1988, ch. 114, sec. 11, p. 210; am. 1993, ch. 13, sec. 13, p. 53; am. 2002, ch. 102, sec. 1, p. 278.]

25-613A. OFFICIAL VACCINATION AGAINST BRUCELLOSIS REQUIRED -- PENALTY. (1) All female cattle in the state of Idaho shall be officially vaccinated for protection against brucellosis except as provided in subsection (2) of this section. "Officially vaccinated" shall mean a bovine female

animal vaccinated against brucellosis in accordance with section [25-613](#), Idaho Code, under the supervision of a federal or state veterinary official with age limits prescribed by the department, with a vaccine approved by the department, and permanently identified as such a vaccinee and reported at the time of vaccination to the department or appropriate federal agency cooperating in the eradication of brucellosis.

(2) Female cattle which have not been officially vaccinated shall not be utilized for breeding or dairy purposes. Such cattle may be shipped directly to slaughter, placed in recognized feedlots within the state to be finish fed for slaughter or may be shipped out of the state of Idaho to a state that will accept them as nonvaccinated cattle. The department may require that female cattle which have not been officially vaccinated be uniquely identified as nonvaccinates and may specify in rules identification requirements, methods for identification, requirements for feedlot facilities, entry of cattle into the feedlot, removal of cattle from the feedlot, and recordkeeping requirements for feedlots which desire to finish feed nonvaccinated female cattle.

(3) Female cattle which have not been officially vaccinated may enter the state of Idaho from a state that does not require vaccination. Such cattle shall only be destined for feedlots approved by the director or to other locations at the discretion and under the oversight of the director. Such cattle that are to be utilized for breeding or dairy purposes must be vaccinated upon arrival at a feedlot or other facility approved by the director pursuant to the rules of the department. Female cattle, imported pursuant to the provisions of this subsection, which are eighteen (18) months of age or older (as evidenced by the loss of the first pair of temporary incisors) shall be tested negative for brucellosis to an official brucellosis test prior to being vaccinated.

(4) The director of the department or his designee may grant a hearing to any persons, under such rules as the department may prescribe which are in compliance with [chapter 52, title 67](#), Idaho Code, as to whether an exception should be made to the provisions of this section. An appeal may be taken from the decision of the director or his designee under the provisions of [chapter 52, title 67](#), Idaho Code.

(5) Any person who shall possess or own in this state or acquire within this state any cattle contrary to the provisions of this section shall be subject to the provisions of section [25-616](#), Idaho Code. The department also may order that when animals are found not to be in compliance with the provisions of [chapter 2, title 25](#), Idaho Code, and [chapter 6, title 25](#), Idaho Code, that they be slaughtered, removed from the state, or placed in a feedlot approved by the director.

[25-613A, added 1980, ch. 148, sec. 1, p. 316; am. 1983, ch. 95, sec. 1, p. 208; am. 1986, ch. 102, sec. 3, p. 289; am. 1993, ch. 216, sec. 9, p. 595; am. 2002, ch. 102, sec. 2, p. 278.]

25-614. INDEMNITY PAYMENTS RESTRICTED. No indemnity shall be paid to any owner of cattle or other animals for any positive reacting cattle or other animals unless such cattle or other animals are native Idaho cattle or other animals or have been imported in compliance with existing Idaho rules and regulations.

[25-614, added 1939, ch. 150, sec. 14, p. 267; am. 1988, ch. 114, sec. 12, p. 210; am. 1993, ch. 13, sec. 14, p. 53.]

25-614A. HERD DEPOPULATION. In order to facilitate the advancement of the state of Idaho to brucellosis class free and to maintain the state in this category, the division of animal industries is granted authority to condemn brucellosis infected herds and to require the destruction of such infected herds. The board of examiners is authorized and empowered upon the recommendation of the division, to reimburse the owner by cash payment for brucellosis affected or exposed animals which have been appraised and slaughtered by direction of the division, provided that the state shall only pay the difference between appraised price less federal indemnity and salvage for any cattle or other animals slaughtered under the provisions of this section. Appraisals shall be performed by a team made up of an animal health representative, the owner and a person with experience in marketing cattle or other animals. 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 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.

[25-614A, added 1988, ch. 114, sec. 13, p. 210; am. 1993, ch. 13, sec. 15, p. 53; am. 1993, ch. 216, sec. 10, p. 595.]

25-615. BRANDING AND ISOLATION OF POSITIVE REACTORS. All cattle or other animals showing a positive reaction to the brucellosis test in the cooperative work, whether in individual herds or in cooperative areas, shall immediately after being branded in accordance with the provisions of this chapter, be isolated from all other brucellosis susceptible animals until such time as they are moved under permit issued by the department as provided in section [25-603](#), Idaho Code.

[25-615, added 1939, ch. 150, sec. 15, p. 267; am. 1993, ch. 13, sec. 16, p. 54.]

25-616. PENALTY FOR VIOLATIONS. (1) Any person, firm, or corporation who shall fail to do or perform, or who shall not permit another to do or perform, any act which he or it is required to do or perform under the provisions of this chapter, or who shall in any manner interfere with the compliance of the provisions of this chapter by any officer or representative of the department, veterinary services or commissioners, or who shall refuse to present or restrain any cattle or other animals for the purpose of identifying, testing, inspecting, examining, vaccinating, or branding pursuant to the provisions of this chapter, or who shall remove any eartag from any brucellosis reactor, or who shall remove the eartag from any animal tested, identified or vaccinated for brucellosis and place such tag on or in the ear of another animal, or place a vaccination tag in the ear of an unvaccinated animal is guilty of a misdemeanor. Upon conviction, violators are 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 for a period not to exceed six (6) months.

(2) Any person 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 less than one hundred dollars (\$100) nor 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 admin-

istrative action. Civil penalties may not be assessed unless the person 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 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 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 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.

(3) 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.

[25-616, added 1939, ch. 150, sec. 16, p. 267; am. 1980, ch. 148, sec. 2, p. 317; am. 1986, ch. 102, sec. 4, p. 289; am. 1988, ch. 114, sec. 14, p. 211; am. 1993, ch. 13, sec. 17, p. 54; am. 2002, ch. 102, sec. 3, p. 279.]

25-617. SEPARABILITY. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

[25-617, added 1939, ch. 150, sec. 17, p. 267.]

25-618. BISON -- MANAGEMENT OF DISEASED ANIMALS. (1) The legislature finds that significant potential exists for the spread of contagious disease to persons, livestock and other animals in Idaho, and in particular, the spread of brucellosis to livestock, elk, moose and other susceptible animals from bison emigrating into Idaho from Yellowstone national park and its environs. It is the purpose of the provisions of this section to provide for the management or eradication of bison which have not been reduced to captivity and which pose a threat to persons, livestock or other animals through the transmission of contagious disease, and to prescribe the duties of the department of agriculture with respect thereto.

(2) When estrayed or migratory bison exposed to or affected with brucellosis or other communicable disease determined by the department to pose a significant threat to persons, livestock or other animals, enter into or are otherwise present within the state of Idaho, one (1) of the following actions will be taken by the department:

(a) The live bison may be physically removed by the safest and most expeditious means from within the state boundaries. This means may include, but is not limited to, capture, trucking, hazing/aversion or de-

livery to a slaughterhouse approved by the department. This shall constitute the action of choice if at all feasible.

(b) If live bison cannot safely or by reasonable and permanent means be removed from the state as provided in paragraph (a) of this subsection, they may be destroyed where they stand by the use of firearms. If firearms cannot be used with due regard for human safety and public and private property, the bison shall be relocated to a danger free area and destroyed by any practicable means of euthanasia, including the use of firearms.

(c) When bison of necessity or unintentionally are killed through actions of the department, the carcass remains will be disposed of by the most economical means possible. This may include but is not limited to burying, incineration, rendering or field dressing for delivery to a departmentally approved slaughterhouse or slaughter destination.

(3) The department shall promulgate such rules and regulations pursuant to [chapter 52, title 67](#), Idaho Code, as it deems necessary to implement the provisions of this section.

(4) Upon the request of the department of agriculture, the department of fish and game shall cooperate with and assist the department of agriculture in accomplishing the requirements of this section.

[25-618, added 1992, ch. 271, sec. 1, p. 842.]

CHAPTER 7
REGULATION OF SIRES -- [REPEALED]