

## TITLE 48

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### Chapter 596

#### Disease Control Generally

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**GENERAL PROVISIONS**

**596.010 Definitions.** As used in this chapter the term "department" means the State Department of Agriculture.

**596.020 Duties of the State Department of Agriculture in protection of livestock, fur-bearing animals and poultry.** (1) The department shall exercise a general sanitary supervision over the livestock, fur-bearing animals and poultry of this state and as far as possible protect the livestock and poultry of this state from disease. It shall take all measures necessary and proper, in its judgment, to eradicate and prevent the spread of infectious, contagious and communicable diseases that may exist among livestock, fur-bearing animals or poultry, and to prevent the entry into this state of animals or materials liable to convey disease to the livestock or poultry of this state, and it shall prohibit and prevent the sale or use of products dangerous to the health of livestock, fur-bearing animals and poultry.

(2) The breeding, raising, producing in captivity and marketing of foxes, mink, chinchilla, rabbit or caracal is an agricultural pursuit. All such animals raised in captivity are domestic fur-bearing animals within the meaning of this section and are subject to general sanitary provision by the department. Such animals are not within the purview of the state game laws.

**596.030 Administration of national plans relating to poultry; fees charged to participants.** (1) The department is designated as the official agency in Oregon for cooperation with the United States Department of Agriculture, Bureau of Animal Industry, and other states of the United States in the administration of the National Poultry Improvement Plan and the National Turkey Improvement Plan, relating to eradication and control of poultry and fowl diseases and the improvement of breeding and production qualities of such fowl.

(2) All fees collected by the department from participants in either of such plans shall be placed in the General Fund and credited to the Department of Agriculture Account and in all respects handled as provided in ORS 561.150. However, such funds shall only be used in the administration and enforcement of such plans.

(3) A civil action may be maintained by the department on relation of its director for the collection of any unpaid fees charged to

participants for services rendered or materials furnished by the department in connection with the administration of either plan. Such action shall be as an action for the collection of debt in this state which debt shall be deemed due and owing after 30 days from the date a statement is rendered by the department for the services performed or the materials furnished.

(4) In any proceeding authorized by either of the plans for the removal of a person from participation in such plan, the provisions of ORS chapter 561, relating to administrative proceedings in connection with licenses, shall apply.

**596.040 Requesting cooperation of federal Bureau of Animal Industry.** (1) Whenever the Director of Agriculture deems it necessary, the Governor shall ask, through the United States Secretary of Agriculture, the cooperation of the United States Bureau of Animal Industry for the purpose of controlling and eradicating any contagious, infectious or communicable disease that may exist among any of the animals of this state.

(2) When such bureau, through its authorized officers, agents or employees is thus engaged, each of such officers, agents or employees possesses the full power and authority of a deputy state veterinarian, but is not entitled to pay from this state for services he performs.

**596.050 Production and sale of bacteriological or biological products by the Oregon agricultural experiment station.** The Oregon agricultural experiment station may make, produce or furnish to the department, certain bacteriological or biological products used for the curing, preventing or detecting of animal disease. Such experiment station shall produce and furnish such products at actual or approximate cost. Such cost shall be paid by the department out of funds available for that purpose in the Department of Agriculture Account. All money coming from the sale of such biological products shall be paid over to the director of the Oregon agricultural experiment station by warrants drawn upon the department and shall become a part of the experiment station maintenance fund.

**596.060 Peace officers to assist the department.** The department or any of its officers, employees or deputies may at any time call upon any peace officer for assistance in the discharge of its or his duties, and such

peace officer shall give the assistance requested.

**596.070 Regulation of disposition of biological products; prosecution for violation and disposition of fines collected.** (1) No person shall sell, use, give, offer for sale or dispose of within this state to another, except to return to the manufacturer, any tuberculin, mallein, anthrax vaccine, hog cholera virus, brucella vaccine, Newcastle virus, laryngotracheitis virus, erysipelas culture or rabies vaccine, unless the manufacturer of such product has the approval of the Bureau of Animal Industry of the United States Department of Agriculture to sell and distribute such product.

(2) No person, other than an officer of the United States Bureau of Animal Industry or an authorized veterinarian, shall use, vaccinate with, or inject into any animal in this state any such biological product, unless specific permission has been given by the department.

(3) All fines and penalties for violation of this section shall be collected in behalf of and in the name of this state, and shall become a part of the General Fund.

(4) All offenses against this section shall be prosecuted by the district attorney in the same manner as misdemeanors are prosecuted under the general laws of the state. District attorneys shall act in matters coming under this section when asked so to do by the department.

**596.080 Prosecution for violations of certain sections and disposition of penalties collected.** (1) All fines and penalties imposed for violation of ORS 596.320 to 596.440, 597.610 to 597.750 and 601.140 shall be collected in behalf of the state, and shall become a part of the General Fund.

(2) All offenses against such sections shall be prosecuted by district attorneys in the same manner as misdemeanors are prosecuted under the general laws of the state. District attorneys shall act in either civil or criminal matters under such sections when asked to do so by the department.

**596.090 Applicability of certain sections to sheep, fowls and animals generally.** The provisions of ORS 596.020, 596.040, 596.060 to 596.080, 596.310 to 596.440, 569.470, 597.610 to 597.750 and 601.140 apply to all domestic animals other than sheep, and to fowls and wild animals kept in captivity. Such sections, and the provisions of

ORS 596.450, 596.460, 598.140 and 770.210 to 770.260 relating to the preventing of the spread of contagious diseases among animals, do not apply to sheep.

**596.100 to 596.200** [Reserved for expansion]

## **STATE VETERINARIAN AND DEPUTY STATE VETERINARIANS**

**596.210 Establishing office of State Veterinarian; qualifications and duties.** (1) There hereby is created the office of State Veterinarian of the State of Oregon. The State Veterinarian shall be appointed by the Director of Agriculture. The State Veterinarian shall be the chief livestock sanitary official of the state and shall carry out the duties of his office under the direction of the Division of Animal Industry. The department may also employ such assistant state veterinarians as may be necessary to carry out its functions.

(2) All such veterinarians shall be licensed to practice veterinary medicine in this state, except that:

(a) Interim appointments may be made until such appointee has an opportunity to obtain a license following the next regular examination held by the Oregon State Veterinary Medical Examining Board.

(b) Nonlicensed veterinarians may be employed for meat inspection only.

(3) All veterinarians appointed under ORS 596.210 to 596.250 shall, before entering upon the duties of their office, subscribe an oath of office and execute a bond payable to the State of Oregon in a penal sum of not less than \$1,000, the bond to be conditioned upon the faithful performance of the veterinarian's duties. The surety on the bond shall be a person authorized to do business in Oregon as surety. The bond shall be approved by the department and filed with the Secretary of State.

**596.220 Deputy state veterinarians.** (1) The department may deputize certain veterinarians throughout the state to assist the department in carrying out its duties. Such veterinarians shall be known as deputy state veterinarians. To be eligible for appointment as a deputy state veterinarian a person shall be licensed to practice veterinary medicine in Oregon.

(2) A person desiring an appointment as deputy state veterinarian shall apply to the department on forms provided by it. The de-

partment may require on the application all pertinent information it deems necessary. Before appointment as a deputy state veterinarian, the applicant shall obtain a bond in the penal sum of \$1,000 from a person authorized to do business in Oregon as a surety. The bond shall be payable to the department for its own benefit or for the benefit of any person damaged by the principal's negligence or wilful act, and the bond shall be conditioned upon the faithful performance by the veterinarian of the duties which are assigned to him. The bond shall be approved by the department and filed with the Secretary of State. After the application for appointment as deputy state veterinarian has been approved and the bond has been **filed and the applicant has subscribed an oath of office, the appointment as deputy state veterinarian shall issue.** The bond required by this section shall be in lieu of any other bond to the state required of veterinarians by any law, the administration of which is vested in the department. In the discretion of the department, veterinarians employed by the United States Department of Agriculture, Bureau of Animal Industry, may be appointed deputy state veterinarians without further requirement if it appears to the department that any communicable or contagious disease of livestock which may exist among the livestock of this state may be more effectively controlled or eradicated by joint federal and state action.

#### **596.230 Duties of deputy veterinarians.**

(1) Deputy state veterinarians shall assist the department in carrying out the duties imposed upon it by any law of this state when requested to do so by the State Veterinarian. Within the scope of the authority delegated to them by the State Veterinarian, deputy state veterinarians shall possess the powers and authority conferred upon regularly employed state veterinarians by any law of this state. Deputy state veterinarians, when carrying out the duties assigned to them, are subject to the direction and control of the State Veterinarian.

(2) Only deputy state veterinarians are eligible for approval by the department for the performance of duties requiring the services of a veterinarian by any law of this state, the administration of which is vested in the department.

**596.240 Compensation of deputy veterinarians.** Deputy state veterinarians, except those in the employ of the United States

Department of Agriculture, Bureau of Animal Industry, engaged in the performance of duties specifically assigned by the State Veterinarian may be paid by the department at a per diem rate not to exceed \$25 plus mileage and expenses. However, he shall be paid not to exceed \$15 per diem for less than four hours' work in any 24-hour period.

**596.250 Termination of appointment of deputy veterinarian.** (1) The appointment of a person as deputy state veterinarian shall be effective until such person's written resignation is submitted to the department or until the appointment is revoked by the department for one of the following causes:

(a) The revocation of such veterinarian's license to practice veterinary medicine in this state.

(b) An unwarranted refusal to carry out reasonable requests by the department to perform specific duties.

(c) By reason of the withdrawal by any person as surety for a deputy state veterinarian.

(d) In the case of a veterinarian employed by the United States Department of Agriculture, Bureau of Animal Industry, by reason of a termination of his employment by that agency or of his removal from the state.

(e) By reason of failure to use reasonable diligence in the execution of duties imposed upon him by any law of this state which he has been directed to perform by the State Veterinarian, or after having accepted an appointment pursuant to the provisions of any law requiring the appointment of a veterinarian and the administration of which law is vested in the department, he fails to exercise reasonable diligence in the discharge of the duties imposed upon him by such law.

(f) The fraudulent use or misuse of any health certificate, shipping certificate or other blank forms used in practice that might lead to the dissemination of disease or the transportation of diseased animals or the sale of inedible food products of animal origin for human consumption.

(g) Dilatory methods, wilful neglect or misrepresentation in the inspection of meat.

(h) Misrepresentation of services rendered.

(i) Failure to report or the negligent handling of the serious epidemic diseases of livestock including specifically glanders, hog cholera, swine plague, tuberculosis, John's

disease, brucellosis, anthrax, Texas fever, rabies, dourine, scabies, anaplasmosis, infectious icterohemoglobinuria, foot and mouth disease, Newcastle disease, swine erysipelas, laryngotracheitis or any other contagious disease of animals that the department may designate by rule promulgated as provided by law.

(2) No appointment shall be revoked without a hearing as provided in ORS chapter 561, except that in case of revocation for causes specified in paragraph (a), (c) or (d) of subsection (1) of this section, it is sufficient to give notice in writing of the revocation of appointment.

**596.260 to 596.300** [Reserved for expansion]

## CONTROL AND ERADICATION OF CONTAGIOUS DISEASES

**596.310 Inspection of animals at request of owner.** The Director of Agriculture may appoint, at different places in the state, certain reliable veterinarians, or send veterinarians in the employ of the department, to examine any of the animals enumerated in ORS chapters 596, 597, 598 and 606, that are to remain within the state or to be moved to states where the sanitary laws require such examination, when the owner of such animals requests such inspection. The Director of Agriculture shall specify and regulate the fees charged for such examination, and remove such veterinarian whenever he sees fit. No inspector provided for by this section shall make any charge against the state for such service as he may render. No veterinarian is eligible to appointment for this inspection until he has executed a bond to the state in the sum of \$1,000 for the faithful performance of his duties.

**596.320 Duty of veterinarians to report diseases.** No person practicing veterinary medicine in this state shall fail to report to the department any case of glanders (*bacterium mallei*), farcy (skin glanders), hog cholera (swine fever), swine plague (*Pasteurellosis suis*), tuberculosis, Johne's disease (*paratuberculosis*), avian tuberculosis, Bang's disease (*brucellosis*), anthrax (*charbon*), splenic fever, Texas fever (*babesiosis*), rabies (*hydrophobia*), dourine, scabies, anaplasmosis, red water (infectious icterohemo-globinuria), foot and mouth disease (*epizootic aphthae*), Newcastle disease (*pneumo-encephalitis*), erysipelas, laryngo-

tracheitis, foot rot (*actinomyces necrophorus*) or any other contagious disease of animals that the department may designate by rule promulgated as provided by law, which he may find existing in any animal in this state, within five days from the date that such case comes to his knowledge.

**596.330 Owner or possessor of animal shall report disease.** Every person, and every employe of such person, who has upon his premises or in his possession or upon the public domain within the state any domestic animal which is, or which he has good reason to suspect may be, affected with any infectious, contagious or communicable disease, shall immediately report such fact to the department. No person shall wilfully or maliciously interfere with or obstruct the department or any of its officers, employes or deputies in the performance of official duties, or attempt to conceal the existence of such disease.

**596.340 Regulations for sale or disposal of animals diseased, exposed or quarantined.** (1) No person or his agent or employe shall knowingly:

(a) Sell, offer to sell or in any manner part with to another, any animal affected with any infectious, contagious or communicable disease or which has been exposed to such disease, except for immediate slaughter in accordance with the meat inspection regulations of the United States Department of Agriculture;

(b) Dispose of to another in any manner any animal that may be in quarantine, until such time as the quarantine is raised by the proper officer; or

(c) Dispose of the meat or milk of any animal that may be affected with such contagious, infectious or communicable disease for use as food or for other purposes except in such manner as shall be provided for by the department.

(2) Nothing in this section shall be construed as interfering with the provisions of the state or national pure food or meat inspection laws except that the milk from tuberculous cows may be sold under such regulations for its sterilization before use as food as the department may adopt.

**596.350 Importation of diseased animals prohibited.** No person or his agents or employes shall knowingly drive, cause to be driven, bring or cause to be brought in any manner whatsoever, into this state, any

domestic animal affected with any contagious, infectious or communicable disease.

**596.360 Infection of healthy stock; action for damages.** Whenever any animals affected with an infectious, contagious or communicable disease is or becomes, through the fault or negligence or with the previous knowledge of the owner or persons in charge of them, mingled with healthy animals owned by another, the owner of such diseased animals shall be liable in an action for damage sustained by the owner of the healthy animals by reason of such negligence.

**596.370 Treatment of animals with skin diseases.** (1) Any owner, or his agent or employe, having in his control or possession or on the range within this state any domestic animal affected with or exposed to mange, scab or other communicable skin disease, shall, upon the order of the department or its deputy, cause such animal to be dipped or otherwise treated in such manner as will effect a cure of such disease. For directions in the dipping, treating and handling of such animal the rules of the United States Department of Agriculture shall be accepted as a standard.

(2) If after 10 days' notice so to do such owner, or his agents or employes, refuse to gather and dip or otherwise treat such animal in accordance with the orders of the department or its deputy, the department shall cause such animal to be gathered and dipped or otherwise treated so as to eradicate such disease, in accordance with the rules of the United States Department of Agriculture.

(3) The expense of gathering, holding, treating, dipping, spraying and feeding such animals shall be paid by the owner, agent or employe in charge of such animals. If such charge is not paid within five days after receiving notice of such expense, the department or its authorized deputy shall sell at public auction, after giving six days' previous notice in two newspapers in the county, a sufficient number of such animals to pay all costs incident to the gathering, holding, treating, dipping, spraying, feeding and sale of such animals. The sale is to be conducted in accordance with the law relating to the sale of personal property on execution of the court.

**596.380 Regulation of use and disposal of tuberculin and mallein; animals affected**

**with glanders or dourine.** (1) No person, except inspectors of the Bureau of Animal Industry or authorized veterinarians of the department, shall inject, apply or instill any tuberculin into any bovine animal, or any mallein into any equine animal, without first having applied to and received permission from the department.

(2) Only such methods of tuberculin and mallein tests shall be permitted to be used as are approved by the department. Methods of administering such tests shall be used as are indicated by the department in regulations that it shall issue governing such tests. In giving the subcutaneous tuberculin test, the administrator or his agent or employe shall, within 24 hours before injecting such tuberculin, take, with a reliable clinical thermometer, the animal's temperature on two occasions four hours apart. Beginning the tenth hour after the injection of such tuberculin he shall take, in the manner specified, the animal's temperature at least once every three hours until 19 hours have elapsed from the time of the injection. Such temperature shall be recorded accurately. The person injecting, applying or instilling any tuberculin or mallein shall, within five days thereafter, make an accurate written report to the department. The report shall contain:

(a) A description sufficient for identification of the animal so tested.

(b) The place and date of test.

(c) The name and address of the owner.

(d) The amount of tuberculin or mallein used.

(e) The temperatures recorded, designating the times at which they were taken before and after injection of such tuberculin or mallein.

(f) The date of application or instillation of such tuberculin or mallein.

(g) The result of such test.

(3) Any person or his agent or employe, who sells, gives away or disposes of, to another, any tuberculin or mallein in this state, shall, within three days thereafter, make a written report to the department, showing the name and address of the person to whom such tuberculin or mallein was delivered and the number of doses so disposed of.

(4) The department may order indemnity money paid for any equine animal, legally owned or brought into the state, which is affected with glanders or dourine or has reacted positively to an approved

test for glanders or dourine. Such indemnity money shall be paid, upon a certificate of test, slaughter and proper disinfection being filed with the department, out of the funds appropriated for that purpose, and shall be paid in the following amounts:

(a) For each horse, mule, ass or jenny infected with glanders or reacting to the mallein or other test and weighing not to exceed 1,000 pounds, \$25.

(b) For each horse, mule, ass or jenny infected with glanders or reacting to the mallein or other test and weighing over 1,000 pounds, \$35.

(c) For each horse, mule, ass or jenny reacting to the dourine or other approved test, not more than \$10, which test must be conducted under the supervision of and in cooperation with the United States Department of Agriculture, Bureau of Animal Industry, and such state dourine indemnity shall be paid only when matched in equal amount by the Federal Government.

**596.384 Definitions for ORS 596.388 to 596.416.** As used in ORS 596.388 to 596.416:

(1) "Department" means the State Department of Agriculture.

(2) "Disease" means any infectious, contagious or communicable disease of domestic animals or fowl. [1953 c.689 §2]

**596.388 Department to investigate cases of disease; authority of agents to enter premises.** The department shall investigate all cases or suspected cases of disease in domestic animals or fowl in this state. Employees or agents of the department in carrying out their official duties may enter any place or premises, including vehicles, to make such inspections or investigation as may be reasonably necessary to eradicate and control disease in this state. [1953 c.689 §4]

**596.390** [Repealed by 1953 c.689 §13]

**596.392 Authority of department relating to disease control.** The department may order and compel:

(1) The destruction of any domestic animal or fowl that may be affected with, exposed to or may be a carrier of a disease.

(2) The destruction of feed, bedding and watering and feeding troughs or receptacles, feed racks, bins, sheds or any similar property which is or may have been contaminated with a disease and may be capable of causing the transmission of the disease to other domestic animals or fowl, if such prop-

erty cannot be disinfected or otherwise treated to adequately and effectively destroy the causative disease agent.

(3) The disposal of the carcasses of domestic animals or fowls which have been ordered destroyed by the department in a manner which will effectively prevent the further spread of a disease.

(4) The summary quarantine of any domestic animals or fowl which may be affected with or exposed to a disease.

(5) The summary quarantine of any premises or vehicles where any animals or fowls affected with or exposed to a disease are or have been confined.

(6) The thorough cleaning and disinfecting of all premises or property that may be contaminated with a disease and which may be capable of causing its transmission to other domestic animals or fowls. The department shall prescribe the method and procedures by which such cleaning and disinfecting shall be accomplished. [1953 c.689 §5]

**596.396 Length of quarantine; payment of expense of cleaning and disinfecting.** (1) Any quarantine imposed by the department pursuant to the provisions of ORS 596.388 to 596.412 shall be for such period of time as will reasonably insure that the quarantined animals, fowl, premises or place are no longer capable of transmitting or causing the transmission of the disease.

(2) All expenses of cleaning and disinfecting required by the department pursuant to ORS 596.388 to 596.412 shall be paid by the owner or person in possession of the animals or fowl, or of the premises, including equipment thereon. [1953 c.689 §6]

**596.400** [Repealed by 1953 c.689 §13]

**596.402 Authority to summarily quarantine areas.** In addition to the powers otherwise conferred on the department by this section, the department may summarily quarantine any legally described area of this state and prohibit or otherwise restrict any movement of animals, fowl, vehicles, persons or things into or out of such area as the department deems necessary for the eradication or control of a disease in the area, or for the prevention of the spread of such disease into other areas of this state. [1953 c.689 §7]

**596.406 Agreements with Federal Government for disease control; department to**



**prescribe methods of destruction of property; indemnity.** (1) The department may enter into cooperative agreements with the United States Department of Agriculture for the eradication and control of a disease of domestic animals or fowl.

(2) When any real or personal property is ordered destroyed, the department shall prescribe the methods and procedures by which the destruction shall be effectuated and shall supervise any destruction so ordered. Indemnity shall be paid to the owner of such property as otherwise provided by law. [1953 c.689 §8]

**596.410** [Repealed by 1953 c.689 §13]

**596.412 Factors to be considered by department in exercise of disease control powers.** When exercising the powers conferred by ORS 596.388 to 596.412, the department shall give appropriate weight and consideration to the following:

(1) The previous existence of the disease in this state.

(2) The action taken by the United States Government in respect to the eradication and control of such disease.

(3) The economic consequences to the citizens of this state which might result from the spread of the disease.

(4) The extent to which the disease is endemic or epidemic through neighboring states, the United States and this state.

(5) The extent to which livestock other than those which are infected or carriers of the disease may be adversely affected by it.

(6) Any other factors which may reasonably be found to affect the welfare of the livestock industry specifically or the people of the State of Oregon generally if such disease is not eradicated or controlled. [1953 c.689 §3]

**596.416 Application to court to compel owner or person in charge of property to cooperate.** (1) In the event the department or any of its employees or agents meet with any resistance or lack of cooperation by the owner or person in charge of any livestock, fowl or property in the performance of their duties, the department may apply to the circuit court of the county in which such livestock, fowl or property is located for an order requiring such owner or person to cease and desist such resistance or otherwise comply with the orders of the department.

(2) The order of the court shall be based upon a duly verified petition filed by the department setting forth the facts relative to such resistance or lack of cooperation. A copy of the petition shall be served by registered mail upon the owner or person in charge. Such owner or person in charge shall appear and answer the allegations of the petition within 10 days from the date the petition was mailed.

(3) If the owner or person in charge of any livestock, fowl or property fails to appear or the court either with or without such appearance finds the allegations of the petition are true and the action by the department necessary for the eradication and control of diseases of livestock and fowl in this state, the court shall enter its order requiring the owner or person in charge to cease and desist from such resistance or to comply with the lawful orders of the department, as the case may be. However, the court may enter its order without a hearing, if it satisfactorily appears to the court that a delay in answering would jeopardize disease eradication and control. A request by the department for a summary order by the court relative to any lack of cooperation or resistance by the owner or person in charge shall be supported by an affidavit showing the necessity for summary action.

(4) The sheriff of the county in which such livestock, fowl or property is located shall execute such order by serving upon the owners or person in charge of such livestock, fowl or property a copy thereof duly certified to by the clerk of the circuit court, and by enforcing the provisions thereof. [1953 c.689 §9]

**596.420** [Repealed by 1953 c.689 §13]

**596.430 Eradication and control of disease in poultry.** (1) The department shall investigate all cases of infectious, contagious or communicable disease that may exist among any chickens, turkeys, ducks, geese or other domestic or wild fowl or birds kept within the state. When the department finds such fowls or birds infected with or exposed to any such disease of a serious nature, the department shall order them placed in quarantine until they are cured and for such time as the department deems sufficient to prove their freedom from disease. The department shall require the owner or person in charge of such fowls or birds to clean and disinfect all infected premises in such manner as the department may direct.

(2) However, whenever such fowls or poultry are found affected with tuberculosis the department shall require such owner or person in charge to slaughter and destroy all fowls or birds so infected.

(3) Whenever it becomes necessary, in the judgment of the department, to more effectually control and eradicate a highly contagious, infectious or communicable disease of poultry, the department may appraise, slaughter and salvage at an indemnity expense to the state of not to exceed 75 cents per bird for any and all such poultry as may be ordered slaughtered under this section. Payment shall be made through vouchers certified to and drawn upon the money in the Department of Agriculture Account designated for that purpose.

(4) No person shall sell, offer to sell or dispose of to another, any fowl or bird that is affected with or exposed to any infectious, contagious or communicable disease.

(5) No person or his agent or employe, shall violate or refuse to obey the provisions of this section or any lawful order of the department relating to the provisions of this section.

**596.440 Quarantine of areas containing diseased domestic animals or fowls.** (1) Whenever the Director of Agriculture has reason to believe that any infectious, contagious or communicable disease of domestic animals or fowls, including dogs, cats, chickens, ducks, turkeys, geese or any other poultry bird, exists in any locality, he may, subject to the approval of the Governor, issue a proclamation placing such portion of the state in quarantine. This shall be done under the procedure and in the manner provided by ORS chapter 561. Such proclamation shall forbid the removal of any such animal, fowl or material liable to convey such disease from such portion of the state unless it has first been inspected by an official of the department and found free from disease or exposure thereto.

(2) The Director of Agriculture may further order the restraining, impounding or treatment of any animal, fowl or material in the quarantine area in order more fully to control or eradicate any infectious, contagious or communicable disease of animals.

(3) The provisions of ORS chapter 561 relating to quarantines shall apply to all quarantines declared under this section.

(4) No person, or his agent or employe, shall, after the issuance of such proclamation by the Director of Agriculture, remove, without lawful inspection by a qualified official of the department and a pronouncement by him that such is free from infectious, contagious or communicable disease and not liable to spread such disease, any animal, fowl or material, as defined in the proclamation, from that portion of the state included in the quarantine, to any other portion of the state not included in the quarantine. Nor shall such person violate the order of the director.

(5) Such person is liable for all damages resulting from such order, violation or removal. However, nothing in this section prohibits the removal by steamboat or railway train of such animal or fowl from such portion of this state under restrictions prescribed by the regulations of the United States Department of Agriculture.

(6) This section does not apply to cities of 100,000 population or over.

(7) Justice of peace courts and district courts have concurrent jurisdiction with the circuit courts of the state under this section.

**596.450 Regulation of importation of animals from areas where disease has become epizootic.** (1) Whenever the Director of Agriculture has good reason to believe that any dangerous, contagious or infectious disease has become epizootic in certain localities in other states, territories or countries, or that there are conditions which render such domestic animals from such infected districts liable to convey such disease, he shall, by proclamation approved in writing by the Governor, in the manner required by ORS chapter 561, prohibit the importation of any livestock of the kind diseased into the state, unless accompanied by a certificate of health given by an authorized veterinary surgeon. All such animals arriving in this state shall be examined immediately upon their arrival by a veterinarian of the department, and if, in his opinion, there is any danger of contagion and infection, they shall be placed in close quarantine until such danger of contagion and infection is passed. At such time they shall be released by order of the department.

(2) Sheep are exempt from the operation of this section.

(3) The provisions of ORS chapter 561 relating to quarantines apply to quarantines established under this section.

**596.460 Duty to separate and confine infected animals; liability for damages.** (1) No person owning, possessing or controlling any animal affected by any contagious or infectious disease, shall fail to keep it within an inclosure, or herd it in some place where it is secure from contact with other animals of like kind not so affected. Nor shall he permit such infected animals to range where they will be likely to come in contact with other animals not so affected.

(2) Any person violating any of the provisions of this section is liable for all damages sustained by any other person through such violation.

(3) All fines secured for violation of this section shall be paid into the treasury of the proper county for the use of the common schools thereof.

**596.470 Health certificates for disease-free animals.** Whenever any official examination is made by any authorized officer, employe or deputy of the department, or any person authorized to perform the duties of such office under the sections listed in ORS 596.080, of any animal or herd of animals, and such animal or herd is found free from contagious, infectious and communicable disease, the officer making such examination shall make and deliver to the owner or person in possession of such animal or herd, a certificate to that effect, under such rules and regulations and in such form as the department may prescribe. Whenever an examination or test is made as to any particular disease and the animal is found free therefrom, a certificate of that fact shall be given to the owner.

**596.480 to 596.600** [Reserved by expansion]

#### **INDEMNIFICATION FOR LIVESTOCK OR PROPERTY ORDERED DESTROYED**

**596.610 Definitions.** As used in ORS 596.620 to 596.680:

(1) "Department" means the State Department of Agriculture.

(2) "Livestock" means bovine animals, equine animals, swine, goats and sheep. [1953 c.633 §1]

**596.620 Indemnification of owners of livestock or property slaughtered or destroyed by order of department.** The owner of any livestock or property which is slaughtered or otherwise destroyed at the

order of the department in the performance of its duty to eradicate and control the contagious and communicable diseases of livestock in this state is entitled to indemnity as provided in ORS 596.630 to 596.680. [1953 c.633 §3]

**596.630 ORS 596.620 to 596.680 do not apply to certain animals ordered slaughtered.** ORS 596.620 to 596.680 do not apply to the payment of indemnity for bovine animals slaughtered by reason of infection with brucellosis, tuberculosis or paratuberculosis, or the payment of indemnity for equine animals slaughtered by reason of infection with glanders or dourine. [1953 c.633 §2]

**596.640 Livestock and property not eligible for indemnity.** The owner of livestock or property destroyed at the order of the department shall not be paid indemnity by the State of Oregon for:

(1) Livestock or property owned by the Federal Government or the State of Oregon, or any governmental subdivision, agency or instrumentality of such governments.

(2) Livestock which has been brought into this state contrary to any law of this state or lawful regulation promulgated thereunder.

(3) Livestock or property which has been negligently or wilfully exposed to or contaminated by a disease.

(4) Livestock which were imported from a county or defined area which is under quarantine at the order of the Federal Government, the State of Oregon or the state of origin, for the disease with which such livestock is affected.

(5) Livestock which were known by the owner to be infected with a disease at the time of entry into the state.

(6) Livestock which had been imported into this state within 5 days prior to the date that the disease condition was officially diagnosed.

(7) Any swine affected with vesicular exanthema if the owner has failed to comply with the regulations of the department pertaining to the feeding of garbage.

(8) Swine which have been shipped in cars or trucks not disinfected at origin of shipment, or swine which have been unloaded in transit. [1953 c.633 §8]

**596.650 Appraisal of livestock or property prior to destruction.** (1) Any livestock or property which is eligible for indemnity shall be appraised prior to their

destruction. The department shall fix a time, which shall be not more than five days from the date the order of destruction is issued, and place for making the appraisal. The appraisal shall be performed by a designated representative of the department and the owner. If they cannot agree on the appraised value, a third appraiser shall be appointed by the two appraisers selected by the department and the owner. If the owner fails to select an appraiser, the department shall appoint two appraisers to evaluate the livestock or property.

(2) The livestock or property shall be appraised on the basis of its current market value at the time the destruction was ordered in the locality where they are held. The appraisal shall be recorded on forms provided by the department which shall show, among other things the location of the livestock or property and a description of the animals, including their age, sex, weight and breed.

(3) If the livestock condemned by the department are registered and the owner claims enhanced value by such fact, a certified copy of the certificate of registry shall accompany the appraisal report. [1953 c.633 §4]

**596.660 Method of destruction used to permit salvage if possible.** When in the opinion of the department livestock or property which is condemned can be destroyed in a manner which will permit some salvage to be realized, without prejudice to adequate disease control or eradication measures or to human health and welfare, the department may authorize such methods of destruction and prescribe the conditions upon which it may be carried out. In no case shall a method of destruction be authorized merely because it permits salvage, unless it may be accomplished within seven days from the date the destruction order is delivered. [1953 c.633 §5]

**596.670 Amount of indemnity to be paid.** Except as provided in ORS 596.640, the owner of any livestock or property destroyed at the order of the department shall receive indemnity in an amount equal to 80 percent

of its appraised value less its salvage, if any. [1953 c.633 §6]

**596.680 Amount of indemnity for livestock which are also eligible for indemnity from Federal Government.** If the owner of livestock destroyed at the order of the department is eligible for indemnity payable by the Federal Government, the owner is entitled to receive an equal amount from the State of Oregon but not to exceed 40 percent of the appraised value as reduced by actual salvage if any; provided, that in no case shall indemnity be paid hereunder, which when added to federal indemnity, shall exceed 80 percent of appraised value, as reduced by actual salvage, if any. [1953 c.633 §7]

**596.690 to 596.980** [Reserved for expansion]

## PENALTIES

**596.990 Penalties.** (1) Violation of ORS 596.070 by any person acting for himself or as an agent or employe of another is punishable, upon conviction, by a fine not exceeding \$250.

(2) Violation of ORS 596.320 is punishable, upon conviction, by a fine not exceeding \$250.

(3) Violation of any of the provisions or ORS 596.330 to 596.350 or 596.430 is punishable, upon conviction, by a fine of not less than \$50 nor exceeding \$250.

(4) No person shall violate any lawful order of the department issued pursuant to ORS 596.388 to 596.416. Violation of any provision of ORS 596.388 to 596.416 or of any lawful order of the department issued pursuant thereto is a misdemeanor, and is punishable, upon conviction, as provided by ORS 161.080.

(5) Violation of ORS 596.440 is punishable, upon conviction, by a fine not exceeding \$100.

(6) Violation of ORS 596.460 is punishable, upon conviction, by a fine not exceeding \$1,000 for each offense. [Amended by 1953 c.689 §13; subsection (4) enacted as 1953 c.689 §10]