TITLE 48

ANIMALS

Chapter 596. Disease Control Generally
599. Livestock Auction Markets; Stockyards; Auction Sales
600. Swine Feeding
601. Dead Animals
602. Bees
603. Meat Dealers and Slaughterers
604. Brands and Marks
605. Breeding of Animals
607. Stock Running at Large; Livestock Districts
608. Fences to Prevent Damage by or to Animals
609. Dogs and Cats
610. Predatory Animals

Chapter 596

1973 REPLACEMENT PART

Disease Control Generally

GENERAL PROVISIONS

596.010 Definitions
596.020 Duties of the State Department of Agriculture in protection of people, livestock, fur-bearing animals and poultry
596.030 Administration of national plans relating to poultry; disposition of fees; suspension of participants
596.040 Cooperative agreements with U. S. Department of Agriculture or other federal agency for livestock disease control; receipt and use of funds
596.050 Production and sale of bacteriological or biological products by the Oregon agricultural experiment station
596.060 Peace officers to assist the department
596.065 Department to make list of vaccines harmful to livestock health; written permits authorizing use of listed vaccines
596.075 Prohibition against use of listed harmful vaccines; exceptions

STATE VETERINARIAN AND DEPUTY STATE VETERINARIANS

596.210 Establishing office of State Veterinarian; qualifications and duties
596.220 Deputy state veterinarians
596.225 Contracting for services of deputy state veterinarian; Veterinary Medical Fee Schedule
596.230 Duties of deputy veterinarians
596.250 Termination of appointment of deputy veterinarian

CONTROL AND ERADICATION OF CONTAGIOUS DISEASES

596.311 Examination, testing or treatment of livestock at owner's request before shipment; issuance of health certificates; collection and disposition of fees
596.321 Department to make list of livestock diseases which must be reported; reporting governed by rules and regulations
596.331 Prohibition against disposing of diseased livestock or part of quarantined livestock; exceptions
596.341 Examination, testing or treatment of livestock before entry into state; permit requirements; exceptions and exemptions
596.346 Permit requirements and application form; material to be submitted with application
596.351 Prohibited acts relating to livestock importation
596.355 Prohibition against importation of livestock from quarantined area
596.361 Summary quarantine of livestock imported in violation of ORS 596.351; disposal of diseased livestock

596.371 Owners of diseased livestock, upon notification, to cause them to be treated; treatment by department, when, lien for
596.388 Department to investigate cases of disease; authority of agents to enter premises
596.392 Authority of department relating to disease control
596.394 Summary quarantine of livestock and contaminated property imported into state from quarantined area; release thereof
596.396 Length of quarantine; payment of expense of cleaning and disinfecting
596.402 Authority to summarily quarantine areas
596.404 Department may seize part or product of slaughtered diseased livestock; release thereof
596.406 Department to prescribe methods of destruction of property; indemnity
596.412 Factors to be considered by department in exercise of disease control powers
596.416 Application to court to compel owner or person in charge of property to cooperate
596.460 Duty to separate and confine diseased animals
596.470 Health certificates for disease-free animals
596.480 Parakeets sold or held for sale to be banded to identify breeder
596.500 State Livestock Disease Advisory Committee; members; officers; compensation and expenses; duties

INDEMNIFICATION FOR LIVESTOCK OR PROPERTY ORDERED DESTROYED

596.620 Indemnification of owners of livestock or property slaughtered or destroyed by order of department
596.640 Livestock and property not eligible for indemnity
596.650 Indemnity; appraisal of livestock or property prior to destruction
596.660 Method of destruction used to permit salvage if possible
596.671 Amount of indemnity
596.681 Limit of state indemnity to livestock owner also receiving federal indemnity

PENALTIES

596.990 Penalties

CROSS REFERENCES

Administrative procedures governing state agencies, 183.310 to 183.500
Animals, disease control, 619.031
Bees or apiary equipment, importation limited, 602.081
Brand inspectors, powers and duties, 604.540
Diseased, exposed, quarantined or dead animals, disposition and sale, 619.031
Fryers, labeling, 619.350 to 619.380
Interstate agreements on disease control and eradication, 561.240
Procedure for establishing quarantines, 561.510 to 561.590
Rabies control, 433.340 to 433.390
Regulating temporary horse sales, 599.620
State meat inspection program, 619.605 to 619.830

596.020

Stockyards, testing livestock to prevent spread of disease, 599.490

596.210

Organization of division and departmental work, 561.130 to 561.210

596.220

Veterinary officers of Federal Government, powers, 599.395

596.230

Compensation for duties under Ch. 619, 619.500

596.311

Expenditures without allotment prohibited in certain cases, 291.238

596.355

Summary quarantine of livestock imported from quarantined area, 596.394

596.392

Establishment of quarantine, 561.510

596.990

Jurisdiction over prosecutions, 561.290

GENERAL PROVISIONS

596.010 Definitions. As used in this chapter:

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

(2) "Disease" means any disease of livestock which may be transmitted or communicated through direct or indirect contact from one animal to another, including those diseases transmitted by or through livestock to man.

(3) "Livestock" includes, but is not limited to, horses, mules, jennies, jackasses, cattle, sheep, dogs, hogs, goats, domesticated fowl and domesticated fur-bearing animals.
[Amended by 1955 c.557 §1]

596.020 Duties of the State Department of Agriculture in protection of people, livestock, fur-bearing animals and poultry. (1) The department shall:

(a) Exercise general sanitary and disease control supervision over the livestock of this state, and as far as possible, protect the livestock of this state from disease.

(b) 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 and to prevent the entry into this state of animals or materials liable to convey disease to the livestock or people of this state.

(c) Prohibit and prevent the sale or use of products dangerous to the health of livestock.

(2) The breeding, raising, producing in captivity and marketing of foxes, mink, chinchilla, rabbit or caracul is an agricultural pursuit. All such animals raised in captivity are domestic fur-bearing animals within the meaning of ORS 596.010 and are subject to the provisions of ORS chapter 596. Such animals are not within the purview of the state game laws. All other animals in captivity are subject to the provisions of ORS chapter 596 for purposes of disease control only.
[Amended by 1955 c.557 §2; 1965 c.217 §1; 1971 c.483 §1]

596.030 Administration of national plans relating to poultry; disposition of fees; suspension of participants. (1) The department is designated as the official agency in Oregon for cooperation with the United States Department of Agriculture 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.

(4) Nonpayment of fees due the department, as required by law, or failure or refusal to comply with the provisions of the plans or rules thereunder, suspends the right of a person to participate therein and to use any of the material thereunder. The department shall forward a written notice of suspension to the last-known address of the participant, by certified mail, at least 15 days prior to the date of suspension. Prior to the effective date of the suspension, the participant may present information and data to the department showing there has been compliance with the law and the department shall grant such participant an immediate hearing in accordance with ORS 183.310 to 183.500. The order of suspension shall be effective as provided in the order issued pursuant to such hearing.
[Amended by 1965 c.217 §2; 1971 c.734 §90]

596.040 Cooperative agreements with U. S. Department of Agriculture or other federal agency for livestock disease control; receipt and use of funds. (1) Whenever the Director of Agriculture deems it necessary, he may enter into cooperative and reciprocal agreements with the United States Department of Agriculture or any other federal agency for the purpose of controlling and eradicating any disease that may exist among the livestock of this state, and may receive and expend funds pursuant to such agreements in furtherance of such purpose.

(2) Whenever any federal department or agency, through its authorized veterinary officers, agents or employes is thus engaged,

each of them shall have the full power and authority of a deputy state veterinarian, but is not entitled to pay from this state for services he performs.

[Amended by 1955 c.557 §3; 1971 c.483 §2]

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, employes 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.

596.065 Department to make list of vaccines harmful to livestock health; written permits authorizing use of listed vaccines. (1) The department shall from time to time enact rules and regulations containing a list of vaccines or other bacteriological or biological products used or intended to be used for the detection, prevention, mitigation, control, treatment or curing of livestock diseases, whenever such vaccines or products are or might become a hazard to the livestock in this state.

(2) The department, when establishing a list under subsection (1) of this section, shall consider:

(a) The possibility of dissemination of disease in this state through the use of the vaccines or products.

(b) The known effectiveness of the vaccines or products for the purpose for which they are sold or recommended.

(c) The existence of alternative vaccines or products constituting a lesser or no hazard to livestock.

(d) Whether or not the disease for which a particular vaccine or product is used or intended to be used is present in this state and to what extent it is present.

(e) Any other factor which, having due regard for the properties of the vaccine or product, may constitute a hazard to the health of livestock in this state.

(3) The use of vaccines or products, the use of which is otherwise restricted or prohibited under subsection (1) of this section or under ORS 596.075, may be authorized by written permit of the department for:

(a) Deputy state veterinarians, veterinarians of the United States Department of Agriculture and veterinarians of the Oregon Agricultural Experiment Station.

(b) Recognized research agencies or other limited and controlled purposes not likely to create a hazard to the health of livestock in this state.

[1955 c.557 §5 (ORS 596.065 and 596.075 enacted in lieu of ORS 596.070)]

596.070 [Repealed by 1955 c.557 §4 (ORS 596.065 and 596.075 enacted in lieu of ORS 596.070)]

596.075 Prohibition against use of listed harmful vaccines; exceptions. Except as otherwise provided in subsection (3) of ORS 596.065, no person shall use, vaccinate with or inject into any livestock in this state, sell, offer for sale, dispose of or distribute any vaccine, bacteriological or biological product declared to be a hazard to livestock health under ORS 596.065.

[1955 c.557 §6 (ORS 596.065 and 596.075 enacted in lieu of ORS 596.070)]

596.080 [Repealed by 1955 c.557 §36]

596.090 [Repealed by 1955 c.557 §36]

STATE VETERINARIAN AND DEPUTY STATE VETERINARIANS

596.210 Establishing office of State Veterinarian; qualifications and duties. (1) There hereby is created within the department 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. The department may also employ such assistant state veterinarians as may be necessary to carry out its functions.

(2) The State Veterinarian and all assistant veterinarians employed by the department shall be graduates of a school of veterinary medicine accredited or approved by the Oregon State Veterinary Medical Examining Board.

[Amended by 1955 c.557 §7; 1959 c.639 §11; 1967 c.276 §1]

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. They shall be in the unclassified service of the state or may furnish professional services to the department as provided by ORS 596.225. To be eligible for appointment as a deputy state veterinarian a person shall be licensed to practice veterinary medicine in Oregon or hold a valid temporary permit issued by the Oregon State Veterinary Medical Examining Board as authorized by the provisions of ORS 686.065 or 686.085.

(2) A person desiring an appointment as deputy state veterinarian shall apply to the department on forms provided by it. The department may require on the application all pertinent information it deems necessary. 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 may be more effectively controlled or eradicated by joint federal and state action.

[Amended by 1959 c.639 §12; 1961 c.219 §1]

596.225 Contracting for services of deputy state veterinarian; Veterinary Medical Fee Schedule. (1) Notwithstanding other laws to the contrary, the department is authorized to enter into a contract with a deputy state veterinarian to obtain and pay for his professional services in assisting the department in administering and carrying out its laws, including but not limited to testing and vaccination of livestock. The department may agree to pay deputy state veterinarians on a fair and equitable basis which may include the establishment of a Veterinary Medical Fee Schedule. Such schedule may include, but not be limited to:

(a) Overtime fees or rates;

(b) Minimum or maximum fees;

(c) Amounts to be paid during certain periods of time or for certain types of service;

(d) Fees based on the number of calls or the number of animals involved; or

(e) Special fees for certain areas of the state or particular problems. However, as far as practical, fees shall be uniform throughout the state.

(2) Notwithstanding other laws to the contrary, if a deputy state veterinarian is employed by another veterinarian, or by another firm of veterinarians, or is a member of a partnership of veterinarians, the department may enter into a contract with the employing entity or partnership for the furnishing of professional veterinary services to the department. The department may pay the employing entity or partnership for professional services furnished in conformity with the contract.

(3) Professional services furnished to the department as provided by this section, shall only be furnished by a deputy state veterinarian. The deputy state veterinarian shall not be an employe of the state and shall not be subject to the Public Employes' Retirement System or other laws applicable to state employment. The self-employer, employer, or partnership entity, as the case may be, shall:

(a) Be responsible for and shall make all withholdings and shall pay all taxes and other deductions due governmental agencies for deputy state veterinarians.

(b) Be responsible for and shall carry liability, compensation and other types of insurance covering deputy state veterinarians.

(4) Deputy state veterinarians furnishing professional services as provided by this section, shall:

(a) Comply with all applicable laws, rules and regulations promulgated thereunder and general instructions of the department.

(b) Complete and sign all forms required by the department.

(c) Be responsible to the department for the final results of their work and services.

(5) The contract may be terminated by written notice to the other parties to the agreement at any time by the deputy state veterinarian, the employer or partnership, or the department.

[1961 c.219 §3; 1971 c.483 §3]

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 [Repealed by 1961 c.219 §4]

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, 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 livestock 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 any disease of livestock which is required to be reported under ORS 596.321.

(j) Sale or other unauthorized disposal by the veterinarian of any material, product or medicine furnished to him by the department for use in the performance of his duties as employe or officer of the department.

(k) Violation of ORS 596.075.

(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), (d) or (k) of subsection (1) of this section, it is sufficient to give notice in writing of the revocation of appointment.

[Amended by 1955 c.557 §8]

CONTROL AND ERADICATION OF CONTAGIOUS DISEASES

596.310 [Repealed by 1955 c.557 §9 (ORS 596.311 enacted in lieu of ORS 596.310)]

596.311 Examination, testing or treatment of livestock at owner's request before shipment; issuance of health certificates; collection and disposition of fees. (1) Deputy state veterinarians may:

(a) Examine, test or treat livestock for intrastate or interstate shipment, when requested so to do by the owner or shipper for a fee payable to the veterinarian by the person requesting the examination, testing or treatment.

(b) Issue official health certificates on forms and subject to the rules and regulations of the department with reference thereto.

(2) If a deputy state veterinarian is not available for the purpose of subsection (1) of this section, assistant state veterinarians may examine, test or treat livestock at the request of the owner or shipper. The department shall be paid a reasonable fee to compensate it for all costs incurred in furnishing this service.

(3) The department shall prepare and cause to have printed health certificate forms or blanks which shall be distributed without charge to deputy state veterinarians.

(4) All moneys received by the department under this section hereby are appropriated continuously to the department for use in carrying out its statutory powers, functions and duties relating to the control, prevention and eradication of livestock diseases.

[1955 c.557 §10 (enacted in lieu of ORS 596.310)]

596.320 [Repealed by 1955 c.557 §11 (ORS 596.321 enacted in lieu of ORS 596.320)]

596.321 Department to make list of livestock diseases which must be reported; reporting governed by rules and regulations. (1) The department shall enact rules and regulations:

(a) Containing a list of livestock diseases which must be reported to the department by any person practicing veterinary medicine in this state.

(b) Concerning the time and manner of reporting livestock diseases and any other information considered reasonably necessary by the department.

(2) Any person practicing veterinary medicine in this state, having knowledge of the existence of any livestock disease listed pursuant to subsection (1) of this section, shall forthwith report thereon to the department in the manner provided by rule or regulation.

[1955 c.557 §12 (enacted in lieu of 596.320)]

596.330 [Repealed by 1955 c.557 §36]

596.331 Prohibition against disposing of diseased livestock or part of quarantined livestock; exceptions. (1) No person shall sell, offer to sell or dispose of any livestock which he knows to be exposed to, a carrier of or infected with any disease required to be reported under ORS 596.321, except:

(a) To a slaughterer or to a rendering plant; or

(b) Pursuant to and as authorized by a quarantine order.

(2) No person shall sell, offer to sell or dispose of the meat, milk or other parts of any livestock, quarantined by the department, for food or other purposes, except as authorized by the quarantine order.

[1955 c.557 §14 (enacted in lieu of 596.340)]

596.340 [Repealed by 1955 c.557 §13 (596.331 enacted in lieu of 596.340)]

596.341 Examination, testing or treatment of livestock before entry into state; permit requirements; exceptions and exemptions. (1) The department, in addition to the permit required by subsection (2) of this section, may cause livestock to be tested, treated or examined as a condition of entry into this state and may, as evidence of such test, treatment or examination, require the presentation of a certificate of an official of the state of origin designated by the department or of a veterinary inspector of the Federal Government.

(2) The department shall require a written permit, authorizing entry into this state of any livestock. Such permit shall be issued upon condition that:

(a) The consignee, owner or purchaser hold the imported livestock upon their arrival in this state subject to direction of the department pending completion of the testing, treatment or examination of the livestock; and

(b) The livestock be disposed of in accordance with the laws of this state and the rules and regulations of the department, if the livestock is found to be infected with, exposed to, or a carrier of, a disease; and

(c) The consignee, owner or purchaser complies with such rules or regulations promulgated by the department to enforce the intent of this chapter.

(3) The department may exempt the following classes of livestock from the requirements of this section:

(a) Livestock that is consigned to and will be slaughtered by a licensed slaughterer within eight days after entry into this state.

(b) Livestock in uninterrupted transit through the state; provided that stops may be made for feed, water and rest required by state or federal law.

[1955 c.557 §16 (596.341, 596.351 and 596.361 enacted in lieu of 596.350); 1973 c.2 §1]

596 346 Permit requirements and application form; material to be submitted with application. Application for permits shall be made to the department on forms prescribed by the department. Should there be insufficient time to use United States mail, permits may be applied for by telegram or by telephone. No livestock shall be transported into this state without a permit having been issued by the department. At the time of application for a permit, the department may require a health certificate, or other transportation document, which shall have the permit numbers entered thereon prior to shipment of the livestock into this state.

[1973 c.2 §4]

596.350 [Repealed by 1955 c.557 §15 (596.341, 596.351 and 596.361 enacted in lieu of 596.350)]

596.351 Prohibited acts relating to livestock importation. No person shall:

(1) Knowingly import or cause to be imported into this state any livestock exposed to, infected with or a carrier of disease.

(2) Bring any livestock into this state unless the bill of lading, health certificate or other document of shipment is accompanied by the permit required under ORS 596.341 or permit number entered thereon.

(3) Fail to test, treat, examine or otherwise comply with the conditions of a permit under ORS 596.341.

[1955 c.557 §17 (596.341, 596.351 and 596.361 enacted in lieu of 596.350); 1973 c.2 §2]

596.355 Prohibition against importation of livestock from quarantined area. No person shall import into this state any livestock from an area of any other state, territory or country which has been placed under quarantine by the United States Department of Agriculture or by the state, territory or country of origin in violation of the rules of the United States Department of Agriculture or of the state, territory or country of origin.

[1955 c.557 §34]

596.360 [Repealed by 1955 c.557 §36]

596.361 Summary quarantine of livestock imported in violation of ORS 596.351; disposal of diseased livestock. (1) The department may summarily quarantine any livestock imported into this state in violation of ORS 596.351 or any rules of the department under that section. The department may require as a condition preceding the release of livestock from quarantine, that the livestock be tested, treated or examined in accordance with the rules of the department.

(2) Imported livestock which is exposed to, infected with or a carrier of disease shall be disposed of as provided by law.

[1955 c.557 §18 (ORS 596.341, 596.351 and 596.361 enacted in lieu of ORS 596.350)]

596.370 [Repealed by 1955 c.557 §19 (ORS 596.371 enacted in lieu of ORS 596.370)]

596.371 Owners of diseased livestock, upon notification, to cause them to be treated; treatment by department, when, lien for. (1) Whenever the owner or person having control of livestock receives notice from the department that the livestock must be treated for disease, he shall, within the time prescribed in the notice, cause the livestock to be treated in the manner prescribed by the department.

(2) If any person fails to comply with the notice, the department may cause the livestock to be treated and, where necessary to carry out the treatment, cause its removal to a more convenient location.

(3) No person shall fail to treat livestock owned or controlled by him in the manner prescribed by rule of the department.

(4) The department shall have a lien on any livestock treated under this section for the value of the labor, materials, medicines or services furnished in connection with the treatment. The lien shall be perfected and enforced as provided in ORS 87.090 to 87.120, except that:

(a) The notice provided in ORS 87.090 shall be filed within 30 days from the date of furnishing the labor, materials, medicines or services.

(b) The lien created by this subsection shall have priority over all other liens upon such livestock, except tax liens.

(5) The department shall not charge as an item of expense in connection with such treatment for any services rendered by an assistant state veterinarian or the State Veterinarian relative thereto, nor shall the department have a lien for such services upon any livestock as provided in this section.

[1955 c.557 §20 (enacted in lieu of ORS 596.370)]

596.380 [Repealed by 1955 c.557 §36]

596.384 [1953 c.689 §2; repealed by 1955 c.557 §36]

596.388 Department to investigate cases of disease; authority of agents to enter premises. The department shall, when necessary to control or eradicate disease, investigate all cases or suspected cases of disease in livestock in this state. Employes 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; 1955 c.557 §21]

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 or treatment of any livestock that may be infected 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 livestock, if such property cannot be disinfected or otherwise treated to adequately and effectively destroy the causative disease agent.

(3) The disposal of the carcasses of livestock 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 livestock which may be infected with, exposed to or the carrier of a disease and may subject such livestock to any test, treatment or other action as the department orders as a condition for release from quarantine.

(5) The summary quarantine of any premises or vehicles where any livestock infected with, exposed to or a carrier of 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 livestock. The department shall prescribe the method and procedures by which such cleaning and disinfecting shall be accomplished.

[1953 c.689 §5; 1955 c.557 §22]

596.394 Summary quarantine of livestock and contaminated property imported into state from quarantined area; release thereof. (1) The department may order summary quarantine of any livestock and any property contaminated with disease or capable of transmitting the disease to other livestock or man which have been imported into this state from any area under quarantine by the United States Department of Agriculture or by the state or territory of origin, if such livestock or property was removed from such area in violation of the rules of the United States Department of Agriculture or of the state or territory of origin.

(2) The department shall impose such conditions for release of quarantined livestock or property, not inconsistent with the rules of the United States Department of Agriculture, as are necessary to prevent the entry and spread of disease in this state.

(3) The department may also release quarantined livestock and property which were imported to the custody of the United States Department of Agriculture.

[1955 c.557 §24]

596.396 Length of quarantine; payment of expense of cleaning and disinfecting. (1) Any quarantine imposed by the department pursuant to ORS 596.392, 596.394, 596.402 or 596.404 shall be for such period of time as will reasonably insure that the quarantined livestock, property, premises or place are no longer capable of transmitting or causing the transmission of the disease.

(2) All expenses of cleaning, treatment and disinfecting required by the department pursuant to ORS 596.371, 596.392, 596.394 and 596.404 shall be paid by the owner or person in possession of the livestock, property or premises.

[1953 c.689 §6; 1955 c.557 §26]

596.400 [Repealed by 1953 c.689 §13]

596.402 Authority to summarily quarantine areas. (1) The department may also summarily quarantine any legally described area of this state and prohibit or otherwise restrict any movement of livestock, 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.

(2) When the department imposes a quarantine under this section, it shall forthwith but not later than seven days thereafter give notice of the quarantine in a newspaper of general circulation in the quarantined area. A copy of the order of quarantine and any regulations relating thereto shall be filed in the office of the county clerk in each county in which quarantined property is located. The published notice of quarantine shall contain a description of the boundaries of the quarantined area and a notice that copies of the regulations applicable to the quarantine are filed with the county clerk or may be obtained from the department.

(3) The provisions of ORS 561.510 to 561.560 shall not apply to quarantines imposed under this section.

[1953 c.689 §7; 1955 c.557 §27]

596.404 Department may seize part or product of slaughtered diseased livestock; release thereof. The department may seize meat, hides, offal or any other part or product of livestock slaughtered anywhere which is infected with, exposed to, or a carrier of, disease and impose any conditions upon release from seizure reasonably necessary to prevent the entry or spread of disease in this state.

[1955 c.557 §25]

596.406 Department to prescribe methods of destruction of property; indemnity. 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. However, no indemnity will be paid if the livestock that created the condition requiring the property destruction were imported into this state without a permit.
[1953 c.689 §8; 1955 c.557 §28; 1973 c.2 §5]

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 employes or agents meet with any resistance or lack of cooperation by the owner or person in charge of any livestock or property in the performance of their duties, the department may apply to the circuit court of the county in which such livestock or property is located or, if livestock or property is located in two or more counties, in the circuit court of any of those counties, 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 may be served either by registered mail upon the owner or person in charge of the livestock or in the manner provided for service of summons in civil actions. Such owner or person in charge shall appear and answer the allegations of the petition within 10 days from the date the petition was served.

(3) If the owner or person in charge of any livestock 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 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 or property is located shall execute such order by serving upon the owners or person in charge of such livestock 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; 1955 c.557 §29]

596.420 [Repealed by 1953 c.689 §13]

596.430 [Repealed by 1955 c.557 §36]

596.440 [Repealed by 1955 c.557 §36]

596.450 [Repealed by 1955 c.557 §36]

596.460 Duty to separate and confine diseased animals. No person owning, possessing or controlling any livestock affected by any disease, shall fail to keep it within an inclosure, or herd it in some place where it is secure from contact with other livestock not so affected. Nor shall he permit such infected livestock to range where they will be likely to come in contact with other livestock not so affected.
[Amended by 1955 c.557 §30]

596.470 Health certificates for disease-free animals. Whenever any official examination is made by any person authorized so to do by the department, of any livestock and such livestock is found free from contagious, infectious and communicable disease, the person making such examination shall make and deliver to the owner or person in possession of such livestock, 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 livestock is found free therefrom, a certificate of that fact shall be given to the owner.
[Amended by 1955 c.557 §31]

596.480 Parakeets sold or held for sale to be banded to identify breeder. No parakeets shall be sold, offered for sale or held for the purpose of sale, bartered or given away within the State of Oregon, unless such birds shall be banded with a closed seamless leg band of standard size not to exceed 0.148 inches, inside diameter, which shall identify the breeder.
[1955 c.637 §1]

596.500 State Livestock Disease Advisory Committee; members; officers; compensation and expenses; duties. (1) There hereby is created a State Livestock Disease Advisory Committee consisting of five regular members appointed by the Governor for the following term of office:

(a) One member whose name was submitted by the Oregon Cattlemen's Association for two years.

(b) One member whose name was submitted by the Oregon Dairymen's Association for two years.

(c) One member whose name was submitted by the Western Oregon Livestock Association for two years.

(d) One member whose name was submitted by the Oregon Cattlemen's Association for three years.

(e) One member whose name was submitted by the Oregon Dairymen's Association for three years.

(2) If a vacancy occurs in such committee, a successor to the member whose position has become vacant shall be appointed by the Governor to serve for the unexpired term of such member. If within 30 days from the date of occurrence of a vacancy, the association from which such member was appointed has not submitted the names of persons from whom his successor may be chosen, the Governor shall appoint such qualified person from the association as he deems proper to fill such vacancy.

(3) At the expiration of the term of office for positions provided in paragraphs (a), (b) and (c) of subsection (1) of this section, new appointments or reappointments shall be for a term of two years and for positions provided in paragraphs (d) and (e) of subsection (1) of this section, new appointments or reappointments shall be for a term of three years.

(4) The director shall be an ex officio member of the committee provided that he may designate an employe of the department as his representative. The chairman of the committee shall be elected from its membership.

(5) The members of the committee shall be paid $20 per diem while actually engaged in the business of the committee, including necessary travel time, and their subsistence and actual traveling expenses from funds provided by this chapter.

(6) The committee shall meet upon call of the director or the chairman. A majority of the members present at any meeting shall constitute a quorum and a majority vote of the quorum at any meeting shall constitute an official act of the committee.

(7) The powers and duties of the committee are to advise and counsel with the department in the administration of this chapter.
[1971 c.483 §§6, 7]

INDEMNIFICATION FOR LIVESTOCK OR PROPERTY ORDERED DESTROYED

596.610 [1953 c.633 §1; repealed by 1955 c.557 §36]

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 [1953 c.633 §2; 1955 c.557 §32; repealed by 1963 c.208 §4]

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 or property if the owner thereof has failed to comply with any of the provisions of ORS 596.075, 596.331, 596.351, 596.355, 596.371, 596.460 or 596.480 or with any rules or regulations promulgated under ORS 596.321 or has acted in contravention to department authority under ORS 596.311, 596.341, 596.361, 596.388, 596.392 to 596.416 and 596.470 as to any of such livestock or property.

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

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

(5) 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.

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

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

(8) Livestock if there is evidence that the owner or his agent has in any way been responsible for any attempt to unlawfully or improperly obtain indemnity funds for any such livestock.

[1953 c.633 §8; 1971 c.483 §4]

596.650 Indemnity; appraisal of livestock or property prior to destruction. (1) An owner may claim indemnity on any animal or property ordered destroyed by the department. Any livestock or property which is eligible for indemnity shall be appraised prior to their destruction. The department shall fix a time and place for making the appraisal after receiving notice of the claim. To assist the owner, the department shall provide forms on which claims for indemnity can be entered and made at the time the notice of destruction or condemnation is given. Such forms shall be delivered by the department with notice of destruction or condemnation or at the time the results of any test are given to the owner. In order to receive indemnity, the owner shall within seven days after receiving such notice of destruction or condemnation, file a written claim with the department. 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 current market or replacement value, whichever is higher, 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; 1965 c.217 §3]

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.

596.670 [1953 c.633 §6; repealed by 1965 c.217 §4 (596.671 enacted in lieu of 596.670)]

596.671 Amount of indemnity. (1) Except as provided in ORS 596.640, the owner of any livestock or property destroyed at the order of the department shall receive indemnity. Except as provided in subsection (2) of this section, this indemnity will be a sum, which added to the salvage, shall not

exceed 80 percent of the appraised value of the livestock or property.

(2) The amount of indemnity paid to any owner or group of owners or parties in interest to ownership of any exotic animal in captivity that has been slaughtered after June 30, 1971, shall not exceed $100 per animal. As used in this subsection, "exotic animal" includes all animals in captivity which are not horses, mules, jennies, jackasses, cattle, sheep, dogs, hogs, goats or domesticated fowl.

[1965 c.217 §5 (enacted in lieu of 596.670); 1971 c.705 §1]

596.680 [1953 c.633 §7; repealed by 1965 c.217 §6 (596.681 enacted in lieu of 596.680)]

596.681 Limit of state indemnity to livestock owner also receiving federal indemnity. If the owner of livestock destroyed at the order of the department is eligible for indemnity payable by the Federal Government, the owner may also be indemnified by the State of Oregon. The amount of indemnity paid by the State of Oregon, plus the indemnity paid by the Federal Government, plus the salvage, shall not exceed 80 percent of the appraised value of the livestock.

[1965 c.217 §7 (enacted in lieu of 596.680)]

PENALTIES

596.990 Penalties. (1) Violation of any of the provisions of ORS 596.075, 596.321, 596.331, 596.351, subsection (3) of ORS 596.351, ORS 596.355, 596.388 to 596.416 or 596.460, or of any lawful order of the department issued pursuant to ORS chapter 596, is punishable, upon conviction, by a fine not exceeding $500.

(2) Any person violating any of the provisions of ORS 596.480 shall be punished by a fine of not more than $500, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

[Amended by 1953 c.689 §13; former subsection (4) enacted as 1953 c.689 §10; amended by 1955 c.557 §35; subsection (2) enacted as 1955 c.637 §2]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon, on November 1, 1973.

Thomas G. Clifford
Legislative Counsel