

**FOOD AND AGRICULTURAL CODE - FAC**

**DIVISION 5. ANIMAL AND POULTRY QUARANTINE AND PEST CONTROL [9101 - 11305]**

*( Division 5 enacted by Stats. 1967, Ch. 15. )*

**PART 1. DISEASED ANIMALS AND POULTRY [9101 - 9702]**

*( Part 1 enacted by Stats. 1967, Ch. 15. )*

**CHAPTER 1. General Provisions [9101 - 9189]**

*( Chapter 1 enacted by Stats. 1967, Ch. 15. )*

**ARTICLE 1. Reports [9101- 9101.]**

*( Article 1 enacted by Stats. 1967, Ch. 15. )*

**9101.**

(a) The department shall periodically publish and make available a list of reportable conditions that pose or may pose significant threats to public health, animal health, the environment, or the food supply. This document shall be known as the "List of Reportable Conditions for Animals and Animal Products."

(b) Any licensed veterinarian, any person operating a diagnostic laboratory, or any person who has been informed, recognizes or should recognize, by virtue of education, experience, or occupation, that any animal or animal product is or may be affected by, has been exposed to, or may be transmitting or carrying any condition specified in the "List of Reportable Conditions for Animals and Animal Products," shall report to the department all known information required by the department within the time specified in the "List of Reportable Conditions for Animals and Animal Products."

(c) For the purposes of this section, "animal" includes any animal, poultry, fowl, bird, or fish.

(d) While the procedure for selecting the conditions required to be reported and the method of preparation and publication of the "List of Reportable Conditions for Animals and Animal Products" shall be established by regulation, the selection of the specific conditions identified in the "List of Reportable Conditions for Animals and Animal Products" and the timeframe for reporting those conditions are exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of Government Code.

(e) Until the department publishes the "List of Reportable Conditions for Animals and Animal Products," the diseases listed in Section 796 of Title 3 of the California Code of Regulations shall constitute the conditions required to be reported pursuant to this section.

*(Repealed and added by Stats. 2001, Ch. 503, Sec. 1.2. Effective January 1, 2002.)*

**ARTICLE 2. Serum [9121- 9121.]**

*( Article 2 enacted by Stats. 1967, Ch. 15. )*

**9121.**

Any person that is engaged in stockraising may purchase for injection in his stock any serum used for the cure or prevention of animal diseases.

*(Enacted by Stats. 1967, Ch. 15.)*

### **ARTICLE 3. Disposal of Carcasses [9141 - 9143]**

*( Article 3 enacted by Stats. 1967, Ch. 15. )*

#### **9141.**

Any person that has the care or control of any animal that dies from any contagious disease shall immediately cremate or bury the animal.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **9142.**

An animal which has died from any contagious disease shall not be transported, except to the nearest crematory. The transportation of the animal to the crematory shall be pursuant to such regulations as the director may adopt.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **9143.**

An animal which has died from any contagious disease shall not be used for the food of any human being, domestic animal, or fowl.

*(Enacted by Stats. 1967, Ch. 15.)*

### **ARTICLE 4. Violations and Penalties [9161 - 9169]**

*( Heading of Article 4 amended by Stats. 1977, Ch. 646. )*

#### **9161.**

It is unlawful for any person to bring, cause to be brought, or aid in bringing into the state any domestic animal which such person knows is infected with any contagious disease.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **9162.**

Except as otherwise provided in Section 9571, it is unlawful for any person to knowingly sell, use, expose, or fail to immediately kill, after notification of its condition from a licensed veterinarian or the department, any horse, mule, or other animal which has the disease that is known as dourine, as shown by a complement-fixation test, or which has the disease known as glanders, or farcy, as shown by a reaction to the mallein test, physical examination, or other test or examination which is recognized by the department.

*(Enacted by Stats. 1967, Ch. 15.)*

### 9163.

Any person that owns or has possession or control of any animal which is affected by any contagious or infectious disease, that fails to keep the animal within an inclosure, or herd the animal in a place where it is secure from contact with other animals of like kind that are not so affected, or that permits the infected animal to be driven on any public highway, is guilty of a misdemeanor, which is punishable by a fine of not more than one thousand dollars (\$1,000) for each offense.

*(Amended by Stats. 1983, Ch. 1092, Sec. 105. Effective September 27, 1983. Operative January 1, 1984, by Sec. 427 of Ch. 1092.)*

### 9164.

In order to prevent the spread of any livestock disease, it is unlawful for any person, that does not have a written permit issued by the director, to remove, or cause to be removed, any livestock from slaughterhouse pens, yards, corrals, or similar holding places where livestock is held for the purpose of immediate slaughter, except directly into the slaughterhouse that controls such pens, yards, corrals, or similar holding places.

*(Enacted by Stats. 1967, Ch. 15.)*

### 9165.

Except for Sections 10492 and 10494, any person that violates any provision of this division is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by imprisonment of not less than 10 days nor more than six months, or by both such fine and imprisonment.

*(Amended by Stats. 1983, Ch. 1092, Sec. 106. Effective September 27, 1983. Operative January 1, 1984, by Sec. 427 of Ch. 1092.)*

### 9166.

(a) In addition to any other penalty or fine prescribed by law, any person who violates any provision of this division, or any regulation which is issued pursuant to this division, is subject to an administrative penalty of not less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000) for each violation. Each violation during any day constitutes a separate offense. Any money that is recovered under this section shall be paid into the State Treasury and shall be credited to the Department of Food and Agriculture Fund.

(b) If the secretary finds that a violation has occurred, the person charged shall receive notice of the nature of the violation, and shall be given an opportunity to be heard in accordance with Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code, except that informal hearing procedures may not be used under the circumstances described in subdivision (a) or (b) of Section 11445.20 of the Government Code.

*(Amended by Stats. 2008, Ch. 147, Sec. 1. Effective January 1, 2009.)*

**9167.**

The Attorney General shall, upon complaint by the director, or may, upon his own initiative, if after examination of the complaint and evidence he believes a violation has occurred, bring an action for civil penalties in the name of the people of this state in any court of competent jurisdiction in this state against any person violating any provision of this division.

*(Added by Stats. 1977, Ch. 646.)*

**9168.**

The Attorney General shall, upon complaint by the director, or may upon his own initiative, if after examination of the complaint and evidence he believes a violation has occurred, bring an action in the name of the people of this state in the superior court for an injunction against any person violating any provision of this division or any regulation which is adopted by the director pursuant to it.

Any proceedings pursuant to this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure. The director shall not, however, be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

*(Added by Stats. 1977, Ch. 646.)*

**9169.**

It is unlawful for any person to defeat or interfere with or to attempt to defeat or interfere with any animal disease test authorized by any provision of this division.

*(Added by Stats. 1977, Ch. 646.)*

**ARTICLE 5. Investigations [9175 - 9184]**

*( Article 5 added by Stats. 1977, Ch. 646. )*

**9175.**

The secretary may make any necessary investigations relative to reported violations of this division pursuant to Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

*(Amended by Stats. 2016, Ch. 309, Sec. 1. (SB 1270) Effective January 1, 2017.)*

**9184.**

(a) The department may establish by regulation a fee schedule not to exceed the reasonable costs associated with carrying out the provisions of this division with a

maximum fee not to exceed five hundred dollars (\$500) for a particular license, permit, registration, product, or service. These fees shall only be established when a specific benefit or service is conferred directly to the payer and the benefit or service is not provided to those not charged.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2022, deletes or extends that date.

*(Amended by Stats. 2016, Ch. 309, Sec. 2. (SB 1270) Effective January 1, 2017. Repealed as of January 1, 2022, by its own provisions.)*

## **ARTICLE 6. Collections [9185 - 9189]**

*( Article 6 added by Stats. 1977, Ch. 646. )*

### **9185.**

Any fees that are provided for by any provision of this division and regulations promulgated pursuant to it shall be due and payable upon receipt of a statement from the department itemizing the kind and amount of those fees. The fees shall be paid to the secretary within 30 days of the receipt of the statement.

*(Amended by Stats. 2011, Ch. 133, Sec. 12. (AB 120) Effective July 26, 2011.)*

### **9186.**

Any fees that are due and payable pursuant to Section 9185 which are not paid may be recovered by the secretary in accordance with the provisions of Section 281.

*(Amended by Stats. 2011, Ch. 133, Sec. 13. (AB 120) Effective July 26, 2011.)*

### **9187.**

A penalty assessment of 5 percent per month of the amount of any unpaid fees, not to exceed 25 percent, shall be collected by the secretary when fees are not paid in accordance with Section 9185.

*(Amended by Stats. 2011, Ch. 133, Sec. 14. (AB 120) Effective July 26, 2011.)*

### **9188.**

The secretary shall have a lien upon any livestock and real property owned by the person owing any fees due under any provision of this division that are not paid pursuant to Section 9185.

*(Amended by Stats. 2011, Ch. 133, Sec. 15. (AB 120) Effective July 26, 2011.)*

**9189.**

All money which is collected pursuant to this division shall be paid into the State Treasury and shall be credited to the Department of Food and Agriculture Fund and may be expended in carrying out the provisions of this division.

*(Added by Stats. 1977, Ch. 646.)*

**CHAPTER 1.5. Commercial Blood Banks for Animals and Biologics [9201 - 9272]**

*( Heading of Chapter 1.5 amended by Stats. 2010, Ch. 235, Sec. 1. )*

**ARTICLE 1. Definitions [9201 - 9206]**

*( Article 1 added by Stats. 1974, Ch. 776. )*

**9201.**

Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

*(Added by Stats. 1974, Ch. 776.)*

**9202.**

“Animal” includes, but is not limited to, any domesticated fowl or nonhuman mammal and any wild fowl, bird, or mammal that is reduced to captivity.

*(Amended by Stats. 2002, Ch. 822, Sec. 1. Effective January 1, 2003.)*

**9203.**

“Biologics” means all viruses, serums, antibody products, toxins (excluding substances that are selectively toxic to microorganisms, for example, antibiotics), or analogous products at any stage of production, shipment, distribution, or sale, which are intended for use in the treatment of animals and which act primarily through the direct stimulation, supplementation, enhancement, or modulation of the immune system or immune response.

*(Amended by Stats. 2010, Ch. 235, Sec. 2. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

**9204.**

“Blood and blood component products” means whole blood collected directly from a donor animal for transfusion or the blood components for transfusion including packed red blood cells, platelet-rich plasma, platelet concentrates, fresh plasma, fresh frozen plasma, frozen plasma, cryoprecipitate, and cryosupernatant. Antibody products like hyperimmune serums are considered “biologics” and are excluded from this definition of blood and blood component products.

*(Added by Stats. 2010, Ch. 235, Sec. 3. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

#### **9205.**

“Commercial blood bank for animals” means an establishment that produces animal blood or blood component products to market and sell for use in the cure, mitigation, treatment, or prevention of injury or disease in animals.

*(Repealed and added by Stats. 2010, Ch. 235, Sec. 6. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

#### **9206.**

“Production” means collection of blood or the preparation, testing, processing, storage, or distribution of blood or blood component products for the purpose of transfusion.

*(Added by renumbering Section 9204 by Stats. 2010, Ch. 235, Sec. 4. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

### **ARTICLE 2. Animal Blood and Blood Component Products Production and Biologics Production [9210 - 9212]**

*( Article 2 heading repealed and added by Stats. 2010, Ch. 235, Sec. 8. )*

#### **9210.**

No person shall engage in the production of animal blood and blood component products for retail sale and distribution except in a commercial blood bank for animals licensed by the secretary.

*(Added by Stats. 2010, Ch. 235, Sec. 9. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

#### **9211.**

No person shall engage in the production of biologics except as permitted under federal law.

*(Amended by Stats. 2010, Ch. 235, Sec. 10. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

#### **9212.**

The secretary shall license establishments as commercial blood banks for animals that meet all of the following:

(a) Operate under conditions, and use methods of production, to ensure that the animal blood and blood component products will not be contaminated, dangerous, or harmful.

- (b) Produce animal blood and blood component products under the direct supervision of a person qualified in the field.
- (c) Maintain onsite records containing information documenting how the animal was acquired and any history of blood draws or use of anesthesia on the animal.

*(Amended by Stats. 2010, Ch. 235, Sec. 11. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

### **ARTICLE 3. Licenses [9221- 9221.]**

*( Article 3 added by Stats. 1974, Ch. 776. )*

#### **9221.**

An application for a license for any establishment that produces, or proposes to produce, animal blood and blood component products shall be made on forms issued by the secretary. The application shall contain all of the following:

- (a) The name and address of the person who owns the place, establishment, or institution in which it is proposed to produce animal blood and blood component products.
- (b) The name and address of the person who shall be in charge of the production of animal blood and blood component products.
- (c) The type of animal blood and blood component products that shall be produced.
- (d) A full description of the building, including its location, facilities, equipment, and apparatus to be used in the production of animal blood and blood component products.
- (e) A written protocol that addresses all of the following:
  - (1) Maximum length of time for donation by animal donors, or minimum health parameters for animal donors.
  - (2) Frequency and volume of blood collected from animal blood donors.
  - (3) Socialization and exercise programs for animal blood donors.
  - (4) Method of identification of each animal, including microchip or tattoo.
  - (5) Ongoing veterinary care, including an annual physical exam and vaccination schedule for animals held in blood donor facilities.
  - (6) Husbandry standards for feeding, watering, sanitation, housing, handling, and care in transit, with minimums based on the standards set forth pursuant to the federal Animal Welfare Act in Part 3 (commencing with Section 3.1) of Subchapter A of Chapter 1 of Title 9 of the Code of Federal Regulations.
  - (7) Implementation of a permissive adoption program.
- (f) An "oversight letter" identifying the oversight veterinarian who will be responsible for oversight of the facility. The letter shall be from the oversight veterinarian, and shall be maintained on file by the secretary. Oversight veterinarians shall be licensed to practice veterinary medicine in California. In the event of a change of the oversight veterinarian, it is the oversight veterinarian's responsibility to give notice to the secretary of the termination of the oversight veterinarian within 30 days of the termination date of the oversight veterinarian. An oversight letter from the incoming oversight veterinarian shall be submitted to the secretary within 30 days of the termination date of the prior oversight veterinarian.



(g) Additional information that the secretary finds is necessary for the proper administration and enforcement of this chapter.

*(Amended by Stats. 2010, Ch. 235, Sec. 12. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

#### **ARTICLE 4. License Fees [9231- 9231.]**

*( Article 4 added by Stats. 1974, Ch. 776. )*

##### **9231.**

The license application fee and license renewal fee under this chapter for an establishment proposing to produce or producing animal blood and blood component products shall be as follows:

(a) The application and annual license fee shall be two hundred fifty dollars (\$250) for each establishment, which shall be the fee for the fiscal year, or portion thereof, ending June 30 of each year. When an applicant is a city, county, state, or district, or an official thereof, no fee shall be required under this section.

(b) Licenses shall be renewed every year. The annual renewal fee shall be paid on or before the first day of July of each year.

(c) Fees may be increased by the department to cover the department's reasonable costs incurred in connection with performing the annual inspection required by Sections 9266 and 9268.

(d) The fees required by this section are maximum, and may be fixed by the secretary at a lesser amount for any fiscal year whenever he or she finds that the cost of administering this chapter can be defrayed from revenues derived from the lower fees.

*(Amended by Stats. 2010, Ch. 235, Sec. 13. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

#### **ARTICLE 5. Blood or Blood Component Product Registration [9241 - 9245]**

*( Heading of Article 5 amended by Stats. 2010, Ch. 235, Sec. 14. )*

##### **9241.**

No person shall offer for sale or use any of the following:

(a) Any biologic unless it is manufactured pursuant to the terms of a valid license or permit issued by the United States Department of Agriculture.

(b) Any blood or blood component product unless it is produced in an establishment licensed by the secretary.

*(Amended by Stats. 2010, Ch. 235, Sec. 15. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

##### **9242.**

The secretary shall register blood or a blood component product that meets all of the following requirements:

- (a) It is produced under acceptable procedures.
  - (b) It has been demonstrated to the secretary that the blood or blood component product is safe and noninjurious to animal health.
  - (c) It has been demonstrated to the secretary that the blood or blood component product is of value for the purpose intended.
  - (d) It is labeled for proper handling and use, and is not misrepresented.
  - (e) It is produced in an establishment that meets the requirements of Section 9210.
- (Amended by Stats. 2010, Ch. 235, Sec. 16. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

#### **9244.**

An application for registration of blood or a blood component product shall include both of the following:

- (a) A protocol of the methods of production in detail that is followed in the production of the product.
  - (b) A sample of the label to be placed on the blood or blood component product.
- (Amended by Stats. 2010, Ch. 235, Sec. 18. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

#### **9245.**

The secretary may impose such conditions on the production or use of blood or blood component products as he or she deems necessary to accomplish the purposes of this chapter.

*(Amended by Stats. 2010, Ch. 235, Sec. 19. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

### **ARTICLE 6. Rules and Regulations [9251- 9251.]**

*( Article 6 added by Stats. 1974, Ch. 776. )*

#### **9251.**

The secretary may adopt reasonably necessary rules and regulations for the administration and enforcement of this chapter.

*(Amended by Stats. 2010, Ch. 235, Sec. 20. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

### **ARTICLE 7. Enforcement [9261 - 9269]**

*( Article 7 added by Stats. 1974, Ch. 776. )*

#### **9261.**

License for any commercial blood bank for animals or registration of any blood or blood component product may be denied, suspended, or revoked by the secretary for failure to meet the requirements of this chapter or for the violation of any

provision of this chapter, or of any rule or regulation adopted by the secretary under this chapter. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

*(Amended by Stats. 2010, Ch. 235, Sec. 21. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

#### 9262.

The biologics prepared prior to July 1, 1975, in laboratories licensed pursuant to Chapter 4 (commencing with Section 1600) of Division 2 of the Health and Safety Code, which have an expiration date of July 1, 1975, or later, are not subject to the provisions of this chapter.

*(Added by Stats. 1974, Ch. 776.)*

#### 9263.

If the secretary finds that blood or blood component products do not conform to the requirements of Section 9242 or the use or continued use of such products constitutes an immediate danger to animals, the secretary may, after notice, suspend the registration of those blood or blood component products or license of an establishment producing those blood or blood component products pending a hearing and final decision.

*(Amended by Stats. 2010, Ch. 235, Sec. 22. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

#### 9264.

(a) If the secretary finds blood or blood component products that do not meet the requirements of Section 9242, the secretary may order those blood or blood component products to be held on the premises where found or elsewhere until he or she has determined that the products may be safely released for the purposes intended.

(b) The secretary may order the destruction of any blood or blood component products under a hold order if the blood or blood component products cannot be made to meet the requirements of Section 9242.

*(Amended by Stats. 2010, Ch. 235, Sec. 23. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

#### 9266.

The department, or humane officers under contract with the department, shall inspect commercial blood banks for animals licensed by the department at least once a year to ensure compliance with the protocols required by subdivision (e) of Section 9221.

*(Added by Stats. 2002, Ch. 822, Sec. 5. Effective January 1, 2003.)*

#### 9267.

Notwithstanding Section 4827 of the Business and Professions Code, for commercial blood banks for animals licensed by the department, anesthesia shall be performed pursuant to Section 4826 of the Business and Professions Code.

*(Amended by Stats. 2010, Ch. 235, Sec. 24. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

#### 9268.

The requirements set forth in subdivision (c) of Section 9212, subdivision (e) of Section 9221, subdivision (c) of Section 9231, and Sections 9266 and 9267:

(a) Shall not apply to those facilities required to be inspected by the United States Department of Agriculture in accordance with the Animal Welfare Act (Chapter 54 (commencing with Section 2131) of Title 7 of the United States Code).

(b) Shall apply to those facilities housing blood donor animals under contract with commercial blood banks for animals licensed by the department.

(c) Shall not apply to private veterinarians who maintain their own, in-office blood donor animals for use in their own practice.

*(Amended by Stats. 2010, Ch. 235, Sec. 25. (AB 1709) Effective January 1, 2011. Became operative on January 1, 2013, pursuant to Sec. 28 of Ch. 235.)*

#### 9269.

(a) Except as provided in subdivision (b), all records held by the department relating to this chapter, including, but not limited to, records relating to applications, fees, or inspections required by this chapter, shall be confidential and not subject to disclosure under the California Public Records Act contained in Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

(b) Notwithstanding subdivision (a), records held by the department relating to this chapter shall be accessible to law enforcement officers with jurisdiction over any matter covered by this chapter.

*(Added by Stats. 2002, Ch. 822, Sec. 8. Effective January 1, 2003.)*

### **ARTICLE 8. Exemptions [9272- 9272.]**

*( Article 8 added by Stats. 1974, Ch. 776. )*

#### 9272.

The provisions of this chapter shall not apply (1) to facilities primarily engaged in the collection, preparation, testing, processing, storage, or distribution of human blood or blood products, provided such facility is licensed pursuant to Section 1601 or 1602 of the Health and Safety Code and any biologic as defined in Section 9203 produced by such facility is sold or distributed only to an establishment licensed by this chapter or (2) to clinical laboratories licensed pursuant to Chapter 3

(commencing with Section 1200) of Division 2 of the Business and Professions Code whose only biologics are autogenous bacterins prepared at the request of licensed veterinarians.

*(Added by Stats. 1974, Ch. 776.)*

## **CHAPTER 2. Scabies and Ticks [9301 - 9352]**

*( Chapter 2 enacted by Stats. 1967, Ch. 15. )*

### **ARTICLE 1. Treatment [9301 - 9307]**

*( Article 1 enacted by Stats. 1967, Ch. 15. )*

#### **9301.**

When moved for the purpose of immediate slaughter, cattle which are infected with, or exposed to, the *Boophilus annulatus* tick shall be dipped or treated in the manner which is prescribed by the department, unless they are to be loaded directly on railroad cars at the point of origin.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **9302.**

If upon examination of any cattle or sheep, the director finds any cattle which are infected with the *Boophilus annulatus* tick, or sheep or cattle which are infected with, or exposed to, scabies, he shall forthwith notify, in writing, the owner or person that is in control of the cattle or sheep to dip or otherwise treat them as directed for the purpose of eradicating the tick or scabies. The owner or person that is in control of the cattle or sheep shall comply with the notice within 10 days.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **9303.**

If, at the expiration of 10 days from the date on which notice was given, the owner or person in control of the cattle or sheep has failed to dip the cattle or sheep in accordance with the directions of the director, the director shall immediately take possession of the cattle or sheep and dip the sheep as many times as may be necessary, or dip or otherwise treat the cattle.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **9304.**

If upon examination at the end of the 10 days the director finds that the cattle have been dipped or otherwise treated for the extermination of ticks but are still infected, he shall instruct the owner or person in possession of the cattle to continue the dipping or treatment as the circumstances may demand, and within such time as the department deems advisable.

*(Enacted by Stats. 1967, Ch. 15.)*

**9305.**

If upon examination at any time the department finds that the cattle are again infected with the ticks or that the owner or person in control of the cattle has not continued to properly dip or otherwise treat the cattle as instructed, the director shall take possession of the cattle and dip or otherwise treat them.

*(Enacted by Stats. 1967, Ch. 15.)*

**9306.**

If the director has reason to believe that the disease known as scabies exists in a flock of sheep or in a herd of cattle, he shall notify the owner or person that is in control of the sheep or cattle to gather all the sheep or cattle in a corral in order that the sheep or cattle may be examined to ascertain if any are so infected.

*(Enacted by Stats. 1967, Ch. 15.)*

**9307.**

If the owner or person that is in control of the sheep or cattle does not gather all of the sheep or cattle in a corral for the examination, the director shall gather the sheep or cattle in a corral for the examination. He may hire such necessary help as may be required to gather the sheep or cattle.

*(Enacted by Stats. 1967, Ch. 15.)*

**ARTICLE 2. Civil Liability [9331 - 9333]**

*( Article 2 enacted by Stats. 1967, Ch. 15. )*

**9331.**

All expenses and costs of dipping or treating cattle or sheep and all expenses and costs of gathering sheep or cattle which are incurred by the department pursuant to this chapter are a lien on the cattle or sheep until the lien is paid or foreclosed by law.

*(Enacted by Stats. 1967, Ch. 15.)*

**9332.**

If the lien is not paid within 15 days after the expenses and costs were incurred, the department shall, in the name of the people of the State of California, commence an action to foreclose the lien. The action shall be commenced, tried, and determined in all respects as provided by law for the foreclosure of mortgages on personal property.

*(Enacted by Stats. 1967, Ch. 15.)*

### **9333.**

In any civil proceeding which arises under this chapter, all persons that have an interest in, or control or possession of, the cattle or sheep concerning which the proceeding is had, are liable severally and jointly.

*(Enacted by Stats. 1967, Ch. 15.)*

## **ARTICLE 3. Violations [9351 - 9352]**

*( Article 3 enacted by Stats. 1967, Ch. 15. )*

### **9351.**

It is unlawful for any person to willfully sell, except for immediate slaughter, or expose in such a manner as may infect other livestock not so infected, any cattle which have or are infected with the Boophilus annulatus tick.

*(Enacted by Stats. 1967, Ch. 15.)*

### **9352.**

It is unlawful for any person to knowingly sell any sheep or cattle which are infected with scabies, or to expose them in such a manner as may infect other sheep or cattle which are not infected with scabies.

*(Enacted by Stats. 1967, Ch. 15.)*

## **CHAPTER 3. Animal Quarantine [9501 - 9702]**

*( Chapter 3 enacted by Stats. 1967, Ch. 15. )*

## **ARTICLE 1. Definitions [9501 - 9503]**

*( Article 1 enacted by Stats. 1967, Ch. 15. )*

### **9501.**

Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

*(Enacted by Stats. 1967, Ch. 15.)*

### **9502.**

"Animal," "livestock," or "domestic animal," includes poultry.

*(Enacted by Stats. 1967, Ch. 15.)*

### **9503.**

"Poultry" includes all domesticated fowl and any wild fowl or bird which is reduced to captivity.

*(Enacted by Stats. 1967, Ch. 15.)*

## **ARTICLE 2. Inspections [9531 - 9532]**

*( Article 2 enacted by Stats. 1967, Ch. 15. )*

### **9531.**

If the director receives information of the existence of any contagious, infectious, or transmissible disease which affects domestic animals within this state, he shall thoroughly investigate it. In making such an investigation, he may enter any premises and inspect any animal.

*(Enacted by Stats. 1967, Ch. 15.)*

### **9532.**

This chapter does not deprive the regular inspectors who are employed by any chartered or incorporated city, or city and county, after they have passed a civil service meat, market, and poultry inspection examination, of the powers which are granted them by such city, or city and county, to inspect animals.

*(Enacted by Stats. 1967, Ch. 15.)*

## **ARTICLE 3. Establishment of Quarantine [9561 - 9574]**

*( Article 3 enacted by Stats. 1967, Ch. 15. )*

### **9561.**

The State Veterinarian may establish such quarantine, sanitary, and police regulations as may be necessary to prevent, circumscribe, or exterminate, any condition designated pursuant to Section 9562.

*(Amended by Stats. 2001, Ch. 503, Sec. 1.5. Effective January 1, 2002.)*

### **9562.**

(a) Subject to the rights and procedures established pursuant to Chapter 4.5 (commencing with Section 11400) of Division 3 of Title 2 of the Government Code, and in accordance with regulations adopted pursuant to this code, the State Veterinarian shall impose a quarantine if he or she believes, upon any basis reasonably supportable by standard epidemiological practice or credible scientific research, that a population of domestic animals or food product from animals has contracted, or may carry, an illness, infection, pathogen, contagion, toxin, or condition that, without intervention, could transmit an illness that could kill or seriously damage other animals or humans, including, in addition to the original condition, those clinically plausible secondary illnesses, infections, pathogens, contagions, toxins, or conditions arising from the effects of the original.



(b) (1) Because the authority conferred by this section is designed to protect the health and safety of the citizens of this state, the authority shall be interpreted broadly to give full effect to the purpose of protecting the public health and safety and shall be construed to include the imposition of quarantines in the circumstances of natural disaster, whether occurring or imminent, or declared emergencies.

(2) In furtherance of the objectives of the quarantine, the State Veterinarian may impose restrictions not only on the affected animals themselves and the uses to which those animals may be put, but on products produced from, by, or with those animals in order to minimize the risk or spread of food-borne illness.

(3) The State Veterinarian's quarantine powers set forth in this section expressly include the power to order movement, segregation, isolation, or destruction of animals or food products, as well as the power to hold animals or food products in place.

*(Amended by Stats. 1999, Ch. 447, Sec. 1. Effective January 1, 2000.)*

#### 9563.

It is unlawful for any person to move or allow to be moved any of the animals, food product from animals, vehicles, farm equipment, farm products, or other materials that are subject to restrictions established pursuant to Section 9562 or 9569 unless that person has first obtained authorization from the State Veterinarian.

*(Amended by Stats. 2001, Ch. 503, Sec. 2. Effective January 1, 2002.)*

#### 9564.

If it is necessary to restrict the movements of animals pursuant to Section 9562, the State Veterinarian may fix and proclaim the boundaries of a quarantine area in lieu of separate, individual orders issued to each owner pursuant to Section 9562. While the boundaries are in force, it is unlawful for any person to move or allow to be moved any such animals from or within the boundaries of the quarantine area, unless that person is authorized to do so by the State Veterinarian.

*(Amended by Stats. 2001, Ch. 503, Sec. 3. Effective January 1, 2002.)*

#### 9569.

In addition to actions that may be directed by the State Veterinarian pursuant to Section 9562, the State Veterinarian may:

(a) Regulate, restrict, or restrain the movements of persons, vehicles, farm equipment, farm and dairy products, and other property from or into the quarantine area, or from place to place within it, during the existence of the quarantine.

(b) Impose, as a condition to travel through or within the quarantine area, that no person or vehicle which is permitted to travel on any road or highway shall depart from the road or highway while within the quarantine area.

(c) Order all animals within the quarantine area to be detained for purposes of examination or inspection at any place which is specified by him or her in the order.

(d) Cause to be destroyed all animals or property which may be found within the area that are affected with the disease, infestation, or condition or which have been so exposed as to be dangerous to themselves or other animals.

(e) Require a proper disposal to be made of the hide and carcass of any animal which is destroyed.

(f) Adopt and enforce all necessary regulations for cleaning and disinfecting any premises or property where the disease, infestation, or condition exists or has existed by treatment, disposal, or otherwise, and such other regulations as he may deem necessary to eradicate the disease and to prevent its dissemination.

*(Amended by Stats. 2001, Ch. 503, Sec. 8. Effective January 1, 2002.)*

#### **9570.**

If the State Veterinarian invokes Section 9562, and the importation of animals, animal products, or other property from any state, territory, or foreign country may transmit, carry or disseminate the illness, infection, pathogen, contagion, toxin, or condition designated pursuant to Section 9562, the State Veterinarian shall prescribe the conditions, if any, under which these animals, animal products, or property may be imported into this state.

*(Amended by Stats. 2001, Ch. 503, Sec. 9. Effective January 1, 2002.)*

#### **9573.**

A quarantine shall not be established by one county or city against another county or city on account of the existence of any disease or condition subject to the authority of the State Veterinarian pursuant to Section 9562 or 9569.

*(Amended by Stats. 2001, Ch. 503, Sec. 12. Effective January 1, 2002.)*

#### **9574.**

(a) Any person who negligently or intentionally violates any state or federal law or regulation, including any quarantine regulation, by importing any animal or other article, which by virtue of being pest infested or disease infected, causes an infestation or infection of a pest, animal, or disease, or causes an existing infestation to spread beyond any quarantine boundaries is liable civilly in a sum not to exceed twenty-five thousand dollars (\$25,000) for each act that constitutes a violation of the law or regulation.

(b) The Attorney General, upon request of the State Veterinarian, shall petition the superior court to impose, assess, and recover the sum imposed pursuant to subdivision (a). In determining the amount to be imposed, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation and the nature and persistence of the violation.

(c) The remedy under this section is in addition to, and does not supersede or limit, any and all other remedies, civil or criminal, that are otherwise available to the state.

(d) Any funds recovered pursuant to this section shall be deposited in the Department of Food and Agriculture Fund for emergency pest or disease exclusion, detection, eradication, and research of agricultural plant or animal pests or diseases. These funds may be allocated to cover costs related to the enforcement of this division. These funds are in addition to any funds appropriated for those purposes pursuant to Section 224.

*(Amended by Stats. 2001, Ch. 503, Sec. 13. Effective January 1, 2002.)*

#### **ARTICLE 4. Compensable Destruction of Diseased Animals [9591 - 9595]**

*( Article 4 enacted by Stats. 1967, Ch. 15. )*

##### **9591.**

Except as otherwise provided in Section 9595, if any animal or property is destroyed pursuant to Section 9569, the owner of the animal or property shall be paid an amount of money as provided in Section 9593.

*(Amended by Stats. 1978, Ch. 599.)*

##### **9592.**

The state may contribute toward the payment for the animal or property destroyed if either of the following occurs:

(a) The United States agrees to share equally in the payment.

(b) The State Veterinarian finds that the failure to dispose of the animal, animal product, or property would be or would have been detrimental to human or animal health or the welfare of that animal industry.

*(Amended by Stats. 2001, Ch. 503, Sec. 14. Effective January 1, 2002.)*

##### **9593.**

(a) The value of the animal or property prior to its destruction for which contribution is made pursuant to subdivision (a) of Section 9592 shall be determined by an appraisal process agreed upon by the secretary of the Department of Food and Agriculture and the Secretary of the United States Department of Agriculture.

(b) The value of the animal or property prior to its destruction for which contribution is made pursuant to Section 9592 shall be expeditiously determined by the secretary in consultation with the affected industry.

(c) Nothing in this provision shall be construed to require appraisal or payment before destruction is carried out.

*(Amended by Stats. 2001, Ch. 503, Sec. 15. Effective January 1, 2002.)*

#### 9594.

The department may pay from any money which is available for the support of the department all sums that are due or to become due from the state to owners of animals or property which is taken, destroyed, or otherwise disposed of pursuant to any provision of this code that relates to the control, prevention, or eradication of disease in animals.

*(Amended by Stats. 1978, Ch. 599.)*

#### 9595.

Indemnity payments provided by this division shall not be paid for any animal or property which is taken, destroyed, or otherwise disposed of pursuant to any provision of this code that relates to the control, prevention, or eradication of disease, if the owner is in violation of any quarantine order issued pursuant to this division or any regulation adopted pursuant thereto.

*(Added by Stats. 1978, Ch. 599.)*

### **ARTICLE 5. Noncompensable Destruction of Diseased Animals [9621- 9621.]**

*( Article 5 enacted by Stats. 1967, Ch. 15. )*

#### 9621.

Except as otherwise provided in Section 9571, every horse, mule, or other animal which is affected with dourine, as shown by a complement-fixation test, is a public nuisance, and shall be immediately destroyed under the direction and supervision of the department. No indemnity shall be paid for such animal.

*(Enacted by Stats. 1967, Ch. 15.)*

### **ARTICLE 6. Importation [9641.5 - 9641.7]**

*( Article 6 enacted by Stats. 1967, Ch. 15. )*

#### 9641.5.

(a) Any horse or other Equidae brought into this state shall be accompanied by the following:

(1) A certificate of health from the state of origin issued by an accredited veterinarian. The certificate shall state that the horse or other Equidae is free from evidence of any communicable disease.

(2) Verification that any horse or Equidae has been tested within the preceding 12 months and found negative to a test for equine infectious anemia. The test shall be approved by the secretary and conducted by a laboratory approved by the United States Department of Agriculture, and the necessary sample shall be taken, and the verification signed by, an accredited veterinarian.

(b) A nursing foal of less than six months of age when accompanied by a negative dam and any horse or other Equidae consigned for immediate slaughter shall be exempt from the testing requirements of this section.

*(Amended by Stats. 2014, Ch. 281, Sec. 1. (AB 1597) Effective January 1, 2015.)*

#### 9641.6.

(a) The director may issue a permit, valid on January 1 and renewable on or before January 1 of each year thereafter, that exempts any working horse from the requirements of Section 9641.5 under all of the following conditions:

(1) The applicant owns or operates a business or businesses located in both this state and in another state in which horses are used in the operation of the business or businesses.

(2) The horse is moved across the state border from one business location to the other.

(b) The director may require the applicant to furnish any information that the director determines to be necessary as part of the application process.

(c) "Working horse" means a horse used for livestock husbandry or for other ranch-related activities.

*(Added by Stats. 1984, Ch. 913, Sec. 1.)*

#### 9641.7.

Any positive test for equine infectious anemia performed in a California laboratory shall be reported by telephone within 24 hours to the department by the laboratory making the test.

*(Added by Stats. 1978, Ch. 1030.)*

### **ARTICLE 7. Interagency Cooperation [9671 - 9674]**

*( Article 7 enacted by Stats. 1967, Ch. 15. )*

#### 9671.

The director shall meet periodically with the livestock sanitary officials or committees of other states, the duly authorized agricultural representatives of other states and of the United States, or any of them, for the purpose of coordinating livestock sanitary activities within this state and among the several states which have common or similar problems in the field of livestock disease and the prevention, quarantine, eradication, or control of livestock disease.

*(Enacted by Stats. 1967, Ch. 15.)*

#### 9672.

A county may appropriate and expend money from the general fund of the county to carry on investigation, inspection, control, and eradication of disease in domestic

animals. For such purposes it may enter into agreements with the department or with any other county and the department.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **9673.**

An agreement which is entered into pursuant to Section 9672 may do all of the following:

- (a) Provide that payments from the county treasuries may be made to the department and disbursed only for investigation, inspection, control and eradication of disease in domestic animals within any county which is a party to the agreement.
- (b) Provide that the department shall have full control and supervision in carrying on the work which is provided for.
- (c) Be continued for a definite term or until rescinded or terminated.
- (d) Provide for the method by which it may be rescinded or terminated by any of the parties to the agreement.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **9674.**

An agreement which is entered into pursuant to Section 9672 shall provide for the disposition, division, or distribution of any property which is acquired as the result of the joint exercise of powers, and the return of any surplus moneys, in proportion to the contributions which were made, after the agreement has been completed.

*(Enacted by Stats. 1967, Ch. 15.)*

### **ARTICLE 8. Violations [9691 - 9702]**

*( Article 8 enacted by Stats. 1967, Ch. 15. )*

#### **9691.**

It is unlawful for any person to remove or cause to be removed any animal from any district, area, or premises which is quarantined pursuant to this chapter, except upon the conditions which are prescribed in this chapter.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **9692.**

It is unlawful for any person to bring or cause to be brought any animal into a quarantined district, area, or premises, without written permission from the State Veterinarian or an authorized representative.

*(Amended by Stats. 2001, Ch. 503, Sec. 16. Effective January 1, 2002.)*

**9693.**

It is unlawful for any person to move or cause to be moved any animal from place to place within any quarantined district, area, or premises, without written permission from the State Veterinarian or an authorized representative.

*(Amended by Stats. 2001, Ch. 503, Sec. 17. Effective January 1, 2002.)*

**9694.**

It is unlawful for any person to resist the destruction of any animal or property ordered destroyed by the State Veterinarian pursuant to Section 9562.

*(Amended by Stats. 2001, Ch. 503, Sec. 18. Effective January 1, 2002.)*

**9695.**

It is unlawful for any person to hide, secrete, or fail to disclose any animal or property that is suffering from, or that has been exposed or potentially exposed to any disease subject to a current quarantine order or to fail to disclose the whereabouts of that animal or property.

*(Amended by Stats. 2001, Ch. 503, Sec. 19. Effective January 1, 2002.)*

**9696.**

It is unlawful for any person to fail or refuse to dispose of any property destroyed pursuant to Section 9562 or 9569 in the manner prescribed by the State Veterinarian, when directed or required to do so.

*(Amended by Stats. 2001, Ch. 503, Sec. 20. Effective January 1, 2002.)*

**9697.**

It is unlawful for any person to fail or refuse to clean or disinfect any premises in the manner prescribed by the State Veterinarian, when directed to do so by the State Veterinarian pursuant to Section 9562 or 9569.

*(Amended by Stats. 2001, Ch. 503, Sec. 21. Effective January 1, 2002.)*

**9698.**

It is unlawful for any person to violate any quarantine order which regulates, restricts, or restrains the movement of persons, vehicles, farm equipment, farm and dairy products into, from, or from place to place within a quarantined district, area, or premises.

*(Enacted by Stats. 1967, Ch. 15.)*

**9699.**

It is unlawful for any person to violate the conditions of any permit which authorizes the permittee to travel upon any road or highway within a quarantined district, area, or premises.

*(Enacted by Stats. 1967, Ch. 15.)*

**9700.**

It is unlawful for any person to violate any other provision of this chapter or any regulation or order which is made pursuant to it.

*(Enacted by Stats. 1967, Ch. 15.)*

**9701.**

Any violation of any provision of this chapter is an infraction punishable by a fine of not more than one hundred dollars (\$100) for the first offense and is a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than six months, or by both the fine and imprisonment, for a second or subsequent offense committed within three years of a prior conviction under this chapter.

*(Amended by Stats. 1984, Ch. 647, Sec. 1.)*

**9702.**

It is unlawful for the operator of any vehicle to fail to stop the vehicle upon demand of a clearly identified animal health quarantine officer when the officer orders the operator to stop for the purpose of determining whether any quarantine which is established pursuant to this chapter is being violated and the officer has reasonable cause to believe that the vehicle is being used in connection with a quarantine violation.

*(Added by Stats. 1984, Ch. 539, Sec. 2.)*