

**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 3. DISEASED SWINE [10701 - 10990]**

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

**CHAPTER 1. Importation and Sale [10701 - 10786]**

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

**ARTICLE 1. Definitions [10701 - 10704]**

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

**10701.**

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

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

**10702.**

“Health certificate” means a health certificate from either a veterinary inspector of the United States Department of Agriculture, the state veterinarian or livestock sanitation official of the state of origin, or of a licensed veterinarian approved by the state veterinarian or livestock sanitation official.

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

**10703.**

“Sales yard” includes any livestock yard, pen, corral, building, premises, or conveyance in which swine are assembled for sale, resale, exchange, or transfer by any owner or his agent. It does not, however, include any ranch premises where swine are assembled for sale, resale, exchange, or transfer by any owner or his agent in ordinary ranch-to-ranch transactions, or where swine are fed and fitted for slaughtering purposes only.

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

**10704.**

“Premises” is the farm of origin where swine were born and raised or where they have resided for a minimum of 90 continuous days immediately preceding shipment.

*(Added by Stats. 1999, Ch. 447, Sec. 2. Effective January 1, 2000.)*

## **ARTICLE 2. Importation [10721 - 10726]**

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

### **10721.**

- (a) It is unlawful for any person to import any swine into this state except for immediate slaughter, unless the person procures a health certificate and import permit from the department prior to the shipment or movement of the swine.
- (b) It is unlawful for any person to import any swine into this state for immediate slaughter unless the person procures an import permit from the department prior to the shipment or movement of the swine.
- (c) Any person requesting an import permit shall identify the premises of the swine prior to the shipment of the swine into the state.

*(Amended by Stats. 1999, Ch. 447, Sec. 3. Effective January 1, 2000.)*

### **10722.**

The health certificate shall certify that the swine to which it refers satisfy all of the following requirements:

- (a) Have not been exposed to any communicable disease.
- (b) Are free from evidence of any communicable disease.

The director, when he determines it to be necessary for the enforcement of this chapter, may, by regulation, require the certificate to certify that the swine have been immunized against hog cholera by a method of immunization which is designated by regulations of the director as an effective method of immunization and by the United States Department of Agriculture.

*(Amended by Stats. 1967, Ch. 87.)*

### **10723.**

The health certificate shall also show all of the following:

- (a) The date of immunization if immunization is required.
- (b) The predominating breed of the swine.
- (c) Approximate weight of the swine.
- (d) Color of the swine.
- (e) Markings of the swine.

*(Amended by Stats. 1967, Ch. 87.)*

### **10724.**

The original of the health certificate shall be attached to the way bill or shall be in the possession of the truck driver. A duplicate copy shall be sent to the Chief of the Division of Animal Industry of the department, at Sacramento, in time to reach him prior to the arrival of the swine within the state. A duplicate copy shall also be sent to the state veterinarian or livestock sanitary official of the state of origin.

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

**10725.**

Swine that are imported into this state for purposes other than for immediate slaughter shall be transported in crates, cars, trucks, or other vehicles that have been cleaned and disinfected in conformity with the standards that are prescribed by the Agricultural Research Service of the United States Department of Agriculture.

*(Amended by Stats. 1995, Ch. 119, Sec. 2. Effective January 1, 1996.)*

**10726.**

Swine that are imported into this state for immediate slaughter shall have as their destination a recognized slaughtering establishment. They shall not be diverted for any other purposes.

*(Amended by Stats. 1995, Ch. 119, Sec. 3. Effective January 1, 1996.)*

**ARTICLE 3. Sales Yards [10751 - 10753]**

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

**10751.**

Any person that operates a sales yard shall keep records of all swine which pass through the sales yard, including the name and address of every person who offers swine for sale and the name and address of every purchaser of swine from the yard.

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

**10752.**

The sales yard records shall show definite information relative to description of animals, such as breed, weight, color, and marks. The records shall be kept on file for one year, during which time they shall be at the disposal of the director for inspection.

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

**10753.**

It is unlawful for any person to knowingly bring into, or cause to be brought into, any sales yard any swine that have been, within 21 days, treated with hog cholera virus, or which are affected with, or have been exposed to hog cholera, anthrax, swine erysipelas, vesicular exanthema, foot-and-mouth disease, or any other infectious disease.

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

## **ARTICLE 4. Swine Disease Control [10781 - 10786]**

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

### **10781.**

The director may adopt regulations to control or eradicate hog cholera, swine brucellosis, pseudorabies, and other swine diseases in any of the following ways:

- (a) Through limitations on the movement of swine.
- (b) Through the use of hog cholera vaccine, or other biologics.
- (c) Through tests or vaccinations.
- (d) Any other similar means that he or she finds and determines is necessary.

*(Amended by Stats. 1988, Ch. 812, Sec. 1.)*

### **10782.**

The department, after notice and hearing, may revoke a license granted by the department to a person conducting business as a packer, stockyard, dealer, agent, or any individual that receives, transports or deals with the marketing of swine or swine products that violates this chapter or a regulation adopted pursuant to this chapter.

*(Added by Stats. 1999, Ch. 447, Sec. 5. Effective January 1, 2000.)*

### **10783.**

A previous violation of any provision of this chapter, or a regulation adopted pursuant to this chapter, is sufficient cause for the revocation of a license under Section 10782. Proof of a previous violation of this code, or a regulation adopted pursuant to this article, shall be considered an aggravating factor for a current offense.

*(Added by Stats. 1999, Ch. 447, Sec. 7. Effective January 1, 2000.)*

### **10784.**

Any proceeding for the denial or revocation of a license pursuant to Section 10782 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. The department shall have all of the powers that are granted in that Chapter 5.

*(Added by Stats. 1999, Ch. 447, Sec. 8. Effective January 1, 2000.)*

### **10785.**

If the secretary finds and determines that similar regulations are necessary to control the diseases described in Section 10781 while hogs or swine are in interstate movement, the secretary shall notify the Governor so that the Governor may act pursuant to Section 9570.

*(Added by renumbering Section 10782 by Stats. 1999, Ch. 447, Sec. 4. Effective January 1, 2000.)*

**10786.**

(a) (1) Whenever a person violates any regulation that is adopted pursuant to this article, the department may impose an administrative penalty not to exceed one hundred dollars (\$100) per individual animal for each violation.

(2) If the department issues an administrative penalty pursuant to paragraph (1), the department shall issue a Notice of Violation to the alleged offender or the offender's agent. The notice shall be written in plain English and shall inform the offender as to how the offender may challenge the administrative penalty.

(b) (1) A willful and knowing violation of any regulation that is adopted pursuant to this article is a crime, punishable as (A) an infraction by a fine of not more than one hundred dollars (\$100) per individual animal for each violation, (B) a misdemeanor, or (C) a felony.

(2) Notwithstanding any other provision of law, the imposition of an administrative penalty pursuant to subdivision (a) shall not preclude prosecution of a person pursuant to paragraph (1).

*(Added by renumbering Section 10783 by Stats. 1999, Ch. 447, Sec. 6. Effective January 1, 2000.)*

**CHAPTER 2. Garbage Control [10901 - 10990]**

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

**ARTICLE 1. Definitions [10901- 10901.]**

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

**10901.**

As used in this chapter, "garbage" means any waste which consists in whole or in part of any animal waste that results from the handling, preparing, cooking, and consuming of food, including the offal from any animal carcass or from any part of an animal carcass. It does not, however, include such waste from ordinary household operations which is fed directly to swine on the premises.

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

**ARTICLE 2. General Provisions [10921 - 10923]**

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

**10921.**

The director may make and enforce such regulations as are reasonable and necessary to carry out the provisions of this chapter.

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

**10922.**

The director may enter any premises where garbage is fed to swine and may examine and test any equipment or facilities for processing and handling garbage.

He may in writing order any person that is subject to this chapter to cease the operation of any equipment or facility which he finds is unsuitable or improperly operated or maintained.

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

### **10923.**

Every person that is subject to this chapter shall keep and maintain such records or memoranda and furnish such reports as the director by regulations may require. The records and memoranda shall be open to inspection by the director during usual business hours.

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

## **ARTICLE 3. Processing [10951 - 10952]**

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

### **10951.**

In order to prevent the spread of vesicular exanthema and other contagious and infectious diseases of swine, it is unlawful for any person to feed swine any garbage unless the garbage has been processed in accordance with the provisions of this article and the regulations which are adopted by the director pursuant to it.

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

### **10952.**

All garbage, regardless of previous processing, before being fed to swine, shall be thoroughly heated throughout to boiling or equivalent temperature (usually 212 degrees Fahrenheit at sea level) for 30 minutes, or otherwise treated in a manner which is prescribed in the regulations of the director.

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

## **ARTICLE 4. Licensing [10981 - 10990]**

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

### **10981.**

It is unlawful for any person to feed garbage to swine unless he has a valid annual license issued by the director for each separate premises where garbage is fed to swine.

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

**10982.**

An application for a license to feed garbage to swine shall be in the form which is prescribed by the director, and shall state all of the following:

- (a) The name and address of the applicant.
- (b) The location of the premises for which the license is requested.
- (c) Such other information which the director may require.

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

**10983.**

Each application for a license shall be accompanied by a fee of twenty dollars (\$20).

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

**10984.**

An application for renewal of a license, accompanied by the proper fee, shall be made on or before the last day of the calendar year for which the current license was issued.

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

**10985.**

To any fee which is not paid when due, there shall be added a penalty of twenty dollars (\$20).

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

**10986.**

Each license issued pursuant to this chapter entitles the licensee to feed garbage to swine on the premises that are described in the license, during the period for which the license is issued, in accordance with the provisions of this chapter and the regulations issued under it and in compliance with any local or municipal ordinances which are applicable to the feeding of garbage to swine.

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

**10987.**

The director may refuse to issue a license or renewal of license, and may revoke or suspend any license, as the case may require, if he finds after hearing, that any of the following exist:

- (a) The premises which are described in the application or license are not operated in a clean and sanitary manner so as to prevent the continuation and spread of vesicular exanthema.

(b) The premises which are described in the application or license are not adequately equipped or maintained in the manner required by this chapter and the regulations adopted pursuant to it.

(c) The applicant or licensee has violated any lawful order of the director which is issued pursuant to this chapter.

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

#### **10988.**

The proceedings for all hearings pursuant to this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code. The director shall have all powers which are granted by such chapter.

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

#### **10989.**

Any institution or agency of the state, a county, or any municipal or other public corporation which is feeding garbage to swine is not required to procure a license, but shall comply with all other provisions of this chapter and the regulations which are adopted pursuant to this chapter.

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

#### **10990.**

This chapter does not prohibit any city or county from licensing persons that feed garbage to swine.

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