

# House Research Act Summary

**CHAPTER:** 192

**SESSION:** 2001 Regular Session

**TOPIC:** Board of Animal Health; Quarantine; Animal Destruction

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## Overview

This act authorizes the Governor to declare an emergency for purposes of controlling dangerous diseases in domestic animals. After the emergency declaration the Board of Animal Health could establish quarantine zones to prevent the spread of the disease. The movement of persons and property into and out of the quarantine zones would be strictly controlled. Animals susceptible to the disease could be destroyed. Property could be condemned to allow for carcass disposal. The act expires June 30, 2003.

### 1 **Temporary emergency restrictions on movement of people and machinery.**

**Subd. 1. Disastrous animal disease outbreaks; declaration of emergency.** The board of animal health can meet by phone to declare a confirmed case of disastrous animal disease. The board would then notify the governor that a case of a disastrous animal disease has been confirmed in the state (most likely foot and mouth disease or hog cholera) and is a substantial threat to the state's livestock. The governor may then declare an emergency which empowers the board to impose the quarantine provisions allowed under this act. The governor's emergency declaration need not include a declaration of peacetime emergency under Minnesota Statutes, chapter 12.

**Subd. 2. Quarantine zones.** After a declaration of emergency by the governor, the board of animal health or its designated veterinarian may establish quarantine zones to protect the health of domestic animals. Quarantine zones must be as small as possible and exist for the shortest period consistent with preventing spread of the disease. Generally, the maximum zone is a three mile radius from animals believed to be infected. The board may also adopt rules for a larger zone appropriate for a specific disease problem.

**Subd. 3. Restrictions on movement out of quarantine zones.** The board of animal health or its executive director or designated veterinarian may issue orders restricting movement of people, livestock, machinery, and personal property out of quarantine zones. The basis for an order is a determination that reasonable cause exists to believe that movement out of a quarantine zone

will reasonably threaten to transport a dangerous, infectious, or communicable disease out of the zone. The order must be served on the persons covered by it. An order may be executed on any day at any time. The order must notify persons of their right to request a court hearing and their ability to enter a disease management agreement.

Movement restrictions cannot last longer than 72 hours, exclusive of Saturdays, Sundays, and legal holidays, if the person affected agrees to abide by the board's disease control measures. Requires the person to sign an agreement to abide by these measures.

A person restricted by a quarantine order may seek a district court hearing on the order. Grounds for an appeal of a quarantine order are abuse of the board's discretion or emergency conditions requiring an exception to the quarantine to prevent irreparable harm.

**Subd. 4. Expiration.** The provisions of this section expire July 31, 2003.

## 2 **Temporary emergency restrictions hearing.**

**Subd. 1. Grounds.** If the board determines that a person is not reasonably likely to follow disease control measures imposed by a quarantine order, it may seek a court hearing on whether emergency temporary restrictions should remain in effect. Emergency restrictions continue while the court hearing is pending.

**Subd. 2. Time of notice.** The board must serve notice on the person who would be affected by a court hearing at least 24 hours before the hearing.

**Subd. 3. Contents of notice.** The notice must include the following contents:

time, date, and place of hearing

grounds and underlying facts why continuing restrictions are sought

the person's right to appear by phone and the right to have a representative appear in person at the hearing

the person's right to be present and cross-examine witnesses; and

the person's right to counsel, including the right to court appointed counsel if indigent.

**Subd. 4. Order for continued temporary restrictions.** Authorizes the court to order continued restriction on the person's movement if it finds that travel outside the zone would pose an imminent threat of transporting a dangerous, communicable, or infectious disease. The maximum period is 30 days, unless the person refuses to sign and comply with specified disease control measures. Refusal to sign is a gross misdemeanor.

## 3 **Emergencies.** Amends a prior statute that authorizes the board to take steps to eradicate dangerous communicable disease among domestic animals. That law provides for the board or the USDA to make an emergency declaration. The act adds the governor to this list. Authorizes the board to cooperate with Indian tribes, state and local government agencies, and any other private or public entity in eradicating animal disease.

Expands the board's ability to destroy affected animals to cover also those "highly susceptible to exposure to the disease because of proximity to diseased animals." Specifies that the board may destroy "personal" property in this effort. Authorizes the board to temporarily commandeer real property for the purpose of disposing of animals. Sets criteria for when the governor may temporarily commandeer land for disposal of animal carcasses. Specifies that compensation must be paid as in other temporary takings.

Strikes reference to equally sharing total disease suppression expenses with the USDA if procedures are followed under an emergency declared by USDA.

Amends the law on appraising destroyed animals for compensation. Allows appraisals to be done after the animal is destroyed and based on documents or other relevant testimony if, in the

board's judgment, direct physical appraisal of the animal to be killed or the personal property to be destroyed poses a disease threat.

Strikes current provisions on the amount of compensation to be provided and replaces them with a statement that compensation is limited to amounts appropriated.

Prohibits proceedings to collect debts from an animal owner until the owner has been compensated for amounts destroyed.

4 **Expiration.** The 2001 amendments to section 3 expire July 31, 2003.

5 **Temporary waiver of rule.** Provides a one-year suspension of the application of a current agriculture department rule for products used only for poultry.

6 **Effective date.** Immediate.