

DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED REGULATORY TEXT – ANIMAL BLOOD BANKS

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The Department of Food and Agriculture, Animal Blood Banks Program, proposes to update its Animal Blood Banking administrative penalties, as specified below:

1) Adopt new Section 1308 of new Article 6 of Chapter 8 of Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article 6. Enforcement Procedures

Section 1308. Administrative Penalties for Animal Blood Banking

(a) Failure to comply with the provisions of the statutes relating to animal blood banking under Chapter 1.5 (commencing with Section 9201) of Division 5 of the Food and Agricultural Code, and any regulations adopted pursuant to them, constitutes a violation punishable by a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) for each violation, as authorized by Section 9166 of the Food and Agriculture~~al~~ Code.

(b) The Department shall use the provisions of this Section to determine the violation class, severity of the violation, and amount of the penalty. One instance of conduct may result in multiple violations.

(c) For purposes of this Section, violations are classified as “serious,” “moderate,” or “minor”. Repeat violations may result in an escalation of violation class and/or penalty. Escalation of penalties will apply for a revolving three-year period from the date of each unique Section code violation.

(d) Table “A” Administrative Violation Classification Schedule shall be used by the Department and provides the level of severity of a particular violation, and the corresponding penalty range for “serious,” “moderate,” and “minor” violation classes, for violations pursuant to Subsection (a) of this Section.

(1) “Serious” violations are those committed recklessly or negligently, or those that present a significant risk of spreading animal disease, causing undue pain or distress to animal blood donors, contaminating animal blood or blood component products, or otherwise compromising animal or public health, ~~the environment, or the economy.~~ This includes, but is not limited to, violations that have resulted in, or

reasonably could result in, the introduction or spread of an animal disease, or that interfere with the Department's ability to prevent, trace, or respond to such risks. It also includes failures in blood and blood component product traceability as well as ~~improper collection, handling, storage, or distribution~~ practices that undermine product integrity or biosecurity. Serious violations are punishable by an administrative penalty ranging from five hundred one dollars (\$501) to one thousand dollars (\$1,000).

(2) "Moderate" violations are those where there is potential for spreading animal disease, causing undue pain or distress to animal blood donors, contaminating animal blood or blood component products, or otherwise compromising animal or public health, ~~the environment, or the economy~~. This includes violations that may contribute to the introduction or spread of animal disease or hinder the Department's efforts to prevent, trace, or respond to such risks. It also encompasses deficiencies ~~in traceability, collection, handling, storage, or distribution~~ that could affect product integrity or biosecurity. Moderate violations are punishable by an administrative penalty ranging from three hundred one dollars (\$301) to five hundred dollars (\$500).

(3) "Minor" violations are those that are unintentional and pose minimal risk of spreading animal disease, causing undue pain or distress to animal blood donors, contaminating animal blood or blood component products, or otherwise compromising animal or public health, ~~the environment, or the economy~~. These violations have minimal potential to result in the introduction or spread of animal disease or to interfere with the Department's oversight functions. They may involve minor lapses in ~~traceability, collection, handling, storage, or distribution~~ protocols that do not significantly affect product integrity or biosecurity. Minor violations are punishable by an administrative penalty ranging from one hundred dollars (\$100) to three hundred dollars (\$300).

(e) When determining the penalty for any violation of Chapter 1.5 (commencing with Section 9201) of Division 5 of the Food and Agricultural Code and any regulations adopted pursuant to them, the Department shall consider any aggravating or mitigating factors. The penalty assessed shall represent a totality of the circumstances: the greater risk or recalcitrance of the violator will place the assessed penalty progressively higher within the range. Cooperation, risk mitigation, and severity of the violation will be considered and will place the penalty at the lower end of the range. The Department shall assess each violation using the following risk categories:

(1) Risk to donor animal health and welfare: A low risk to donor animal health is one where there is a minimal risk to animal blood donor health or welfare from blood banking activities. A high risk to donor animal health is one where the event or

occurrence poses a significant risk of harm to donor animal health or welfare, or the violator acted recklessly.

(2) Risk to recipient animal health: A low risk to recipient animal health is one where there is minimal risk and only under irregular conditions could there be any possibility of transmission of an illness or contamination of the blood products, and all reasonable precautions have been taken. A high risk to recipient animal health is one where the event or occurrence poses a significant risk of harm, has occurred or is likely to occur, or the violator knew or should have known that the event or activity would result in risk to the recipient of the blood product, or the violator acted recklessly.

(3) Risk to animal blood supply: A low risk to the animal blood supply is one where the event or occurrence poses minimal risk and only under irregular conditions could there be any possibility of loss of efficacy of the product or transmission of an illness. A high risk to the animal blood supply is one where the event or occurrence poses significant risk of harm, has occurred or is likely to occur, and the violator knew or should have known that the event or activity would result in decreased efficacy of the product or transmission of an illness, or the violator acted recklessly.

(4) Cooperation of the violator: The Department shall consider whether the violator has been non-responsive, recalcitrant, or deceptive. The violation can be mitigated by compliance and subsequent remedial measures.

(f) Administrative penalties must be paid within 30 days from the date of receipt of the order of assessment.

(g) A respondent, or his or her duly authorized representative, may contest a notice of violation by requesting an informal hearing as outlined in Article 1 of Chapter 9 of Division 2 of Title 3 of the California Code of Regulations.

Table “A” Administrative Violation Classification Schedule					
<i>Food and Agricultural Code</i>	<i>Title 3 California Code of Regulations</i>	<i>Description of Violation</i>	<i>Minor \$100 - \$300</i>	<i>Moderate \$301 - \$500</i>	<i>Serious \$501 – \$1000</i>
9210		No person shall engage in the production of animal blood or blood component products for			Any violation

		<u>retail sale or distribution except in commercial licensed blood bank for animals licensed by the secretary or in accordance with Article 7 (commencing with Section 4920) of Chapter 11 of Division 2 of the Business and Professions Code</u>			
9241		<u>No person shall offer for sale or use any blood or blood component product unless it is produced in an establishment licensed by the secretary or in accordance with Article 7 (commencing with Section 4920) of Chapter 11 of Division 2 of the Business and</u>			Any violation

		<u>Professions Code, or imported into the state pursuant to Section 9252 and registered with the department in accordance with Section 9244</u> registered by the Department			
<u>9222</u>		<u>Discriminating against California veterinarians in the sale of animal blood or blood component products</u>	<u>1st violation</u>	<u>2nd violation</u>	<u>3rd violation & subsequent</u>
<u>9221(e)</u>	<u>1304.1(fe)</u>	<u>Failure of a closed-colony blood bank to follow</u> follow <u>adhere to written protocols approved by submitted to the Department</u>		<u>1st violation</u>	<u>2nd violation & subsequent</u>
<u>9221</u>	<u>1304.1(g)</u>	<u>Failure of a closed-colony blood bank to notify the Department of any changes to the information</u>	<u>1st violation</u>	<u>2nd violation</u>	<u>3rd violation & subsequent</u>

		provided in its license application within 30 days of the change			
9244	1304.3	Failure of a blood bank to notify the Department of any changes to the information provided in its product registration application within 30 days of the change	1 st violation	2 nd violation	3 rd violation & subsequent
9244(a)(5)		Failure of a blood bank to follow Department- approved <u>adhere to</u> production protocols submitted to the Department		1 st violation	2 nd violation & subsequent
9244(a)(6)		Failure to use approved labels <u>consistent with samples submitted to the Department</u>	1 st violation	2 nd violation	3 rd violation & subsequent
9252, 9253, BPC 4920.6	1305.1, 1305.2, 1307.3	Failure to submit quarterly reports and associated	1 st violation	2 nd violation	3 rd violation & subsequent

		fees as specified			
9266	1304.1 1306.1 1306.2 1306.3	Failure to comply with inspections			Any violation

Note: Authority cited: Sections 407, 9166, 9245, 9251 of Food and Agricultural Code.

Reference: Sections 9210, 9221, 9222, 9241, 9244, 9252, 9253, 9266 of Food and Agricultural Code. Section 4920.6 of Business and Professions Code. Article 1 of Chapter 9 of Division 2 of Title 3 of the California Code of Regulations.

Section 1309. Suspension and Revocation

(a) The Department may suspend or revoke any facility license or product registration issued under Chapter 1.5 (commencing with Section 9201) of Division 5 of the Food and Agricultural Code. In making its determination, the Department shall consider any aggravating or mitigating factors and may take such action based on any of the following grounds:

(1) ~~Repeated~~ Two or more “serious” violations, whether the same violation committed multiple times or multiple distinct violations, as defined in Section 1308(d)(1), by the registrant or licensee of any provision of Chapter 1.5 (commencing with Section 9201) of Division 5 of the Food and Agricultural Code and any regulations adopted pursuant to it or Chapter 8 of Division 2 of Title 3 of the California Code of Regulations.

(2) Aiding, abetting, or permitting ~~the~~ any “serious” violation, or repeated violations, of any provision of Chapter 1.5 (commencing with Section 9201) of Division 5 of the Food and Agricultural Code and any regulations adopted pursuant to it or Chapter 8 of Division 2 of Title 3 of the California Code of Regulations.

(3) Misrepresentation of any information provided in connection with an application for a facility license or product registration.

(4) Material alteration of records required to be maintained, or quarterly reports required to be submitted, under Chapter 1.5 of Division 5 of the Food and Agricultural Code, Article 7 of Chapter 11 of Division 2 of Business and Professions Code, or Chapter 8 of Division 2 of Title 3 of the California Code of Regulations, with the intent to deceive.

(5) Any act or omission that would have constituted grounds for the denial of a facility license or product registration application.

(6) ~~Willful or repeated~~ Failure to pay any administrative penalties assessed by the Department.

(b) Proceedings for the suspension or revocation of a license or product registration shall be conducted as a formal hearing in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) The Department shall send written notice of a proposed suspension or revocation of a facility license or product registration. This notice shall include:

(1) The date the proposed suspension or revocation is issued;

(2) The reasons for the proposed suspension or revocation;

(3) The effective date of the proposed suspension or revocation;

(4) The impact of a suspension or revocation on future eligibility for registration including conditions for reinstatement, which shall be determined by the Department based on the demonstrated pattern of violations described in subsections (a)(1) through (a)(5) of this section; and

(5) The right to request a formal hearing within 30 calendar days of the date the proposed suspension or revocation was issued.

(A) A request for a formal hearing shall be submitted in writing to the California Department of Food and Agriculture, Legal Office of Hearings and Appeals, 1220 N Street, Suite 315, Sacramento, California 95814.

(d) The notice of adverse determination shall remain in effect pending the outcome of a formal hearing.

Note: Authority cited: Sections 407, 9166, 9245, 9251 of Food and Agricultural Code.

Reference: Sections 9210, 9221, 9222, 9241, 9244, 9252, 9253, 9266 of Food and Agricultural Code. Section 4920.6 of Business and Professions Code. Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

2) Amend Section 839 of Article 14, Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 839. Administrative Penalty Schedules.

(a) Failure to comply with the provisions of Division 5 (commencing with section 9101) of the Food and Agricultural Code, and any regulations adopted pursuant to Division 5, excluding any regulation adopted pursuant to Food and Agricultural Code sections 10781-10786, constitutes a violation and 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 as authorized by section 9166 of the Food and Agricultural Code.

- (b) The Department shall use the provisions of this section to determine the violation class, severity of the violation, and amount of the penalty. One instance of conduct may result in multiple violations.
- (c) For purposes of this section, violations are classified as “serious,” “moderate,” or “minor”. Repeat violations may result in an escalation of violation class and/or penalty. Escalation of penalties will apply for a revolving three-year period from the date of each unique section code violation.
- (d) Table “A” Administrative Violation Classification Schedule shall be used by the Department and provides the level of severity of a particular violation and the corresponding penalty range for “serious”, “moderate”, and “minor” violation classes for violations pursuant to subsection (a) of this section.
 - 1. “Serious”. Violations that occur recklessly or negligently, or where the risk for spreading animal disease or causing contamination poses an imminent threat to animals, animal products, public health, the environment, or the economy, or violations that resulted, or reasonably could have resulted in the introduction or spread of an animal disease; or interferes with the Department's efforts to mitigate the introduction or spread of animal diseases including animal disease traceability. Serious violations are punishable by an administrative penalty from five hundred one dollars (\$501) to one thousand dollars (\$1,000).
 - 2. “Moderate”. Violations in which there is a potential for spreading animal disease or causing contamination, or could pose a threat to animals, animal products, public health, the environment, or the economy; or effects the Department's efforts to mitigate the introduction or spread of animal diseases including animal disease traceability. Moderate violations are punishable by an administrative penalty from three hundred one dollars (\$301) to five hundred dollars (\$500).
 - 3. “Minor”. Violations that are unintentional or have minimal risk of spreading animal disease or causing contamination or are unlikely to pose a threat to animals, animal products, public health, the environment, or the economy; or interferes minimally with the Department's efforts to mitigate the introduction or spread of animal diseases including animal disease traceability. Minor violations are punishable by an administrative penalty from one hundred dollars (\$100) to three hundred dollars (\$300).
- (e) Failure to comply with any regulations adopted pursuant to Food and Agricultural Code sections 10781-10786, constitutes a violation and is subject to an administrative penalty not to exceed one hundred dollars (\$100) per

individual animal as authorized by section 10786(a) of the Food and Agricultural Code.

- (f) Table “B” Administrative Violation Schedule shall be used by the Department to determine the severity of the violation and amount of the penalty for violations pursuant to subsection (e) of this section. One instance of conduct may result in multiple violations.
- (g) When determining the penalty for any violation of Division 5 (commencing with section 9101) of the Food and Agricultural Code and any regulations adopted pursuant to Division 5, the Department shall consider any aggravating or mitigating factors. The penalty assessed shall represent a totality of the circumstances; the greater risk or recalcitrance of the violator will place the assessed penalty progressively higher within the range. Cooperation, risk mitigation, and severity of the violation will be considered and will place the penalty at the lower end of the range. The Department shall assess each violation utilizing the following risk categories:
 - 1. Risk to animal health: A low risk to animal health is one where there is de minimis risk for animal disease to be introduced by an animal, animal product, or activity into pathways that negatively impact animals or leads to the spread of disease. A high risk is one where there is an imminent risk for animal disease to be introduced by an animal, animal product, or activity into pathways that negatively impact animals or leads to the spread of disease; or the event has resulted, or reasonably could have resulted in the introduction or spread of an animal disease.
 - 2. Risk to public health and/or food supply: A low risk to public health and/or food supply is one where the event or occurrence poses de minimis risk and only under irregular conditions could there be any possibility of an illness or contamination and all reasonable precautions have been taken. A high risk to human health or food supply is one where the event or occurrence poses significant risk and harm, has occurred or is likely to occur, and the violator knew or should have known that the event or activity would result in a risk to public health and food supply or the violator acted recklessly.
 - 3. Risk to the environment and/or economy: A low risk to the environment and/or the economy is one where there is a de minimis risk and only under irregular conditions could there be any possibility of an economic loss or contamination and all reasonable precautions have been taken. A high risk to the environment and economy is one where the risk is imminent or has occurred on multiple occasions and the violator knew or

should have known that the event or activity would result in risk to the economy and/or environment or the violator acted recklessly.

4. Cooperation of the violator: The Department shall consider whether the violator has been non-responsive, recalcitrant or deceptive. The violation can be mitigated by compliance and subsequent remedial measures.
5. Quarantine (Notice of Action Pursuant to Quarantine): It shall be considered high risk to animal health, public health, the environment, and/or the economy when there is any violation of quarantine as defined in Section 751(a)(25).

Table “A” Administrative Violation Classification Schedule					
<i>Food & Agricultural Code</i>	<i>Title 3 California Code of Regulations</i>	<i>Description of Violation</i>	<i>Minor \$100-\$300</i>	<i>Moderate \$301-\$500</i>	<i>Serious \$501-\$1000</i>
9101		Failure of any person designated in this section to report to the Department 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 under Monitored Conditions within thirty (30) days as specified in the “List of Reportable Conditions for Animals and Animal Products”	1 st violation	2 nd violation & subsequent	
9101		Failure of any person designated in this section to report to the Department 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 under		1 st & 2 nd violation	3 rd violation & subsequent

		Regulatory Conditions within forty-eight (48) hours as specified in the “List of Reportable Conditions for Animals and Animal Products”			
9101		Failure of any person designated in this section to report to the Department 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 under Emergency Conditions within twenty-four (24) hours as specified in the “List of Reportable Conditions for Animals and Animal Products”			Any violation
9161	1300.11(b)	Failure of any person receiving livestock which may be manifesting any disease condition specified in section 1300.1(a) or which were transported into California with a permit required by section 1300.1 to do any of the following: 1) notify the Department 2) segregate animals 3) hold animals 4) dispose of animals in accordance with article 2 or 5) prepare and maintain records of the transactions involving the animals			Any violation
9161	1300.12	Failure of any person receiving livestock under			Any violation

		the provisions of section 1300.11 to sell, transfer, transport, or otherwise dispose of as required by section 1300.12			
9164		Any person that removes or causes to be removed any livestock from slaughterhouse pens, yards, corrals, or similar holding places where livestock is held for immediate slaughter without a permit except directly into the slaughterhouse		1st violation	2 nd violation & subsequent
9210		No person shall engage in the production of animal blood or blood component products for retail sale or distribution except in commercial licensed blood bank for animals licensed by the secretary			Any violation
9241		<u>No person shall offer for sale or use any biologic unless it is manufactured pursuant to the terms of a valid license or permit issued by the US Department of Agriculture;</u> No person shall offer for sale or use any biologic unless it is manufactured pursuant to the terms of a valid license or permit issued by the US Department of Agriculture; or blood or blood component product unless it is produced in an			<u>Any violation</u> Any violation

		establishment licensed by the secretary			
9351		Any person that willfully sells, except for immediate slaughter, or exposes other livestock not so infected, to any cattle which have or are infected with the Boophilus annulatus tick			Any violation
9352		Any person that knowingly sells any sheep or cattle infected with scabies, or to expose them in such a manner as may infect other sheep or cattle which are not infected with scabies			Any violation
9561	760.2(g)	Failure to transport all animals directly and without delay to the destination stated on the Certificate of Veterinary Inspection	1 st & 2 nd violation	3 rd violation & subsequent	
9561	760.3(h)	Failure to transport all animals directly and without delay to the destination stated on the Interstate Livestock Entry Permit	1 st & 2 nd violation	3 rd violation & subsequent	
9561	760.4	Failure to meet the following entry requirements for Rams ≥ six (6) months of age 1) official individual identification 2) negative official test for Brucella ovis within 60 days before entry or be from a Brucella ovis-free flock unless exempt by section 760.4(a)(2)(A), 3)	1 st violation	2 nd violation & subsequent	

		Certificate of Veterinary Inspection			
9561	760.5(a) & (b)	Failure to meet the following entry requirements for all animals imported into California 1) Interstate Livestock Entry Permit unless exempt by 760.5(a) 2) official identification	1 st & 2 nd violation	3 rd violation & subsequent	
9561	760.5(c)	A missing Certificate of Veterinary Inspection for all sexually intact breeding animals imported into California			
9561	760.5(d)	Failure to meet the following entry requirements for all animals imported into California for exhibition 1) official identification 2) Certificate of Veterinary Inspection 3) Interstate Livestock Entry Permit	1 st violation	2 nd violation & subsequent	
9561	760.6(a)	Missing official identification for all animals changing ownership in California unless exempt by section 760.6(a)	1 st violation	2 nd violation & subsequent	
9561	760.6(b)	Missing official identification for exhibition animals	1 st violation	2 nd violation & subsequent	
9561	821.4(b)	Failure to obtain a Certificate of Veterinary Inspection for poultry imported into California unless exempt by 821.4(b)	1 st violation	2 nd violation & subsequent	
9561	1301.1(g)	Failure of an owner to segregate or isolate the population of animals or			Any violation

		animal product no later than the date and time and by the method determined by the State Veterinarian as specified in a Notice of Required Action Pursuant to Quarantine			
9561	1301.1(h)	Failure of an owner to treat the population of animals or animal product no later than the date and time and by the method determined by the State Veterinarian as specified in a Notice of Required Action Pursuant to Quarantine			Any violation
9561	1301.8(a)(2)	The owner refuses to permit or interferes with an inspection of a population of animals or animal product or the premises to ascertain compliance of a Notice of Required Action Pursuant to Quarantine			Any violation
9561	1301.8(a)(3)	The owner fails to cooperate with or interferes with an epidemiological investigation			Any violation
9561	1301.8(a)(4)	The owner fails to complete or cooperate with an epidemiological investigation, plan of action or eradication program to control or eliminate a condition			Any violation
9563	1301.1(e)	Owner moves a population of animals or animal product from a quarantine premises			Any violation

9563	1301.1(f)	Failure of an owner to move a population of animals or animal product to a location specified by the State Veterinarian no later than a date and time and by the method determined by the State Veterinarian as specified in a Notice of Required Action Pursuant to Quarantine			Any violation
9570	1300.1	Failure to obtain a permit for transporting diseased animals into California			Any violation
9641.5(a)(1)		Failure to obtain a certificate of health from the state of origin issued by an accredited veterinarian for any horse or other Equidae brought into this State unless exempt by section 9641.6	1 st violation	2 nd violation & subsequent	
9641.5(a)(2)		Any horse or other Equidae brought into this state without verification that the horse or other Equidae has been tested within the preceding twelve (12) months and found negative to a test for Equine Infectious Anemia unless exempt by section 9641.5(b).		1 st violation	2 nd violation & subsequent
9694	1301.1(i)	Failure of an owner to cooperate with the State Veterinarian to destroy and dispose of the remains of the population of animals or animal product no later than the date and time and by the method determined by			Any violation

		the State Veterinarian as specified in the Notice of Required Action Pursuant to Quarantine			
9695		It is unlawful for any person to hide, secrete, or failure 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			Any violation
9696		It is unlawful for any person to fail or refuse to dispose of any property destroyed in the manner prescribed by the State Veterinarian when directed or required to do so			Any violation
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			Any violation
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			Any violation

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			Any violation
9702		It is unlawful for the operator of any vehicle to fail to stop upon demand of a clearly identified animal health quarantine officer when ordered to stop for having reasonable cause to believe a violation of quarantine is occurring			Any violation
10325	831(b)(3)(B)(1)	Failure of any state licensed veterinarian to submit a Report of Heifers Spayed After Arrival within seven (7) days after spaying	1 st & 2 nd violation	3 rd violation & subsequent	
10326	753.2(b)	Cattle or bison, excluding steers and identified spayed females, from areas under brucellosis quarantine by the federal government, state, or country of origin shall not be allowed to enter California			Any violation
10326	755.4(c)(2)(A)	Mexico origin sexually intact cattle more than six (6) months of age without a negative official tuberculosis and brucellosis test completed within 60 calendar days prior to entering California from Mexico		1 st violation	2 nd violation & subsequent

10326	831(b)(2)	Brucellosis vaccination age, non-brucellosis vaccinated dairy calves, native to their state of origin, who was issued a Special Entry Permit, but was not brucellosis vaccinated within fourteen (14) calendar days after arrival by a contract veterinarian	1 st & 2 nd violation	3 rd violation	4 th violation & subsequent
10326	831(b)(3)	Non-brucellosis vaccinated heifers native to a Minimal Risk State, issued a Special Entry Permit, not spayed within six (6) months after arrival by a California state-licensed veterinarian	1 st & 2 nd violation	3 rd violation	4 th violation & subsequent
10327	753.1(c)(1)	Failure to meet entry requirements for dairy breed female cattle more than four (4) months of age required to have official brucellosis calfhood vaccination, indicated by the presence of legible official calfhood brucellosis vaccination tattoo unless exempt by sections 753.1(c)(2) or (c)(3)	1 st violation	2 nd violation & subsequent	
10351	752(a)(1)	Failure to have female dairy calves vaccinated against brucellosis with an approved vaccine between the ages of four (4) through twelve (12) months	1 st violation	2 nd violation & subsequent	
10352	752(a)(4)	Failure to report the use of all vaccines for brucellosis calfhood vaccination and eartags	Any violation		

		used for identification to the Animal Health Branch within fourteen (14) calendar days			
10610	753	No person shall move, or cause to be moved, from one location to another within California or receive, or cause to be received, any female cattle of the dairy breeds unless they bear evidence of official brucellosis vaccination	1 st violation	2 nd violation	3 rd violation
10610	755.4(b)	Cattle that have been in Mexico and are forty (40) percent or more dairy breed in appearance of genetics shall not be imported into California			Any violation
10610	758(b)(1)	Cattle, bison, goats and cervids more than six (6) months of age missing a negative official tuberculosis test completed within sixty (60) calendar days prior to entering California unless exempt by section 758(c)		1 st violation	2 nd violation & subsequent
10610	820.3(a)	Failure to meet entry requirement for non-virgin bulls less than eighteen (18) months of age and bulls eighteen (18) months of age and over must have a negative DNA detection or amplification-based trichomonosis test result within sixty (60) calendar days prior to entry into		1 st violation	2 nd violation & subsequent

		California unless exempt by section 820.3(d)			
10610	820.3(b)	Failure of any bull originating from a herd in which trichomonosis has been diagnosed within the past twenty four (24) months to have 1) two (2) negative trichomonosis tests conducted on specimens collected at least seven (7) calendar days apart but not more than 28 calendar days apart, with the last test conducted within sixty (60) calendar days prior to entry and 2) Certificate of Veterinary Inspection that states the requirements in subsections (a)(2) and (b)(1) have been met		1 st & 2 nd violation	3 rd violation & subsequent
10610	820.4(c)	Failure of non-virgin bulls less than eighteen (18) months of age and bulls eighteen (18) months of age and over changing ownership to be accompanied by a negative DNA detection or amplification-based trichomonosis test within sixty (60) calendar days prior to sale unless exempt by section 820.4(c)(1)		1 st violation	2 nd violation & subsequent
10610	820.4(c)(1)(E)(2)	Bulls may be exempt from trichomonosis test when sold to a buyer entering into a Bull Slaughter Agreement. Failure to follow the agreement	1 st violation	2 nd violation & subsequent	

		requirements at change of ownership as outlined in section 820.4(c)(1)(E)(2)			
10610	820.4(d)	Failure of a Public saleyards to post a sign or notice containing the statement “Non-virgin bulls less than 18 months of age and all bulls 18 months of age and over sold for breeding must have a negative trichomonos test or be consigned as slaughter only”	Any violation		
10610	830.3(g)	All animals not transported directly and without delay to the destination stated on the Certificate of Veterinary Inspection	1 st & 2 nd violation	3 rd violation	4 th violation & subsequent
10610	830.4(g)	All animals must be transported directly to the destination stated on the Interstate Livestock Entry Permit	1 st & 2 nd violation	3 rd violation	4 th violation & subsequent
10610	831(a)(1)	Owners of beef breeding herds moving their herd to another state for pasture and to return to California after out of state pasture without a Pasture to Pasture Permit	1 st & 2 nd violation	3 rd violation	4 th violation & subsequent
10610	831(a)(2)	Owners moving cattle to enter California for a one-time event, or return to California at the conclusion of a one-time event in another state, without a One-Time Event Permit	1 st & 2 nd violation	3 rd violation	4 th violation & subsequent

10610	831(b)(4)	Failure to meet requirements of a Special Entry Permit issued for entry of cattle for feeding at a terminal feedlot or moved into slaughter pens by the owner or agent of the owner		1 st violation	2 nd violation & subsequent
10610	831(b)(5)	Failure to meet requirements of a Special Entry Permit for entry of heifers under eighteen (18) months of age for feeding at a registered feedlot by the owner or agent of the owner		1 st violation	2 nd violation & subsequent
10610	831.2(c)(1)	Removal of official identification devices is prohibited except at the time of slaughter, at any other location upon the death of the animal, or as otherwise approved by the Department or USDA when a device needs to be replaced	1 st violation	2 nd violation & subsequent	
10610	831.2(g)	Official identification devices are not to be sold or otherwise transferred from the premises to which they were originally issued to another premises without authorization by the Department or USDA	1 st & 2 nd violation	3 rd violation & subsequent	
10610	831.3(a)	Cattle and bison listed in subsections (1)-(7) of section 831.3 (a) without official identification before entering California using an official identification device or method as provided in	1 st violation	2 nd violation & subsequent	

		section 831.2(a), unless exempt by section 831.3(b)			
10610	831.4(a)	Cattle and bison moved into California without a Certificate of Veterinary Inspection pursuant to section 830.3, unless exempt by 831.4(a)	1 st violation	2 nd violation & subsequent	
10610	831.4(d)	Cattle and bison without an Interstate Livestock Entry Permit in accordance with section 830.4, unless exempt by section 831.4(d)	1 st violation	2 nd violation & subsequent	
10610	831.5(a)	Dairy cattle born in California after January 1, 2017 not officially identified as provided in section 831.2(a) prior to leaving their birth premises, unless exempt by section 831.5(a)	1 st violation	2 nd violation & subsequent	
10610	831.5(b)	Dairy cattle without official identification when changing ownership, unless exempt by section 831.5(b)	1 st violation	2 nd violation & subsequent	
10610	831.5(c)	Non-virgin sexually intact male cattle less than eighteen (18) months of age and sexually intact male cattle eighteen (18) months of age and over without individual official identification prior to change of ownership, unless exempt by section 831.5(c)	1 st violation	2 nd violation & subsequent	
10610	831.5(d)	Beef breed female cattle moving to recognized slaughtering	1 st & 2 nd violation	3 rd violation & subsequent	

		establishments without being officially identified in accordance with section 831.2(a) or have a USDA approved backtag			
10610	831.5(d)(1)	Failure to correlate USDA approved backtags to an owner	1 st violation	2 nd violation & subsequent	
10610	837(a)	Failure of any USDA accredited and state licensed veterinarians issuing Certificates of Veterinary Inspection to maintain the Certificates of Veterinary Inspection with supporting documents for (5) five years	1 st & 2 nd violation	3 rd violation & subsequent	
10610	837(b)	Failure of approved livestock facilities, approved tagging sites, registered feedlots and livestock markets to keep Certificates of Veterinary Inspection or alternate documentation with supporting documents required for the movement of livestock entering the facility for five (5) years	1 st & 2 nd violation	3 rd violation & subsequent	
10610	837(c)	Failure of approved licensed dealers to keep an individual identification record for each animal sufficient to identify the animal, seller and buyer, and Certificates of Veterinary Inspection or alternate documentation with supporting documents for	1 st & 2 nd violation	3 rd violation & subsequent	

		the movement of livestock for five (5) years			
10610	837(e)	Failure to keep documents recording intrastate movements as required by the owner of the animal for five (5) years	1 st & 2 nd violation	3 rd violation & subsequent	
10610	837(f)	Failure of USDA accredited and state-licensed veterinarians or other persons or entities distributing official eartags or any person applying official eartags to animals on behalf of the owner to maintain for five (5) years a record, including but not limited to, the names and addresses of anyone to whom the devices were distributed or the owner of the animals, official eartag numbers of the devices distributed or applied, and the date of distribution or application	1 st & 2 nd violation	3 rd violation & subsequent	
10610	837(l)	Failure of any person applying USDA approved backtags to animals to maintain for five (5) years a record, including but not limited to, the names and addresses of the owner of the animals, backtag numbers applied, and the date of application	1 st & 2 nd violation	3 rd violation & subsequent	
10610	1302.2	Failure of any applicant to comply with the requirements for		1 st & 2 nd violation	3 rd violation & subsequent

		approved terminal feedlots			
10610	1302.3	Failure of any applicant to comply with requirements of a Slaughter Pen status		1 st & 2 nd violation	3 rd violation & subsequent
10951	794.1	It is unlawful for any person to feed swine any garbage unless the garbage has been processed in accordance with CCR section 794.1	1 st violation	2 nd violation	3 rd violation & subsequent
18727	1300.14	Failure to maintain records for a period of two (2) years after the date of receipt of the animals		1 st & 2 nd violation	3 rd violation & subsequent

Table “B” Administrative Violation Schedule

Food & Agricultural Code	Title 3 California Code of Regulations	Description of Violation	Penalty
10781	796.4(b)	Swine imported into California for any purpose, except slaughter, without 1) Certificate of Veterinary Inspection 2) Official identification 3) Interstate Livestock Entry Permit 4) negative test result to official pseudorabies test within thirty (30 days) prior to entry unless exempt by section 796.4(d)	\$25-\$100 per animal
10781	796.5(b)	Swine imported into California for any purpose, except slaughter, without 1) Certificate of Veterinary Inspection 2) Interstate Livestock Entry Permit 3) official identification and 4) for sexually intact swine over four (4) months of age, a negative test result to an official brucellosis test within thirty (30) days prior to	\$25-\$100 per animal

		entry unless exempt by section 796.5(d)	
10781	796.2(g)	All animals were not transported directly and without delay to the destination stated on the Certificate of Veterinary Inspection	\$25-\$100 per animal
10781	796.3(h)	All animals were not transported directly and without delay to the destination stated on the Interstate Livestock Entry Permit	\$25-\$100 per animal
10781	796.6(b)	Swine imported for immediate slaughter at a state or federally inspected slaughter without 1) Interstate Livestock Entry Permit and 2) official identification and 3) being unloaded at the slaughter facility within twenty-four (24) hours after entering California without diversion and 4) being slaughtered within 14 days of importation	\$25-\$100 per animal

Authority cited: Sections 9166 and 10786, Food and Agricultural Code.

Reference: Sections 9101, 9161, 9164, 9210, 9241, 9351, 9352, 9561, 9563, 9570, 9641.5(a)(1), 9641.5(a)(2), 9694, 9695, 9696, 9697, 9698, 9699, 9702, 10325, 10326, 10327, 10351, 10352, 10610, 10951, 18727 and 10781, Food and Agricultural Code.