

1721.0090 COMMUNITY SALES.**Subpart 1. Permits.**

A. A person may not operate or conduct a community sale of livestock in Minnesota unless the person has obtained an annual or single sale permit from the board.

B. An annual permit may be issued to a sale manager who holds regularly scheduled livestock sales throughout the year at a specified location.

C. A permit may be issued for a single community sale upon receipt of a completed application which specifies the date and the location of the sale.

D. Violations of Minnesota Statutes, chapter 35, or board rules by an applicant or permit holder shall constitute grounds for the board to deny an application for an annual or single sale permit or to revoke such a permit. The board shall notify the applicant or permit holder of the right to appeal the board's initial determination under the Administrative Procedure Act, Minnesota Statutes, chapter 14.

E. Prior to issuance of a permit, the sales premises shall be subject to inspection by a representative of the board to determine compliance with subparts 3 and 4.

F. For sales where the presence of an official veterinarian is required, an accredited veterinarian must be designated by the sale manager and authorized by the board to act as its representative prior to issuance of a permit.

Subp. 2. Requirement for an official veterinarian. An accredited veterinarian authorized by the board must be present at each community sale of livestock and perform the duties in subpart 6.

Subp. 3. Requirements for sale premises. Sale premises must meet the following standards:

A. sales rings, alleys, loading and veterinary chutes, livestock pens, and all other buildings and structures located on the sales premises must be well-constructed and maintained in good repair;

B. facilities for inspection of livestock must be well-lighted;

C. the premises must be maintained in a reasonably clean and sanitary condition at all times;

D. the water supply must be clean, adequate, and operate under pressure; and

E. feed and water containers must be metal, concrete, plastic, or constructed of other impervious material that can be readily cleaned and disinfected.

Subp. 4. Additional requirements for state-approved and state-federal approved livestock markets. In addition to the requirements specified in subpart 3, state-approved and state-federal approved livestock markets must meet the following requirements:

- A. sales rings, alleys, testing chutes, and pens must be paved with cement or other impervious materials; and
- B. facilities must be provided for testing and examining livestock.

Subp. 5. Responsibilities of sale managers. At each community sale, the sale manager shall:

- A. retain the services of an official veterinarian;
- B. not permit the sale of livestock until they have been inspected and found free from clinical signs of infectious, contagious, or communicable disease by the official veterinarian;
- C. refuse to accept livestock for sale when so ordered by the official veterinarian;
- D. submit certificates of veterinary inspection from all animals originating from outside of Minnesota for which a certificate of veterinary inspection is required to the official veterinarian for their approval before the animals are sold;
- E. ensure that affidavits of slaughter are completed and signed as outlined in subpart 8;
- F. ensure that livestock sold to persons in other states leave the sale with a certificate of veterinary inspection;
- G. refuse to accept animals originating in other states for consignment unless they meet all Minnesota import requirements;
- H. ensure that all livestock at the sale are identified as required by the board before being offered for sale;
- I. ensure that all livestock at the sale are tested as required by the board before being offered for sale; and
- J. maintain records as described in subpart 10.

Subp. 6. Responsibilities of the official veterinarian. As a representative of the board, the official veterinarian shall perform the following duties for each community sale:

- A. prohibit the sale of any animal that, in the veterinarian's opinion, is affected with or shows clinical signs of infectious, contagious, or communicable disease;
- B. examine the certificate of veterinary inspection for each animal for which a certificate of veterinary inspection is required and prohibit the sale of the animal if the certificate of veterinary inspection does not meet the requirements of the board;

- C. ensure that all livestock offered for sale are tested as required by the board;
- D. ensure that any animal originating from outside the state meets all of Minnesota's import requirements and prohibit the sale of animals which do not meet Minnesota's import requirements;
- E. write certificates of veterinary inspection for animals moving interstate when required;
- F. ensure that all livestock at the sale are identified as required before being offered for sale;
- G. maintain tagging records as outlined in part 1721.0030, subpart 4;
- H. remove official slaughter back tags when requested in accordance with subpart 9;
- I. issue USDA veterinary services form 1-27, Permit for Movement of Restricted Animals, when required by the board; and
- J. report immediately to the board any violation of board rules.

Subp. 7. Exemption for intrastate poultry-only sales. Subparts 2, 3, 5, and 6 do not apply to a community sale that meets all of the following conditions:

- A. the only livestock handled at the community sale are poultry or ratites;
- B. poultry, ratites, or hatching eggs that originate from flocks in other states are not allowed at the sale;
- C. poultry, ratites, or hatching eggs are not allowed to leave the sale for destinations in other states; and
- D. the sale manager must ensure that the requirements in part 1721.0310 are met.

Subp. 8. Affidavits required for breeding cattle sold for slaughter. A slaughter affidavit must be signed by the buyer of breeding cattle sold for slaughter. In the affidavit a buyer must designate the name of the slaughter establishment, state-federal approved livestock auction market, or slaughter-only handling facility to which the cattle will be moved and certify that the cattle will be moved directly from the community sale to the designated slaughter establishment, state-federal approved livestock auction market, or slaughter-only handling facility with no diversion to farm or ranch.

Subp. 9. Removal of official slaughter back tags from slaughter cattle. Removal of official back tags from slaughter cattle is prohibited unless the official veterinarian examines the cattle, completes a slaughter tag removal form, and ensures that:

- A. each animal is officially identified;

B. all official tag numbers for each animal are recorded on a form approved by the board;

C. each animal meets all testing and movement requirements; and

D. sale records allow the animal to be traced back to the herd of origin.

Subp. 10. Records.

A. The sales management shall maintain records as described in subitems (1) to (5):

(1) a record of each animal handled at the community sale which consists of:

(a) species, sex, and type of animal;

(b) the origin and destination of the livestock and name and address of both consignor and consignee;

(c) the official identification number of all livestock required to be identified correlated with the origin and destination of the livestock and name and address of both consignor and consignee; and

(d) date of transaction;

(2) tagging records for any animal to which official identification is applied at the community sale as outlined in part 1721.0030, subpart 4;

(3) copy of the veterinarian's identification and tagging records;

(4) affidavits of slaughter; and

(5) slaughter tag removal forms.

B. Except as noted in item C, records outlined in item A must be submitted to the board within five days of the completion of the sale.

C. The records outlined in item A may be maintained on site at the following entities:

(1) state-federal approved livestock markets;

(2) state-approved livestock markets; and

(3) annually permitted sales which have been approved by the board to maintain records on site.

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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