

**CHAPTER 1721**  
**BOARD OF ANIMAL HEALTH**  
**ANIMAL HEALTH**

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#### **GENERAL PROVISIONS**

#### **1721.0010 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of this chapter, the terms in this part have the meanings given them.

Subp. 2. **Accredited veterinarian.** "Accredited veterinarian" means a veterinarian approved by the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, or its successor, to perform functions required by cooperative state-federal disease control and eradication programs.

Subp. 3. **APHIS.** "APHIS" means the Animal and Plant Health Inspection Service, a division of the United States Department of Agriculture.

Subp. 4. **Baby poultry.** "Baby poultry" means newly hatched poultry that have not been fed or watered.

Subp. 5. **Board.** "Board" means the Board of Animal Health or its authorized agents.

Subp. 6. **Breeding cattle.** "Breeding cattle" means all cattle except:

- A. heifers of beef breed less than 18 months of age maintained for feeding purposes;
- B. bulls under ten months of age maintained for feeding purposes; and
- C. steers and spayed heifers.

Subp. 7. **Breeding swine.** "Breeding swine" means swine of any age that are maintained for the purpose of producing offspring, including all intact boars and sows.

Subp. 8. **Buying station.** "Buying station" means a stockyard or concentration point, other than a public stockyard, at which livestock are bought and sold or assembled for shipment to a packing plant or a public stockyard, or graded or weighed for the purpose of establishing a basis for sale or reshipment.

Subp. 9. **Cattle.** "Cattle" means both bison and cattle.

Subp. 10. **Certificate of veterinary inspection.** "Certificate of veterinary inspection" means a certificate issued by an accredited veterinarian on a form approved by the board for movement of animals.

Subp. 11. **Cervidae.** "Cervidae" means animals that are members of the family Cervidae and includes, but is not limited to, white-tailed deer, mule deer, red deer, elk, moose, caribou, reindeer, and muntjac.

Subp. 12. **Chicken.** A "chicken" is a bird of the order Galliformes genus *Gallus* raised in captivity.

Subp. 13. **Commingled animals.** "Commingled animals" means animals that have direct contact with each other or share equipment, pasture, or water.

Subp. 14. **Community sales.** "Community sales" means the public sale of livestock or poultry for purposes other than immediate slaughter, from any location in Minnesota where two or more persons who own livestock offer the livestock for public sale. "Community sales" includes regularly scheduled livestock auction markets, consignment sales of livestock, and street markets of livestock.

Subp. 15. **Compendium.** "Compendium" means the Compendium of Animal Rabies Prevention and Control 2011 and subsequent revisions and is incorporated by reference. The compendium is written and published by the National Association of State Public Health Veterinarians. The compendium is reviewed and revised frequently and serves as a basis for animal rabies prevention and control programs throughout the United States. A current version of the document is readily available through the Internet at <http://www.nasphv.org> or from the board upon request.

Subp. 16. **Currently vaccinated for rabies.** "Currently vaccinated for rabies" means an animal is:

- A. vaccinated for rabies in accordance with these rules and the Compendium; and
- B. not overdue for a rabies booster vaccination as recommended in Part III of the Compendium, and the proof of rabies vaccination is available.

Subp. 17. **Dealer.** "Dealer" means a person, including a packing company, engaged in the business of buying or selling livestock on a regular basis for the person's own account or for the account of others. "Dealer" does not include a person or persons engaged in the business of farming when purchasing livestock for breeding or herd replacement purposes or feeding programs or when selling the livestock that person has owned and raised, fed out, or fattened for slaughter in that person's specific farming program.

Subp. 18. **Deer.** "Deer" means all ruminant mammals forming the family Cervidae.

Subp. 19. **Disease control zone.** "Disease control zone" means a geographic area where the movement of animals into, within, and out of the zone is restricted to prevent the spread of disease.

Subp. 20. **Exhibition.** "Exhibition" means bringing livestock or poultry owned by two or more persons to one location in Minnesota for judging or for display to the public, except when there is only one animal of each species exhibited.

Subp. 21. **Feeder swine.** "Feeder swine" means immature swine that are bought, sold, loaned, or leased for feeding rather than breeding purposes until sold to slaughter. Feeder swine does not include postparturient sows or intact boars.

Subp. 22. **Feral swine.** "Feral swine" means swine that live in the wild.

Subp. 23. **Game birds.** "Game birds" means any of a diverse group of birds that includes, but is not limited to, pheasants, partridge, quail, guinea fowl, and grouse raised in captivity.

Subp. 24. **Hatching eggs.** "Hatching eggs" means fertilized eggs produced for the purpose of incubating and hatching baby poultry.

Subp. 25. **Herd.** "Herd" means a group of animals maintained on common ground for any purpose, or two or more groups of animals under common ownership or supervision, geographically separated, but which have an interchange or movement of animals without regard to whether the animals are infected with or exposed to disease. If a herd owner receives animals from or moves animals to an entity in which the herd owner has a material ownership interest, the entity must be considered part of the herd owner's herd for purposes of animal movement.

Subp. 26. **Horse.** "Horse" means an animal that is a member of the family Equidae including, but not limited to, horses, asses, mules, ponies, donkeys, burros, and zebras.

Subp. 27. **Isolation.** "Isolation" means maintenance of animals in a manner that will ensure that the animals have no physical contact with other domestic animals on the premises and all drainage of organic waste from the animal is handled to prevent it from having contact with any other animals.

Subp. 28. **Live bird market.** "Live bird market" means a slaughter establishment at which live poultry are gathered, kept, sold, and subsequently slaughtered on site.

Subp. 29. **Official back tag.** "Official back tag" means a back tag that has been approved by the USDA or the board for identifying livestock moving through slaughter channels.

Subp. 30. **Official ear tag.** "Official ear tag" means an ear tag that has been approved by the board for official identification in a particular species.

Subp. 31. **Official identification.** "Official identification" means identification of livestock in a manner approved by the board.

Subp. 32. **Official laboratory.** "Official laboratory" means a laboratory authorized by the board to test livestock.

Subp. 33. **Owner.** "Owner" means a person or entity that owns or is responsible for an animal.

Subp. 34. **Poultry.** "Poultry" means livestock that are turkeys, chickens, waterfowl, and game birds raised in captivity, excluding pigeons and doves.

Subp. 35. **Premises.** "Premises" means a distinct tract of land including buildings and other appurtenances located on the land.

Subp. 36. **Ratites.** "Ratites" means any of a diverse group of large flightless birds that have no keel on their sternum and includes, but is not limited to, ostriches, emus, rheas, and cassowaries, raised in captivity.

Subp. 37. **Reportable animal diseases.** "Reportable animal disease" means a disease included on the board's list of reportable animal diseases.

Subp. 38. **Slaughter animals.** "Slaughter animals" means animals in channels of trade moving to a recognized slaughtering establishment with no diversion to farm, ranch, or other location.

Subp. 39. **Slaughter-only classes.** "Slaughter-only classes" means livestock or poultry exhibition classes in which all animals from the class will be moved directly to slaughter from the exhibition premises and the entire class is kept isolated in a separate building from other livestock and poultry at the exhibition.

Subp. 40. **Slaughter-only handling facility.** "Slaughter-only handling facility" means a premises that has been permitted by the board in accordance with part 1721.0104 to receive and handle cattle that will be released only to a slaughtering establishment under federal inspection.

Subp. 41. **State-approved livestock market.** "State-approved livestock market" means a designated premises that has been approved and permitted by the board to conduct regularly scheduled livestock sales in Minnesota.

Subp. 42. **State-federal approved livestock market.** "State-federal approved livestock market" means a designated premises approved by the board and the USDA to conduct regularly scheduled livestock sales in accordance with Code of Federal Regulations, title 9, part 71.

Subp. 43. **Street market.** "Street market" means a place where livestock owned by two or more persons are offered for sale to the public without unloading the livestock from the transporting vehicles prior to completion of the sale.

Subp. 44. **Swine.** "Swine" means animals that are members of the genus and species *Sus scrofa*. The terms swine, pigs, and hogs may be used interchangeably and all refer to swine as defined.

Subp. 45. **Turkeys.** "Turkeys" are domesticated birds of the order Galliformes genus *Meleagris* raised in captivity.

Subp. 46. **USDA.** "USDA" means the United States Department of Agriculture.

Subp. 47. **Waterfowl.** "Waterfowl" are birds of the order Anseriformes raised in captivity.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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## 1721.0020 CONTROL OF ANIMAL DISEASES.

Subpart 1. **Animal identification.** The board shall require official identification of livestock when it is necessary to control or eradicate disease, follow the movement of livestock between locations, or determine which animals have been exposed to disease.

Subp. 2. **Quarantine and isolation.** The board shall quarantine and require isolation of any domestic animal infected with, exposed to, or which shows clinical signs of a contagious or infectious dangerous disease if it is necessary to protect the health of the domestic animals of the state. No person except the owner, attendants, or agent of the board shall enter any enclosures where quarantined and isolated livestock are being kept without prior approval of the board.

Subp. 3. **Vaccination.** In addition to the requirements in this chapter or Minnesota Statutes, chapter 35, the board shall require vaccination of animals if it is necessary to protect the health of the domestic animals of the state. This action shall be taken only on the affirmative vote of all five board members at a

regularly scheduled meeting of the board. Vaccination of animals is to be performed at the owner's expense unless state or federal funds are available for this purpose.

Subp. 4. **Cleaning and disinfection.** The board shall require the cleaning and disinfecting of premises or vehicles in a manner approved by the board when necessary to control the dissemination and transmission of diseases.

Subp. 5. **Testing.** In addition to the requirements in this chapter or Minnesota Statutes, chapter 35, the board shall require testing of animals to determine if the animals are infected with a disease agent if it is necessary to protect the health of the domestic animals of the state. This action shall be taken only on the affirmative vote of all five board members at a regularly scheduled meeting of the board. The board shall require tests to be performed by or under the direct supervision of an accredited veterinarian. All required tests must be completed by a date determined by the board. The owner is responsible for assembling, handling, and restraining the animals so they can be tested. Required tests must be performed at the owner's expense unless state or federal funds are available for this purpose.

Subp. 6. **Disease control zones.** In addition to the requirements in this chapter or Minnesota Statutes, chapter 35, the board shall designate disease control zones and determine their size and location if it is necessary to protect the health of the domestic animals of the state. This action shall be taken only on the affirmative vote of all five board members at a regularly scheduled meeting of the board. Within a disease control zone, the board may require owners of livestock to:

- A. report personal contact information and location of all livestock to the board;
- B. obtain a permit or movement certificate from the board prior to movement of livestock onto or off any premises;
- C. submit complete inventories of all livestock to the board as requested; and
- D. complete and follow the recommendations of a wildlife risk assessment conducted in a manner approved by the board.

Subp. 7. **Disease reporting.** A person who knows or reasonably suspects that an animal is infected with a disease listed on the board's reportable animal diseases list must immediately report that knowledge or suspicion to the board. The board's reportable animal diseases list is available through the Internet at <http://mn.gov/bah> or by calling the board office at 651-296-2942. Reports shall be made by calling the board office at 651-296-2942, the district veterinarian whose phone number is available through the Internet at <http://mn.gov/bah>, or the Minnesota duty officer at 1-800-422-0798.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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### **1721.0030 OFFICIAL EAR TAGS.**

Subpart 1. **Distribution and application.** Official ear tags may only be distributed and applied to animals in a manner approved by the board.

Subp. 2. **Additional ear tags.** If an animal is already identified with an official ear tag:

- A. an additional official ear tag of the same type may not be applied without prior permission from the board; and

B. an additional official ear tag of a different type may be applied if all official ear tag numbers are recorded on all official records required by the board.

Subp. 3. **Removal of official ear tags.** A person may not tamper with or remove official ear tags from an animal without the board's permission.

Subp. 4. **Records.** Persons who apply official ear tags to livestock must maintain records on each animal identified, including:

- A. the characters on or contained within the ear tag;
- B. characters on or contained within other official ear tags on the animal;
- C. species, sex, age, and type of animal;
- D. date of application; and
- E. name and address of the premises where the animal was identified.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0034 OFFICIAL BACK TAGS.**

Subpart 1. **Distribution and application.** Official back tags may only be distributed and applied to animals in a manner approved by the board.

Subp. 2. **Removal of official back tags.** A person may not tamper with or remove official back tags from an animal without the board's permission except in accordance with part 1721.0090, subpart 9.

Subp. 3. **Records.** A person who applies official back tags must maintain records on each animal identified, including:

- A. the characters on the back tag;
- B. date of application; and
- C. name and address of the premises where the animals originated.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0040 CERTIFICATES OF VETERINARY INSPECTION.**

A certificate of veterinary inspection must state that the animals described are not showing clinical signs of infectious, contagious, or communicable disease and that they meet movement requirements. A certificate of veterinary inspection must be submitted to the board within 14 days after the issue date and must contain:

- A. the number of animals in the shipment;
- B. the species, breed, age, and sex of each animal;
- C. official identification for each animal if required;



- D. the address and contact information for the premises of origin and the premises of destination;
- E. the results of any tests that are required by the board;
- F. the purpose for moving the animals;
- G. permit number if required; and
- H. any additional information required by the board.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0050 IMPORTATION OF LIVESTOCK.**

Subpart 1. **General restriction.** Animals showing clinical signs of an infectious, contagious, or communicable disease or that are quarantined for any disease or that are from a disease control zone may not be imported into the state without a permit from the board.

Subp. 2. **Certification of veterinary inspection.** Unless specifically exempted in this chapter or by the board, all birds and mammals imported into Minnesota must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0070 LIVESTOCK RECORDS.**

A person or entity required by the board to keep records on livestock must, upon request, make those records available to the board. Except where specified otherwise in this chapter, livestock records must be retained for at least five years.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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### **LIVESTOCK CONCENTRATION POINTS**

#### **1721.0080 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of parts 1721.0080 to 1721.0110, the terms in this part have the meanings given them.

Subp. 2. **Official veterinarian.** "Official veterinarian" means a licensed and accredited veterinarian authorized by the board to act as its representative at a community sale or exhibition.

Subp. 3. **Sales management.** "Sales management" means the persons organizing and conducting a community sale.

Subp. 4. **Sales premises.** "Sales premises" means the premises where a community sale is conducted including temporary or permanent sales rings, pens, and alleys for confining livestock prior to and after sale.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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## 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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### **1721.0100 PUBLIC EXHIBITION.**

Subpart 1. **Permits.** No person or entity shall conduct a public exhibition of livestock in the state unless the person or entity has obtained a permit from the board, except for:

- A. horse shows which are programmed to be completed within a period of 12 hours and at which horses are not stabled overnight;
- B. rodeos; or
- C. horse races which are held at a racetrack licensed by the Minnesota Racing Commission if a commission veterinarian performs the duties in subpart 4.

Subp. 2. **Requirement for an official veterinarian.** An official veterinarian must be present at each public exhibition of livestock for which a permit is required and perform the duties in subpart 4.

Subp. 3. **Responsibilities of exhibition managers.** The exhibition manager shall:

- A. retain the services of an official veterinarian;
- B. comply with all orders of the board or the official veterinarian pertaining to the sanitation of the premises and the health status of all livestock exhibited;
- C. clean and disinfect all building and exhibit areas for the use of livestock prior to the opening date of the exhibition and during the exhibition if livestock are released and new livestock are brought to the exhibition premises;
- D. maintain the livestock and exhibition areas in a sanitary condition;
- E. ensure that any livestock showing symptoms of infectious, contagious, or communicable disease are removed from the premises or quarantined in a separate facility; and
- F. maintain records as described in subpart 7.

Subp. 4. **Responsibilities of official veterinarian.** The official veterinarian shall:

- A. approve the cleaning and disinfection of the exhibition premises prior to the exhibition and during the exhibition if livestock are released and new livestock are brought to the exhibition premises;
- B. inspect all livestock on the day admitted to the exhibition;
- C. refuse admission of livestock showing clinical signs of any infectious, contagious, or communicable disease, or of livestock not meeting the exhibition entrance requirements outlined in subpart 6;

- D. maintain tagging records as outlined in part 1721.0030, subpart 4;
- E. inspect all livestock at least once daily during the exhibition;
- F. order the immediate removal to the quarantine facility or removal from the exhibition premises of any livestock with clinical signs of infectious, contagious, or communicable disease and order and supervise the cleaning and disinfection of the area from which the diseased livestock was removed;
- G. conduct any necessary tests to determine the health status of the livestock on the exhibition grounds; and
- H. within seven days of completion of the exhibition, submit to the board a report containing the following:
  - (1) a list of any animals that were quarantined or removed from the exhibition because of infectious, contagious, or communicable disease;
  - (2) any violations of this part; and
  - (3) other information relating to the exhibition as requested by the board.

Subp. 5. **Exemption for poultry-only exhibitions.** Subparts 2 and 3 do not apply to poultry-only exhibitions if all of the following conditions are met:

- A. the only livestock handled at the public exhibition are poultry or ratites; and
- B. the exhibition manager ensures that the entrance requirements outlined in subpart 6 for exhibition of poultry and ratites are met.

Subp. 6. **Exhibition entrance requirements.** No animal may enter or be at a public exhibition that is showing clinical signs of any infectious, contagious, or communicable disease. Prior to entering a public exhibition, animals must meet the requirements for exhibition, importation, and intrastate movement specified in this chapter.

Subp. 7. **Records.** The exhibition management shall maintain records which include the name and address of each exhibitor along with the species, class, and number of animals the person exhibited.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

## 1721.0104 SLAUGHTER-ONLY HANDLING FACILITY.

### Subpart 1. **Permits.**

- A. A person may not operate a slaughter-only handling facility in the state unless the person has first obtained an annual permit from the board.
- B. The board may only issue an annual permit to operate a slaughter-only handling facility to a person who is currently licensed by the Department of Agriculture as a livestock dealer and after an inspection of the premises is conducted by the board to determine compliance with this part.
- C. The board may refuse to grant or may revoke a slaughter-only handling facility permit when the applicant or permit holder has failed to meet the requirements of this part.

Subp. 2. **Requirements for operation.**

A. The slaughter-only handling facility must be separate and apart from other livestock handling facilities.

B. All cattle leaving the facility must be moved directly to a slaughtering establishment under federal inspection.

C. Cattle may only be held at the facility for a maximum of five business days unless prior permission from the board is obtained in accordance with the requirements in subpart 5.

D. The premises must be maintained in a reasonably clean and sanitary condition at all times.

E. Regulatory officials shall be granted access to the premises for the purpose of inspecting the facility for compliance with laws and rules of the board.

Subp. 3. **Animal identification.** All cattle must be identified with an official back tag before being commingled at the site. Cattle held more than five business days must be officially eartagged in accordance with subpart 5.

Subp. 4. **Records.** A person operating a slaughter-only handling facility must maintain records in a manner approved by the board on all livestock handled. Required records on each animal include:

A. date of arrival at the facility and date of departure from the facility;

B. sex, breed, and age of animal;

C. name and address of the person or entity from whom the animal was acquired;

D. name of the slaughter establishment to which the animal was moved;

E. back tag records as required in part 1721.0140, subpart 4;

F. tagging records for any animal to which official identification is applied in accordance with subpart 5 and part 1721.0030, subpart 4; and

G. documentation of interstate movement for any animal imported into Minnesota and entering the facility.

Subp. 5. **Animals held for more than five business days.** Permission may be granted by the board to hold cattle for up to 60 days at a slaughter-only handling facility under the following conditions:

A. all cattle held for more than five days must be identified with an official ear tag and the official ear tag number must be recorded and correlated with the official back tag number; and

B. all cattle held for more than five business days must be kept separate from other cattle at the facility.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

**1721.0110 SLAUGHTERING ESTABLISHMENTS.**

Subpart 1. **Removal of livestock.** Livestock shall not be removed from any slaughtering establishment to other points in the state except under extenuating circumstances and with prior permission of the board. This includes the yards immediately contiguous to and operated by the slaughtering

establishment as holding, sorting, or weighing pens. Upon application by the owner of the livestock, the executive director of the board may issue a permit to allow removal of livestock from slaughtering establishments.

Subp. 2. **Live bird markets.** A person must obtain a permit from the board prior to operating a live bird market in the state. The live bird market facility must be inspected at least once every 12 months by an agent of the board to demonstrate compliance with this part. The live bird market facility, crates, and equipment must be maintained in a reasonably sanitary condition. The operator of the live bird market must keep records of the type and origin of birds that enter the facility, the date the birds enter the facility, and the date that the birds are killed. All records must be maintained for at least two years and be available for inspection upon request by the board.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

## CATTLE AND BISON

### 1721.0120 DEFINITION.

For the purposes of parts 1721.0130 to 1721.0175, "rodeo cattle" means cattle used at public events for the display of cattle handling skills such as bull riding, calf roping, and cattle herding, but does not include cattle used one time for equestrian events where the purpose of the event is to judge horses on herding skills such as cutting and team penning.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

### 1721.0130 IMPORTATION OF CATTLE.

Subpart 1. **Requirement for official identification.** Breeding cattle, rodeo cattle, and all cattle for exhibition entering the state must be officially identified, except:

- A. cattle originating from a farm of origin that are consigned to a state-federal approved livestock auction market;
- B. cattle moving directly to a slaughtering establishment under federal inspection; and
- C. cattle moving directly to a slaughter-only handling facility in a manner approved by the board.

Subp. 2. **Requirement for certificate of veterinary inspection.** Cattle imported into the state must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian, except as provided in items A to E:

- A. cattle originating from a farm of origin that are consigned to a state-federal approved livestock market;
- B. cattle shipped directly to slaughtering establishments operating under federal inspection;



- C. cattle moving directly to a slaughter-only handling facility in a manner approved by the board;
- D. cattle returning from pasture to the herd of origin in the state under permit as outlined in subpart 4; or
- E. cattle moved in accordance with a board-approved commuter herd agreement.

Subp. 3. **Contents of certificate of veterinary inspection.** If an animal is required to be officially identified, all official identification must be included on the certificate of veterinary inspection.

Subp. 4. **Cattle returned to Minnesota from pasture.** Cattle not under quarantine that are owned by state residents who are not livestock dealers may be returned to the premises of origin from pastures in adjacent states without tests or certificates of veterinary inspection if a permit is secured from the board prior to movement. Permits for return from pasture may be issued by the board if the pasture is owned, leased, or operated by the state resident, the pasture is contiguous to state land owned by the applicant, only the applicant's cattle are in the pasture, and the pasture has been inspected by a representative of the board.

Subp. 5. **Requirement for tuberculosis test.**

- A. Rodeo cattle entering the state must be negative to an official tuberculosis test within the previous six months.
- B. Cattle imported into the state for the purposes of breeding rodeo stock must be negative to an official tuberculosis test within the previous six months.
- C. Mexican-origin cattle must be negative to two official tuberculosis tests. The second test must be done by an accredited veterinarian and be performed within 60 days prior to importation.

Subp. 6. **Requirement for an import permit.** A permit must be obtained from the board prior to the importation of all breeding cattle, all cattle for exhibition, and all cattle requiring a tuberculosis test under subpart 5, with the following exceptions:

- A. cattle originating from a farm of origin that are consigned to a state-federal approved livestock market; or
- B. cattle shipped directly to a slaughter establishment operating under federal inspection or to a slaughter-only handling facility.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

**1721.0140 INTRASTATE MOVEMENT.**

Subpart 1. **Requirement for official identification.** Breeding cattle, rodeo cattle, and all cattle for exhibition must be officially identified upon movement from the herd to another location, except for:

- A. cattle that are consigned to a state or a state-federal approved livestock auction market;
- B. cattle moving directly to a state or federally inspected slaughtering establishment; or
- C. cattle moving directly to a slaughter-only handling facility.

Subp. 2. **Requirement to maintain records.** A person or entity that purchases, acquires, trades, deals in, sells, or disposes of cattle must maintain records on the acquisition and disposition of the cattle. Records must be retained for five years.

Subp. 3. **Contents of records.** Records required by subpart 2 must include:

- A. date of the transaction;
- B. number of animals included in each transaction;
- C. species, breed, age, and class of animal;
- D. names and addresses of the persons or entities from whom the animals were acquired and to whom the animals were sent;
- E. the official identification number of each head of breeding cattle, rodeo cattle, and all cattle for exhibition correlated with the names and addresses of the persons or entities from whom the animals were acquired and to whom the animals were sent;
- F. back tag numbers, if required; and
- G. certificates of veterinary inspection, if required.

Subp. 4. **Cattle in slaughter channels.**

- A. A livestock dealer, livestock market operator, slaughter-only handling facility operator, or slaughtering establishment operator must officially identify all breeding cattle moving directly to slaughter, unless the animals are already identified with an official back tag.
- B. A person required to identify animals in accordance with these rules must maintain records that include the back tag number and date of application, the name, address, and county of residence of the person who owned or controlled the herd from which such animals originated, and whether the animal was of beef or dairy type.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### 1721.0150 EXHIBITIONS.

All cattle at public exhibitions must be officially identified.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### 1721.0160 COMMUNITY SALES.

Subpart 1. **Requirement for official identification.** Breeding cattle must be officially identified before being sold.

Subp. 2. **Requirement for affidavits of slaughter.** A buyer of breeding cattle for slaughter at a community sale must sign an affidavit of slaughter that certifies that the cattle will be moved directly from

the community sale to a state-federal approved livestock auction market, a slaughter-only handling facility, or a designated slaughter establishment with no diversion to farm or ranch.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0165 BOVINE TUBERCULOSIS.**

Subpart 1. **Tests.** Tuberculosis tests must be conducted by an accredited veterinarian who is certified by the board to conduct tuberculosis tests.

Subp. 2. **Reports.** Tuberculosis test results must be reported on forms approved by the board. Test results must be sent to the board within 14 days from the date test results are read.

Subp. 3. **Animal identification.** Animals tested with an official tuberculosis test must have official identification.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### **1721.0170 BOVINE BRUCELLOSIS.**

Subpart 1. **Vaccination.** *Brucella abortus* vaccine must be administered by an accredited veterinarian. Vaccine must be administered by the method and dosage described by the manufacturer or the board. *Brucella abortus* vaccine may be administered to female dairy and beef cattle while they are from four to 12 months of age. Adult vaccination may be permitted upon application and permission from the board.

Subp. 2. **Reports.** Complete reports of vaccinations must be submitted to the board within 14 days of the vaccination on forms supplied by the board.

Subp. 3. **Animal identification.** Vaccinated cattle must be officially identified as directed by the board. Cattle must not be retattooed with the vaccination tattoo unless a veterinarian obtains a permit from the board. Permits may be issued if the cattle have the same identification as at the time of vaccination and the vaccination report is available.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### **1721.0175 JOHNE'S DISEASE.**

Subpart 1. **Vaccination.** *Mycobacterium paratuberculosis* bacterin must be administered by an accredited veterinarian. The bacterin may be used only in calves from one to 35 days of age unless new vaccines are developed that are determined by the board to be safe for use in older animals.

Subp. 2. **Animal identification.** Vaccinated calves must be officially identified. Vaccinated calves must be further identified by a tattoo in the left ear which includes a number representing the quarter of the

year when the calf was vaccinated followed by the letter "J" followed by a number representing the year in which the calf was vaccinated.

Subp. 3. **Reports.** The veterinarian must report vaccination of calves to the board within 14 days after the vaccine is administered. Reports must include the manufacturer and serial number of the vaccine, the name of the herd owner, the address and geographical location of the herd, and the identification numbers of the vaccinated calves.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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## PIGS

### 1721.0180 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 1721.0180 to 1721.0220, the terms defined in this part have the meanings given them.

Subp. 2. **Swine production system.** "Swine production system" means a swine production enterprise that consists of multiple sites of production such as sow herds, nursery herds, and finishing herds between which swine move while remaining under the control of a single owner or a group of contractually connected owners. "Swine production system" does not include slaughter plants or livestock markets.

Subp. 3. **Swine production system health plan.** "Swine production system health plan" means a written agreement developed for a swine production system designed to maintain the health of the swine and detect signs of communicable disease. The plan must be approved by an official of the swine production system, the swine production system accredited veterinarians, an APHIS representative, and the board. The plan must be developed to meet the requirements for interstate movement of swine in Code of Federal Regulations, title 9, part 71.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

### 1721.0190 IMPORTATION OF SWINE.

Subpart 1. **Importation of feral swine prohibited.** The importation into the state of feral swine or swine that were feral during any part of their lifetime is prohibited. Importation into the state of feral swine carcasses is prohibited except for cut and wrapped meat, hides, teeth, and finished taxidermy mounts.

Subp. 2. **Requirement for official identification and certificate of veterinary inspection.** Swine imported into the state must be officially identified and accompanied by a certificate of veterinary inspection issued by an accredited veterinarian except for:

- A. swine which move under an approved swine production system health plan;
- B. swine consigned to a state-federal approved livestock market which move directly from a farm of origin; or
- C. swine moving directly to slaughter at a slaughtering establishment under federal inspection.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### **1721.0200 INTRASTATE MOVEMENT REQUIREMENTS.**

Subpart 1. **Breeding swine and feeding swine.** Breeding swine and feeding swine that are moved from a premises to another location in the state must be officially identified except for:

- A. swine which move under an approved swine production system health plan;
- B. swine that are moved to another location within the same herd;
- C. swine in slaughter-only classes moved to a public exhibition;
- D. swine consigned to a state-federal approved livestock market that move directly from the farm of origin to the market;
- E. swine moving from the farm of origin to an approved slaughter-swine buying station; or
- F. swine moving directly to slaughter at a slaughtering establishment under federal inspection.

Subp. 2. **Slaughter sows, boars, and stags.** An agent transporting sows, boars, and stags from a livestock producer to a livestock dealer, livestock market, stockyards, commission company, concentration point, or slaughter establishment must supply the receiving agent or agency with the name and address of the producer. Sows, boars, and stags received by a livestock dealer, livestock market, stockyard, commission company, buying station, swine concentration point, or slaughtering establishment must be identified with an official back tag, tattoo, or other identification device authorized by the board so they can be traced back to the herd of origin. Records of the identification numbers and date of application in correlation to the name and address of the producer must be maintained and submitted to the board upon request.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### **1721.0210 EXHIBITIONS.**

Except for swine in slaughter-only classes, breeding and feeding swine at public exhibitions must be officially identified.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### **1721.0220 COMMUNITY SALES.**

Swine must be officially identified prior to arrival at a community sale premises except:

- A. swine that move directly from the farm of origin to a state-federal approved livestock market, which may be officially identified by the sale veterinarian after arrival and prior to sale; and

B. swine that move directly from a farm of origin to an approved slaughter-swine buying station, which may be officially identified at the time of arrival.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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## HORSES

### 1721.0230 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 1721.0230 to 1721.0260, the terms defined in this part have the meanings given them.

Subp. 2. **Coggins test.** "Coggins test" is the common name for the agar gel immunodiffusion test for diagnosis of EIA.

Subp. 3. **EIA.** "EIA" means equine infectious anemia, a virus disease of horses.

Subp. 4. **EIA-exposed horse.** "EIA-exposed horse" means a horse that has been exposed to EIA virus:

A. by being within 200 yards of an EIA-infected horse for at least ten consecutive days during the vector season within the previous 12 months; or

B. by receiving blood or blood products from an EIA-infected horse through the use of contaminated needles, syringes, surgical instruments, riding tack, or grooming equipment.

Subp. 5. **EIA-infected horse.** "EIA-infected horse" means a horse determined to be infected with EIA virus by a representative of the board.

Subp. 6. **EIA vector season.** "EIA vector season" means the time of year when large biting insects, such as horse flies and deer flies of the family Tabanidae are present.

Subp. 7. **Official EIA test.** "Official EIA test" means the Coggins test or other test for EIA approved by the board.

Subp. 8. **Trail ride.** "Trail ride" means an equine event where horses owned by two or more people are brought together for recreational riding on roads or trails.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

### 1721.0240 IMPORTATION OF HORSES.

Subpart 1. **Certificate of veterinary inspection.** Horses imported into Minnesota must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian that includes official identification and the date of the last negative EIA test, except:

A. horses brought into the state for participation in trail rides or exhibitions;

B. horses consigned directly to slaughtering establishments under federal inspection; or

C. horses entering a veterinary facility for treatment, surgery, or diagnostic procedures.

Subp. 2. **EIA tests.** Horses imported into Minnesota must be negative to an official test for EIA conducted within 12 months prior to the date of importation, except:

- A. horses consigned directly to slaughtering establishments under federal inspection; or
- B. suckling foals accompanying a negative dam.

Subp. 3. **Horses imported without the required test for EIA.** Horses imported without the required negative test for EIA must be quarantined, isolated, and tested for EIA within ten days following notification from the board. Tests must be conducted at the owner's expense.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0250 EXHIBITION OF HORSES.**

Horses, except suckling foals accompanying a negative dam, must be negative to an official EIA test conducted within 12 months prior to the opening date of an exhibition.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### **1721.0260 EQUINE INFECTIOUS ANEMIA (EIA).**

Subpart 1. **EIA test procedures.** Blood samples for EIA tests must be drawn by an accredited veterinarian.

Subp. 2. **EIA quarantine procedures.** The board shall immediately quarantine all horses infected with or exposed to EIA in accordance with this subpart.

A. Infected horses must be placed in isolation within ten days following the date of quarantine and must be permanently maintained in a screened enclosure or in such a way that they are always kept at least 200 yards away from horses not known to be infected with EIA.

B. Exposed horses must:

- (1) be tested for EIA within ten days following the date of quarantine; and
- (2) be tested for EIA between 45 and 60 days following the date of last known exposure.

Tests must be conducted at the owner's expense unless state funds are available for this purpose.

C. Quarantines on exposed horses shall be released when all exposed horses on a premises are tested and found negative for EIA at least 45 days following the last known exposure.

D. Movement of quarantined horses is prohibited without written permission from the board.

E. Quarantined horses moved to a new location must be maintained so that they are always kept at least 200 yards away from horses not known to be infected with EIA.

F. Quarantined horses moved to a slaughter establishment must meet the transportation requirements as specified in Code of Federal Regulations, title 9, part 75.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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## POULTRY

### 1721.0270 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 1721.0270 to 1721.0360, the terms defined in this part have the meanings given them.

Subp. 2. **Approved salvage program.** "Approved salvage program" means a disease control program that allows the use of a positive breeder flock meeting the following criteria:

- A. the program impedes shed of the disease agent to other poultry;
- B. the program meets any applicable plan requirements; and
- C. the program is approved by the board.

Subp. 3. **Authorized poultry testing agent.** "Authorized poultry testing agent" means a person not employed by the board but designated and authorized by the board to perform certain assigned activities under parts 1721.0270 to 1721.0360.

Subp. 4. **Breeding flock.** "Breeding flock" means a flock that produces progeny to be used for egg or meat production or for establishing, continuing, or improving genetic lines of poultry.

Subp. 5. **Breeding flock facility.** "Breeding flock facility" means a facility on one premises where a breeding flock is assembled and maintained to produce hatching eggs.

Subp. 6. **Chick.** "Chick" means a newly hatched chicken that has not been fed or watered.

Subp. 7. **Flock.** "Flock" means poultry maintained and segregated for at least 21 days as one group of birds on one premises.

Subp. 8. **Hatchery.** "Hatchery" means buildings and equipment on one premises operated or maintained for the purpose of hatching, selling, or distributing baby poultry or hatching eggs.

Subp. 9. **Official state agency.** "Official state agency" means the state agency responsible for administration of all components of the plan. In Minnesota, the board is the state agency authorized, responsible, and recognized by APHIS for the implementation of plan programs.

Subp. 10. **Plan.** "Plan" means the "National Poultry Improvement Plan and Auxiliary Provisions," Code of Federal Regulations, title 9, parts 56, 145, 146, and 147.

Subp. 11. **Poultry dealer.** "Poultry dealer" means a person or entity engaged in the business of buying and then selling or distributing live poultry, hatching eggs, or ratites on a regular basis for the person's own account or the account of others. Poultry dealer does not include a person or entity buying or selling poultry or ratites for slaughter or a person or entity buying or selling poultry, hatching eggs, or ratites as part of the normal operation of a specific poultry production system.

Subp. 12. **Poult.** "Poult" means a newly hatched turkey that has not been fed or watered.

Subp. 13. **Pullorum.** "Pullorum" means a disease of poultry caused by *Salmonella pullorum*.

Subp. 14. **Typhoid.** "Typhoid" means a disease of poultry caused by *Salmonella gallinarum*.



**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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### **1721.0280 IMPORTATION OF HATCHING EGGS, POULTRY, AND RATITES.**

Subpart 1. **Slaughter exemption.** Poultry and ratites imported into the state that move directly to a state or federally licensed slaughter establishment are exempt from the requirements in this part.

Subp. 2. **Import permit.** An import permit must be obtained from the board prior to importation of hatching eggs, poultry, or ratites into the state. The application for the permit must be endorsed by the official animal health agency of the state or country of origin and indicate that the requirements of this part have been met.

Subp. 3. **Certificates.** All hatching eggs, poultry, and ratites imported into the state must be accompanied by a certificate of veterinary inspection, Plan Form VS 9-3 Report of Sale of Eggs, Chicks, and Poults, or an equivalent form as approved by the board.

Subp. 4. **Pullorum-typhoid.** All hatching eggs, poultry, and ratites imported into Minnesota must:

A. originate from a hatchery or breeding flock that is classified pullorum-typhoid clean under the plan; or

B. be individually identified with a leg or wing band and be negative to a pullorum-typhoid test conducted within 30 days prior to importation.

Subp. 5. ***Mycoplasma gallisepticum* and *Mycoplasma synoviae*.** Chicken hatching eggs, chicks, and chickens from commercial egg-type or meat-type chicken hatcheries or breeding flocks and all turkey hatching eggs, poults, and turkeys imported into the state must:

A. originate from a hatchery or breeding flock that is classified *Mycoplasma gallisepticum* clean and *Mycoplasma synoviae* clean under the plan; or

B. be individually identified with a leg or wing band and be negative to a *Mycoplasma gallisepticum* and a *Mycoplasma synoviae* test within 30 days prior to importation.

Subp. 6. ***Salmonella enteritidis*.** Chicken hatching eggs, chicks, and chickens imported into Minnesota from commercial egg-type chicken hatcheries or breeding flocks must originate from a hatchery or breeding flock that is classified *Salmonella enteritidis* clean under the plan.

Subp. 7. **Sanitation monitored.** Turkey hatching eggs, poults, and turkeys imported into the state from commercial turkey hatcheries or breeding flocks must originate from a hatchery or breeding flock that meets the requirements of the sanitation monitored program of the plan.

Subp. 8. **Shipping containers.** Only new or cleaned and disinfected poultry boxes or containers shall be used to ship baby poultry into the state.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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**1721.0290 POULTRY DEALERS.**

Subpart 1. **Requirement for permit.** A poultry dealer may not buy, sell, trade, or distribute hatching eggs, poultry, or ratites in the state unless the dealer has obtained a permit from the board. Permits must be renewed annually based on a date set by the board. Permits may be revoked or suspended for failure to comply with the requirements in this part. Prior to issuance of a permit, an application must be received and approved by the board and the poultry dealer's place of business must be inspected by an agent of the board to determine that:

- A. all hatching eggs, poultry, or ratites acquired or distributed by the poultry dealer meet the requirements in this part and part 1721.0280 if the poultry, hatching eggs, or ratites originate from other states;
- B. the poultry dealer's place of business is maintained in a reasonably clean and sanitary condition; and
- C. records are retained as required in this part.

Subp. 2. **Certificates.** All hatching eggs, poultry, and ratites acquired by poultry dealers in the state must be accompanied by a certificate as required in part 1721.0280, subpart 3, or test chart approved by the board to show compliance with the requirements in this part.

Subp. 3. **Pullorum-typhoid.** All hatching eggs, poultry, and ratites distributed in the state by poultry dealers must:

- A. originate from a hatchery or breeding flock that is classified pullorum-typhoid clean under the plan; or
- B. be individually identified with a leg or wing band and be negative to a pullorum-typhoid test conducted within 30 days prior to distribution.

Subp. 4. ***Mycoplasma gallisepticum* and *Mycoplasma synoviae*.** Chicken hatching eggs, chicks, and chickens from commercial egg-type or meat-type chicken hatcheries or breeding flocks and all turkey hatching eggs, poults, and turkeys distributed in the state by poultry dealers must:

- A. originate from a hatchery or breeding flock that is classified *Mycoplasma gallisepticum* clean and *Mycoplasma synoviae* clean under the plan; or
- B. be individually identified with a leg or wing band and be negative to a *Mycoplasma gallisepticum* and a *Mycoplasma synoviae* test within 30 days prior to distribution.

Subp. 5. ***Salmonella enteritidis*.** Chicken hatching eggs, chicks, and chickens from commercial egg-type chicken hatcheries or breeding flocks distributed in the state by poultry dealers must originate from a hatchery or breeding flock that is classified *Salmonella enteritidis* clean under the plan.

Subp. 6. **Sanitation monitored.** Turkey hatching eggs, poults, and turkeys from commercial hatcheries or breeding flocks distributed in the state by poultry dealers must originate from a hatchery or breeding flock that meets the requirements of the sanitation monitored program of the plan.

Subp. 7. **Records.** Poultry dealers must maintain records for at least three years on all poultry, hatching eggs, and ratites acquired or distributed. For each group of poultry, hatching eggs, or ratites acquired or distributed, records must include the date, the number and type of poultry, hatching eggs, or ratites, and the origin and destination.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### **1721.0300 EXHIBITION OF POULTRY.**

Subpart 1. **Identification.** All chickens, turkeys, and game birds at exhibitions, except baby poultry, must be individually identified with a leg or wing band.

Subp. 2. **Certificates or test charts.** At exhibitions, all chickens, turkeys, game birds, and hatching eggs from these birds must be accompanied by a certificate or test chart approved by the board to show compliance with the requirements in this part.

Subp. 3. **Pullorum-typhoid.** At exhibitions, all chickens, turkeys, game birds, and hatching eggs from these birds must:

A. originate from a hatchery or breeding flock that is classified pullorum-typhoid clean under the plan; or

B. be negative to a pullorum-typhoid test within 90 days prior to the opening date of the exhibition.

Subp. 4. ***Mycoplasma gallisepticum* and *Mycoplasma synoviae*.** At exhibitions, all turkeys and turkey hatching eggs must:

A. originate from a hatchery or breeding flock that is classified *Mycoplasma gallisepticum* clean and *Mycoplasma synoviae* clean under the plan; or

B. be negative to a *Mycoplasma gallisepticum* and a *Mycoplasma synoviae* test within 90 days prior to the opening date of the exhibition.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### **1721.0310 COMMUNITY SALES.**

Subpart 1. **Identification.** All poultry and ratites at community sales, except baby poultry, must be individually identified with a leg or wing band.

Subp. 2. **Certificates or test charts.** At community sales, all hatching eggs, poultry, and ratites must be accompanied by a certificate or test chart approved by the board to show compliance with the requirements in this part.

Subp. 3. **Pullorum-typhoid.** At community sales, all hatching eggs, poultry, and ratites must:

A. originate from a hatchery or breeding flock that is classified pullorum-typhoid clean under the plan; or

B. be negative to a pullorum-typhoid test within 30 days prior to the sale.

Subp. 4. ***Mycoplasma gallisepticum* and *Mycoplasma synoviae*.** At community sales, all turkey hatching eggs, poults, and turkeys must:

A. originate from a hatchery or breeding flock that is classified *Mycoplasma gallisepticum* clean and *Mycoplasma synoviae* clean under the plan; or

B. be negative to a *Mycoplasma gallisepticum* and a *Mycoplasma synoviae* test within 30 days prior to the sale.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

### 1721.0320 HATCHERIES AND BREEDING FLOCKS.

Subpart 1. **Requirement for permit.** A person or entity may not maintain or operate a hatchery or breeding flock facility unless the person or entity has obtained a permit from the board. Permits must be renewed annually based on a date set by the board. Permits may be revoked or suspended for failure to comply with the requirements in this part. Prior to issuance of a permit, an application must be filed with the board and the hatchery or breeding flock facility must be inspected by an agent of the board to determine that:

- A. the hatchery or breeding flock facility meets all the requirements in this part;
- B. the hatchery or breeding flock facility is maintained in a reasonably clean and sanitary condition; and
- C. records are retained as required in this part.

Subp. 2. **Pullorum-typhoid.** All hatcheries and breeding flocks in the state must meet the requirements of the pullorum-typhoid clean program of the plan or an equivalent pullorum-typhoid classification program as determined by the board.

Subp. 3. ***Mycoplasma gallisepticum* and *Mycoplasma synoviae*.** All commercial egg-type chicken, commercial meat-type chicken, or turkey hatcheries or breeding flocks in the state must meet the requirements of the *Mycoplasma gallisepticum* and *Mycoplasma synoviae* clean programs of the plan.

Subp. 4. ***Salmonella enteritidis*.** All commercial egg-type chicken hatcheries or breeding flocks in the state must meet the requirements of the *Salmonella enteritidis* clean program of the plan.

Subp. 5. **Sanitation monitored program.** All commercial turkey hatcheries or breeding flocks in the state must meet the requirements of the sanitation monitored program of the plan.

Subp. 6. **Records.** Records of testing, inspections, and other documents as required by the plan must be maintained by each hatchery or breeding flock facility. Records must be maintained on all poultry, hatching eggs, and ratites that enter or leave a hatchery or breeding flock facility. For each group of poultry, hatching eggs, or ratites that enter or leave a hatchery or breeding flock facility, records must include the date, the number and type of poultry, hatching eggs, or ratites, and the origin and destination. Records required in this subpart must be maintained for at least three years.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

**1721.0330 TESTING AND SAMPLING.**

Subpart 1. **Sample collection.** All samples obtained from hatcheries and flocks in order to meet plan or board requirements must be collected by an authorized poultry testing agent.

Subp. 2. **Tests.** All tests conducted to meet plan or board requirements must be performed by an authorized poultry testing agent or at an official laboratory approved by the board.

Subp. 3. **Reports.** All test results must be recorded on an official test chart approved by the board. All original test charts must be submitted to the board within 14 days following completion of the test.

Subp. 4. **Authorized poultry testing agents.**

A. To become an authorized poultry testing agent, a person must attend and complete a board-approved program training course and perform satisfactory work at a field school administered by the board. Temporary authorizations may be issued by the board to a person who has demonstrated a thorough understanding of the requirements in parts 1721.0270 to 1721.0360 and the ability to correctly perform program testing and sampling procedures.

B. Authorization is valid for four years unless revoked or suspended by the board for failure to comply with any of the requirements in parts 1721.0280 to 1721.0360.

C. Reauthorization of poultry testing agents must be completed by reapplication and completion of a board-approved program training course update once every four years.

D. Any fees for service charged by authorized poultry testing agents must be paid by the flock owner or hatchery.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

**1721.0340 PULLORUM-TYPHOID.**

Subpart 1. **Positive tests results.** Poultry hatcheries or flocks that have a positive test result for *Salmonella pullorum* or *Salmonella gallinarum* must be quarantined and retested according to plan procedures or other equivalent procedures approved by the board.

Subp. 2. **Quarantine.** Poultry hatcheries or flocks determined by the board to be infected with *Salmonella pullorum* or *Salmonella gallinarum* must be quarantined and disposed of in a manner approved by the board.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

**1721.0344 MYCOPLASMA GALLISEPTICUM AND MYCOPLASMA SYNOVIAE.**

Subpart 1. **Positive tests results.** Commercial egg-type chicken, commercial meat-type chicken, or turkey breeding flocks that have a positive test result for *Mycoplasma gallisepticum* or *Mycoplasma synoviae* must be retested according to plan procedures or other equivalent procedures approved by the board.

Subp. 2. **Quarantine.** Commercial egg-type chicken, commercial meat-type chicken, or turkey hatcheries or breeding flocks determined by the board to be infected with *Mycoplasma gallisepticum* or *Mycoplasma synoviae* must be quarantined and participate in an approved salvage program or be disposed of in a manner approved by the board.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### **1721.0350 SALMONELLA ENTERITIDIS.**

Subpart 1. **Positive tests results.** Commercial egg-type chicken hatcheries or breeding flocks that have a positive test result for *Salmonella enteritidis* must be retested according to plan procedures or other equivalent procedures approved by the board.

Subp. 2. **Quarantine.** Commercial egg-type chicken hatcheries or breeding flocks determined by the board to be infected with *Salmonella enteritidis* must be quarantined and disposed of in a manner approved by the board.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### **1721.0360 AVIAN INFLUENZA.**

Subpart 1. **Testing at live bird markets.** Samples from poultry at each live bird market in the state must be tested for avian influenza once every 30 days. Samples must be collected from at least 30 randomly selected birds by a person designated by the board. The type of samples to be collected will be determined by the board. All tests must be conducted at an official laboratory approved by the board. Testing must be performed at the owner's expense unless state or federal funds are available for this purpose.

Subp. 2. **Cleaning and disinfecting at live bird markets.** All poultry must be slaughtered and removed from each live bird market in the state at least once every 30 days. Following depopulation of poultry from the facility, the facility must remain empty of poultry for a period of at least 24 hours during which time the entire facility must be cleaned and disinfected.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

### **DEER AND ELK**

#### **1721.0370 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of parts 1721.0370 to 1721.0420, the terms in this part have the meanings given them.

Subp. 2. **Animal.** "Animal" means an animal that is member of the family Cervidae.

Subp. 3. **Brucellosis certified free herd.** "Brucellosis certified free herd" means a farmed cervidae herd that has tested negative to at least two official brucellosis tests and is recognized by the board as brucellosis free.

Subp. 4. **CWD.** "CWD" means chronic wasting disease.

Subp. 5. **CWD certified herd.** "CWD certified herd" means a farmed cervidae herd that is enrolled in a CWD herd certification program approved by the board and has reached level 6 herd status as specified in part 1721.0420, subpart 1, item F.

Subp. 6. **CWD contaminated premises.** "CWD contaminated premises" means a premises on which a CWD positive animal has been identified. A CWD contaminated premises is further categorized depending on the degree of contamination as follows:

A. A premises shall be categorized as having minimal environmental contamination if there is no evidence that there has been transmission of CWD on the premises and there is no evidence of long-standing infection of the herd. The number of positive animals identified on a premises of this type must be three or fewer. This category shall be used in cases where history and records indicate that the positive animal likely contracted the disease on another premises. Positive animals on a premises in this category must be preclinical at the time of CWD diagnosis or very early in the clinical course of the disease.

B. A premises shall be categorized as having moderate to severe environmental contamination if there is evidence that transmission of CWD has occurred or where a positive animal dies of CWD or is euthanized late in the clinical course of the disease.

Subp. 7. **CWD endemic area.** "CWD endemic area" means a geographic area as determined by the board where CWD is present in wild cervidae populations.

Subp. 8. **CWD herd certification program.** "CWD herd certification program" means a herd CWD surveillance and control program administered by a state, federal, or provincial government agency. For a CWD herd certification program to be approved by the board, it must meet the requirements in part 1721.0420.

Subp. 9. **Farmed cervidae.** "Farmed cervidae" means cervidae that are raised for any purpose and are registered in a manner approved by the board. Farmed cervidae are livestock and are not wild animals for purposes of game farm, hunting, or wildlife laws.

Subp. 10. **Official CWD test.** "Official CWD test" means any test for the diagnosis of CWD approved by the board. A list of CWD tests approved by the board is available through the Internet at <http://mn.gov/bah> or by calling the board office at 651-296-2942.

Subp. 11. **Tuberculosis accredited free herd.** "Tuberculosis accredited free herd" means a herd of farmed cervidae that has tested negative to at least two official tuberculosis tests and is recognized by the board as tuberculosis free.

Subp. 12. **Wild cervidae.** "Wild cervidae" means cervidae that live in the wild.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

**1721.0380 GENERAL REQUIREMENTS.**

Subpart 1. **Possession of live cervidae in Minnesota.** A person may not possess live cervidae in the state unless the person is registered with the board and meets all the requirements for farmed cervidae in parts 1721.0370 to 1721.0420 and Minnesota Statutes, sections 17.452; 35.153; 35.155; 97A.401, subdivision 3; and 97A.505, subdivision 8.

Subp. 2. **Registration.** To be registered with the board, the owner of farmed cervidae must have the owner's herd inspected by a representative of the board and demonstrate that the owner has fulfilled all the requirements for farmed cervidae in parts 1721.0370 to 1721.0420. The owner must also sign and submit to the board a registration agreement in which the owner agrees to maintain the owner's herd in compliance with this part. The failure of the owner to comply with this part or to pay a civil penalty assessed by the board pursuant to Minnesota Statutes, section 35.95, for failure to comply with the requirements of this part shall constitute grounds for the board to cancel the registered status of a farmed cervidae herd. In accordance with Minnesota Statutes, section 35.155, subdivision 9, the board shall notify the herd owner of the right to request a contested case hearing regarding the board's determination under the Administrative Procedure Act, Minnesota Statutes, chapter 14.

Subp. 3. **Inspections.** A representative of the board shall be permitted to inspect farmed cervidae, farmed cervidae facilities, and farmed cervidae records. Each herd and all premises where the herd is located must be inspected by a representative of the board at least once every 12 months to document compliance with this part. For new farmed cervidae facilities where no farmed cervidae have ever been kept, a representative of the board shall be permitted to conduct a prestocking inspection to document compliance with this part and verify an initial null inventory for the herd.

Subp. 4. **Herd inventory.** For each farmed cervidae herd, a complete animal inventory must be conducted every 12 months. The accuracy of the inventory must be verified by the owner and an accredited veterinarian by signing and submitting the inventory to the board. The inventory must be filed on forms approved by the board and include the age, sex, type of animal, and all identification numbers for each animal in the herd. Upon request, the owner of a farmed cervidae herd must allow a representative from the board access to the premises and herd to conduct a physical animal by animal inventory to reconcile animal identification numbers with the records maintained by the owner and the board. The owner must present the entire herd for inspection under conditions where the board representative can safely read all identification on the animals. The owner is responsible for assembling, handling, and restraining the animals and for all costs incurred to present the animals for inspection.

Subp. 5. **Fencing.** Farmed cervidae must be confined in a manner designed to prevent escape. Perimeter fences for farmed cervidae must be at least 96 inches in height and be constructed and maintained in a way that prevents the escape of farmed cervidae or entry into the premises by wild cervidae.

Subp. 6. **Running at large prohibited.** An owner may not allow farmed cervidae to run at large. The owner must make reasonable efforts to return escaped farmed cervidae to their enclosures as soon as possible. The owner must notify the commissioner of natural resources and the board of the escape of farmed cervidae if the farmed cervidae are not returned to their enclosures or euthanized by the owner within 24 hours of their escape.

Subp. 7. **Removal of wild cervidae.**

A. When a tract of land is initially enclosed with a perimeter fence for the purpose of establishing a new farmed cervidae facility, wild cervidae must be removed from the premises by herding them off of the land at the owner's expense prior to bringing any farmed cervidae to the premises.



B. An owner of an existing facility or an employee or agent under the direction of the owner must destroy wild cervidae found within the owner's farmed cervidae facility. The owner, employee, or agent must report wild cervidae that are destroyed to the board and a conservation officer or an employee of the Department of Natural Resources Division of Wildlife within 24 hours. Testing of wild cervidae destroyed within the farmed cervidae facility shall be conducted by or under the supervision of the board. The wild cervidae must be disposed of as prescribed by the commissioner of natural resources.

Subp. 8. **Sales of farmed cervidae and meat products.** A person selling or buying farmed cervidae sold as livestock, sold for human consumption, or sold for slaughter must comply with parts 1721.0370 to 1721.0420 and Minnesota Statutes, chapters 17A, 31, 31A, 31B, and 35.

Subp. 9. **Slaughter of farmed cervidae.** Farmed cervidae must be slaughtered and inspected according to Minnesota Statutes, chapters 31 and 31A.

Subp. 10. **Record keeping.** A herd owner must maintain herd records that include a complete inventory of animals including the type, age, and sex of each animal, the date of acquisition, the source of each animal that was not born into the herd, the date of disposal and destination of any animal removed from the herd, and all individual identification numbers associated with each animal. If animals enter or leave the herd, the names, addresses, and telephone numbers of previous or subsequent owners of the animals must be recorded. Records must be maintained for at least ten years.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0390 ANIMAL IDENTIFICATION.**

Farmed cervidae in the state must be identified with an official ear tag that must be visible to the naked eye during daylight under normal conditions at a distance of 50 yards. A newborn animal must be officially identified before December 31 of the year in which the animal is born or before movement from the premises, whichever occurs first.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0400 IMPORTATION OF FARMED CERVIDAE.**

Subpart 1. **Import permit.** A permit must be obtained from the board prior to the importation of live cervidae into Minnesota.

Subp. 2. **Certificate of veterinary inspection.** Live cervidae imported into Minnesota must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian.

Subp. 3. **Chronic Wasting Disease (CWD).**

A. Live cervidae must originate from a herd that has been subject to a state, federal, or provincial approved CWD herd certification program and that has reached a status equivalent to level 6 as specified in part 1721.0420.

B. CWD endemic areas:

(1) Live cervidae may not be imported into the state from a CWD endemic area, as determined by the board.

(2) Cervidae carcasses may not be imported into the state from a CWD endemic area, as determined by the board, except for cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue.

C. Live cervidae or cervidae carcasses may not be imported into Minnesota from a herd that is infected with or exposed to CWD.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### **1721.0410 INTRASTATE MOVEMENT OF FARMED CERVIDAE.**

Subpart 1. **Movement reports.** Movement of farmed cervidae for any reason from any herd to another location must be reported to the board within 14 days of the movement on forms approved by the board.

Subp. 2. **Movement requirements.** Farmed cervidae moving from any herd to another location in the state must:

- A. be identified with an official ear tag;
- B. be accompanied by a farmed cervidae movement report; and
- C. originate from a herd that is registered with the board and has achieved at least level 4 of the CWD herd certification program as specified in part 1721.0420, subpart 1, item F, or move directly to a slaughtering establishment having state or federal inspection.

Subp. 3. **Restraint of animals in transit.** Farmed cervidae that are moved from one location to another for any reason including sale, exhibition, or entertainment, must be restrained at all times in a manner to prevent escape.

Subp. 4. **Restriction on herd additions.** Farmed cervidae may not be moved into a farmed cervidae herd unless the herd is registered with the board and has achieved at least level 4 of the CWD herd certification program as specified in part 1721.0420, subpart 1, item F.

Subp. 5. **Movement into, within, and out of CWD endemic areas.**

A. Farmed cervidae that originate from a CWD endemic area may not be moved to other locations in the state unless they move directly to a slaughtering establishment having state or federal inspection. A shipping permit must be obtained from the board prior to movement of farmed cervidae from a premises located within a CWD endemic area.

B. Farmed cervidae may not be moved into a CWD endemic area unless they move directly to a slaughtering establishment having state or federal inspection. A shipping permit must be obtained from the board prior to movement of farmed cervidae into a CWD endemic area.

C. Farmed cervidae carcasses may not be moved from a CWD endemic area to other locations in the state, except for cut and wrapped meat, quarters or other portions of meat with no part of the spinal

column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

## **1721.0420 CHRONIC WASTING DISEASE (CWD).**

### **Subpart 1. CWD herd certification program.**

A. The owner of a farmed cervidae herd must be enrolled in the CWD herd certification program and must comply with all the requirements of this part.

B. The owner of a farmed cervidae herd must sign and submit to the board a CWD herd certification program agreement in which the owner agrees to comply with the requirements in this part.

C. When farmed cervidae that are officially identified die or are slaughtered, the owner must report the age, sex, and official identification numbers of the animals to the board within 14 days.

D. Animals from farmed cervidae herds that are 12 months of age and over that die or are slaughtered must be tested for CWD with an official CWD test. Samples to be tested for CWD must be submitted to a laboratory approved by the board within 14 days of sample collection. Other testing protocols may be used if they are approved by the board and are equally effective for the detection of CWD in farmed cervidae herds. Testing must be completed at owner expense unless state or federal funds are available for this purpose.

E. The CWD surveillance period for a herd is the continuous length of time the herd has been enrolled in the program and the owner has met all the requirements of this part.

F. Herd status is divided into six levels based on the period of time the herd has been under continuous CWD surveillance without evidence of CWD or a determination that the herd has been exposed to CWD. Progression from one level to the next is based on successful program participation for a continuous period of time as follows:

- (1) level 1 is from time of enrollment to 12 months;
- (2) level 2 is from 12 months to 24 months;
- (3) level 3 is from 24 months to 36 months;
- (4) level 4 is from 36 months to 48 months;
- (5) level 5 is from 48 months to 60 months; and
- (6) level 6 (certified herd) is greater than 60 months.

G. If farmed cervidae are brought into a herd from other herds, the owner must report the age, sex, and identification numbers of the animals and the name and address of the source herd to the board within 14 days on forms approved by the board. New animals may be introduced into the herd only from other herds enrolled in a CWD herd certification program. If animals are received from a herd with a lower herd status, the receiving herd reverts to the program status and enrollment date of the source herd.

H. A newly formed herd that is comprised solely of animals obtained from herds already enrolled in the CWD certification program must start at the lowest status of any herd that provided animals for the new herd.

I. Except as provided in item J, the CWD surveillance period for a herd must be shortened each time an animal over 12 months of age dies, is slaughtered, escapes, or is lost and is not tested for CWD. For each such animal that is not tested for CWD, the surveillance period will be shortened:

- (1) by the length of the surveillance period for herds in status level 1;
- (2) by 365 days for herds in status levels 2 to 3;
- (3) by 180 days for herds in status levels 4 to 5; or
- (4) by 90 days for herds in status level 6.

J. The board shall grant an exception to the requirements of item I if animals die from anthrax or from another disease where necropsy is contraindicated due to public health risks or if they are lost due to an act of vandalism or natural disaster such as a tornado or flood.

K. The failure of the owner to comply with the requirements in parts 1721.0370 to 1721.0420 shall constitute grounds for the board to cancel herd status. In accordance with Minnesota Statutes, section 35.155, subdivision 9, the board shall notify the herd owner of the right to request a contested case hearing regarding the board's determination under the Minnesota Administrative Procedure Act, Minnesota Statutes, chapter 14.

Subp. 2. **Quarantine procedures.** The board must immediately quarantine a farmed cervidae herd that is determined to be infected with or exposed to CWD.

A. Unless a permit is obtained from the board, farmed cervidae may not be moved into or out of a quarantined herd. The board may allow farmed cervidae from quarantined herds to be moved under permit directly to a state or federally licensed slaughtering establishment, to an approved veterinary diagnostic laboratory, or to another location if that movement is determined by the board not to endanger the health of other animals in the state.

B. The owner of a herd determined to be infected with or exposed to CWD must, upon request, furnish to the board a list of sources of cervidae during the preceding five years and a list of movements of cervidae to other locations during the preceding five years.

C. Farmed cervidae herds shall be released from quarantine by any of the following methods:

(1) Depopulation. To release a quarantine by depopulation, all cervidae in the herd must be euthanized and tested with an official CWD test. If the premises has no environmental contamination and all CWD tests are negative, the quarantine shall be released immediately. If the premises has minimal environmental contamination, the quarantine shall be released one year after depopulation and cleaning and disinfection. If the premises has moderate to severe environmental contamination, the quarantine shall be released five years after depopulation and cleaning and disinfection;

(2) Test of exposed animals. If a premises has no environmental contamination and all CWD exposed animals on the premises are tested and are found to be CWD negative, the quarantine shall be released;

(3) Test for five years. If any animal that dies or is slaughtered from the herd is tested, regardless of age, with an official CWD test for a period of 60 months, and no positive animal is identified, the quarantine shall be released; or

(4) Other procedures. Quarantines may be released by procedures in addition to those in subitems (1) to (3) if they are approved by the board and are equally reliable and effective as the other methods in this item.

D. CWD contaminated premises must be cleaned and disinfected prior to quarantine release by a method approved by the board.

Subp. 3. **Determining boundaries of CWD endemic areas in the state.** If the board determines that CWD is endemic in the state, all locations within ten miles of a confirmed case of CWD in wild cervidae in the state must be designated as part of the endemic area. The board shall designate larger geographic areas of the state as part of a CWD endemic area if necessary to prevent the spread of CWD. Individual farmed cervidae herds where animals are kept on premises within a designated CWD endemic area shall be excluded from and not considered to be a part of a CWD endemic area if one of the following conditions is met:

A. the herd has been maintained in such a way that commingling of farmed cervidae and wild cervidae has been prevented for a continuous period of time that began no later than 180 days following the initial designation of the area as CWD endemic; or

B. the herd has been maintained in such a way that commingling of farmed cervidae and wild cervidae has been prevented for at least 36 consecutive months.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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## SHEEP AND GOATS

### 1721.0430 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 1721.0430 to 1721.0480, the terms defined in this part have the meanings given them.

Subp. 2. **Exposed flock.** "Exposed flock" has the meaning given in Code of Federal Regulations, title 9, part 79.1.

Subp. 3. **Flock.** "Flock" means sheep, goats, or both maintained on a single premises, or sheep, goats, or both maintained under common ownership or supervision on two or more premises with animal interchange between the premises.

Subp. 4. **High-risk animal.** "High-risk animal" has the meaning given in Code of Federal Regulations, title 9, part 79.1.

Subp. 5. **Restricted-movement feeder animal.** "Restricted-movement feeder animal" means a sheep or goat that is less than 18 months old as evidenced by the eruption of the second incisor, is not pregnant, has never given birth, is not commingled with breeding animals from other flocks, and will be slaughtered at less than 18 months of age.

Subp. 6. **Scrapie-positive animal.** "Scrapie-positive animal" has the meaning given in Code of Federal Regulations, title 9, part 79.1.

Subp. 7. **Scrapie-tagged.** "Scrapie-tagged" means officially identified with an ear tag or back tag in accordance with Code of Federal Regulations, title 9, part 79.2(a)(2).

Subp. 8. **Slaughter channels.** An animal is in a "slaughter channel" if it is sold, transferred, or moved to:

- A. a slaughter establishment;
- B. an individual for custom slaughter; or
- C. a terminal feedlot for later slaughter at less than 18 months of age.

Subp. 9. **Suspect animal.** "Suspect animal" has the meaning given in Code of Federal Regulations, title 9, part 79.1.

Subp. 10. **Terminal feedlot.** "Terminal feedlot" means a facility that exists for the express purpose of improving an animal's condition for slaughter and from which animals are moved only to slaughter.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### 1721.0440 GENERAL.

Subpart 1. **Registration.** A person who buys or sells sheep or goats in the state must register the person's flock with the board.

Subp. 2. **Required records for persons who purchase, acquire, sell, or dispose of sheep or goats.**

A. A person who purchases or acquires a sheep or goat must maintain records that include the following:

- (1) date of purchase or acquisition;
- (2) name and address of the person from whom the animals were purchased or acquired;
- (3) species, breed, and class of animal;
- (4) number of animals purchased or acquired; and
- (5) certificate of veterinary inspection, if required.

B. A person who sells or disposes of a sheep or goat must maintain normal business records that include the following:

- (1) date of sale or disposition;
- (2) name and address of the buyer or person who acquired the animals;
- (3) species, breed, and class of animal;
- (4) number of animals sold or disposed of;
- (5) certificate of veterinary inspection, if required; and
- (6) the official identification number of any sheep or goat sold for breeding purposes.

Subp. 3. **Required records for persons who apply official identification.**

A. A person who applies official identification that has been assigned directly to the producer must maintain the following records:

- (1) date the identification was applied;

- (2) number of sheep and goats identified;
- (3) identification numbers applied; and
- (4) name and address of the flock of birth, if different from the current flock.

B. Personnel at livestock concentration points or accredited veterinarians who apply official identification that is not assigned to the producer must maintain the following records:

- (1) date the identification was applied;
- (2) number of sheep and goats identified;
- (3) serial tag numbers applied; and
- (4) name and address of the flock where the animal currently or most recently resided.

Subp. 4. **Removal of unidentified sheep and goats from slaughter channels.** No sheep or goat that has been sold, moved, or transferred into slaughter channels, including a sheep or goat in a terminal feedlot, may be removed from slaughter channels.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### **1721.0450 IMPORTATION OF SHEEP OR GOATS.**

Subpart 1. **Requirement for official identification.** Goats or sheep imported into Minnesota must be identified with official identification except as provided in items A to D:

- A. goats or sheep less than 18 months of age that are going directly to slaughter at a slaughtering establishment having federal inspection;
- B. restricted-movement feeder animals that are moved to a state-federal approved livestock market that restricts the sale of sheep and goats without official identification to slaughter channels in a manner approved by the board;
- C. restricted-movement feeder animals that are moved to a terminal feedlot when accompanied by a board-issued permit; or
- D. goats or sheep moved for grazing or similar management reasons if the goats or sheep are moved from a premises owned or leased by the owner of the goats or sheep to another premises owned or leased by the owner of the goats or sheep and the goats or sheep are not commingled with goats or sheep from other flocks.

Subp. 2. **Requirement for certificate of veterinary inspection.** Goats or sheep imported into the state must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian except as provided in items A and B:

- A. goats or sheep going directly to slaughter at a slaughtering establishment having federal inspection; or
- B. goats or sheep originating from a farm of origin in an adjacent state and consigned to a state-federal approved livestock market.

Subp. 3. **Contents of certificate of veterinary inspection.** If official identification is required, the certificate of veterinary inspection must show the individual official identification number of each animal except:

A. officially identified goats and sheep moving directly to slaughter if the certificate indicates the animals are scrapie-tagged and for slaughter only; or

B. officially identified feeder animals that are being moved to a terminal feedlot if the certificate indicates the animals are scrapie-tagged and that the animals are for feeding purposes only.

Subp. 4. **Requirement for import permit.** A permit must be obtained prior to importation of the following:

A. a restricted-movement feeder animal that is being moved to a terminal feedlot as described in subpart 1, item C;

B. goats or sheep from a flock that is currently under quarantine; or

C. goats or sheep from a flock that is currently designated as an exposed flock, as defined in Code of Federal Regulations, title 9, part 79.1.

Subp. 5. **Prohibited imports.** No goat or sheep that is currently designated as a scrapie-positive, suspect, or high-risk animal as defined in Code of Federal Regulations, title 9, part 79.1, or that is from a noncompliant flock as defined in Code of Federal Regulations, title 9, part 79.1, may be imported into the state.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### **1721.0460 INTRASTATE MOVEMENT.**

Subpart 1. **Sheep and goats requiring official identification.** Sheep and goats must be identified with official identification upon movement from the flock to another location and before being commingled with sheep and goats from other flocks, except restricted-movement feeder animals as described in subpart 2.

Subp. 2. **Sheep and goats not requiring official identification.** A restricted-movement feeder animal that has not been designated as a scrapie-positive, suspect, high-risk, or exposed animal as defined in Code of Federal Regulations, title 9, part 79.1, may be moved without official identification to a:

A. state-approved or state-federal approved livestock market that restricts the sale of unidentified animals to slaughter channels in a manner approved by the board;

B. slaughtering establishment, either directly or through market channels; or

C. terminal feedlot, either directly or through market channels, when accompanied by a document which indicates that the unidentified animals must be slaughtered by 18 months of age.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*



**1721.0470 EXHIBITION.**

Subpart 1. **Official identification.** All sheep and goats at public exhibitions must be officially identified.

Subp. 2. **Restriction on the exhibition of certain female sheep or goats.** No sheep or goat that is within 30 days of giving birth, either before or after birthing, may be exhibited, except with prior approval from the board and if the following conditions are met:

A. the sheep or goat is housed separately from sheep and goats from other flocks so that direct contact does not occur;

B. the sheep or goat is maintained in a separate area for the duration of the exhibition and does not move to any other area within the exhibition where sheep and goats from other flocks are housed or exhibited at any time;

C. the area housing the sheep or goat can be properly cleaned and disinfected;

D. when a sheep or goat gives birth, the placenta, placental fluids, and soiled bedding are removed immediately and disposed of in a manner that prevents it from coming in contact with other animals at the exhibition; and

E. once the sheep or goat leaves the exhibition, the area is thoroughly cleaned and disinfected in a manner approved by the board.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

**1721.0480 COMMUNITY SALES.**

All sheep and goats offered for sale at a community sale must be identified in accordance with part 1721.0460.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

**DOGS, CATS, AND FERRETS****1721.0490 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of parts 1721.0490 to 1721.0520, the terms defined in this part have the meanings given them.

Subp. 2. **Confinement area.** "Confinement area" means a structure used or designated for use to restrict an animal to a limited amount of space, such as a room, pen, cage, kennel, compartment, crate, or hutch.

Subp. 3. **Duly authorized agent.** "Duly authorized agent" means an agent of the board, a sheriff or deputy sheriff, police officer, or humane agent registered with the board and appointed pursuant to Minnesota Statutes, section 343.01.

Subp. 4. **Housing facility.** "Housing facility" means a building, shelter, room, or area that contains an animal.

Subp. 5. **Impounded animal.** "Impounded animal" means an animal seized by a public authority that is being held for redemption by the owner.

Subp. 6. **Institution.** "Institution" means a school or college of agriculture, veterinary medicine, medicine, pharmacy, dentistry, or other educational or scientific organization properly concerned with the investigation of or instruction concerning the structure or function of living organisms; the cause, prevention, control, or cure of disease; or abnormal conditions of human beings or animals.

Subp. 7. **Kennel.** "Kennel" has the meaning given under Minnesota Statutes, section 347.31, subdivision 2.

Subp. 8. **Kennel dealer.** "Kennel dealer" means a public or private agency, person, society, or corporation that is licensed or is required to be licensed as a Class B licensee pursuant to Code of Federal Regulations, title 9, parts 1-4, who sells or transfers dogs or cats to institutions or to other kennel dealers who sell or transfer to institutions.

Subp. 9. **Pound.** "Pound" means a facility that houses an impounded animal.

Subp. 10. **Regular business day.** "Regular business day" means a day during which the kennel having custody of an impounded or stray animal is open to the public not less than four consecutive hours between the hours of 8:00 a.m. and 7:00 p.m.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

## 1721.0500 IMPORTATION OF DOGS, CATS, OR FERRETS.

Subpart 1. **Requirement for a certificate of veterinary inspection.** A dog, cat, or ferret imported into the state must be accompanied by a certificate of veterinary inspection, except:

- A. dogs or cats for research at educational and scientific institutions;
- B. dogs, cats, or ferrets entering a veterinary facility for treatment, surgery, or diagnostic procedures;
- C. dogs, cats, or ferrets temporarily entering the state if there is no change of ownership and if the animal will be leaving the state within 30 days; and
- D. dogs and cats originating from an adjacent state and entering a kennel licensed by the board if the following conditions are met:
  - (1) the kennel has a written contract with the city from which the dog or cat originated that specifies the terms under which the kennel accepts and houses stray, abandoned, or impounded animals for the city;
  - (2) dogs and cats are held in a nonpublic area until they can be examined by a licensed veterinarian;
  - (3) a licensed veterinarian examines the dog or cat within 48 hours of entry into the state and records the date and results of the examination in the kennel records;

(4) a dog or cat that shows signs of infectious, contagious, or communicable disease is returned to the state of origin, held in a nonpublic area until released by the veterinarian, or euthanized; and

(5) a dog or cat three months of age or older originating outside the state must be currently vaccinated for rabies before being discharged from the facility.

Subp. 2. **Requirement for rabies vaccination.** A dog, cat, or ferret three months of age or older imported into the state must be currently vaccinated for rabies unless they meet all conditions of subpart 1, item D, or are exempted by the board based on the written recommendations of a licensed veterinarian who has examined the animal and who has determined that vaccination is contraindicated due to a medical condition.

Subp. 3. **Contents of certificate of veterinary inspection.** The certificate of veterinary inspection must state that any dog, cat, or ferret three months of age or older is currently vaccinated for rabies and must list the name of the vaccine and the date it was given.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### **1721.0510 DOG EXHIBITION REQUIREMENTS.**

A dog four months of age or older attending a dog exhibition must be accompanied by a certificate of rabies vaccination issued by a licensed veterinarian documenting that the dog is currently vaccinated for rabies.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### **1721.0520 KENNELS.**

Subpart 1. **Kennels and kennel dealers; licenses.** A person licensed by the board to operate as a kennel or kennel dealer must comply with this part and must apply for a license in accordance with Minnesota Statutes, sections 347.31 to 347.40.

Subp. 2. **Inspections.** Periodic inspections must be made pursuant to Minnesota Statutes, section 347.37. Upon request, the board must be allowed to inspect any building or structure on a premises where a kennel is operated.

Subp. 3. **Veterinary care.** A kennel or kennel dealer must establish and maintain a program of disease control and prevention, euthanasia, and adequate veterinary care under the supervision of a licensed veterinarian. A written program of veterinarian care, signed and dated by the veterinarian and kennel manager, must be kept on file at the kennel and available for review by the board upon request. The program of veterinary care must be reviewed by the kennel manager and veterinarian annually and updated as needed. The veterinarian must visit the facility as often as necessary to supervise the program, with a minimum of an annual visit. Sick or injured animals must receive veterinary care promptly.

Subp. 4. **Control of pests.** The kennel or kennel dealer shall establish and maintain an effective program for the control of insects, ectoparasites, rodents, and other pests.

Subp. 5. **Kennel premises and facilities.** All licensed kennels must meet the following requirements.

- A. All housing facilities must be structurally sound and maintained in good repair.
- B. All animals must be housed in an indoor facility maintained at a temperature of not less than 50 degrees Fahrenheit. Animals may be provided temporary access to outdoor runs and exercise areas when appropriate for the species, breed, and weather conditions.
- C. All housing facilities must have at least eight hours of illumination, either natural or artificial, sufficient to permit routine inspection and cleaning.
- D. All housing facilities must be adequately ventilated. Drafts, odors, and moisture condensation must be minimized. Auxiliary ventilation, such as exhaust fans, vents, and air conditioning, must be used when the ambient temperature exceeds 85 degrees Fahrenheit at the floor level.
- E. Carcass and garbage disposal facilities must be provided and managed to minimize vermin infestation, odors, and disease hazards.
- F. Adequate storage and refrigeration must be provided and managed to protect food supplies against contamination and deterioration. Open bags of food must be stored in vermin-proof containers.
- G. The premises, housing facilities, exercise areas, and confinement areas must be cleaned and disinfected as often as necessary to maintain a clean and sanitary condition. Animal confinement areas must be cleaned at least once daily. Measures must be taken to protect animals from being splattered with water or feces and from exposure to harmful chemicals during cleaning. Bedding, if used, must be kept clean and dry. Outdoor runs and exercise areas must be kept clean and soiled base material must be replaced as necessary.

Subp. 6. **Animal housing and confinement areas.**

- A. Confinement areas must be of sufficient size to allow each dog or cat to turn about fully and to stand, sit, and lie in a comfortable, normal position. The confinement area must be constructed so as to prevent injury to the dog or cat. Interior surfaces of indoor confinement areas must be constructed and maintained so that they are substantially impervious to moisture, provide for rapid drainage, and may be readily cleaned.
- B. Dogs or cats must not be confined by chains or by tethering.
- C. For animals housed in the same primary confinement area:
  - (1) dogs or cats must be maintained in a compatible group;
  - (2) puppies or kittens must not be housed with adult dogs or cats other than their dam;
  - (3) any dog or cat exhibiting a vicious disposition must be housed separately; and
  - (4) females in estrus must not be confined in the same confinement area with males.
- D. Dogs or cats with clinical signs of infectious, contagious, or communicable disease must be separated from other dogs or cats.

Subp. 7. **Feeding of dogs and cats.**

- A. Dogs and cats must be fed at least once a day with clean, wholesome food sufficient to meet the normal daily nutritive requirements for the dog's or cat's age, size, and condition. Feed standards must be those recommended by the National Research Council.

B. Clean potable water must be made available to all dogs and cats at least twice daily for periods of not less than one hour.

C. All feeding and watering receptacles must be kept clean and sanitary. The receptacles must be accessible to each animal and located so as to minimize contamination by excreta. Disposable food receptacles must be discarded when soiled.

Subp. 8. **Identification.** Each dog and cat in a kennel must be identified with a numbered tag affixed to the neck by the means of a collar, identification attached to the cage, microchip, or by other means approved by the board.

Subp. 9. **Records.** Records required in this part must be maintained for a minimum of two years and available to duly authorized agents upon demand at any reasonable time. A licensed kennel or kennel dealer must maintain the following records for each animal handled:

- A. the date of acquisition and disposition;
- B. the name and address of the person from whom a dog or cat was received and, in the case of a kennel dealer, the person's driver's license number or Social Security number;
- C. the identification of each dog or cat confined to the premises;
- D. description of the dog or cat by approximate age, breed, and sex, and other distinguishing traits;
- E. the name and address of the person to whom a dog or cat was transferred;
- F. the history of disease conditions diagnosed by a veterinarian or diagnostic laboratory on animals housed on the premises; and
- G. for impounded or stray animals, the location at which the animal was found or taken.

Subp. 10. **Holding period for impounded or stray animals.**

A. With the exception of items B and C, an impounded or stray animal must be held for redemption by the owner for at least five regular business days or for a longer time specified by statute or municipal ordinance.

B. Upon a proper determination by a licensed veterinarian, an impounded or stray animal may be immediately euthanized if the animal is physically suffering and is beyond cure through reasonable care and treatment.

C. An impounded or stray animal that has bitten a human may be euthanized and tested for rabies before the required five-day holding period if requested by the Department of Health.

Subp. 11. **Transportation of dogs and cats.** A dog or cat must be transported in a vehicle equipped with ample cargo space and confinement areas. The dog and cat cargo space must be constructed and arranged to prevent injuries from fighting and allow for compatible grouping in terms of age, breed, size, and disposition. Separate confinement areas must be provided for females in estrus. A dog or cat must not be placed in a confinement area over other animals unless the upper confinement area is constructed to prevent excreta from entering the lower confinement area. All confinement areas and cargo space must be cleaned and disinfected between uses. The number of dogs or cats transported at one time must not exceed the number that can ride comfortably. Vehicles must be adequately equipped to provide sufficient ventilation and still protect the dogs or cats from the elements, injurious drafts, and exhaust fumes.

Subp. 12. **Dogs or cats may not be used for breeding.** No person shall allow a dog or cat housed in a kennel facility to be used for breeding. This part does not apply to a veterinary clinic licensed to operate a kennel.

Subp. 13. **Complaints and cost recovery.**

A. The board may investigate a written complaint alleging a violation of Minnesota Statutes, sections 347.31 to 347.40, or these rules, in accordance with Minnesota Statutes, section 347.38

B. Money from license fees, fines, penalties, or deposits under Minnesota Statutes, section 346.55 or 347.31 to 347.40, must be deposited into the general fund.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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## ANTHRAX

### 1721.0530 ANTHRAX QUARANTINE, PRECAUTIONS AND DISPOSAL.

Subpart 1. **Quarantine.** A herd with an animal that died of anthrax must be quarantined. The quarantine must not be released until at least 30 days after the last death due to anthrax.

Subp. 2. **Precautions to be observed.** The board shall maintain recommended standard operating procedures for managing anthrax in domestic animals.

Subp. 3. **Necropsy.** No one may necropsy the carcass of any animal dying of anthrax or suspected to have died of anthrax unless authorized by the board.

Subp. 4. **Treatment of carcasses.** The carcass of a domestic animal that died of anthrax must be cremated or disposed of in a manner approved by the board.

Subp. 5. **Treatment of buildings.** If an animal dies of anthrax in a building, the building must be cleaned and disinfected in a manner approved by the board.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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## RABIES PREVENTION AND CONTROL

### 1721.0540 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 1721.0540 to 1721.0580, the terms in this part have the meanings given them.

Subp. 2. **Positive rabies case.** "Positive rabies case" means an animal diagnosed as positive for rabies by a recognized laboratory or an animal determined by the board to be at high risk for having rabies.

Subp. 3. **Rabies vaccination certificate.** "Rabies vaccination certificate" means a certificate that documents that an animal has been vaccinated for rabies in accordance with parts 1721.0540 to 1721.0580 and the compendium. The completed certificate must be signed by the veterinarian who administered or supervised the administration of the vaccine. The certificate must include the following information:

- A. name, address, and telephone number of the owner;
- B. pet's name, breed, size, sex, age, species, and color;
- C. vaccine name, manufacturer, serial number, expiration date, and duration of immunity;
- D. rabies tag number;
- E. date the vaccine was administered;
- F. name, address, and license number of the veterinarian who administered or supervised the administration of the vaccine; and
- G. due date of the next rabies vaccination.

Subp. 4. **Rabies specimen.** "Rabies specimen" means that part of an animal or an entire animal submitted for rabies examination.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0550 ANIMAL RABIES VACCINES.**

Subpart 1. **Distribution of rabies vaccines.** Rabies vaccines may only be sold and distributed in Minnesota in accordance with part 1721.0670.

Subp. 2. **Administration of rabies vaccines.**

A. Animal rabies vaccines may only be administered by or under the supervision of a licensed veterinarian.

B. The veterinarian responsible for the administration of the rabies vaccine must sign a rabies vaccination certificate for each dog, cat, or ferret that has been vaccinated for rabies in accordance with parts 1721.0540 to 1721.0580 and the compendium.

C. No person shall issue a rabies vaccination certificate for an animal vaccinated in a manner not in accordance with parts 1721.0540 to 1721.0580 and the compendium.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0560 SAMPLE SUBMISSION.**

All rabies specimens must be accompanied by a completed rabies specimen submission form.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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**1721.0570 RABIES POSTEXPOSURE MANAGEMENT PROCEDURES FOR ANIMALS.****Subpart 1. Management of animals exposed to a rabid animal.**

A. An animal that is determined by the board to have been exposed to rabies must be managed as described in items B to D.

B. An animal that is currently vaccinated for rabies must be kept under confinement and observed for signs of rabies for 45 days and, unless exempted by the board, revaccinated for rabies within three days of the exposure.

C. An animal for which there is a licensed rabies vaccine, but which has never been vaccinated for rabies, must be euthanized or quarantined for 180 days.

D. All other animals must be evaluated on a case-by-case basis. The board may require the exposed animal to be euthanized, quarantined, or confined for up to 180 days. The board may also require the animal to be vaccinated for rabies.

Subp. 2. **Quarantine procedures.** Animals must be quarantined in a manner approved by the board so as to minimize contact with persons or other animals. Dogs, cats, and ferrets, unless exempted by the board, must be vaccinated or revaccinated for rabies at the beginning of the quarantine period.

Subp. 3. **Release of quarantine on rabies-exposed animals.** All animals that are quarantined for rabies must be inspected by a veterinarian at the end of the quarantine period. Quarantine established on an animal under this part must not be released until a written report is received by the board from a licensed veterinarian stating the veterinarian inspected the animal at the end of the quarantine period and observed no signs of rabies. No dog, cat, or ferret may be released from quarantine unless it is currently vaccinated for rabies.

Subp. 4. **Reporting.** Any illness in an animal that is under confinement or quarantine established under this part must be reported immediately to the board.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

**1721.0580 MANAGEMENT OF ANIMALS THAT BITE HUMANS.**

Subpart 1. **Dogs, cats, and ferrets.** A dog, cat, or ferret that bites a human must be kept under confinement and observed for signs suggestive of rabies for ten days, or the animal must be euthanized and tested for rabies. If requested by the Department of Health, a stray or impounded dog, cat, or ferret that bites a human may be euthanized and tested for rabies before the required five-day holding period as specified in part 1721.0520, subpart 10, or in Minnesota Statutes, section 346.47.

Subp. 2. **Other animals.** An animal other than a dog, cat, or ferret that bites a human must be managed on a case-by-case basis based on the recommendations of the Department of Health. The animals may be required to be confined and observed for signs suggestive of rabies. If the Department of Health requests a rabies test, the animal must be euthanized and tested for rabies.

Subp. 3. **Confinement procedures.** An animal under confinement for rabies observation must be restricted in such a way that the animal can always be found and cannot wander away. A dog, cat, or ferret that is currently vaccinated for rabies may be confined in the home or as directed by local authorities. A dog,



cat, or ferret that is not currently vaccinated for rabies may be required by local authorities to be confined at a veterinary clinic or other secure location at the owner's expense.

Subp. 4. **Reporting and testing.** Any illness in an animal that is under confinement and observation for rabies established under this part must be reported to the Department of Health. If the animal shows signs suggestive of rabies, it must be euthanized and tested for rabies. An animal that dies or is euthanized during the confinement period must be tested for rabies.

Subp. 5. **Enforcement.** Local animal control and law enforcement officials are responsible for enforcement of this part.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

### FEEDING GARBAGE TO LIVESTOCK

#### 1721.0590 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 1721.0590 to 1721.0660, the terms in this part have the meanings given them.

Subp. 2. **Feeding premises.** "Feeding premises" means premises on which garbage is fed to livestock.

Subp. 3. **Garbage.** "Garbage" means refuse matter, animal and vegetable, and includes, but is not limited to, refuse from a household, kitchen, restaurant, cafeteria, food processing plant, food store, or slaughter plant.

Subp. 4. **Garbage truck.** "Garbage truck" means a conveyance used to haul garbage from points of origin to a feeding premises.

Subp. 5. **Person.** "Person" means an individual, firm, partnership, company, or corporation, including the state of Minnesota, its public institutions and agencies, and all political subdivisions of the state.

Subp. 6. **Treated garbage.** "Treated garbage" means garbage that has been processed in accordance with part 1721.0650.

Subp. 7. **Untreated garbage.** "Untreated garbage" means garbage that has not been processed in accordance with part 1721.0650.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### 1721.0600 EXCLUSIONS.

Parts 1721.0590 to 1721.0660 do not apply to a person who feeds the following to livestock:

A. garbage obtained from the person's own private household which is fed to animals that the person owns;

B. processed product that has undergone an industrial manufacturing process where it has been cooked to a temperature of 167 degrees Fahrenheit for at least 30 minutes or has been subjected to some other industrial process demonstrated to provide an equivalent level of inactivation of disease organisms;

C. rendered product that has been ground and heated to a minimum temperature of 230 degrees Fahrenheit at a rendering plant;

D. commercial feeds licensed under the Minnesota Commercial Feed Law, Minnesota Statutes, sections 25.31 to 25.43, that do not contain meat or matter of any character that has been in contact with meat; or

E. vegetable waste or by-products resulting from the manufacture or processing of vegetables.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

**Published Electronically:** *April 4, 2013*

#### **1721.0610 PERMITS.**

Subpart 1. **Requirements.** A person may not operate a feeding premises or a garbage truck unless the person has a permit from the board. Permits must be renewed annually by June 30. Prior to issuance of a permit to operate a feeding premises or garbage truck, an application from the operator must be filed with the board, the feeding premises and garbage trucks must be inspected by the board within 30 days prior to issuance of the permit, and the board must determine that the operator and feeding premises meet the requirements in parts 1721.0590 to 1721.0660. The categories of permits for feeding premises are:

A. Class A permits for feeding premises where garbage containing meat or refuse of any character that may have been in contact with meat may be fed to livestock; and

B. Class B permits for feeding premises where only garbage not containing meat or refuse of any character that may have been in contact with meat may be fed to livestock.

Subp. 2. **Cancellation.** Violations of the requirements of parts 1721.0590 to 1721.0660 pertaining to the feeding of garbage to livestock or any requirement specified in parts 1721.0100 to 1721.0740 or Minnesota Statutes, chapter 35, by an applicant or permit holder shall constitute grounds for the board to deny an application for a Class A or Class B permit for feeding premises 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.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0620 INSPECTIONS, INVESTIGATIONS, AND RECORDS.**

The board may enter premises where garbage is fed to livestock at reasonable times for the purpose of inspecting and investigating conditions of the feeding of garbage to livestock. The board may examine records pertaining to the feeding of garbage to livestock or pertaining to the acquisition and sale of livestock. The board may require the maintenance of records relating to the operation of equipment used to process garbage. Copies of records must be submitted to the board upon request.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0630 MAINTENANCE OF FEEDING PREMISES AND TRUCKS.**

Feeding premises must be maintained in a reasonably sanitary condition and garbage must not be permitted to accumulate. Garbage trucks must be maintained in a reasonably sanitary condition and have a watertight wagon bed or tank that is covered when traveling on public highways.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0640 FEEDING PRACTICES.**

A person permitted to feed garbage to livestock may not allow livestock to have access to untreated garbage and may not bring more garbage to a feeding premises than the livestock in the operation can reasonably be expected to consume. All garbage brought to a feeding premises must be fed to livestock. Unconsumed garbage must be disposed of in a manner that it is not a potential source for disease for livestock or wildlife.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0650 GARBAGE TREATMENT.**

Subpart 1. **Class A permit.** Garbage brought to a Class A feeding premises as defined in part 1721.0610, subpart 1, must be processed by thoroughly heating it to at least 212 degrees Fahrenheit for a continuous period of at least 30 minutes or by some other method approved by the board to provide an equivalent level of inactivation of disease organisms.

Subp. 2. **Class B permit.** Garbage brought to a Class B feeding premises as defined in part 1721.0610, subpart 1, may be fed directly to livestock without further treatment if the board determines that feeding the material is not a risk for spreading livestock diseases.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0660 QUARANTINES.**

Livestock that have been fed or allowed access to untreated garbage must be placed under quarantine by the board. Quarantined livestock may only be moved directly to a federally inspected slaughter establishment under permit from the board.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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## BIOLOGICS

### 1721.0670 RESTRICTIONS ON SALE OR DISTRIBUTION OF CERTAIN VACCINES.

A. The following vaccines may be sold or distributed only to veterinarians, pharmacists, or companies that only sell to veterinarians:

- (1) rabies vaccine;
- (2) *Brucella abortus* vaccine;
- (3) *Mycobacterium paratuberculosis* vaccine; and
- (4) other vaccines determined by the board to be too dangerous for nonveterinarian use.

A list of restricted vaccines is available through the Internet at <http://mn.gov/bah> or by calling the board office at 651-296-2942.

B. The following vaccines may be sold only to veterinarians, or by written prescription to nonveterinarians:

- (1) anthrax vaccine;
- (2) modified live vaccines for any species of animal that is commonly maintained in the home of the owner whether or not the particular animal is so housed; and
- (3) other vaccines that are restricted by the board for use in a disease control program. A list of restricted vaccines is available through the Internet at <http://mn.gov/bah> or by calling the board office at 651-296-2942.

C. A copy of each written prescription must be maintained on file by the issuing veterinarian for two years.

D. No person, pharmacist, company, or corporation may sell or distribute in Minnesota vaccines of any disease of livestock unless the products are licensed by the USDA and are in the original unopened container of the manufacturer except with prior permission by the board. This item does not apply to autogenous biologics that are distributed in accordance with Code of Federal Regulations, title 9, part 113.113.

E. With the exception of item D, this part does not apply to vaccines sold exclusively for use in poultry; provided, the board shall impose restrictions on the sale, distribution, and use of poultry vaccines if considered necessary to protect the health of livestock and poultry in Minnesota.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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**1721.0680 RESTRICTIONS ON SALE OR DISTRIBUTION OF ANTIGENS USED IN DETECTION AND DIAGNOSIS OF DISEASES OF DOMESTIC ANIMALS.**

A. No person, pharmacist, company, or corporation located in or outside the state, engaged in the manufacture, wholesale or retail sale, or distribution of antigens used in the detection and diagnosis of diseases of domestic animals may sell or distribute these products to any person located in the state except to veterinarians licensed to practice in the state or to a pharmacist, company, or corporation engaged in the retail sale of those products, who must not sell to a person other than licensed veterinarians.

B. Unless prior permission has been obtained from the board, no person, pharmacist, company, or corporation may sell or distribute in the state antigens used in the detection and diagnosis of disease of domestic animals unless the products are licensed by the USDA and are in the original unopened container of the manufacturer.

C. With the exception of item B, this part does not apply to antigens manufactured and sold exclusively for use in poultry; provided, the board shall impose restrictions on the sale, distribution, and use of poultry antigens if deemed necessary to protect the health of livestock and poultry in the state.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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**CARCASS DISPOSAL**

**1721.0690 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of parts 1721.0690 to 1721.0740, the terms defined in this part have the meanings given them.

Subp. 2. **Carcass.** "Carcass" means the dead body of a domestic animal.

Subp. 3. **Collecting station.** "Collecting station" means a site where carcasses may be unloaded for temporary keeping.

Subp. 4. **Composting.** "Composting" means the controlled microbial degradation of organic material by thermophilic organisms.

Subp. 5. **Establishment.** "Establishment" means a place where carcasses or discarded animal parts are rendered or processed for mink or pet food or for other commercial uses.

Subp. 6. **Litter.** "Litter" means material that is used to provide a carbon source for composting.

Subp. 7. **Off-site pickup point.** "Off-site pickup point" means a location away from the building site where animals are kept and where carcasses may be placed for pickup by a carcass disposal service.

Subp. 8. **Toxic material.** "Toxic material" means a poisonous substance.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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**1721.0695 EXCLUSION FOR DOGS, CATS, AND FERRETS.**

The requirements for disposal of animal carcasses specified in parts 1721.0690 to 1721.0740 do not apply to dogs, cats, or ferrets.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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**1721.0700 DISPOSAL OF CARCASSES.**

A person owning or controlling a domestic animal that has died or been killed other than by being slaughtered for human or animal consumption must dispose of the carcass within 72 hours unless other arrangements for disposal have been approved by the board. Carcasses must be disposed of by:

- A. burial in the ground at a depth adequate to prevent scavenging by other animals;
- B. incineration;
- C. rendering;
- D. composting; or
- E. another manner approved by the board as being equally effective for the control of animal diseases.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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**1721.0710 INSPECTION OF CARCASSES.**

An authorized employee or agent of the board may enter private or public property and inspect the carcass of a domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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**1721.0720 TRANSPORT OF ANIMAL CARCASSES.****Subpart 1. Permits.**

A. A permit from the board is required for a vehicle used to transport carcasses over public roads within the state except that no permit is required for a person to haul the carcass of an animal that was owned by that person before the animal died. A permit is valid for one year from the date of issuance. Violations of the requirements of parts 1721.0690 to 1721.0740 pertaining to carcass disposal shall constitute grounds for the board to revoke a permit issued for a vehicle used to transport carcasses over public roads in the state. The board shall notify the permit holder of the right to appeal the board's initial determination under the Administrative Procedure Act, Minnesota Statutes, chapter 14.

B. The application for a permit must include:

- (1) the name and address of the owner;
- (2) a description of each vehicle owned, leased, contracted, or used in the transportation of carcasses including the license number;
- (3) the address of each collecting station; and
- (4) the name and address of the establishment where the carcasses are to be hauled.

C. Prior to issuance of a permit, all vehicles must be inspected by the board to determine that they meet the requirements in this part.

Subp. 2. **Restrictions.** The carcass of an animal that has died from anthrax, rabies, ingestion of toxic materials, or any disease that may endanger the health of the domestic animals of the state may not be transported without prior permission of the board.

Subp. 3. **Vehicles.** A vehicle used for transport of carcasses must be equipped with a watertight body or tank, a cover that completely encloses the body or tank, and a tailgate that completely encloses the rear opening of the vehicle. The vehicle must be thoroughly washed and disinfected after hauling each load or before proceeding with the next load.

Subp. 4. **Transfer of carcasses.** A carcass must not be removed from a vehicle except at an establishment, a collecting station, a veterinary clinic, a veterinary diagnostic laboratory, or another site approved by the board to receive animal carcasses. Carcasses removed from a vehicle at a collecting station must be kept within an enclosure or a building provided for that purpose. Carcasses at a collecting station may only remain at the facility for up to 24 hours. If the enclosure at a collecting station is refrigerated and kept at a temperature of less than 45 degrees Fahrenheit, carcasses may remain at the facility for up to seven days.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0730 OFF-SITE PICKUP POINT.**

Carcasses left at an off-site pickup point must be stored in an animal-proof enclosed area that is at least 200 yards from any adjacent premises or water supply well. If the enclosure is not refrigerated, the carcasses must be picked up within 72 hours. If the enclosure is refrigerated and kept at less than 45 degrees Fahrenheit, the carcasses must be picked up within seven days.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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#### **1721.0740 COMPOSTING ANIMAL CARCASSES.**

Subpart 1. **Composting process.** Unless otherwise authorized by the board, all of the following criteria must be met for the disposal of animal carcasses by the composting process:

- A. carcasses must be covered with litter at all times;

- B. the ratio of carbon to nitrogen in each compost pile must be between 15:1 and 35:1;
- C. each pile must be turned completely at least once every 21 days to add essential oxygen to the composting material;
- D. the composting material must be kept moist to ensure proper bacterial growth; and
- E. the compost pile temperature must reach a minimum of 130 degrees Fahrenheit during each of two heating cycles during the composting process.

Subp. 2. **Pest control.** Flies, rodents, and other vermin must be controlled around composting facilities.

Subp. 3. **Finished product.** The finished product resulting from the composting of animal carcasses must not contain visible pieces of soft tissue.

Subp. 4. **Inspection.** The board may inspect composting facilities to determine if the composting process meets all of the requirements of this part.

**Statutory Authority:** *MS s 35.03*

**History:** *37 SR 1396*

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