

CHAPTER 35

LIVESTOCK SANITATION

- | | | | |
|--------|--|-------|---|
| 35.01 | Definitions | 35.39 | Moneys collected paid into operation fund |
| 35.02 | Sanitary board | 35.40 | Duties of board |
| 35.03 | Powers, duties, and reports | 35.41 | Permit required |
| 35.04 | Duty of local boards of health | 35.42 | Applications |
| 35.05 | Authority of state and local boards | 35.43 | Bonds |
| 35.06 | Reporting disease; compelling testimony | 35.44 | Damages recoverable from dealers |
| 35.07 | Condemned animals to be paid for | 35.45 | Damages recoverable from manufacturers |
| 35.08 | Killing of diseased animals | 35.46 | Premises inspected |
| 35.09 | Inspection before killing | 35.47 | Applications, reports; fees |
| 35.10 | Indemnity subject to lien or mortgage on animals | 35.48 | Board may revoke permits |
| 35.11 | Expenses of autopsies and appraisals | 35.49 | Government license required |
| 35.12 | Expenses of killing, burial, and quarantine; lien | 35.50 | Who may sell virus |
| 35.13 | Entry to premises forbidden | 35.51 | Permits to administer virus |
| 35.14 | Livestock detectives from other states | 35.52 | Schools of instruction |
| 35.15 | Animals or fowls not to be brought into state; exception | 35.53 | Applications for instruction |
| 35.16 | Transportation companies to hold livestock and poultry | 35.54 | Schools held at University Farm |
| 35.17 | Tuberculin and mallein; distribution, no discrimination in | 35.55 | Samples may be seized |
| 35.18 | Applications; how filed; record | 35.56 | Powers of board |
| 35.19 | County board may appropriate money for cattle testing | 35.57 | Labels not defaced |
| 35.20 | Board to make test | 35.58 | Discrimination forbidden |
| 35.21 | Subsequent test | 35.59 | Rebates prohibited |
| 35.22 | Federal aid | 35.60 | Soliciting applications prohibited |
| 35.23 | Counties as modified accredited area | 35.61 | Purchase, sale, and distribution of hog cholera serum and virus |
| 35.24 | Owners of cattle to submit them for tests | 35.62 | Persons to whom serum and virus sold or distributed |
| 35.245 | Cattle; sale, lease, loan | 35.63 | Payment |
| 35.25 | Cattle tested for Bangs disease | 35.64 | Cold storage facilities |
| 35.26 | Petition and hearing | 35.65 | Revolving fund |
| 35.27 | Rehearing; investigation | 35.66 | Testing cattle for exhibition at fairs |
| 35.28 | Board to fix time for testing | 35.67 | Rabies; board, health officers; duties |
| 35.29 | Retests | 35.68 | Rabies; proclamation; publication |
| 35.30 | Cattle owners to assist in making tests | 35.69 | Unmuzzled dogs not permitted at large |
| 35.31 | Board to make and enforce rules | 35.70 | Violations; penalties |
| 35.32 | County boards to provide funds | 35.71 | Unclaimed and unredeemed animals impounded; scientific use |
| 35.33 | Tuberculin and mallein dealers to report sales | 35.72 | Milk or cream; testing by board |
| 35.34 | Tuberculin and mallein, how used | 35.73 | Definitions |
| 35.35 | Temperatures of animals, how reported | 35.74 | Exceptions |
| 35.36 | Price of hog cholera serum to be stated on each package | 35.75 | Licenses |
| 35.37 | Surplus serum may be sold outside the state; precautions | 35.76 | Garbage, treatment |
| 35.38 | Veterinary division to establish stations in each county | 35.77 | Quarantine, permit for removal of livestock or poultry |
| | | 35.78 | Inspection and investigation of premises, records |
| | | 35.79 | Enforcement |
| | | 35.80 | Violations |

35.01 DEFINITIONS. Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the words defined in subdivision 2 shall, for the purposes of this chapter, be given the meanings ascribed to them; and the terms defined in subdivisions 3 to 6 shall, for the purposes of sections 35.40 to 35.60, be given the meanings ascribed to them.

Subd. 2. The board or the state board. "The board" or "the state board" means the state livestock sanitary board.

Subd. 3. Person. The word "person" includes individuals, firms, partnerships, companies, and corporations.

Subd. 4. Biological products. The words "biological products" include and refer to hog cholera serum, virulent blood and virus.

Subd. 5. Manufacturer. The word "manufacturer" includes all persons engaged in the preparation in this state of biological products, as herein defined, at any stage of the process.

Subd. 6. Dealer. The word "dealer" includes all persons, other than manufacturers, engaged in the sale, dispensation, or other distribution of biological products for profit, or who shall offer biological products for sale, dispensation, or other distribution for profit, whether as principal or agent; provided, that a regularly licensed veterinarian who has in his possession biological products for use in the practice of his profession, but not for sale to other veterinarians or permit holders, shall not be considered a dealer, as herein defined.

Subd. 7. **Bang's disease.** "Bang's disease" as used in Minnesota Statutes, Chapter 35, includes brucellosis.

Subd. 8. **Livestock, domestic animals.** "Livestock" and "domestic animals" as used in Minnesota Statutes, Chapter 35, includes "poultry."

[R L s 2155; 1913 c 160 s 1; 1923 c 112 s 2; 1953 c 98 s 1; 1957 c 113 s 1] (5395, 5433)

35.02 SANITARY BOARD. The state livestock sanitary board shall consist of five members, appointed by the governor, each for the term of five years and until his successor qualifies. One shall be a person selected and recommended by the Minnesota Livestock Breeders Association; two shall be persons financially interested in the breeding of livestock in the state; and the other two practicing veterinarians and graduates of a regularly organized and recognized veterinary college. Appointments to fill unexpired terms shall be made from the classes to which the retiring members belonged. The board shall elect a president and a vice-president from among this number; also a veterinarian and graduate of a regularly organized and recognized veterinary college, not a member, to be its secretary and executive officer for a term of one year and until his successor qualifies. It may also employ, and dismiss at pleasure, an attorney and such other assistants as may be necessary in the performance of its duties. The duties of the secretary shall be prescribed by the board. The compensation of the employees other than the secretary shall be fixed, and their duties prescribed, by the board. No member of the board shall receive any compensation for services as such, or as an employee thereof, but the expenses of each, necessarily incurred in the discharge of his duties, shall be paid by the state.

[R L s 2155; 1913 c 160 s 1; 1925 c 426 art 16 s 1; 1951 c 713 s 5] (53-43, 5395)

35.03 POWERS, DUTIES, AND REPORTS. The board shall protect the health of the domestic animals of the state, and carry out the provisions of this chapter; employing such means and making such rules and regulations as it may deem expedient to that end. It shall hold quarterly meetings at the seat of government on the first Friday after the second Tuesday in January, April, July and October. Officers shall be elected at the April meeting. On or before October 1 in each even numbered year the board shall report its proceedings and recommendations to the governor biennially, which report shall be published by the state.

[R L s 2156; 1955 c 847 s 3] (5396)

35.04 DUTY OF LOCAL BOARDS OF HEALTH. All local boards of health shall assist the board in the prevention, suppression, control, and eradication of contagious and infectious dangerous diseases among domestic animals when directed so to do by the secretary or any member thereof. Two or more local boards may be required in emergencies to cooperate in rendering such assistance. When the rules of any local board conflict with those of the state board, the latter shall prevail.

[R. L. s. 2157] (5397)

35.05 AUTHORITY OF STATE AND LOCAL BOARDS. The state board and the local boards, within their respective jurisdictions, may quarantine or kill any domestic animal infected with, or which has been exposed to, any contagious and infectious dangerous disease; but, before killing an animal solely on the ground that it has been exposed, a local board shall procure the authority of the state board. These boards may regulate or prohibit the arrival in, and departure from, the state of animals so infected or exposed, and, in case of violation of any such regulation or prohibition, may detain any animal at its owner's cost. The state board may regulate or prohibit the bringing of domestic animals into the state which, in its opinion, for any reason, may injure the health of live stock therein. All rules and regulations adopted by the board or by any local board under authority of this chapter shall be recorded in the minutes, and one week's published notice thereof shall be given.

[R. L. s. 2158] (5398)

35.06 REPORTING DISEASE; COMPELLING TESTIMONY. Every person who knows, or has reason to suspect, that a contagious or infectious disease exists in any domestic animal shall immediately notify the local board of health. Within 24 hours after such board shall receive notice or have knowledge that any such animal is infected with, or has been exposed to, such disease, it shall give written notice thereof to the state board. The board, or any member or authorized agent

thereof, may examine, under oath, all persons believed to have knowledge of the existence or threatening of disease among domestic animals and, for this purpose, may take depositions and compel witnesses to attend and testify.

[*R. L. s. 2159*] (*5399*)

35.07 CONDEMNED ANIMALS TO BE PAID FOR. When the state board shall have duly ordered the vaccination of any domestic animals because the premises whereon such animals are kept are infected with the virus of anthrax, and as a result of such treatment any or all of such animals shall die from vaccination anthrax, as demonstrated by state laboratory findings, the board shall pay to the owner the cash value of such diseased animals, the same to be determined by three competent, disinterested men, one appointed by the state, one by the owner, and a third by the first two.

Such appraisal shall in no case exceed \$60 for a cow, \$125 for a horse, \$5 for a sheep, and \$10 for a hog, except in the case of pure-bred cattle, horses, sheep, or swine, where the pedigree shall be proved by certificates of registration from the herd books where registered, and in that case the maximum appraisal shall not exceed \$150 for a cow, \$150 for a horse, \$25 for a sheep, and \$25 for a hog.

The appraisements made under this section shall be in writing, signed by the appraisers, and certified by the board to the state auditor, who shall draw a warrant on the state treasurer for the amount thereof.

[*1921 c. 181 s. 1*] (*5401*)

35.08 KILLING OF DISEASED ANIMALS. When the board shall decide upon the killing of an animal affected with the disease of tuberculosis, paratuberculosis, glanders, or Bangs disease, it shall notify the owner or keeper thereof of such decision and when, in the judgment of the board, such animal may be ordered transported for immediate slaughter by the board, through its executive officer, to any abattoir where the United States bureau of animal industry maintains inspection, or where the United States bureau of animal industry or the board may establish field post-mortem inspection, and the owner shall receive the value of the net salvage of the carcass.

Before the animal is removed from the premises of the owner the representative or authorized agent of the board shall agree, in writing, with the owner as to the value of such animal; in the absence of such agreement, there shall be appointed three competent, disinterested men, one appointed by the board, one by the owner, and a third by the first two, to appraise such animal at its cash value, taking into consideration the condition of the animal as to the disease and its present and probable effect on the animal.

Such appraisal shall in no case exceed \$125 for a cow and \$125 for a horse, except in the case of pure-bred cattle and horses, where the pedigree shall be proved by certificates of registration from the herd books where registered, and in which case the maximum appraisal shall not exceed \$225.

The appraisement made under this section shall be in writing, signed by the appraisers, and certified by the board to the state auditor, who shall draw a warrant on the state treasurer for the amount due the owner.

[*R. L. s. 2160*; *1905 c. 115*; *1909 c. 401*; *1913 c. 148 s. 1*; *1915 c. 114 s. 1*; *1921 c. 485 s. 1*; *1925 c. 230 s. 1*; *1929 c. 35 s. 1*; *1935 c. 32*; *1939 c. 171 s. 1*; *1945 c. 328 s. 1*] (*5402*)

35.09 INSPECTION BEFORE KILLING. Subdivision 1. Notwithstanding any provision of this chapter to the contrary, neither cattle affected with tuberculosis, paratuberculosis, or Bangs disease, nor glandered horses shall be killed as such until they have been inspected by a veterinarian appointed by the board, and are pronounced by him to be so diseased.

For each animal slaughtered because of tuberculosis, paratuberculosis, glanders, or Bangs disease, the value of the net salvage of the carcass shall be deducted from the appraised value of the living animal; two-thirds of the remainder shall be paid to the owner by the state, except that in all cases where the federal bureau of animal industry compensates the owner for such animal, in whole or in part, then the amount of the compensation so received from the federal government shall be deducted from the amount of indemnity payable by the state; provided, that in no case shall any payment be more than \$25 for grade females or more than \$50 for any pure-bred animal, and that no payment shall be made unless the owner has complied with all lawful rules and regulations of the board; and, provided, further,

that two-thirds of the appraised value of any horse slaughtered, as provided herein, shall be paid to the owner thereof by the state after disposal of the carcass of the horse, as directed by the board.

Subd. 2. The owner of any such animal shall be entitled to indemnity therefor, as herein provided, except in the following cases:

- (1) Indemnity shall not be paid for steers or grade bulls;
- (2) Animals which have not been kept for one year, or since their birth, in good faith, in the state;
- (3) Animals brought into the state, or from one county into another within the state, contrary to any provision of law or rules and regulations of the board;
- (4) Animals diseased at the time of arrival in this state;
- (5) Animals belonging to the United States;
- (6) Animals belonging to institutions maintained by state, county, or municipality;
- (7) Animals which the owner or claimant knew to be diseased or had notice thereof at the time they came into his possession, or when the owner shall have been guilty of negligence by wilfully exposing his animal or animals to Bangs disease, or if the animals have been injected with Bangs disease vaccine, bacterin, or other preparations made from or through the agency of *Brucella Micro-organisms* unless done in compliance with the rules and regulations of the state board;
- (8) When the owner has received indemnity as a result of a former inspection or tests and has hereafter introduced into his herd any animals which theretofore had not passed the tuberculin or Bangs disease test;
- (9) Where the owner, agent, or person in possession of the animal has not complied with the rules and regulations of the board with respect to animals condemned;
- (10) When the condemned animals are not destroyed within 15 days after date of appraisal, or when the owner refuses to sign the appraisal or report of the members of the appraisal board, except that in extraordinary circumstances and in meritorious cases and at the discretion of the secretary and executive officer of the board the time limit of 15 days may be extended an additional 15 days; provided, that the owner receives permission to do so from the secretary and executive officer within 15 days of the date of appraisal;
- (11) No indemnity or compensation shall be paid for the destruction of any live stock affected with tuberculosis, paratuberculosis, glanders, or Bangs disease unless the entire herd of which the affected live stock is a part, or from which the affected live stock has originated, shall be examined and tested under the supervision of the board, in order to determine if they are free from such disease;
- (12) No indemnity or compensation shall be paid for the destruction of any live stock affected with tuberculosis, paratuberculosis, glanders, or Bangs disease unless the owner has carried out the instructions and regulations of the board relating to the cleaning, disinfection and rendering the stables and premises in a sanitary condition within 15 days from the time of removal of these animals from the premises, except when, because of inclement weather or other extenuating circumstances, the time may be extended by the executive officer of the board;
- (13) No indemnity or compensation shall be paid for the destruction of any live stock affected with tuberculosis, paratuberculosis, or Bangs disease, if the owner has fed milk or milk products derived from creameries and which have not been pasteurized, as required by state laws and regulations;
- (14) If, at any time, the annual appropriation for payment of indemnities becomes exhausted as a result of condemnation and slaughter of animals, the state board shall discontinue making further official tests or to authorize such tests, with the exception that, if an owner signs a waiver, on blanks to be furnished by the board, for payment of indemnity for any animals that may be condemned as the result of a test and inspection, and releasing the state from any obligation to pay indemnity from any future appropriation;
- (15) When the owner is a nonresident and neither he nor his duly authorized agent or agents are engaged in breeding live stock in this state.

Subd. 3. **Emergencies; appraisal and destruction of property.** When it is determined by the board that it is necessary to eradicate any dangerous, infectious, communicable disease among domestic animals in the state, the presence of which constitutes an emergency so declared by resolution of the board or by the United

States department of agriculture, the board may take such steps as it deems reasonable and necessary to suppress and eradicate such disease. If the emergency is declared by the United States department of agriculture, the board may cooperate with the bureau of animal industry of the United States department of agriculture in the suppression and eradication of such disease.

When such an emergency has been declared, the board may appraise and destroy animals affected with, or which have been exposed to such disease, and appraise and destroy property in order to remove the infection and complete the cleaning and disinfection of the premises, and do any act and incur any other expense reasonably necessary to suppress such disease. The board may accept, on behalf of the state, the rules adopted by the bureau of animal industry of the United States department of agriculture pertaining to such disease, authorized under an act of Congress, or such portion thereof deemed necessary, suitable, or applicable, and to cooperate with the bureau of animal industry of the United States department of agriculture, in the enforcement of the rules and regulations so accepted; or it may follow such procedure only as to quarantine or inspection or condemnation or appraisal or destruction or burial of animals, disinfection, and other acts deemed by it reasonably necessary in the suppression of such disease as may be agreed upon and adopted by the board and representatives or authorized agents of the bureau of animal industry of the United States department of agriculture, provided when such procedures have been followed under an emergency declared by the United States department of agriculture, the total expense shall be shared equally between the state and federal governments.

The appraisals of animals affected with, or exposed to, such disease, or contact animals, or property destroyed in order to remove the infection and complete the cleaning and disinfection of the premises where such animals are found, shall be made by an appraisal board consisting of a representative of the board, a representative of the bureau of animal industry of the United States department of agriculture, and the owner of the animals, or his authorized representative. Such appraisals shall be in writing, and shall be signed by the appraisers, and shall be made at the true market value of all animals and property appraised.

Upon destruction of the animals or property, or both, and burial or other disposition of the carcasses of such animals in accordance with the law and regulations of the board and the bureau of animal industry of the United States department of agriculture, and the completion of the cleaning and disinfection of the premises, the state board shall certify the appraisal to the state auditor, who shall draw a warrant on the state treasurer for the proper amount thereof, payable to the owner. If the appraisal is made in respect to animals or other property or both destroyed under an emergency declared by the United States department of agriculture, the state auditor shall draw a warrant on the state treasurer for one-half of the amount thereof payable to the owner, and the remaining one-half of the appraisal to be paid by the federal government under the cooperative arrangement; provided that if said disease is of such nature that the carcasses of the diseased or exposed animals, or any part thereof, may be salvaged for human food or other purposes, the net amount of such salvage paid to the owner shall be deducted from the appraisal, and the remainder shall be paid to the owner by the state or by the state and federal government in the manner heretofore provided.

[R L s 2161; 1921 c 485 s 2; 1923 c 319 s 1; 1925 c 230 s 2; 1939 c 171 s 2; 1941 c 67 s 1; 1945 c 328 s 2; 1953 c 223 s 1] (5403)

35.10 INDEMNITY SUBJECT TO LIEN OR MORTGAGE ON ANIMALS.

When any animal is condemned and killed by the state, or any subdivision thereof, pursuant to law, and indemnity is provided therefor, and such animal is subject to a mortgage or other lien and written notice of such lien is given by the lienholder to the board or officer whose duty it is to order payment of such indemnity, before such indemnity is ordered paid, then such lien shall attach to the indemnity to the same extent it attached to the animal and the indemnity shall be payable to the owner and the lienholder.

If the owner and lienholder shall execute and deliver to the board or officer, on blanks to be furnished by the board or officer, a written agreement providing for the distribution and payment of such indemnity, payment thereof shall be made as specified and directed in the agreement, a copy of which agreement shall be transmitted by the board or officer to the officer by whom payment is to be made; otherwise the indemnity shall be placed in the custody of the district court of the county

35.11 LIVESTOCK SANITATION

330

in which the animal was condemned, in the manner provided by section 544.14 for the deposit of moneys claimed adversely by two or more persons, and the state, or subdivision thereof, shall be relieved from further liability on account thereof.

[1927 c. 274] (5403-3)

35.11 EXPENSES OF AUTOPSIES AND APPRAISALS. The expense of autopsies and appraisals shall be defrayed by the state, except that, in cases of protest where the animal is found infected, the charges of the expert appointed by the owner shall be paid by him. The compensation of experts and appraisers shall be fixed by the state board, which board shall approve, before payment all claims made under this chapter. No employee of the board shall receive any fee for acting as an expert or appraiser.

[R. L. s. 2162] (5404)

35.12 EXPENSES OF KILLING, BURIAL, AND QUARANTINE; LIEN. The expense of killing and burial or destruction of a diseased animal, when the killing was ordered by any board, shall be borne by the town or incorporated place where the animal was kept. The expense of quarantine, when the animal is taken from the possession of its owner, shall be defrayed, four-fifths by the state, and one-fifth by the town or place. When such quarantined animal is left upon the premises of its owner or keeper, he shall bear the expense. When an animal is quarantined while being shipped into the state, the expense shall be borne by the owner or keeper. When the owner or keeper of any animal becomes liable for any expense incurred by any board under this chapter, the board shall have a lien on the animal therefor, and may also maintain an action for the amount.

[R. L. s. 2163] (5405)

35.13 ENTRY TO PREMISES FORBIDDEN. During the prevalence among domestic animals of any of the diseases referred to in this chapter, any owner or keeper of such animals may post upon the premises a notice forbidding all persons to enter any building or enclosure thereon in which animals are kept; and thereafter no person shall so enter, except a member or agent of the state board or of a local board of health.

[R. L. s. 2164] (5406)

35.14 LIVESTOCK DETECTIVES FROM OTHER STATES. Any person duly commissioned by the governor, or the live stock commission, or any other proper authority of another state to act as a live stock detective, may exercise his powers as such in this state, consistently with the laws thereof, upon paying a fee of \$5 and filing with the secretary of state:

- (1) His commission or a certified copy thereof;
- (2) A bond to the state in the penal sum of \$2,000, approved by the secretary, and conditioned for the payment of all damages resulting to any person from any wrongful seizure of property within the state, or other unlawful act done therein by him or by any of his deputies; and
- (3) A stipulation that service upon such secretary of any summons, order, notice, or process in a civil action upon such bond shall be a sufficient service upon him or his deputies.

Thereupon the secretary of state shall issue certificates to him, and to not exceeding three deputies appointed by him, and for whose acts he shall be responsible, authorizing the holder to perform the duties herein referred to while such commission is in force; and each may seize and hold any animal which he may know, or have reason to believe, has strayed or been stolen from the state whence the commission issued.

[R. L. s. 2167; 1933 c. 303] (5408)

35.15 ANIMALS OR FOWLS NOT TO BE BROUGHT INTO STATE; EXCEPTION. It shall be unlawful for any transportation company, owner or driver of any truck for hire, or a private truck, or person, to bring into the state, or drive or lead over the highways into the state, any animals or poultry for work, feeding, breeding, or dairy purposes, except in compliance with the rules and regulations now or hereafter adopted by the board.

[1907 c. 355 s. 1; 1935 c. 31 s. 1] (5409)

35.16 TRANSPORTATION COMPANIES TO HOLD LIVESTOCK AND POULTRY. In any case where the rules and regulations of the board have not been complied with, transportation companies shall notify the board and shall hold such animals or poultry at the first station within Minnesota where there are suitable

facilities for holding animals or poultry for inspection by the board, such inspection to be made at the expense of the owner.

[1907 c. 355 s. 2; 1935 c. 31 s. 2] (5410)

35.17 TUBERCULIN AND MALLEIN; DISTRIBUTION, NO DISCRIMINATION. The board and its officers are prohibited from making any distinction whatever in the furnishing and distribution of tuberculin and mallein among the licensed veterinarians of this state for use in making tests of cattle and horses. The board shall furnish and distribute tuberculin and mallein to veterinarians in this state for such tests without regard to whether such veterinarians are graduates of a veterinary college or not.

[1909 c. 445 s. 1] (5413)

35.18 APPLICATIONS, HOW FILED; RECORD. The board shall keep a record of all applications by licensed veterinarians for tuberculin and mallein, showing the name of applicant, date of receipt of application, and amount desired, and shall furnish the same in the order of such applications without regard to whether the applicant is a graduate veterinarian or not. In case the board shall not have sufficient of such tuberculin or mallein to furnish all applicants for such, the board shall furnish the same pro rata among the applicants.

[1909 c. 445 s. 2] (5414)

35.19 COUNTY BOARD MAY APPROPRIATE MONEY FOR CATTLE TESTING. The boards of county commissioners of the several counties of this state may, in their discretion, and upon petition signed by cattle owners residing therein equal in number to a majority of the cattle owners within the county, as shown by the last preceding assessment roll, shall, immediately or at the next meeting of the board of county commissioners, enter into an agreement with the board for the testing of all cattle in the county on the county area plan, and shall also appropriate, out of the funds of the county not otherwise appropriated, a sum of money not exceeding 25 cents per head of cattle for each tuberculin test that may be administered, until the percentage of tuberculous cattle within the county is reduced to meet the requirements of a modified accredited area, as defined and approved by the United States department of agriculture and the board, for the purpose of aiding in the testing of cattle in the county for tuberculosis and of carrying out sanitary and quarantine regulations. When there are no funds available for such an appropriation, a tax shall be levied in a sufficient amount for the purpose, and after the levy thereof orders may be issued against such tax and in anticipation of its collection. All such money shall be expended under the direction and supervision of the board and shall be disbursed on vouchers verified by the executive officers of the board; and, in cases where the United States department of agriculture, bureau of animal industry, is a party to a cooperative agreement with the county for the control of tuberculosis in cattle, by the federal inspector in charge; provided, that in counties where petitions for the tuberculin test of cattle have been heretofore filed with the boards of county commissioners, as herein provided, and in which the boards of county commissioners have not entered into an agreement with the board for the testing of all the cattle in the county, the boards of county commissioners of such counties shall, upon petition of 100, or more, resident cattle owners, forthwith enter into such contract and otherwise in all things comply with the provisions of sections 35.19 to 35.21.

[1923 c. 269 s. 1; 1931 c. 360 s. 1] (5416)

35.20 BOARD TO MAKE TEST. The board shall enter into an agreement with the county commissioners of the county to cause the testing of all cattle in the county for tuberculosis, provided funds are available for the payment of indemnities as required by law; and, provided, that an adequate force of veterinarians qualified to test cattle as required is available. Such agreement shall specify such quarantine rules and regulations as the board may deem advisable relative to the control of tuberculosis among cattle in such county.

[1923 c. 269 s. 2; 1931 c. 360 s. 2] (5417)

35.21 SUBSEQUENT TEST. After a county has been certified as a modified accredited area, subsequent tests of cattle in the county and retests of infected herds and any and all retests necessary to keep and maintain the area free from bovine tuberculosis, as required for a modified accredited area, shall be made in the discretion of the board, and such tests and retests shall be without expense to the county.

[1923 c. 269 s. 3; 1931 c. 360 s. 3] (5418)

35.22 FEDERAL AID. For the purpose of receiving federal aid, the United States department of agriculture, bureau of animal industry, may be a party to the cooperative agreement between the board and the board of county commissioners.

[1923 c. 269 s. 4] (5419)

35.23 COUNTIES AS MODIFIED ACCREDITED AREA. When the percentage of tuberculous cattle within a county is reduced to meet the requirements of a modified accredited area, the board shall apply to the United States department of agriculture for a certification of the county for a modified accredited area.

[1923 c. 269 s. 5] (5420)

35.24 OWNERS OF CATTLE TO SUBMIT THEM FOR TESTS. When a cooperative agreement, as referred to in section 35.22, has been made the owners of cattle in such county shall submit the same for tuberculin tests and physical examinations and shall cause to be slaughtered, under the direction of the board, within 30 days after the test or condemnation, all animals that react to the tuberculin test or are condemned after a physical examination. Each cooperative agreement entered into for the tests of cattle, between a county, the state board, and the bureau of animal industry, shall be registered and the tuberculin tests shall be administered to the cattle in any county in the order of the registration of such agreements. Definite quarantine rules and regulations shall be adopted and enforced by the board within the area covered by the cooperative agreement.

[1923 c. 269 s. 6] (5421)

35.245 CATTLE; SALE, LEASE, LOAN. Subdivision 1. **Limitation on sale.** No person shall sell or offer for sale any cattle over six months of age, except steers, at public auction, sale barns, private stockyards or concentration points, mortgage foreclosure sale or sale by order of any court, or lease or loan cattle for breeding purposes except under such rules and regulations as may be prescribed by the State Livestock Sanitary Board, and no person shall sell or offer for sale except for immediate slaughter, or consigned to a public stockyards under supervision of the United States Department of Agriculture, cattle which have not been tested and found free of brucellosis and unless a certificate of test is furnished or posted as provided in subdivision 2, unless such cattle have been vaccinated against brucellosis in accordance with the rules and regulations of the State Livestock Sanitary Board when between four and eight months of age and a certificate of such vaccination is exhibited as provided in subdivision 2, excepting cattle under 18 months of age of beef type sold for feeding purposes as provided in subdivision 3.

Subd. 2. **Tests and vaccination.** Such test and vaccination shall be made at the time and in the manner prescribed by the State Livestock Sanitary Board and a certificate of the test and vaccination or both, approved by the Board, shall be furnished to the purchaser by the vendor at the time of sale, excepting when cattle are sold at public auction and a certificate of test or vaccination or both is posted in a place plainly visible to the purchasers at such sale, and the auctioneer or other person conducting the sale shall publicly announce prior to conducting the sale, that the certificate of such test, or vaccination or both, approved by the Board, has been posted and is available for inspection. No auctioneer or other person conducting such sale shall conduct any public sale in this state unless a certificate of such test or vaccination or both, approved by the board shall be posted by the vendor of such cattle at the time of such sale.

Subd. 3. **Female cattle, sale without test or vaccination.** Female cattle under 18 months of age of beef type and breed may be sold in quarantine for feeding or grazing purposes without a test for, or vaccination against brucellosis, pursuant to rules and regulations prescribed by the State Livestock Sanitary Board provided the purchaser of such cattle furnishes the seller an affidavit certifying such cattle are purchased for feeding or grazing purposes, and will be maintained separate and apart from all other cattle except other quarantined feeding cattle until resold for immediate slaughter or until delivered to a public stockyard under supervision of the United States Department of Agriculture. Any person who purchases cattle under the provisions of this section shall comply with the terms of the affidavit furnished the seller and shall also comply with such rules, regulations or quarantines prescribed by the State Livestock Sanitary Board pursuant to this section.

Subd. 4. **Violations, penalties.** Any person violating the provisions of this section or rules, regulations or quarantines of the State Livestock Sanitary Board

adopted pursuant hereto shall be guilty of a gross misdemeanor, and any auctioneer knowingly conducting a sale of cattle in violation of this section, shall upon conviction, forfeit his license as an auctioneer until such time as its renewal is approved by the authority which issued the license.

[1945 c 234 s 1-4; 1951 c 222 s 1-4; 1955 c 869 s 1]

35.25 CATTLE TESTED FOR BANGS DISEASE. For the purpose of controlling and eradicating Bangs disease in the cattle herds of Minnesota, the board is hereby authorized to undertake testing of bovine animals for such disease on the area plan, which plan is hereby declared to be one involving the testing and periodic retesting of all bovine animals within a given area, as hereinafter limited and defined, and elimination by condemnation and slaughter of all the animals reacting to the test, in the manner provided by law. An area shall consist of a county; provided, that, when in the opinion of the board it is more practical so to do, any given township may be designated as an area.

[1939 c. 217 s. 1] (5460-21)

35.26 PETITION AND HEARING. When petitions signed by 67 percent of the cattle owners resident in an area, as determined by the last preceding assessment roll, shall be presented to the board, asking that all cattle within such area or county be tested for Bangs disease, the board is hereby authorized to make such test without expense to the owners of cattle within the county or area. The board shall fix a time when and a place where the petitions and any objections thereto may be heard by the board, and notice of the hearing shall be published in at least one newspaper published or circulated in such area, or if in case of a township there be no newspaper published therein, then notice shall be published in a newspaper circulating within the county in which the township is located, not less than ten days preceding the time set for such hearing. At the time and place fixed for such hearing the board shall examine and consider such petitions and the evidence, facts, and things offered in support of and against the same, and shall render its decision thereon. In case the board determines the petitions are sufficient to satisfy the statute, such determination shall be final, unless reviewed in the manner provided in section 35.27. In case the board grants the petition and determines to undertake the work of testing, notice of such determination and the time and place when testing shall begin shall be given by publishing notice in at least one newspaper published or circulating in such county.

[1939 c. 217 s. 2; 1945 c. 328 s. 3] (5460-22)

35.27 REHEARING; INVESTIGATION. A rehearing shall be granted upon the written application therefor, signed by not less than 20 percent of the resident cattle owners within the area, as shown by the last preceding assessment rolls, and filed with the board within 30 days after the publication of notice of the board's determination, as provided in section 35.26. The board shall, upon receipt of a valid application for rehearing, order one or more agents or employees of the board to make an investigation in the area and hold at least one public hearing therein, notice of which hearing shall be published as in the manner provided for the original hearing. The representative or representatives of the board who may conduct such investigation and rehearing shall make and file with the board a written report thereof. The report shall be examined and acted upon by the board, and if it shall find that the original petitions were sufficient, its decision shall be final.

[1939 c. 217 s. 3] (5460-23)

35.28 BOARD TO FIX TIME FOR TESTING. Notwithstanding full compliance with the procedure on the part of cattle owners, the board shall retain complete discretion as to the time of the commencement of such testing in any area; and the board shall not be required to make such tests in the order in which the petitions are received. In any case the board may proceed with such testing only when, in its opinion, sufficient approved veterinarians and sufficient funds for administration and indemnity payments are available.

[1939 c. 217 s. 4] (5460-24)

35.29 RETESTS. After the first test in any area shall have been completed, the board shall periodically make such retests as in its opinion are necessary until the percentage of cattle infected with Bangs disease in the area is reduced to meet the requirements of a modified accredited area, as defined and approved by rules and regulations of the board. After an area has been certified as a modified accredited area, subsequent tests of cattle in the county and retests of infected herds and any

and all retests necessary to keep and maintain the area free from Bangs disease, as required for a modified accredited area, shall be made in the discretion of the board, and such tests and retests shall be without expense to the county or area.

[1939 c. 217 s. 5] (5460-25)

35.30 CATTLE OWNERS TO ASSIST IN MAKING TEST. When, in accordance with sections 35.25 to 35.32, the board, by its order, has fixed the time for commencement of testing in any area all cattle owners and persons in possession of cattle in the area, shall, upon demand, submit the same for Bangs disease testing and physical examination by the board, or its authorized agents, and all such persons shall furnish such assistance to the board or its agents as shall be necessary to restrain the cattle in order to apply these tests and to make these physical examinations when the board, or its agents, enter upon the premises where the cattle are located and make demand therefor, or to make any retest of cattle within the area, as provided in sections 35.25 to 35.32. The owner, or person in possession, shall account for all animals tagged in making these tests and retests, and submit all such cattle to the board, or its agents, at any time when the board, or its agents, visit the premises to make further tests or examinations. The owner, or person in possession, shall immediately remove reacting cattle from the premises and cause the same to be slaughtered, as required by said board, within 15 days after date of appraisal or when the owner refuses to sign the appraisal or report of the members of the appraisal board, except that in extraordinary circumstances and in meritorious cases, and at the discretion of the secretary and executive officer of the board, the time limit of 15 days may be extended an additional 15 days; provided the owner receives permission to do so from the secretary and executive officer within 15 days following date of appraisal, and shall not use milk or milk products, or sell or dispose of the same, from reacting cattle unless the milk or the milk from which these products have been made has been properly pasteurized.

[1939 c. 217 s. 6; 1941 c. 95 s. 1; 1945 c. 328 s. 4; 1957 c. 281 s. 1] (5460-26)

35.31 BOARD TO MAKE AND ENFORCE RULES. The board shall have power to make and enforce such rules and regulations and quarantines as it may deem expedient to carry out the provisions of sections 35.25 to 35.32.

[1939 c. 217 s. 7] (5460-27)

35.32 COUNTY BOARDS TO PROVIDE FUNDS. Boards of county commissioners are hereby authorized, in their discretion, to appropriate or provide funds for the use of the board to aid in the eradication and control of Bangs disease in their counties, as provided in sections 35.25 to 35.32. When and if such funds are made available by counties, the same shall be expended under the direction and supervision of the board and shall be distributed on vouchers verified by its executive officer.

[1939 c. 217 s. 8] (5460-28)

35.33 TUBERCULIN AND MALLEIN DEALERS TO REPORT SALES. Each druggist or vendor in drugs, wholesale or retail, or other person, who shall hereafter, in the state of Minnesota, sell, furnish, or supply to any person any mallein or tuberculin shall, on the same day of selling, furnishing, or supplying the same, report to the board, giving the names of persons to whom he shall sell, furnish, or supply such mallein or tuberculin, the amount sold, furnished, or supplied, and the name and place of residence or business of each person for whom such mallein or tuberculin shall be purchased, sold, furnished, or supplied.

[1909 c. 272 s. 1] (5422)

35.34 TUBERCULIN AND MALLEIN, HOW USED. Any person using or injecting tuberculin into bovine animals, or mallein into horses, which tuberculin or mallein has been obtained from the board, or from city boards of health, for the purpose of determining whether or not such animals are afflicted with the disease known as tuberculosis in cattle, or glanders in horses, shall take or supervise the taking of the temperatures of such animals before and after such injections according to the regulations prescribed by the board.

[1911 c. 79 s. 1] (5424)

35.35 TEMPERATURES OF ANIMALS, HOW REPORTED. All temperatures shall be plainly written by the veterinarian or assistant on the blank for reporting tuberculin test, or blank for reporting mallein test, furnished by the board, or by the board of health of any city, town, or village, requiring the tuberculin test of dairy cattle or the mallein test of horses, and shall show the name of the owner

and his address; the name, age, and full description of the animal, and the time each temperature was taken, together with the correct statement of the animal's temperature at each reading, which record of tuberculin or mallein test shall be sent to the board furnishing tuberculin or mallein.

[1911 c. 79 s. 2] (5425)

406 ~ 5 **35.36 PRICE OF HOG CHOLERA SERUM TO BE STATED ON EACH PACKAGE.** The hog cholera serum manufactured at the hog cholera plant of the state of Minnesota at the university state farm shall be sold and distributed, as nearly as may be, at actual cost to any citizen, who is a resident of this state and who applied for same, as prescribed in Laws 1915, Chapter 87, by the hog cholera plant, and such selling price shall be stated on the package.

[1915 c. 87 s. 3] (5427)

C406 ~ 5 **35.37 SURPLUS SERUM MAY BE SOLD OUTSIDE THE STATE; PRECAUTIONS.** Surplus serum produced by the state hog cholera serum plant above a reasonable reserve may be sold out of the state at not less than cost of production.

In case of need, the state serum plant shall be authorized to purchase hog cholera serum, vaccine, or other biological products which are deemed reliable, and may sell the same, at approximate cost, in the same manner and under the same regulations as prescribed for serum from the hog cholera serum plant of the state of Minnesota.

The state serum plant, before selling or distributing any such hog cholera serum, vaccine, or other biological products, shall exercise all due precautions in purchasing from government licensed plants and shall conduct such inspection or tests of the hog cholera serum, vaccine, or other biological products as may appear reasonably necessary to insure reliable preparation.

[1915 c. 87 s. 4] (5428)

C406 ~ 5 **35.38 VETERINARY DIVISION TO ESTABLISH STATIONS IN EACH COUNTY.** The veterinary division of the University of Minnesota shall establish, in each county in this state, as necessity may demand, one or more distributing centers where such serum, vaccine, or other biological products shall be had for sale, and such serum may be administered by any person upon his own hogs, but no person, except licensed veterinarians, shall administer the serum upon the hogs of another, unless authorized to do so by the board. The department of agriculture shall provide instruction, in the proper method of administering the serum, to persons who apply therefor and certify to the board for license when, in the judgment of the department they have qualified themselves therefor.

[1915 c. 87 s. 5] (5429)

C406 ~ 5 **35.39 MONEYS COLLECTED PAID INTO OPERATION FUND.** All moneys collected from the sale of the hog cholera serum, vaccine, or other biological products, as provided in sections 35.36 and 35.37, shall be paid into an operation and maintenance fund, and the same is hereby appropriated for the operation of the hog cholera serum plant of the state of Minnesota.

[1915 c. 87 s. 7] (5430)

35.40 DUTIES OF BOARD. It shall be the duty of the state board, and it shall have power and authority, to make and promulgate such rules and regulations governing the manufacture, sale, and distribution of hog cholera serum, hog cholera virulent blood, hog cholera virus, and other biological products for use upon domestic animals, as it deems necessary to maintain the potency and purity of such serum, virulent blood, virus, and other biological products.

[1923 c. 112 s. 1] (5432)

35.41 PERMIT REQUIRED. No person shall manufacture, sell, offer for sale, or otherwise distribute within the state any biological products unless he shall have been granted a permit by the board to manufacture or sell such products upon application as provided in sections 35.40 to 35.60.

[1923 c. 112 s. 3] (5434)

35.42 APPLICATIONS. Applications for permission to manufacture, sell, or otherwise distribute biological products shall give the applicant's name, his place of business, and such other information as may be required by the board.

Applications to manufacture biological products shall be accompanied by evidence satisfactory to the board that the applicant is a holder of a valid and unrevoked United States government license for the manufacture and sale of biological products.

[1923 c. 112 ss. 4, 5] (5435, 5436)

35.43 BONDS. Applications for dealers' permits shall be accompanied by an undertaking on the part of the applicant faithfully to comply with the law and the rules and regulations of the board governing the warehousing, handling, sale, and distribution of biological products, and by a bond to the state of Minnesota in the penal sum of \$5,000, to be approved by the board, for the use and benefit of all persons using the biological products sold by the permit holder who may be damaged by reason of his negligence in the warehousing, handling, or distribution of such products, and for the use and benefit of the state, for all penalties adjudged against the principal thereon in any action instituted in the name of the state.

[1923 c. 112 s. 6] (5437)

35.44 DAMAGES RECOVERABLE FROM DEALERS. Any party damaged by the negligence of any dealer may recover damages against the dealer to the full amount suffered by such injured party by reason of negligence in the discharge of any of the duties imposed by sections 35.40 to 35.60, or by the rules and regulations promulgated by the board thereunder, or in the warehousing, handling, or distribution, as the case may be, of such biological products and, in the event of judgment being obtained upon any bond provided in sections 35.40 to 35.60 the board may immediately revoke the permit issued, if in its judgment the conditions warrant such revocation, and shall in any event require a further bond, the amount of the penalty upon which shall be such as to afford the same security to all persons entitled thereto as is provided in bonds originally filed, and, upon failure to furnish such additional bond, the permit shall be thereby revoked without further action by the board.

[1923 c. 112 s. 7] (5438)

35.45 DAMAGES RECOVERABLE FROM MANUFACTURERS. Any party damaged by the negligence of a manufacturer may recover damages to the full amount suffered by such injured party, by reason of negligence of such manufacturer in the discharge of any duty imposed by sections 35.40 to 35.60, or by the rules and regulations promulgated by the board thereunder, or in the manufacture, warehousing, handling, or distribution, as the case may be, of such biological products.

[1923 c. 112 s. 8] (5439)

35.46 PREMISES INSPECTED. Before the issuance of an original permit to any manufacturer or dealer, the board may cause the premises upon which it is proposed to manufacture or sell biological products to be inspected, and shall make such requirements regarding the physical condition and sanitation of the premises as in its judgment are necessary to insure the maintenance of the potency and purity of the products; and such premises shall be subject to inspection at such time and in such manner as the board may consider proper and necessary to insure compliance with its rules and regulations and the statutes relative thereto.

[1923 c. 112 s. 9] (5440)

35.47 APPLICATIONS, REPORTS; FEES. A fee of \$25 shall accompany applications for manufacturer's permit for each plant where it is proposed to manufacture biological products, and a fee of \$15 shall accompany applications for dealer's permit for each warehouse or distributing agency it is proposed to maintain. All permits shall be valid for one year from the date of issuance and renewals thereof shall be subject to like conditions, including fees, as are imposed in the case of original permits. All permit holders shall make such written report to the board as it may, from time to time, require.

[1923 c. 112 ss. 10, 11] (5441) (5442)

35.48 BOARD MAY REVOKE PERMITS. The board, upon notice and after hearing, may revoke any manufacturer's or dealer's permit issued by it for violation of the terms and conditions under which it was issued.

[1923 c. 112 s. 12] (5443)

35.49 GOVERNMENT LICENSE REQUIRED. No biological products shall be sold, dispensed, or otherwise distributed, or offered for sale, dispensation, or other distribution, or be used in this state, except such as have been produced at a plant holding the United States government license for the manufacture of biological products.

[1923 c. 112 s. 13] (5444)

35.50 **WHO MAY SELL VIRUS.** No person shall sell, offer for sale, otherwise distribute, or offer for distribution, virulent blood or virus from cholera infected hogs, other than to holders of valid permits to use the same.

[1923 c. 112 s. 14] (5445)

35.51 **PERMITS TO ADMINISTER VIRUS.** No person shall use or administer virulent blood or hog cholera virus within this state unless he shall have been granted a permit by the board authorizing him to use or administer the same. Such permits shall be in writing and shall be issued only to such persons as, in the opinion of the board, are qualified to administer the same, and shall only be used or administered in infected territory. The area within a radius of six miles from premises whereon hog cholera exists, or has existed within the preceding 12 months, shall constitute infected territory. Qualified licensed veterinarians may administer virulent blood or hog cholera virus in non-infected territory upon receipt of a special permit to administer the same to hogs on an individual farm. All permits shall require the holders thereof to comply with all quarantine regulations of the board and may be canceled by the board upon it appearing that the holder thereof is no longer a proper person to administer such virulent blood or hog cholera virus.

[1923 c. 112 s. 15; 1929 c. 36] (5446)

35.52 **SCHOOLS OF INSTRUCTION.** Provision shall be made by the secretary of the board for instruction in the use of serum and virus in each county not oftener than once each year, and he is hereby authorized and directed to make all necessary arrangements for such instruction at a convenient time and place, when there are seven or more applicants, who are residents of the county, for such instruction. Persons who desire to avail themselves of such course of instruction shall make application to the county agent.

[1923 c. 112 s. 16] (5447)

35.53 **APPLICATIONS FOR INSTRUCTION.** The county agent, or one of the applicants in case there is no county agent, shall forward such applications to the secretary of the board, who shall notify the extension department of the institute of agriculture, University of Minnesota, at the university farm, St. Paul, and that department shall, within 30 days, send competent instructors to such county to hold a school of instruction. Such instructors shall give all instructions and demonstrations necessary, conduct reasonable examinations, and immediately report to the board the names and addresses of the persons passing the examinations.

Upon receiving the report the board shall, upon receipt of \$2, issue a permit to each person having passed examination. This permit shall entitle its holder to use virulent blood or hog cholera virus on his own hogs, in badly infected counties. This permit shall be good only for one year, but upon payment of \$1 to the board, the permit shall be renewed for one year at a time without the applicant taking further examination.

Badly infected counties shall be counties that have so been designated by the board, or counties that have reported to the board at least five places in the county where hog cholera exists, or has existed during the last 12 months, and which has been diagnosed by a qualified licensed veterinarian.

All such funds shall be placed to the credit of the board for the purpose of carrying out the provisions of sections 35.40 to 35.60.

[1923 c. 112 s. 17] (5448)

35.54 **SCHOOLS HELD AT UNIVERSITY FARM.** The board may hold such school of instruction at the university farm at such times as it deems proper, and shall hold the same upon the application of ten or more desiring to attend such schools and, at such schools, no fees shall be charged and permits shall be granted to those attending, as provided in section 35.53. The board shall hold two state schools each year, on the first Monday of January and August, respectively.

[1923 c. 112 s. 18] (5449)

35.55 **SAMPLES MAY BE SEIZED.** The board, or its duly authorized deputies, assistants, or agents, may seize, at any time or place, for examination, samples of biological products manufactured or kept for use or sale within the state.

[1923 c. 112 s. 19] (5450)

35.56 **POWERS OF BOARD.** The board shall have power to seize, condemn, or destroy any biological products which it deems unsafe for use.

[1923 c. 112 s. 20] (5451)

35.57 LABELS NOT DEFACED. No person shall remove or deface any label upon the bottles or packages containing any biological product, or change the contents from the original container except for immediate use.

[1923 c. 112 s. 21] (5452)

35.58 DISCRIMINATION FORBIDDEN. Manufacturers and dealers shall sell hog cholera serum and virus to all permit holders without discrimination as to price or otherwise, subject to the rules and regulations of the board.

[1923 c. 112 s. 22] (5453)

35.59 REBATES PROHIBITED. Any regularly licensed veterinarian who shall receive or collect, directly or indirectly, any rebate or commission or compensation for the handling and sale or use of any hog cholera serum or virus other than his charges for services rendered in administering the same, unless the amount, if requested, is made known to the customer using the same, in writing, shall be guilty of a misdemeanor.

[1923 c. 112 s. 24] (5455)

35.60 SOLICITING APPLICATIONS PROHIBITED. It shall be unlawful for any person licensed, as provided in sections 35.40 to 35.60, to manufacture, sell, or distribute hog cholera serum or virus, directly or indirectly, or by his agents, employees, or representatives, to solicit or attempt to induce farmers, or others, to make application for examination as provided in sections 35.52 or 35.53, or in any way to assist or be interested in procuring applicants for permits, as provided in sections 35.40 to 35.60. Any person violating the provisions of this section shall forfeit his license. Hogs treated by any person authorized to administer treatment by the provisions of sections 35.40 to 35.60 shall be properly quarantined for a period of at least 21 days, under the rules and regulations of the board.

[1923 c. 112 s. 25] (5456)

35.61 PURCHASE, SALE, AND DISTRIBUTION OF HOG CHOLERA SERUM AND VIRUS. The board is hereby authorized and directed, from time to time, as it may deem necessary, and within the limits of appropriations, to purchase through the commissioner of administration, and maintain on hand, a supply of hog cholera serum and virus for sale and distribution to persons who hold valid permits to administer the same, issued under the provisions of sections 35.40 to 35.60.

[1927 c. 250 s. 1] (5458-1)

35.62 PERSONS TO WHOM SERUM AND VIRUS SOLD OR DISTRIBUTED. The board shall sell and distribute such hog cholera serum and virus to licensed veterinarians holding such permits, and also to holders of special permits to administer hog cholera serum and virus to hogs on their individual farms, in amounts sufficient for use on their own farms, and no more.

[1927 c. 250 s. 2] (5458-2)

35.63 PAYMENT. Such hog cholera serum and virus shall be so sold and distributed only for cash paid in advance and at prices sufficient to cover the cost of acquisition, storing, handling, selling, and distributing, with a reasonable addition for overhead expenses, including the compensation of additional employees, if any, required for carrying out the provisions of sections 35.61 to 35.65.

[1927 c. 250 s. 3] (5458-3)

35.64 COLD STORAGE FACILITIES. The board is hereby authorized to contract for the furnishing of cold storage facilities for the proper storage and refrigeration of such supply of hog cholera serum and virus, and to employ such additional employees, if any, as may be necessary for carrying out the provisions of sections 35.61 to 35.65.

[1927 c. 250 s. 4] (5458-4)

35.65 REVOLVING FUND. A revolving fund hereby is created to be known as the hog cholera serum and virus revolving fund, comprised of all appropriations made available for carrying out the provisions of sections 35.61 to 35.65, and of all receipts from the sale and distribution by the board of hog cholera serum and virus, and all such appropriations and receipts shall be, and they hereby are, placed to the credit of the board for carrying out the provisions of sections 35.61 to 35.65, and shall be, and they hereby are, appropriated therefor.

[1927 c. 250 s. 5] (5458-5)

35.66 TESTING CATTLE FOR EXHIBITION AT FAIRS. It is hereby declared unlawful for any person to exhibit any cattle at state or county fairs, or any public exhibition or show, unless the same shall have been tested and found free from

tuberculosis. Such tests shall have been made according to the rules and regulations of the board, and a certificate of such test, approved by the board, shall be furnished before any cattle are permitted to enter the exhibition grounds or buildings.

[1925 c 340 s 1, 2] (5460-4, 5460-5)

35.67 RABIES; BOARD, HEALTH OFFICERS; DUTIES. It shall be the duty of the executive officer of the livestock sanitary board, the chief health officer of each city, the executive officer of each town board of health, and the village board of health, when complaint, in writing, shall have been made to him that rabies exists in any town, village, or city over which his jurisdiction extends, and for the purposes of sections 35.67 to 35.69 the jurisdiction of the state officer herein named shall extend to any town, village, or city in this state, to investigate, either personally or through the agency of subordinate officers under his jurisdiction, as to the truth of any such complaint, and determine whether or not rabies does exist in any such town, village, or city. Any such officer may, on his own motion, and without such complaint, likewise make such an investigation and determination. The fact that any executive officer of any town, city, or village has investigated and determined that rabies does not exist in the territory over which he has jurisdiction, shall not deprive the executive officer of the livestock sanitary board of jurisdiction or authority to make such an investigation and determination with reference to such territory.

[1913 c. 541 s. 1] (5389)

35.68 RABIES; PROCLAMATION; PUBLICATION. If on such investigation any such officer finds and determines that rabies does exist in any town, city, or village, he shall forthwith and thereupon make and file, as hereinbefore provided, a proclamation, setting forth the fact of such investigation and determination, and also in and by the proclamation prohibit the owner or custodian of any dog from permitting or allowing such dog to be at large within such town, city, or village, designating it, unless such dog shall be so effectively muzzled that it cannot bite any other animal or any person.

When the secretary and executive officer of the live stock sanitary board, after investigation, has determined that rabies exists in any territory in the state, he shall issue similar proclamations in all towns, villages, and cities within such territory or area which in his judgment it is necessary to control the outbreak and prevent the spread of such disease; and such proclamation, when filed as hereinafter provided, shall prohibit the owner or custodian of any dog within the designated territory from permitting or allowing such dog to be at large within such territory unless such dog shall be so effectively muzzled that it cannot bite any other animal or any person.

It shall be the duty of all local peace officers and all health officers to enforce the provisions of sections 35.67 to 35.69 and any person violating any of their provisions shall be guilty of a misdemeanor.

Such proclamation, when issued by the executive officer of a town or village board of health, shall be filed with the town or village clerk, respectively; when issued by the chief health officer of a city, it shall be filed with the city clerk; when issued by the state official hereinbefore named, it shall be filed with the clerk of each town, village, and city within the territory specified therein.

It shall be the duty of each officer with whom such proclamation is filed, as aforesaid, to forthwith publish a copy thereof in one issue, at the expense of his municipality, in a legal newspaper published in the town, village, or city of which he is clerk, if such a newspaper is published therein, and if there be no newspaper published therein, then to post a copy of such proclamation in three public places therein.

Proof of publication shall be made by affidavit of the publisher, in the one case, and of posting, in the other, by the person posting the same, which affidavit shall be filed with the proclamation. The proclamation shall be deemed effective and in full force five days after the publication or posting of copies thereof, as hereinbefore provided for, and shall remain in full force and effect for a period of time therein designated, not exceeding six months, as shall be determined by the officer making the proclamation.

[1913 c. 541 s. 2; 1929 c. 34] (5390)

35.69 UNMUZZLED DOGS NOT PERMITTED AT LARGE. It shall be unlawful for the owner or custodian of any dog to suffer or permit it to be at large, either on the premises of the owner or elsewhere, within any city, village, or town wherein

and as to which any such proclamation shall have been made, during the time such proclamation is in force, unless such dog shall be effectively muzzled so that it cannot bite any other animal or any person.

It shall be lawful for any person to kill any dog running at large on the public streets or roads in violation of the provisions of sections 35.67 to 35.69, and the owner or owners of any dog so killed shall have no claim against the person so killing any such dog.

It shall be the duty of all peace officers and all health officers to make complaint of any known violation of these sections.

[1913 c. 541 s. 3] (5391)

35.70 VIOLATIONS; PENALTIES. Subdivision 1. Every person violating any provision of this chapter, or any rule or regulation made hereunder by the state board, or by any local board of health, or any order made by either under the authority of this chapter, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of \$25 or imprisonment for 30 days. Any member of a local board who shall neglect or refuse to perform any duty imposed upon him by the provisions of this chapter or by the directions of the state board, or neglect or refuse to enforce the rules and regulations of the state board or the rules and regulations of a local board made hereunder, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of \$25; and each day's neglect or refusal to perform any duty imposed upon him under this chapter shall constitute a separate and distinct offense.

Subd. 2. Every person or firm violating the provisions of section 35.33 shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of \$25 or imprisonment for 30 days.

Subd. 3. It shall be unlawful for any veterinarian, who is an agent or representative of the state board, or any other public official, to suggest, recommend, or in any manner endeavor to influence or seek to persuade the owner of any animal affected with any disease set forth in section 35.08, directly or indirectly, to sell, barter, exchange, ship, or otherwise dispose of such animal to any particular person, firm, association, corporation, or any combination thereof; and any person violating any of the provisions of sections 35.08 and 35.09 shall be guilty of a gross misdemeanor.

Subd. 4. Any transportation company, corporation, or agent thereof, or the owner or driver of any truck for hire, any private truck, or any person or persons violating any of the provisions of sections 35.15 and 35.16 shall be guilty of a gross misdemeanor; and, upon conviction thereof, shall be fined for each offense not less than \$500 nor more than \$1,000 or be imprisoned for not more than one year. Such transportation company, corporation, or agent, or owner or driver of a truck for hire, a private truck, or a person or persons shall be liable in a civil action to any person injured for the full amount of damages that may result from the violation of sections 35.15 and 35.16. Action may be brought in any county in the state in which the cattle are sold, offered for sale, or delivered to purchaser, or anywhere they may be detained in transit.

Subd. 5. Any person who shall violate any of the provisions of sections 35.40 to 35.60, or any of the rules and regulations of the board legally promulgated, or who shall hinder or attempt to hinder the board, or any duly authorized agent or official thereof, in the discharge of his duty, upon conviction, shall be punished by a fine of not less than \$100 nor more than \$500 or in default of payment thereof, shall be imprisoned in the county jail for not less than 30 nor more than 150 days.

Subd. 6. It shall be unlawful for any person authorized under sections 35.40 to 35.60 to manufacture, sell, or distribute serum, or virulent blood or virus, to grant any rebate, directly or indirectly, to any person, or to sell these products at any other than a uniform price to all persons; and any person violating the provisions of this subdivision shall forfeit his license to manufacture or sell such products and the same shall not be renewed for a period of one year.

Subd. 7. Any person violating any of the provisions of sections 35.67 to 35.69 shall be guilty of a misdemeanor.

Subd. 8. Any veterinarian or person failing to comply with sections 35.34 and 35.35, or in any way falsifying such record of tuberculin or mallein test, or failing to insert on such record the true temperature or placing thereon incorrect tempera-

ture readings, shall be guilty of a misdemeanor and in addition suffer revocation of license to practice.

[*R. L. s. 2164; 1907 c. 355 s. 3; 1909 c. 272 s. 2; 1909 c. 445 s. 3; 1911 c. 79 s. 3; 1913 c. 541 s. 3; 1923 c. 112 ss. 23, 26; 1925 c. 340 s. 3; 1935 c. 31 s. 3; 1939 c. 171 s. 3*] (*5391, 5403-4, 5406, 5407, 5411, 5415, 5423, 5426, 5454, 5457, 5460-6*)

35.71 UNCLAIMED AND UNREDEEMED ANIMALS IMPOUNDED; SCIENTIFIC USE. Subdivision 1. **Institution defined.** As used in this section, "institution" means any school or college of agriculture, veterinary medicine, medicine, pharmacy, dentistry, or other educational or scientific establishment properly concerned with the investigation of, or instruction concerning the structure or functions of living organisms, the cause, prevention, control or cure of diseases or abnormal conditions of human beings or animals.

Subd. 2. **Application for license.** Such institutions may apply to the board for a license to obtain animals from establishments as defined in subdivision 3. If, after investigation, the board finds that the institution making request for license is a fit and proper agency within the meaning of this section, to receive a license, and that the public interest will be served thereby, it may issue a license to such institution authorizing it to obtain animals hereunder, subject to the restrictions and limitations herein provided.

Subd. 3. **Establishment defined, powers, stray animals, seizure.** "Establishment" shall include any public or private agency, person, society or corporation having custody of animals which are seized under the authority of the state or any political subdivision of the state. All animals seized by public authority shall be held for redemption by the owner for a period not less than five days or for such other minimum period of time as may be specified by municipal ordinance. At the end of this period all animals which remain unclaimed and unredeemed by their owners or by any other person entitled to do so shall be made available to any institution licensed hereunder which has submitted a prior request therefor in such numbers as the institution requests. If a request is made by a licensed institution to such establishment for a larger number of animals than are available at the time of such request, the establishment shall withhold thereafter from destruction, all unclaimed and unredeemed animals until the request has been filled, provided that the actual expense of holding animals beyond the time of notice to such institution of their availability, shall be borne by the institution receiving them. Any establishment which fails or refuses to comply with these provisions shall become immediately ineligible for any further public funds from any county or municipality. Upon receipt of a sworn statement by an authorized officer or employee of any institution licensed hereunder of noncompliance by any establishment with these provisions, it shall be unlawful for the treasurer of any municipality or other political subdivision of the state to pay any public funds to such establishment until the complainant withdraws its statement of noncompliance or until the state livestock sanitary board shall either determine that the complaint of noncompliance was without foundation or that the establishment has given adequate assurance of future compliance, and the treasurer of such municipality or other political subdivision has been notified of such determination in writing. If it appears upon the complaint of any person that any officer, agent, or employee of such establishment is violating or failing to carry out the provisions of this section, the attorney general or county attorney of the county in which the establishment is located, in addition to any other remedies, may bring an action in the name of the State of Minnesota against any such establishment, officer, agent or employee thereof to enjoin compliance with this section.

Subd. 4. **Transportation of animals.** The licensed institution shall provide, at its own expense, for the transportation of such animals from the establishment to the institution and shall use them only in the conduct of its scientific and educational activities and for no other purpose.

Subd. 5. **Annual license fee.** Each institution licensed under this section shall pay an annual license fee of \$50 for each calendar year, or part thereof, to the board. All such license fees shall be deposited in the general revenue fund of the State of Minnesota.

Subd. 6. **Revocation of license.** The board upon 15 days written notice and an opportunity to be heard, may revoke the license granted any institution (1) if the institution has violated any provisions of this section, or (2) has failed to comply with the conditions required by the board in respect to the issuance of such license.

Subd. 7. **Rules.** The board shall have the power to adopt such rules and regulations, not inconsistent with this section, as may be necessary to carry out the provisions of this section, and shall have the right whenever it deems advisable, or in the public interest, to inspect or investigate any institution which has applied for a license or has been granted a license hereunder.

Subd. 8. **Violations, penalties.** It shall be a misdemeanor for any person or corporation to violate any of the provisions of this section.

[1949 c 195 s 1-8; 1955 c 112 s 1, 2]

35.72 MILK OR CREAM; TESTING BY BOARD. Subdivision 1. **Establishment defined.** As used in this section "establishment" means any creamery, milk or cream collecting station, or any place of business where milk or cream is purchased or assembled for processing or sale.

Subd. 2. **Right of entry on premises.** The board or its authorized agents shall have the right to enter the premises of any establishment or buildings located thereon for the purpose of collecting samples of milk or cream delivered to such establishment.

Subd. 3. **Samples, procurement.** Upon demand of the board or its authorized agents, the operator of any establishment shall submit any or all containers of milk or cream delivered to such establishment to the agents of said board before any milk or cream is removed therefrom, or any substance or thing added thereto, and shall allow such agent to procure a sample of such milk or cream from each container, such sample not to exceed one ounce in weight, for the purpose of applying any recognized test to determine the existence of disease in the cattle which produced such milk or cream.

Subd. 4. **Names, addresses.** The operator of the establishment shall furnish the agents of the board, the name and address of the person delivering each container of milk or cream to the establishment, and the name and address of the owner or caretaker of the cattle which produced such milk and cream.

Subd. 5. **Contamination, prevention.** The agent of the board shall use due diligence to prevent contamination of the milk or cream while procuring said samples, and to delay as little as possible, the normal operation of the establishment.

Subd. 6. **Violation, penalty.** Any person violating any provision of this section shall be guilty of a misdemeanor.

[1951 c 221 s 1-6]

35.73 DEFINITIONS. Subdivision 1. **Terms.** For the purposes of sections 35.73 to 35.80 the terms defined in this section have the meanings ascribed to them.

Subd. 2. **Board.** "Board" means the state livestock sanitary board.

Subd. 3. **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.

Subd. 4. **Garbage.** "Garbage" means refuse matter, animal or vegetable, and includes all waste material, by-products of a kitchen, restaurant, or slaughter house, and refuse accumulation of animal, fruit, or vegetable matter, liquid or solid, but shall not mean any vegetable waste or by-products resulting from the manufacture or processing of canned or frozen vegetables.

[1953 c 355 s 1]

35.74 EXCEPTIONS. Nothing in sections 35.73 to 35.80 applies to a person who feeds his own animals or poultry garbage obtained only from his own private household.

[1953 c 355 s 2]

35.75 LICENSES. Subdivision 1. **Requirement, renewal.** Except as provided in section 35.74, no person shall feed garbage to any livestock or poultry without first securing a license therefor from the board, and no person shall transport garbage over the public highways of this state for the purpose of feeding the same to livestock or poultry unless such person has secured such license. Such license shall be renewed on or before the first day of July each year.

Subd. 2. **Application.** Any person desiring to obtain a license or a renewal thereof to feed garbage to livestock and poultry shall make written application therefor to the board, in accordance with its rules.

Subd. 3. **Revocation; refusal to issue.** Upon determination, that any person having a license issued under sections 35.73 to 35.80, or who has applied for a license thereunder, has violated or failed to comply with any of the provisions of these sections or any of the rules promulgated thereunder, the board may revoke such license or refuse to issue a license to an applicant therefor.

[1953 c 355 s 3-5]

35.76 GARBAGE, TREATMENT. No garbage shall be fed to livestock or poultry until it has been thoroughly heated to at least 212 degrees Fahrenheit for a continuous period of at least 30 minutes unless treated in some other manner which shall be approved in writing by the board as being equally effective for the protection of public health and the control of livestock diseases, and no person shall knowingly permit livestock or poultry owned by him or in his charge to have access to any garbage which has not been so heated or otherwise treated as above provided.

[1953 c 355 s 6]

35.77 QUARANTINE, PERMIT FOR REMOVAL OF LIVESTOCK OR POULTRY. Except as provided in section 35.74, all premises on which garbage is fed to livestock or poultry shall be under quarantine, shall be maintained in a reasonably sanitary condition, and no livestock or poultry to which garbage has been fed shall be removed from such premises except under a permit from the board.

[1953 c 355 s 7]

35.78 INSPECTION AND INVESTIGATION OF PREMISES, RECORDS. Any authorized representative of the board may enter at reasonable times upon any property for the purpose of inspecting and investigating conditions relating to the feeding and treating of garbage to be fed to livestock and poultry. Any authorized representative of the board may examine any records or memoranda pertaining to the feeding of garbage to livestock and poultry, or pertaining to the acquisition and sale of garbage-fed livestock and poultry. The board may require the maintenance of records relating to the operation of equipment for a procedure of treating garbage to be fed to swine. Copies of such records shall be submitted to the board on request.

[1953 c 355 s 8]

35.79 ENFORCEMENT. The board shall administer and enforce sections 35.73 to 35.80 and may make and enforce such reasonable rules as it deems necessary to carry out the provisions thereof.

[1953 c 355 s 9]

35.80 VIOLATIONS. Any person who violates any provision of sections 35.73 to 35.80 or fails to perform any duties imposed thereby, or violates any rule promulgated thereunder is guilty of a misdemeanor. Each day upon which violation occurs constitutes a separate violation.

[1953 c 355 s 10]