

## CHAPTER 36

## POULTRY; BREEDING, INSPECTION

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**36.01 POULTRY IMPROVEMENT BOARD.** For the purpose of fostering the development of the poultry industry of the state, particularly through the improvement of breed type and productiveness of poultry flocks and through the control and eradication of infectious and communicable diseases, and for the further purpose of improving the marketing of poultry and poultry products, and of affording protection to buyers of poultry breeding stock by providing and indicating dependable sources from which poultry may be purchased, there is hereby created a body to be known as the Minnesota poultry improvements board, which shall be constituted as follows: the chief of the poultry division of the college of agriculture, University of Minnesota, the secretary and executive officer of the state livestock sanitary board, and six other members, who shall be competent and experienced poultrymen, one of whom shall be an owner and operator of a commercial poultry hatchery, one of whom shall be a turkey breeder, one of whom shall be a broiler producer, one of whom shall be a market egg producer, one of whom shall be a packer-processor of poultry and eggs, and one of whom shall be a poultry breeder, all of the latter six board members to be appointed by the governor, each for a term of three years and until his successor qualified. This Minnesota poultry improvement board shall act in an advisory capacity with the commissioner of agriculture, dairy and food in carrying out the provisions of Laws 1957, Chapter 672.

[1931 c 408 s 1; 1957 c 672 s 1] (5460-7)

**36.02 BOARD TO SERVE WITHOUT COMPENSATION.** The members of the Minnesota poultry improvement board shall serve without compensation, but the expenses of each, necessarily incurred in the discharge of his duties, shall be paid by the state. The board shall hold quarterly meetings at the seat of government on the first Tuesday after the first Monday in January, April, July, and October. Officers shall be elected at the April meeting. Special meetings may be held upon the call of the president of the board. Three members shall constitute a quorum.

[1931 c. 408 s. 2] (5460-8)

**36.03 POWERS AND DUTIES OF COMMISSIONER OF AGRICULTURE.** The commissioner of agriculture, dairy and food shall have the power to employ such persons as are necessary to carry out the provisions of sections 36.03 to 36.24, and to fix all salaries and provide for expenses generally not inconsistent with law. The commissioner is authorized and directed to formulate and adopt plans whereby owners of poultry breeding flocks may, upon application, have their flocks culled, inspected, and supervised, to the end that these flocks may be accredited and certified for standard type and egg production; and likewise, poultry hatcheries may be accredited and certified as hatching and selling stock produced only from accredited and certified flocks. The commissioner is authorized to make, publish, and enforce rules and regulations to these ends, not inconsistent with law, and to define, prescribe, and authorize the use of uniform terminology to apply to varying degrees of accreditation and certification. The commissioner is authorized to adopt the "standard breeding plan" of accreditation and certification sponsored by the United States department of agriculture, or any other plan sponsored by that department, and to cooperate with that department in matters of poultry improvement. The commissioner is authorized to prescribe and collect fees for inspection and super-

vision, and to prescribe and furnish labels, leg bands, and certificates of accreditation and certification and such other supplies as may be necessary, and to prescribe and collect fees for the same. The commissioner is authorized to do such other things as he may deem needful and expedient to improve poultry breeding and practices and to give effect to sections 36.03 to 36.24.

[1931 c 408 s 3; 1957 c 672 s 2] (5460-9)

**36.031. DIVISION OF POULTRY INDUSTRIES CREATED.** Except as otherwise provided by this section, all persons employed by the poultry improvement board in the classified service of the state are hereby transferred to the division of poultry industries created by this section in the department of agriculture, dairy and food. Any unclassified employee of the poultry improvement board with more than 25 years service with said Board shall also be transferred, with permanent civil service status, to a position of director of the division of poultry industries to be established by the commissioner of agriculture.

[1957 c 672 s 20]

**36.04 ADVERTISING.** Owners of accredited and certified poultry breeding flocks and hatcheries shall have the right to use the terminology prescribed by the commissioner of agriculture, dairy and food in their literature and advertising and on shipping labels. The commissioner may, by regulation, require the submission of all or any part of such literature and advertising matter to him for review and approval before publication or issuance.

[1931 c 408 s 4; 1957 c 672 s 3] (5460-10)

**36.05 DISPOSAL OF FEES.** All fees collected under sections 36.03 to 36.24 shall be deposited in the state treasury and shall be placed in the "poultry improvement fund," available for and from which expense of the commissioner in carrying out the provisions of sections 36.03 to 36.24 shall be paid.

[1931 c 408 s 5; 1957 c 672 s 4] (5460-11)

**36.06 POULTRY DISEASE ERADICATION.** The state livestock sanitary board shall cooperate with the commissioner of agriculture, dairy and food in all ways consistent with law. The livestock sanitary board shall have exclusive jurisdiction and control over all matters pertaining to poultry diseases and the control and eradication thereof. The livestock sanitary board is hereby authorized to formulate, adopt, and enforce rules and regulations whereby owners of poultry breeding flocks may, upon agreement with the board, have such flocks examined, tested, and officially designated as meeting the qualifications for any stage of eradication of any specified communicable infectious disease when and as approved methods for official testing for such other disease may be adopted by the board, if personnel is available and funds are appropriated for the use of the board in making such tests and inspections.

[1931 c 408 s 6; 1957 c 672 s 5] (5460-12)

**36.07 PRODUCTS TO BE LABELED.** All poultry and poultry products shipped under the authority of sections 36.03 to 36.24 shall be uniformly labeled with designs prescribed and furnished by the commissioner of agriculture, dairy and food; provided that all labeling pertaining to disease or freedom therefrom shall first be approved by the state livestock sanitary board.

[1931 c 408 s 7; 1957 c 672 s 6] (5460-13)

**36.08 CERTAIN ADVERTISING FORBIDDEN.** No person, firm, association, partnership, or corporation shall use in literature, advertising material or on shipping labels, or otherwise, any language, words or phrases implying or indicating a breeding or a disease eradication or control status in conjunction with either the word "state" or the word "Minnesota," or both, as related to a poultry hatchery or a poultry breeding flock, except under the authority of sections 36.03 to 36.24.

[1931 c 408 s 8; 1957 c 672 s 7] (5460-14)

**36.09 MAY CANCEL CERTIFICATES.** In his discretion, the commissioner of agriculture, dairy and food may cancel any certificate of accreditation or certification issued under his authority, and likewise the secretary and executive officer of the state livestock sanitary board may cancel any certificate of testing, approval, or accreditation issued under the authority of his board, for violation of sections 36.03 to 36.24, or any rule or regulation adopted thereunder; and any person, firm, association, partnership, or corporation who shall violate any provision of sections 36.03 to 36.24, or any regulation adopted thereunder, shall be guilty of a misdemeanor.

[1931 c 408 s 9; 1957 c 672 s 8] (5460-15)

**36.095 LICENSING OF BABY CHICK AUCTIONS.** Subdivision 1. **Permit required for sale of baby chicks.** Before any baby chicks are offered for sale at any auction or auction barn or community sale, except public sales conducted by farmers selling baby chicks hatched on their own farms, a permit shall be obtained for the conduct of such auction from the commissioner of agriculture, dairy and food.

Subd. 2. **Application for permit.** Any person who desires to offer baby chicks for sale at auction, as defined in subdivision 1, shall apply for a permit so to do to the commissioner of agriculture, dairy and food, on a form which shall be prescribed by him. The application shall be signed by the person who proposes to conduct such sale, together with the person who owns the property in or on which such sale is to be conducted, if the person who proposes to conduct such sale does not own such property. The application shall designate the date of the proposed sale, the number and breeds of chicks which are to be offered for sale and the name and post office address of the person or persons by whom such chicks were hatched. The application shall be accompanied by a fee in the sum of \$15 for each and every day or fraction thereof during which or on which it is proposed to sell such baby chicks. The commissioner of agriculture, dairy and food is hereby authorized in his discretion to grant or deny the permit requested in such application; and, as a prerequisite to the granting of such permit, may require the applicant to submit information or evidence, in such form as the commissioner may specify, as to the condition of health of the baby chicks so to be offered for sale, including information or evidence as to the health of the parent flocks that produced the eggs from which such chicks were hatched.

Subd. 3. **Crates of chicks to be labeled.** Before any such chicks are offered for sale or sold, each box, crate or other container in which it is intended to deliver said chicks to purchaser shall be plainly labeled with the name of the breed, date hatched, the number of chicks within the container, the name and post office address of the person or persons by whom hatched, the place where hatched and, if determination of the sex of said chicks is represented to have been made at the time of sale, the said label shall state the minimum guaranty of pullets or cockerels, as the case may be.

Subd. 4. **List of number and kind of chicks sold.** Within three days after the sale shall have been held, as herein provided, the person who conducted the sale shall send a statement to the commissioner of agriculture, dairy and food giving a complete list of the number and kinds of baby chicks sold at such sale, together with a copy of the representations and guaranties made in relation thereto, if any such were made by the person who conducted such sale; and the person conducting such sale shall be held to have had full knowledge of such representations and guaranties and shall be as fully responsible and liable for any such representations and guaranties as is the person who set forth such representations and guaranties, as provided in subdivision 2.

Subd. 5. **Rules and regulations.** The commissioner of agriculture, dairy and food is hereby authorized to make such rules and regulations, not inconsistent with law, as may be necessary to administer the provisions of this section.

Subd. 6. **Baby chick defined.** The term "baby chick" as used in this section means any domestic fowl under the age of six weeks. The term "person" includes all firms and corporations. The term "person conducting the sale" shall not be construed to mean the auctioneer, unless the auctioneer is the owner or holds himself forth as the owner of the property to be sold.

Subd. 7. **Violation a misdemeanor.** Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$100 and any person who shall violate any of the provisions of this section two or more times shall be deemed guilty of a gross misdemeanor for each of such subsequent offenses.

[1945 c 141 s 1-7; 1957 c 672 s 9-12]

**36.10 QUARANTINE MAINTAINED.** The state live stock sanitary board is hereby authorized and empowered to establish and maintain, at the owner's expense, a quarantine of any or all domestic animals or poultry, or both, imported into the state when, in its judgment, such quarantine is necessary to protect the health of the domestic animals or poultry of the state. The quarantine shall be established by the adoption of a resolution declaring the quarantine and specifying the terms

conditions, scope, and application thereof, and the publication of such resolution, as provided for the publication of rules and regulations promulgated by such board.

[1933 c. 33 s. 1] (5460-17)

**36.11 MAY NOT BREAK QUARANTINE.** Upon the establishment of the quarantine, it shall be unlawful for the owner or the person having the custody or control of the animals or poultry subject to the quarantine to remove them, or any of them, from the premises where they first come to rest within the state after the interstate shipment or transportation is completed, until released by authority of the state live stock sanitary board.

[1933 c. 33 s. 2] (5460-18)

**36.12 DEFINITION.** The word "person," as used in sections 36.10 and 36.11, means any person, firm, or corporation.

[1933 c. 33 s. 4] (5460-20)

**36.13 POULTRY FLOCK INSPECTORS.** For the purposes of sections 36.13 to 36.22, any person who, for compensation or without compensation, shall cull poultry flocks, other than those belonging to himself, for production or for standard of perfection or merit; and any person who shall, for compensation or without compensation, engage in or purport to be engaged in the culling of poultry, or holds himself out as a culler of poultry, and who, at the same time, is engaged in the purchasing of or bartering for poultry, either for himself or as the agent of another, shall be deemed to be a poultry flock inspector.

[1935 c. 226 s. 1; Ex. 1936 c. 91 s. 1] (5887-61)

**36.14 MUST BE LICENSED.** No person shall act or hold himself out as a poultry flock inspector, as defined and limited in sections 36.13 to 36.22, unless he shall be licensed to act as such by the commissioner of agriculture, dairy and food.

[1935 c. 226 s. 2; Ex. 1936 c. 91 s. 2; 1957 c. 672 s. 13] (5887-62)

**36.15 QUALIFICATIONS.** Licenses to act as a poultry flock inspector shall be issued by the commissioner of agriculture, dairy and food to such reputable persons as shall apply therefor, pay the prescribed fee, and comply with the conditions herein specified:

- (1) 21 years or more of age;
- (2) a citizen of the United States;
- (3) of good moral character;
- (4) shall have passed an examination given by the commissioner;
- (5) shall have paid a fee of \$5.

[1935 c. 226 s. 3; 1957 c. 672 s. 14] (5887-63)

**36.16 APPLICATIONS, LICENSES; FEES.** Any person desiring a license as a poultry flock inspector shall file his application to take an examination therefor, together with his license fee of \$5, with the commissioner of agriculture, dairy and food, on such application form as the commissioner shall prescribe.

[1935 c. 226 s. 4; 1957 c. 672 s. 15] (5887-64)

**36.17 EXAMINATIONS.** The commissioner of agriculture, dairy and food shall conduct examinations for poultry flock inspectors at least twice a year, and at such other times as he deems necessary and advisable. These examinations shall be in such form as the commissioner shall determine.

[1935 c. 226 s. 5; 1957 c. 672 s. 16] (5887-65)

**36.18 LICENSES REVOKED.** The commissioner of agriculture, dairy and food shall have the authority to revoke a license, after hearing and for cause and upon ten days' written notice of hearing, served, either personally or by registered mail, upon the licensee.

[1935 c. 226 s. 6; 1957 c. 672 s. 17] (5887-66)

**36.19 RENEWALS.** Every such license shall be renewed on or before December 31 of each year, and such renewal shall cost \$5. If such license is not renewed on or before such date, a penalty of \$2 shall attach, and if not renewed within three months from such date, the holder of such license may be compelled by the commissioner of agriculture, dairy and food to take another examination before his license is renewed.

[1935 c. 226 s. 7; 1957 c. 672 s. 18] (5887-67)

**36.20 FEES TO GENERAL REVENUE FUND.** The fees provided for in sections 36.13 to 36.22 shall be deposited in the general revenue fund.

[1935 c. 226 s. 8] (5887-68)

**36.21 RULES.** The commissioner of agriculture, dairy and food shall have the authority to make reasonable rules and regulations to enforce the provisions of sections 36.13 to 36.22.

[1935 c 226 s 9; 1957 c 672 s 19] (5887-69)

**36.22 APPLICATION.** The provisions of sections 36.13 to 36.22 shall not apply to any one culling his own poultry flocks, or to approved poultry extension specialists or county agricultural agents or home demonstration agents.

[1935 c. 226 s. 11] (5887-71)

**36.23 AID TO POULTRY ASSOCIATIONS.** The county board of any county is hereby authorized to appropriate annually moneys from the county treasury, not otherwise appropriated, in a sum not exceeding \$100 to aid any poultry association organized and existing in the county; provided, the poultry association holds at least one annual poultry exhibit and pays premiums thereat in at least the amount of the appropriation.

[1929 c. 256 s. 1] (733-17½)

**36.24 VIOLATIONS; PENALTIES.** Subdivision 1. Any person removing any animal or any poultry while subject to quarantine, as provided in sections 36.10 and 36.11, in violation of the provisions thereof, shall be guilty of a misdemeanor.

Subd. 2. Any person acting as a poultry flock inspector, within the meaning of sections 36.13 to 36.22, without a license therefor, shall be guilty of a misdemeanor; and it shall be the duty of the county attorney of each county to prosecute all violations thereof within his county.

[1933 c. 33 s. 3; 1935 c. 226 s. 10] (5460-19, 5887-70)