

## CHAPTER 35

### LIVESTOCK SANITATION

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#### 35.01 DEFINITIONS.

Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the words defined in this section shall for the purposes of this chapter be given the meanings ascribed to them.

Subd. 2. **The board or the state board.** "The board" or "the state board" means the board of animal health.

Subd. 3. [Repealed, 1980 c 467 s 44]

Subd. 4. [Repealed, 1980 c 467 s 44]

Subd. 5. [Repealed, 1980 c 467 s 44]

Subd. 6. [Repealed, 1980 c 467 s 44]

Subd. 7. [Repealed, 1980 c 467 s 44]

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

**History:** *RL s 2155; 1913 c 160 s 1; 1923 c 112 s 2; 1953 c 98 s 1; 1957 c 113 s 1; 1980 c 467 s 1,2 (5395, 5433)*

#### 35.02 BOARD OF ANIMAL HEALTH.

Subdivision 1. The board shall consist of five members appointed by the governor with the advice and consent of the senate. Three shall be persons engaged in the production of livestock in the state; and the other two practicing veterinarians licensed in Minnesota. The dean of the college of veterinary medicine of the University of Minnesota may serve as consultant to the board without vote. Appointments to fill unexpired terms shall be made from the classes to which the retiring members belong. The board shall elect a president and a vice-president from among this number; also a veterinarian licensed in Minnesota, not a member, to be its secretary and executive officer for a term of one year and

until his successor qualifies. The duties of the secretary shall be prescribed by the board.

Subd. 2. The membership terms, compensation, removal of members, and filling of vacancies on the board shall be as provided in section 15.0575.

**History:** *RL s 2155; 1913 c 160 s 1; 1925 c 426 art 16 s 1; 1951 c 713 s 5; 1959 c 23 s 1; 1976 c 134 s 13; 1980 c 467 s 3 (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; making rules 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 of each year the board shall issue an annual report which shall be published.

**History:** *RL s 2156; 1955 c 847 s 3; 1980 c 467 s 4 (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.

**History:** *RL s 2157 (5397)*

### 35.05 AUTHORITY OF STATE BOARD.

The state board may quarantine or kill any domestic animal infected with, or which has been exposed to, any contagious and infectious dangerous disease. The board 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 rule or prohibition, may detain any animal at its owner's cost. The 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 adopted by the board under authority of this chapter shall be published in the state register.

**History:** *RL s 2158; 1980 c 467 s 5 (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 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.

**History:** *RL s 2159; 1980 c 467 s 6 (5399)*

### 35.063 QUARANTINE MAINTAINED.

The board is 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, a quarantine is necessary to protect the health of the domestic animals or poultry of the state. The quarantine shall specify the terms, conditions, scope, and application thereof.

**History:** *1933 c 33 s 1; 1980 c 467 s 7 (5460-17)*

**35.065 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 board.

**History:** 1933 c 33 s 2; 1980 c 467 s 8 (5460-18)

**35.067 DEFINITION.**

The word "person," as used in sections 35.063 to 35.069 means any person, firm, or corporation.

**History:** 1933 c 33 s 4; 1Sp1981 c 4 art 2 s 3 (5460-20)

**35.069 PENALTY.**

Any person removing any animal or any poultry while subject to quarantine, as provided in sections 35.063 and 35.065, in violation of the provisions thereof, shall be guilty of a misdemeanor.

**History:** 1933 c 33 s 3 (5460-19)

**35.07 [Repealed, 1980 c 467 s 44]****35.08 KILLING OF DISEASED ANIMALS.**

When the board shall decide upon the killing of an animal affected with the disease of tuberculosis, paratuberculosis, or brucellosis, it shall notify the animal's owner or keeper of the decision and when, in the judgment of the board, an animal may be ordered transported for immediate slaughter by the board, through its executive officer, to any abattoir where the meat inspection division of the United States department of agriculture maintains inspection, or where the animal disease eradication division of the United States department of agriculture or the board may establish field post-mortem inspection, 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 the animal; in the absence of an agreement, there shall be appointed three competent, disinterested persons, one appointed by the board, one by the owner, and a third by the first two, to appraise the animal at its full replacement cost-value taking into consideration the purpose and use of the animal.

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

**History:** RL 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; 1965 c 472 s 1; 1973 c 492 s 14; 1974 c 161 s 2; 1980 c 467 s 9 (5402)

**35.09 INSPECTION BEFORE KILLING; OWNER'S INDEMNITY.**

Subdivision 1. Notwithstanding any provision of this chapter to the contrary, neither cattle affected with tuberculosis, paratuberculosis, or brucellosis 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, or brucellosis, 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 animal disease eradication division of the United States department of agriculture compensates the owner for the 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 \$37.50 for grade females or more than \$75 for any registered purebred animal, and that no payment shall be made unless the owner has complied with all lawful rules of the board.

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

- (1) Indemnity shall not be paid for steers;
- (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, contrary to any provision of law or rules 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 brucellosis, or if the animals have been injected with brucellosis vaccine, bacterin, or other preparations made from or through the agency of *Brucella* Micro-organisms unless done in compliance with the rules of the 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 brucellosis test;
- (9) Where the owner, agent, or person in possession of the animal has not complied with the rules 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 livestock affected with tuberculosis, paratuberculosis, or brucellosis unless the entire herd of which the affected livestock is a part, or from which the affected livestock has originated, shall be examined and tested under the supervision of the board, in order to determine if they are free from the disease;
- (12) No indemnity or compensation shall be paid for the destruction of any livestock affected with tuberculosis, paratuberculosis, or brucellosis unless the owner has carried out the instructions 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 livestock affected with tuberculosis, paratuberculosis, or brucellosis, if the owner has fed milk or milk products derived from creameries and which have not been pasteurized, as required by state laws;

(14) If, at any time, the annual appropriation for payment of indemnities becomes exhausted as a result of condemnation and slaughter of animals, the board shall discontinue making further official tests or to authorize 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 livestock in this state.

Subd. 2a. The board may condemn and appraise nonreactors to the brucellosis test and exposed cattle not eligible for test from herds affected with brucellosis and pay the owner the difference between the appraisal value and the salvage value not to exceed \$300 for grade animals or \$600 for purebred registered animals, provided the board through its secretary and executive officer has determined according to criteria adopted by the board that herd depopulation is essential to the goal of bovine brucellosis eradication. Indemnity payable by the state shall be reduced by the amount paid by the United States department of agriculture. No indemnity shall be paid for steers.

Subd. 3. 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 reasonable and necessary steps to suppress and eradicate the disease. If the emergency is declared by the United States department of agriculture, the board may cooperate with the animal disease eradication division of the United States department of agriculture in the suppression and eradication of the disease.

When an emergency has been declared, the board may appraise and destroy animals affected with, or which have been exposed to the 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 the disease. The board may accept, on behalf of the state, the rules adopted by the animal disease eradication division of the United States department of agriculture pertaining to the disease, authorized under an act of Congress, or the portion thereof deemed necessary, suitable, or applicable, and to cooperate with the animal disease eradication division of the United States department of agriculture, in the enforcement of the rules so accepted; or it may follow the 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 the disease as may be agreed upon and adopted by the board and representatives or authorized agents of the animal disease eradication division of the United States department of agriculture, provided when the 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.

Appraisals of animals affected with, or exposed to, the disease, or contact animals, or property destroyed in order to remove the infection and complete the cleaning and disinfection of the premises where the animals are found, shall be made by an appraisal board consisting of a representative of the board, a representative of the animal disease eradication division of the United States department of agriculture, and the owner of the animals, or his authorized representative. 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 the animals in accordance with the law and rules of the board and the animal disease eradication division of the United States department of agriculture, and the completion of the cleaning and disinfection of the premises, the board shall certify the appraisal to the commissioner of finance, 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 commissioner of finance 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 the disease is of a 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 the 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.

**History:** *RL 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; 1965 c 472 s 2,3; 1973 c 492 s 14; 1976 c 227 s 1,2; 1980 c 467 s 10 (5403)*

### **35.10 INDEMNITY SUBJECT TO LIEN OR MORTGAGE ON ANIMALS.**

When any animal is condemned and killed by the state pursuant to law, and indemnity is provided, and the animal is subject to a mortgage or other lien and written notice of the lien is given by the lienholder to the board or officer whose duty it is to order payment of the indemnity, before the indemnity is ordered paid, then the 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 an indemnity, payment shall be made as specified and directed in the agreement, a copy of which 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 in which the animal was condemned, in the manner provided by the rules of civil procedure for the deposit of moneys claimed adversely by two or more persons, and the state shall be relieved from further liability on account thereof.

**History:** *1927 c 274; 1969 c 6 s 2; 1980 c 467 s 11 (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 board, which 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.

**History:** *RL s 2162; 1980 c 467 s 12 (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 the board, shall be borne by the board. The expense of quarantine, when the animal is taken from the possession of its owner, shall be defrayed by the state. When a 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 an expense incurred by the board under this chapter, the board shall have a lien on the animal, and may also maintain an action for the amount.

**History:** *RL s 2163; 1980 c 467 s 13 (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 these animals may post upon the premises a notice forbidding all persons to enter any building or enclosure in which animals are kept; and thereafter no person shall so enter, except a member or agent of the board.

**History:** *RL s 2164; 1980 c 467 s 14 (5406)*

35.131 [Repealed, 1980 c 467 s 44]

35.132 [Repealed, 1980 c 467 s 44]

35.133 [Repealed, 1980 c 467 s 44]

35.134 [Repealed, 1980 c 467 s 44]

35.135 [Repealed, 1980 c 467 s 44]

35.136 [Repealed, 1980 c 467 s 44]

35.137 [Repealed, 1980 c 467 s 44]

### 35.14 LIVESTOCK DETECTIVES FROM OTHER STATES.

Any person duly commissioned by the governor, or the livestock commission, or any other proper authority of another state to act as a livestock 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.

**History:** *RL s 2167; 1933 c 303 (5408)*

### 35.15 TRANSPORTATION OF LIVESTOCK; COMPLIANCE WITH RULES.

Subdivision 1. 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, dairy purposes, or sale or resale except in compliance with the rules now or hereafter adopted by the board.

Subd. 2. Any law compliance representative of the board who believes, upon reasonable cause, that the law is being violated, shall have the authority to stop a truck on the public ways and to require the driver to permit the inspection of health certificates or permits for the livestock being transported.

When engaged in stopping a truck hauling livestock the compliance representative of the board shall be identified by a lighted red signal mounted on the right front fender or hood of his automobile, which signal shall have printed on its face the word: "Stop". The automobile shall also be equipped with a flashing amber light of the type used by the Minnesota state patrol and the light shall be mounted on the inside rear deck of the automobile and shall be used when stopping a truck. The automobile shall have the words "Board of Animal Health" clearly printed on the right front door.

A driver who fails to, or refuses to, stop for this inspection when so directed by a compliance representative shall be guilty of a misdemeanor.

**History:** 1907 c 355 s 1; 1935 c 31 s 1; 1965 c 40 s 1; 1965 c 91 s 1; 1980 c 467 s 15; 1981 c 37 s 2 (5409)

### 35.16 TRANSPORTATION COMPANIES TO HOLD LIVESTOCK AND POULTRY.

In any case where the rules of the board have not been complied with, transportation companies shall notify the board and shall hold the animals or poultry at the first station within Minnesota where there are suitable facilities for holding animals or poultry for inspection by the board, the inspection to be made at the expense of the owner.

**History:** 1907 c 355 s 2; 1935 c 31 s 2; 1980 c 467 s 16 (5410)

- 35.17 [Repealed, 1980 c 467 s 44]
- 35.18 [Repealed, 1980 c 467 s 44]
- 35.19 [Repealed, 1980 c 467 s 44]
- 35.20 [Repealed, 1980 c 467 s 44]
- 35.21 [Repealed, 1980 c 467 s 44]
- 35.22 [Repealed, 1980 c 467 s 44]
- 35.23 [Repealed, 1980 c 467 s 44]
- 35.24 [Repealed, 1980 c 467 s 44]

### 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 and spayed heifers and calves of beef type and breed under eight months of age, not known to be affected with brucellosis, at public auction, livestock auction markets, 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 rules as may be prescribed by the 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 the cattle have been vaccinated against brucellosis in accordance with the rules of the board and a certificate of 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.** The test and vaccination shall be made at the time and in the manner prescribed by the 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 the sale, and the auctioneer or other person conducting the sale shall publicly announce prior to conducting the sale, that the certificate of the test, or vaccination or both, approved by the board, has been posted and is available for inspection. No auctioneer or other person conducting a sale shall conduct any public sale in this state unless a certificate of the test or vaccination or both, approved by the board shall be posted by the vendor of the cattle at the time of the 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 purposes without a test for, or vaccination against brucellosis, pursuant to rules prescribed by the board provided the purchaser of the cattle furnishes the seller an affidavit certifying the cattle are purchased for feeding purposes, and will be maintained separate and apart from all other cattle except other quarantined feeding cattle until resold under affidavit, resold for immediate slaughter or until delivered to a public stockyard under supervision of the United States department of agriculture or tested in accordance with the rules of the board specifically relating to this class of cattle. 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 rules or quarantines prescribed by the board pursuant to this section.

**Subd. 4. Board may authorize use of identification other than vaccination certificates.** The board may authorize the use of ear tattoos, brands, or other suitable identification instead of the vaccination certificate required by this section.

**Subd. 5. Penalty.** Any person violating the provisions of this section or rules or quarantines of the 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 the time its renewal is approved by the authority which issued the license.

**History:** 1945 c 234 s 1-4; 1951 c 222 s 1-4; 1955 c 869 s 1; 1961 c 54 s 1,2; 1963 c 6 s 1; 1963 c 502 s 1; 1969 c 8 s 1; 1980 c 467 s 17; 1981 c 86 s 1

**35.25** [Repealed, 1980 c 467 s 44]

### **35.251 ANAPLASMOSIS TESTING.**

Subdivision 1. All breeding cattle entering Minnesota shall have a health certificate evidencing a negative test for anaplasmosis conducted at a state or federal laboratory within 30 days of entry. Cattle not so certified shall be immediately quarantined and tested for anaplasmosis at the expense of the cattle owner. Cattle having a positive reaction to the anaplasmosis test shall remain quarantined until testing free of anaplasmosis or be slaughtered. An anaplasmosis test shall not be required of steers, cattle shipped directly to a slaughtering establishment, cattle sent to a quarantine feed lot, and other cattle excepted by rule of the livestock sanitary board. The livestock sanitary board is authorized to adopt rules to implement the provisions of this section.

Subd. 2. This section is effective January 1, 1981 except that the provision authorizing the livestock sanitary board to adopt rules is effective April 4, 1980.

**History:** 1980 c 467 s 35

**35.26** [Repealed, 1980 c 467 s 44]

- 35.27 [Repealed, 1980 c 467 s 44]
- 35.28 [Repealed, 1980 c 467 s 44]
- 35.29 [Repealed, 1980 c 467 s 44]
- 35.30 [Repealed, 1980 c 467 s 44]
- 35.31 [Repealed, 1980 c 467 s 44]
- 35.32 [Repealed, 1980 c 467 s 44]
- 35.33 [Repealed, 1980 c 467 s 44]
- 35.34 [Repealed, 1980 c 467 s 44]
- 35.35 [Repealed, 1980 c 467 s 44]
- 35.36 [Repealed, 1959 c 406 s 5]
- 35.37 [Repealed, 1959 c 406 s 5]
- 35.38 [Repealed, 1959 c 406 s 5]
- 35.39 [Repealed, 1959 c 406 s 5]
- 35.40 [Repealed, 1980 c 467 s 44]
- 35.41 [Repealed, 1980 c 467 s 44]
- 35.42 [Repealed, 1980 c 467 s 44]
- 35.43 [Repealed, 1980 c 467 s 44]
- 35.44 [Repealed, 1980 c 467 s 44]
- 35.45 [Repealed, 1980 c 467 s 44]
- 35.46 [Repealed, 1980 c 467 s 44]
- 35.47 [Repealed, 1980 c 467 s 44]
- 35.48 [Repealed, 1980 c 467 s 44]
- 35.49 [Repealed, 1980 c 467 s 44]
- 35.50 [Repealed, 1980 c 467 s 44]
- 35.51 [Repealed, 1980 c 467 s 44]
- 35.52 [Repealed, 1967 c 166 s 3]
- 35.53 [Repealed, 1967 c 166 s 3]
- 35.54 [Repealed, 1959 c 406 s 5]
- 35.55 [Repealed, 1980 c 467 s 44]
- 35.56 [Repealed, 1980 c 467 s 44]
- 35.57 [Repealed, 1980 c 467 s 44]
- 35.58 [Repealed, 1980 c 467 s 44]
- 35.59 [Repealed, 1959 c 406 s 5]
- 35.60 [Repealed, 1980 c 467 s 44]
- 35.605 [Repealed, 1980 c 467 s 44]
- 35.61 [Repealed, 1959 c 406 s 5]
- 35.62 [Repealed, 1959 c 406 s 5]
- 35.63 [Repealed, 1959 c 406 s 5]
- 35.64 [Repealed, 1959 c 406 s 5]
- 35.65 [Repealed, 1959 c 406 s 5]
- 35.66 [Repealed, 1967 c 147 s 1]

### 35.67 RABIES; BOARD, HEALTH OFFICERS; DUTIES.

It shall be the duty of the executive officer of the board, the chief health officer of each city, the executive officer of each town board of health, and the board of health of a statutory city, when complaint, in writing, shall have been made to him that rabies exists in any town, 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, 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 complaint, and determine whether or not rabies does exist in any town or city. Any officer may, on his own motion, and without a complaint, likewise make an investigation and determination. The fact that an executive officer of a town or city 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 board of jurisdiction or authority to make an investigation and determination with reference to the territory.

**History:** 1913 c 541 s 1; 1973 c 123 art 5 s 7; 1980 c 467 s 18 (5389)

### **35.68 RABIES; PROCLAMATION; PUBLICATION.**

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

When the secretary and executive officer of the board, after investigation, has determined that rabies exists in any territory in the state, similar proclamations shall be issued in all towns and cities within the territory or area in which it is necessary to control the outbreak and prevent the spread of the disease; and the proclamation, when filed as hereinafter provided, shall prohibit the owner or custodian of any dog within the designated territory from permitting or allowing the dog to be at large within the territory unless the 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.

A proclamation, when issued by the executive officer of a town board of health, shall be filed with the town clerk; 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 and city within the territory specified therein.

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

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 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.

**History:** 1913 c 541 s 2; 1929 c 34; 1973 c 123 art 5 s 7; 1980 c 467 s 19 (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 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.

**History:** 1913 c 541 s 3; 1973 c 123 art 5 s 7 (5391)

**35.695** [Repealed, 1982 c 514 s 21]

**35.70 VIOLATIONS; PENALTIES.**

Subdivision 1. Every person violating any provision of this chapter, except as provided in subdivision 4, or any rule made hereunder by the board or any order made under the authority of this chapter, shall be guilty of a misdemeanor.

Subd. 2. [Repealed, 1980 c 467 s 44]

Subd. 3. It shall be unlawful for any veterinarian, who is an agent or representative of the 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 the 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. A 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. [Repealed, 1980 c 467 s 44]

Subd. 6. [Repealed, 1980 c 467 s 44]

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

Subd. 8. [Repealed, 1980 c 467 s 44]

**History:** RL 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 s 23,26; 1925 c 340 s 3; 1935 c 31 s 3; 1939 c 171 s 3; 1980 c 467 s 21-23 (5391, 5403-4, 5406, 5407, 5411, 5415, 5423, 5426, 5454, 5457, 5460-6)

**35.71 UNCLAIMED AND UNREDEEMED ANIMALS IMPOUNDED; SCIENTIFIC USE OR OTHER DISPOSITION.**

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, disposition.** "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 regular business days of the impounding agency, or for a longer period of time specified by municipal ordinance. For the purpose of this subdivision, the term "regular business day" means any day during which the establishment having custody of an animal is open to the public not less than four consecutive hours between the hours of 8:00 A.M. and 7:00 P.M. These establishments shall maintain the following records of the animals in custody, and preserve the records for a minimum of six months:

- (a) The description of the animal, by species, breed, sex, approximate age, and other distinguishing traits;
- (b) The location at which the animal was seized;
- (c) The date of seizure;
- (d) The name and address of the person from whom any animal three months of age or over was received;
- (e) The name and address of the person to whom any animal three months of age or over was transferred.

The records shall be maintained in a form permitting easy perusal by the public. A person may view the records and may view any and all animals in custody at any time during which the establishment is open to the public. At the end of this five day period all animals which remain unredeemed by their owners or any other person entitled to do so shall be made available to any institution licensed hereunder which has submitted a prior request for the numbers which the institution requests. However, if a tag affixed to the animal, or a statement by the animal's owner after seizure, specifies that an animal shall not be used for research, the animal shall not be made available to any institution but may, in the discretion of the establishment, be destroyed after the expiration of the five day period. If a request is made by a licensed institution to an establishment for a larger number of animals than are available at the time of the request, the establishment shall withhold 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 the 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 an establishment until the complainant withdraws its statement of noncompliance or until the 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 the municipality or other political subdivision has been notified of the determination in writing. If it appears upon the complaint of any person that any officer, agent, or employee of an 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 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 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 rules, not inconsistent with this section, 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.

**History:** 1949 c 195 s 1-8; 1955 c 112 s 1,2; 1969 c 246 s 1; 1969 c 399 s 1; 1976 c 1 s 1; 1978 c 457 s 1; 1980 c 467 s 24,25

### 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.

**History:** 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. [Repealed, 1980 c 467 s 44]

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.

**History:** 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.

**History:** 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.

**History:** 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.

**History:** 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.

**History:** 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.

**History:** 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.

**History:** 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.

**History:** 1953 c 355 s 10

**35.81 TRANSPORTATION OF ANIMALS AND POULTRY, RULES.**

The board is authorized to make reasonable rules for the cleaning and disinfection of railroad cars, the automobiles, trucks and other vehicles used as public carriers for the transportation of live animals and poultry over the public highways and railroads within the state.

**History:** 1921 c 179 s 2; 1927 c 182; 1980 c 467 s 26 (4882)

**35.82 RENDERING PLANT PERMITS; DISPOSITION OF CARCASSES.**

Subdivision 1. No person shall engage in the business of rendering animals, poultry, fish or parts thereof, including scraps and grease, without first obtaining a



permit from the board in accordance with the rules adopted by the board relative to transportation, rendering, and all other provisions deemed by that board to be necessary to prevent the spread of disease.

Subd. 1a. [Repealed, 1974 c 159 s 5]

Subd. 1b. (a) The board, through its secretary and executive officer, may issue a permit to the owner or operator of a pet food processing establishment or a mink rancher or a supplier of an establishment, located within the boundaries of Minnesota, to transport the carcasses of domestic animals that have died or have been killed otherwise than by being slaughtered for human consumption, over the public highways to the establishment for pet food or mink food purposes only. The owners and operators of pet food processing establishments or suppliers of the establishments and mink ranch operators located in any adjacent state with which a reciprocal agreement is in effect, as provided in subdivision 3 are not required to possess a permit issued pursuant to this subdivision. The permit shall be valid for one year following date of issue unless revoked.

(b) The owner or operator of a pet food processing plant or mink ranch shall employ an official veterinarian. If the veterinarian named in the permit application is accepted by the board to act as the official veterinarian, he shall be authorized by the board to act as its representative.

(c) Carcasses collected by owners or operators under permit may be utilized for pet food or mink food purposes provided that the official veterinarian examines the carcass and in his opinion the carcass is suitable for pet food or mink food purposes.

(d) Carcasses not passed by the official veterinarian for pet food or mink food purposes shall be disposed of by a rendering plant operating under permit from the board.

(e) Provided however that the board shall require pet food processing establishments and owners and operators of mink ranches and suppliers of these establishments to conform to rules of the board applicable to rendering plants within the state of Minnesota.

Subd. 2. (a) Except as provided in subdivision 1b, every person owning or having in charge any domestic animal that has died or been killed otherwise than by being slaughtered for human or animal consumption, shall as soon as reasonably possible bury the carcass at least three feet deep in the ground, or cause the same to be consumed by fire; provided, however, that the board, through its secretary and executive officer, may issue a permit to owners of rendering plants, located within the boundaries of Minnesota, provided the rendering plants are operated and conducted as required by law, to remove carcasses of domestic animals and fowl that have died or have been killed otherwise than by being slaughtered for human or animal consumption, over the public highways to their plants for rendering purposes in accordance with the rules adopted by the board relative to transportation, rendering, and all other provisions deemed by that board to be necessary to prevent the spread of disease; and to owners of rendering plants located in any adjacent state with which a reciprocal agreement is in effect, as provided in subdivision 3.

(b) Carcasses collected by rendering plants under permit may be utilized for pet food or mink food purposes provided that the owner or operator employs an official veterinarian. If the veterinarian named in the application is accepted by the board to act as the official veterinarian, the veterinarian shall be authorized by the board to act as its representative.

(c) Carcasses may be utilized for pet food or mink food purposes provided that the official veterinarian examines each carcass and in his opinion the carcass

is suitable for pet food or mink food purposes. Carcasses not passed by the official veterinarian for pet food or mink food purposes shall be disposed of by rendering.

(d) Any authorized employee or agent of the board shall have the authority to enter upon any private or public property and to inspect the carcass of any domestic animal that has died or has been killed otherwise than by being slaughtered for human or animal consumption. Failure to dispose of the carcass of any domestic animal within the period specified by this subdivision is a public nuisance. The board may petition the district court of the county in which a carcass is located for a writ requiring the abatement of the public nuisance. A civil action so commenced shall not preclude a criminal prosecution under the provisions of this section. No person shall sell or offer to sell, or give away a carcass of a domestic animal when the animal died or was killed otherwise than by being slaughtered for human or animal consumption, nor convey the same along any public road or upon any land not his own; unless in accordance with a special permit, as provided in this section of Minnesota Statutes; provided, however, that the carcass of a domestic animal that has died or has been killed otherwise than by being slaughtered for human or animal consumption, or parts thereof, may, be transported along any public road for a medical or scientific purpose, provided that the carcass of any domestic animal so transported shall be enclosed in a leak proof container to prevent spillage or the dripping of liquid waste. The board may adopt rules relative to the transportation of the carcass of any domestic animal for a medical or scientific purpose, and further provided that a carcass situated on a public thoroughfare may be transported for burial or other disposition in accordance with this section. No person shall negligently or wilfully permit diseased animals owned or controlled by him to escape his control or to run at large. Every violation of any provision of this section shall be a misdemeanor.

Subd. 3. The secretary and executive officer of the board is authorized to enter into reciprocal agreements in behalf of this state with any one or more of the states adjacent to this state, providing for permits to be issued to rendering plants, pet food processing establishments or suppliers of establishments, and mink ranch operators located in either state to transport carcasses to their plants, establishments or ranches over the public highways of this state and the reciprocating state.

Subd. 3a. The provisions of Laws 1974, Chapter 159 relating to reciprocal agreements with an adjacent state only apply if the adjacent state has in effect standards and requirements which are the equivalent of the standards and requirements of this state as established by the board.

Subd. 4. The term domestic animal as used in this section does not include any species of domestic animal which in common practice is maintained in the home of the owner whether or not the particular domestic animal was so housed at any time prior to its death. Nothing contained in this section shall be construed to limit the authority of local governmental units to regulate the disposition of carcasses of domestic animals excluded from the provisions of this section by this subdivision.

**History:** *RL s 5011; 1921 c 486 s 1; 1927 c 218; 1939 c 104; 1949 c 484 s 1; 1961 c 625 s 1; 1967 c 275 s 1,2; 1967 c 305 s 1; 1969 c 32 s 1,2; 1974 c 159 s 1-4; 1980 c 467 s 27 (10273)*

### 35.821 DEFINITIONS.

Subdivision 1. Unless the context clearly indicates otherwise, for the purposes of sections 35.821 to 35.831 the terms defined in this section have the meanings given them.

Subd. 2. [Repealed, 1980 c 467 s 44]

Subd. 3. "Brand," except as otherwise provided in this section, means a permanent identification mark of which the letters, numbers, and figures used are each four inches or more in length or diameter and are burned into the hide of a live animal with a hot iron, and is to be considered in relation to its location on such animal; and such term relates to both the mark burned into the hide and the location of this mark. In the case of sheep, the term includes, but is not limited to, a painted mark which is renewed after each shearing.

Subd. 4. "Mark" means a permanent identification cut from the ear or ears of a live animal.

Subd. 5. The term "animal" means any cattle, horse, sheep, or mule.

**History:** 1965 c 291 s 1

### **35.822 REGISTRATION OF MARKS OR BRANDS WITH BOARD.**

The board shall approve marks or brands for registration, issue certificates of approval, and administer the provisions of sections 35.821 to 35.831. The board shall publish a state brand book which shall contain a facsimile of each and every mark or brand that is registered with it, showing the owner's name and address together with the pertinent laws and rules pertaining to brand registrations and reregistrations.

**History:** 1965 c 291 s 2; 1980 c 467 s 28

**35.823** [Repealed, 1975 c 228 s 7]

### **35.824 APPLICATION FOR REGISTRATION; PENALTIES, DUPLICATE BRANDS.**

The board shall prepare standard forms and shall supply these forms for distribution to those who desire to apply for a brand. The application shall show a left and right side view of the animals upon which a mark or brand will be eligible for registry. The mark or brand location shall be designated to the following body regions: Head, bregma, and right and left jaw, neck, shoulder, rib, hip, and breech. The applicant shall select not less than three distinct marks or brands and list them in preferred order and he shall likewise select three locations on the animal and list them in preferred order. The application shall be properly signed and notarized and accompanied by a fee of \$10. The mark or brand, if approved and accepted by the board, shall be of good standing during the ten year period in which it is recorded. Any person who knowingly places upon any animal a mark or brand which has not been registered with the board and which is in duplication of a mark or brand that is registered with the board is guilty of a felony. "Duplication" constitutes the use of a similar mark or brand, used in any position on the animal designated for the use of a registered mark or brand, such as the head, bregma, jaw, neck, shoulder, rib, hip, or breech. Any person who alters or defaces a brand or mark on any animal to prevent its identification by its owner, is guilty of a felony.

**History:** 1965 c 291 s 4; 1975 c 228 s 1

### **35.825 CHECKING OF APPLICATIONS; CONFLICTS.**

After April 30, 1965, all marks or brands received by the board shall be held and listed by the board, which shall immediately proceed to check the mark or brand applications for conflicts; and should any be found the fee so advanced along with the conflicting application shall be returned to the person making the application.

**History:** 1965 c 291 s 5

**35.826 STATE BRAND BOOKS; REREGISTRATION OF MARKS, BRANDS.**

All mark or brand applications approved shall be sorted in a systematic manner and published in the state brand book. Supplements and revised brand books shall be published at the discretion of the board. At least six months before expiration, all registered mark or brand owners and assignees shall be notified in writing that their mark or brand will terminate in six months and that the mark or brand must be renewed. A reregistration fee of \$10 shall be charged for the ensuing ten year period or fraction thereof. Failure to renew a mark or brand on or before the time specified, in accordance with the provisions of sections 35.821 to 35.831, is considered an absolute abandonment to the state of the mark or brand. The board may not reissue a mark or brand so abandoned except to the original owner or, after a period of two years, to another applicant upon proper application.

**History:** 1965 c 291 s 6; 1975 c 228 s 2

**35.827 SALE OF BRAND BOOKS.**

The state brand book, and all supplements thereto for the ten year period, shall be sold to the public at a price which shall include the costs of printing, handling and mailing. The board shall distribute to the sheriff of each county all brand books and supplements thereto without cost.

**History:** 1965 c 291 s 7; 1975 c 228 s 3

**35.828 EVIDENCE.**

Marks or brands appearing in the current edition of the state brand book, supplements thereto, or registered with the board, shall be prima facie evidence of ownership and take precedence over marks or brands of like kind, should the question of ownership arise. The owner whose mark or brand does not appear in the state brand book, supplement thereto, or is not registered with the board, shall produce evidence to establish his title to the property in the event of controversy.

**History:** 1965 c 291 s 8; 1975 c 228 s 4

**35.829 TRANSFER OF BRANDS.**

Only brands registered with the board or appearing in the current edition of the state brand book or a supplement thereto shall be subject to sale, assignment, transfer, devise, or bequest, the same as other personal property. The board shall prescribe forms for the sale or assignment of a brand. A transferred brand shall be recorded with the board and the fee for recording the same shall be \$10.

**History:** 1965 c 291 s 9; 1975 c 228 s 5

**35.830 SALE OF BRANDED LIVESTOCK; WRITTEN BILL OF SALE; PENALTY.**

All persons selling animals marked or branded with their mark or brand recorded in a current state brand book, supplement thereto, or registered with the board, shall execute to the purchaser a written bill of sale bearing the signature and residence of the seller, the name and address of the purchaser, the total number of animals sold, a description of each animal sold as to sex and kind, and all registered brands. The bill of sale shall be kept by the purchaser for two years and for as long thereafter as he owns any of the animals described in the bill of sale. A copy of the bill of sale shall be given to each hauler of the animals, other than railroads, and shall accompany the shipment of animals while in transit. The bill of sale or a copy shall be shown by the possessor on demand to any peace

officer or compliance representative of the board. The bill of sale is prima facie evidence of the sale of the animals described by the bill of sale. A person who violates this section is guilty of a misdemeanor.

**History:** 1965 c 291 s 10; 1975 c 228 s 6; 1980 c 467 s 29

### **35.831 RULES.**

The board may promulgate rules it considers necessary to carry out the purposes of sections 35.821 to 35.831.

**History:** 1965 c 291 s 11; 1980 c 467 s 30

### **35.832 [Repealed, 1973 c 501 s 2]**

### **35.84 FEES FOR SERVICES TO STATE FAIR.**

The board of animal health shall charge fees to cover all direct and indirect costs of services rendered to the state agricultural society in connection with the state fair. Fee receipts shall be deposited in the state treasury and credited to the general fund.

**History:** 3Sp1981 c 2 art 1 s 12