CHAPTER 35

ANIMAL HEALTH

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35.01 DEFINITIONS.

Subdivision 1. **Scope.** Unless the language or context clearly indicates that a different meaning is intended, the words defined in this section as used in this chapter have the meanings given them.

Subd. 2. **Board; state board.** "Board" or "state board" means the Board of Animal Health.

Subd. 3. MS 1978 [Repealed, 1980 c 467 s 44]

Subd. 3. **Livestock, domestic animals.** "Livestock" and "domestic animals" include poultry.

Subd. 4. MS 1978 [Repealed, 1980 c 467 s 44]

Subd. 4. MS 1994 [Repealed, 1996 c 310 s 1; 1997 c 7 art 1 s 171]

Subd. 5. MS 1978 [Repealed, 1980 c 467 s 44]

Subd. 6. MS 1978 [Repealed, 1980 c 467 s 44]

Subd. 7. MS 1978 [Repealed, 1980 c 467 s 44]

Subd. 8. [Renumbered subd 3]

History: *(5395, 5433) 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; 1985 c 265 art 1 s 1; 1997 c 7 art 1 s 15*

35.02 BOARD OF ANIMAL HEALTH.

Subdivision 1. **Members; officers.** The board has seven members appointed by the governor with the advice and consent of the senate, three of whom are producers of livestock in the state; one of whom is a member of a federally recognized Tribe located in Minnesota who is experienced in animal husbandry; and three of whom are practicing veterinarians licensed in Minnesota, one of whom specializes in companion animals. To the extent practicable, the governor's appointments must achieve gender and geographic balance among the board membership. The commissioners of agriculture, natural resources, and health, the dean of the College of Veterinary Medicine, and the director of the Veterinary Diagnostic Laboratory of the University of Minnesota may serve as consultants to the board without vote. Appointments to fill unexpired terms must be made from the classes to which the retiring members belong. The board shall elect a president and a vice-president from among its members and a veterinarian licensed in Minnesota who is not a member to be its executive director for a term of one year and until a successor qualifies. The board shall set the duties of the director.

Subd. 2. **Terms; compensation; removal; vacancies.** The membership terms, compensation, removal of members, and filling of vacancies on the board are governed by section 15.0575.

History: *(53-43, 5395) 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; 1985 c 265 art 1 s 1; 1999 c 231 s 69; 1Sp2005 c 1 art 1 s 62; 2007 c 19 s 1; 2021 c 28 s 12; 2023 c 43 art 2 s 122*

35.03 POWERS, DUTIES, AND REPORTS.

The board shall protect the health of Minnesota domestic animals and carry out the provisions of this chapter. The board shall make rules necessary to protect the health of domestic animals. The board shall meet at least quarterly. Officers must be elected each April. On or before November 1 of each year the board shall publish an annual report. The University of Minnesota Veterinary Diagnostic Laboratory is the official laboratory for the board. At least quarterly, the director of the Veterinary Diagnostic Laboratory must report on the laboratory's activities.

History: *(5396) RL s 2156; 1955 c 847 s 3; 1980 c 467 s 4; 1985 c 100 s 1; 1985 c 265 art 1 s 1; art 12 s 1; 1Sp2005 c 1 art 1 s 63*

35.04 MS 2000 [Repealed, 1Sp2001 c 2 s 162]

35.05 AUTHORITY OF STATE BOARD.

(a) The state board may quarantine or kill any domestic animal infected with, or which has been exposed to, a contagious or infectious dangerous disease if it is necessary to protect the health of the domestic animals of the state.

(b) The board may regulate or prohibit the arrival in and departure from the state of infected or exposed animals and, in case of violation of any rule or prohibition, may detain any animal at its owner's expense. The board may regulate or prohibit the importation of domestic animals which, in its opinion, may injure the health of Minnesota livestock.

(c) When the governor declares an emergency under section 35.0661, the board, through its executive director, may assume control of such resources within the University of Minnesota's Veterinary Diagnostic Laboratory as necessary to effectively address the disease outbreak. The director of the laboratory and other laboratory personnel must cooperate fully in performing necessary functions related to the outbreak or threatened outbreak.

(d) The board may test or require tests of any bovine or cervidae in the state when the board deems it necessary to achieve or maintain bovine tuberculosis accredited free state or zone status under the regulations and laws administered by the United States Department of Agriculture.

(e) Notwithstanding section 3.3005, subdivision 2, the board may apply for, receive, and disburse federal money made available to the state for animal disease response. All federal money received by the board for this purpose must be deposited in the state treasury and is appropriated to the board for the purposes for which it was received. By January 15 each year, the board must report to the senate Committee on Finance, the house of representatives Committee on Ways and Means, and the legislative committees with jurisdiction over the board's operating budget regarding the amount of federal money received and spent in the previous fiscal year under this paragraph and the board's use of these funds.

History: *(5398) RL s 2158; 1980 c 467 s 5; 1985 c 100 s 2; 1985 c 265 art 1 s 1; 1999 c 231 s 71; 1Sp2005 c 1 art 1 s 64; 2006 c 282 art 9 s 5; 2022 c 95 art 2 s 16; 2023 c 43 art 2 s 123*

35.051 EPHEDRINE AND PSEUDOEPHEDRINE PRODUCTS.

Subdivision 1. **Prescription required.** Drugs and products for any species of animal that contain ephedrine or pseudoephedrine require a written prescription from a veterinarian to be sold or distributed for lay use.

Subd. 2. **Sale and purchase restrictions.** A drug or product for any species of animal containing ephedrine or pseudoephedrine may only be dispensed, sold, or distributed by a veterinarian or a veterinary assistant under the supervision or direction of a veterinarian. A person who is not a veterinarian may not purchase a drug or product for animal consumption containing ephedrine or pseudoephedrine without a prescription.

History: *2005 c 136 art 7 s 1*

35.06 REPORTING DISEASE; COMPELLING TESTIMONY.

A person who knows or reasonably suspects that a contagious or infectious disease exists in a domestic animal shall immediately notify the board. The board, or any member or authorized agent of the board, may examine under oath all persons believed to have knowledge of the existence or threat of disease among domestic animals and, for this purpose, may take depositions and compel witnesses to attend and testify.

History: *(5399) RL s 2159; 1980 c 467 s 6; 1985 c 265 art 1 s 1*

35.063 QUARANTINE MAINTAINED.

The board may establish and maintain, at the owner's expense, a quarantine of domestic animals imported into the state when, in its judgment, a quarantine is necessary to protect the health of Minnesota domestic animals. The quarantine must specify its terms, conditions, scope, and application.

History: *(5460-17) 1933 c 33 s 1; 1980 c 467 s 7; 1985 c 265 art 1 s 1*

35.065 MAY NOT BREAK QUARANTINE.

It is unlawful for the owner or the person having the custody or control of domestic animals subject to a quarantine to remove any of them from their first location within the state after the interstate shipment or transportation is completed until they are released by authority of the board.

History: *(5460-18) 1933 c 33 s 2; 1980 c 467 s 8; 1985 c 265 art 1 s 1*

35.0661 TEMPORARY EMERGENCY RESTRICTIONS ON MOVEMENT OF PEOPLE, LIVESTOCK, MACHINERY, AND OTHER PERSONAL PROPERTY.

Subdivision 1. **Disastrous animal disease outbreaks; declaration of emergency.** (a) If the board determines that a confirmed case of a disease in this state presents a substantial and imminent threat to the state's domestic animal population, it shall certify the case to the governor. After receiving certification from the board, the governor may declare an emergency under this section for purposes of allowing the board to establish quarantine zones of control to protect the health of domestic animals from animal diseases of potentially disastrous proportions. The governor may declare an emergency under this section without declaring a peacetime emergency under section 12.31. A declaration under this section may specify that it applies to all or certain units of state or local government, must specify the time period for which it applies, and must be filed with the secretary of state. This section is in addition to and does not limit authority granted to the governor or local government officials by chapter 12 or other law.

(b) The board may meet by electronic means without violating state open meeting laws for the purpose of declaring that a confirmed case of a disease in this state presents a substantial and imminent threat to the state's domestic animal population. If the board meets by electronic means for this purpose, it shall comply with the emergency meeting notice provisions of section 13D.04, subdivision 3, and, to the fullest extent possible, provide public and media access to the meeting.

Subd. 2. **Quarantine zones.** Upon an emergency declaration by the governor under subdivision 1, the board or any licensed veterinarian designated by the board may establish quarantine zones of control in any area where a specific animal is deemed by a licensed veterinarian as likely to be infected with the disease based on an actual veterinary examination or laboratory testing. Quarantine zones of control to restrict the movement of livestock must be the smallest size practicable to prevent the spread of disease and must exist for the shortest duration consistent with effective disease control.

Subd. 3. **Restrictions on movement out of quarantine zones.** (a) The board may issue orders restricting the movement of persons, machinery, and personal property off infected premises designated by the board as quarantined under subdivision 2. The executive director of the board or any licensed veterinarian designated by the board may issue the orders. An order may be issued upon a determination that reasonable cause exists to believe that the movement of persons or personal property out of a quarantine zone will reasonably threaten to transport a dangerous, infectious, or communicable disease outside of the quarantine zone.

(b) The order must be served upon any person subject to the order. The restrictions sought by the board on movement out of a quarantine zone must be limited to the greatest extent possible consistent with the

paramount disease control objectives as determined by the board. An order under this section may be served on any day at any time. The order must include a notice of the person's rights under this section, including the ability to enter into an agreement to abide by disease control measures under paragraph (c) and the right to request a court hearing under paragraph (d).

(c) No person may be restricted by an order under this subdivision for longer than 72 hours, exclusive of Saturdays, Sundays, and legal holidays, so long as the person agrees to abide by the disease control measures established by the board. The person shall sign an acknowledgment form prepared by the board evidencing the person's agreement to abide by the disease control measures established by the board.

(d) A person whose movements are restricted by an order under this subdivision may seek a district court hearing on the order at any time after it is served on the person. The hearing may be held by electronic means as soon as possible. The subject of the order may:

(1) contest imposition of the order on grounds that it is an abuse of the board's discretion under this section; or

(2) seek a variance from it to allow movement of a person inconsistent with the order, upon a showing that the person would otherwise suffer irreparable harm.

Subd. 4. MS 2004 [Repealed, 1Sp2005 c 1 art 1 s 98]

History: *2001 c 192 s 1; 2003 c 107 s 25; 2012 c 244 art 1 s 40,41*

35.0662 TEMPORARY EMERGENCY RESTRICTIONS HEARING.

Subdivision 1. **Grounds.** If the board determines that a person is not reasonably likely to abide by the disease control measures established by the board, the board may request a court hearing to determine if the emergency temporary restrictions should continue. The court shall schedule the hearing as expeditiously as possible. When the board requests a court hearing under this section, restrictions under section 35.0661, subdivision 3, continue to apply to the person until the court has held the temporary emergency restrictions hearing and issues an order.

Subd. 2. **Time of notice.** If the board requests a court hearing pursuant to this section, notice of the hearing must be served upon the person or persons to be restricted at least 24 hours before the hearing.

Subd. 3. **Contents of notice.** The notice must contain the following information:

(1) the time, date, and place of the hearing;

(2) the grounds and underlying facts upon which continued restrictions are sought;

(3) the person's right to appear by electronic means at the hearing and the right to have a representative appear in person at the hearing;

(4) the person's right to present and cross-examine witnesses; and

(5) the person's right to counsel, including the right, if the person is indigent, to representation by counsel designated by the court or county of venue.

Subd. 4. **Order for continued temporary restrictions.** The court may order the continued restriction on the movement of the person if it finds, by a preponderance of the evidence, that travel outside of the quarantine zone by the person would pose an imminent threat of transporting a dangerous, infectious, or communicable disease outside of the boundaries of the quarantine zone. If the person agrees to sign and

comply with the acknowledgment form referred to in section 35.0661, subdivision 3, the temporary restrictions must not continue longer than 30 days. If the person refuses to sign and comply with the acknowledgment form, the temporary restrictions may continue for a longer time specified by the court. Refusal by the person to sign and comply with the acknowledgment form constitutes a knowing violation of section 35.0661 and subjects the person to the penalties specified in section 35.96.

History: *2001 c 192 s 2*

35.067 MS 1984 [Repealed, 1Sp1986 c 3 art 1 s 5]

35.069 MS 1986 [Repealed, 1988 c 485 s 15]

35.07 MS 1978 [Repealed, 1980 c 467 s 44]

35.08 MS 2006 [Repealed, 2007 c 45 art 1 s 66]

35.085 INDEMNITY FOR DESTROYED CATTLE.

(a) The board may pay indemnity to cattle owners who choose to euthanize cattle that test suspect for bovine tuberculosis, if funds are available from appropriations for the purpose and if the United States Department of Agriculture refuses to pay indemnity for the animal. The board shall pay fair market value less salvage value as appraised by a disinterested appraiser appointed by the board. The board's decision as to the amount of indemnity is final. If the owner refuses the board's offer, the owner need not dispose of the animal unless and until it later shows positive to any official test for bovine tuberculosis.

(b) The board is a buyer in the ordinary course of business under chapter 336A when making indemnity payments under this section.

History: *2007 c 45 art 1 s 44*

35.086 BOVINE TUBERCULOSIS MANAGEMENT ZONE; RESTRICTIONS.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Bovine tuberculosis management zone" means the area within the ten-mile radius around the five presumptive tuberculosis-positive deer sampled during the fall 2006 hunter-harvested surveillance effort.

(c) "Located within" means that the herd was kept in the area for at least a part of calendar year 2007.

Subd. 2. **Cattle herd buyout.** (a) The board shall offer a herd buyout payment to cattle owners with existing cattle that are located within the bovine tuberculosis management zone. The payment shall be $500 per bovine animal. By July 15, 2008, the cattle owner must accept or decline the offer for herd buyout payments under this subdivision. A cattle owner receiving payment under this subdivision must sign a contract with the board that provides:

(1) all cattle that are at least one year old and located within the bovine tuberculosis management zone will be slaughtered by January 31, 2009;

(2) all cattle that are less than one year old are either slaughtered or moved out of the bovine tuberculosis management zone, as provided in paragraph (b), by January 31, 2009;

(3) the landowner and cattle owner will not have or allow any livestock to be located on land in the board's proposed modified accredited zone, unless authorized by the board; and

(4) a landowner or cattle owner who violates a condition under this subdivision must repay all payments received under this section and is subject to penalties for violations under this chapter.

(b) Cattle that are less than one year old may be moved out of the bovine tuberculosis management zone to comply with paragraph (a), clause (2), only when:

(1) they are from a herd that received a whole herd tuberculosis test within the previous 12 months;

(2) they are not sexually intact; and

(3) they have had a tuberculosis test within 60 days of being moved out of the zone.

(c) After May 6, 2008, livestock shall not be moved into the bovine tuberculosis management zone unless authorized by the board.

(d) Before the board issues payment to a cattle owner under this subdivision, the board shall verify all cattle owned by that cattle owner and located within the bovine tuberculosis management zone have been slaughtered.

(e) A cattle owner who signs a contract under paragraph (a) or who depopulated an infected herd and signs a contract containing the provisions of paragraph (a), clauses (1) to (3), shall receive an annual payment of $75 for each bovine animal slaughtered. The board shall make the first annual payment by June 30, 2009, and make annual payments by June 30 each year thereafter until the area receives a bovine tuberculosis-free status and the owner is authorized by the board to have cattle located within the bovine tuberculosis management zone.

Subd. 3. **Cattle herds remaining in the zone.** The board shall conduct a risk assessment for cattle that remain located within the bovine tuberculosis management zone. If the board determines that cattle herds within the bovine tuberculosis management zone present a risk of interaction between cattle and deer or elk, the board shall require the owner of the cattle to keep all cattle in a manner that does not allow cattle and deer or elk interface. The board may also require that any person who stores forage crops within the bovine tuberculosis management zone, including but not limited to a person who participates in the herd buyout in subdivision 2, must keep stored forage crops in a manner that does not allow deer or elk access. The board shall offer cost-share assistance for fencing under subdivision 4 to a person who is required to:

(1) keep cattle in a manner that does not allow cattle and deer or elk interface; or

(2) keep stored forage crops in a manner that does not allow deer or elk access.

Subd. 4. **Cost-share assistance for fencing.** (a) The board shall provide cost-share assistance to persons required to fence stored forage crops or fence cattle in areas where the board determines that there is an unacceptable risk of transmitting bovine tuberculosis to deer or elk. The cost-share payments shall be 90 percent of the cost of an approved fence up to a maximum cost-share payment of $75,000. The payments under this subdivision shall be on a reimbursement basis and paid by the board after the board determines that the fence is built to the specifications required by the board.

(b) The board shall establish specifications for fences that qualify for cost-share assistance under this subdivision and provide cattle owners or those who store forage crops with a list of approved fencing contractors. The fencing must be constructed and maintained by an approved fencing contractor, the landowner, or the tenant.

(c) The board shall periodically inspect fences for which cost-share assistance has been received under this subdivision. If the board determines that a fence for which cost-share assistance has been received is not being maintained or used properly, the board may:

(1) order that the fence be repaired or used properly; or

(2) require repayment of any cost-share assistance received by the person and, if the fence was intended to keep cattle in a manner that does not allow cattle and deer or elk interface, the board may place the herd under quarantine.

History: *2008 c 274 s 1*

35.09 MS 2006 [Repealed, 2007 c 45 art 1 s 66]

35.10 MS 2006 [Repealed, 2007 c 45 art 1 s 66]

35.11 MS 2006 [Repealed, 2007 c 45 art 1 s 66]

35.12 MS 2006 [Repealed, 2007 c 45 art 1 s 66]

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. No person may then enter, except a member or agent of the board.

History: *(5406) RL s 2164; 1980 c 467 s 14; 1985 c 265 art 1 s 1*

35.131 MS 1978 [Repealed, 1980 c 467 s 44]

35.132 MS 1978 [Repealed, 1980 c 467 s 44]

35.133 MS 1978 [Repealed, 1980 c 467 s 44]

35.134 MS 1978 [Repealed, 1980 c 467 s 44]

35.135 MS 1978 [Repealed, 1980 c 467 s 44]

35.136 MS 1978 [Repealed, 1980 c 467 s 44]

35.137 MS 1978 [Repealed, 1980 c 467 s 44]

35.14 MS 2000 [Repealed, 1Sp2001 c 2 s 162]

35.15 TRANSPORTATION OF LIVESTOCK; COMPLIANCE WITH RULES.

Subdivision 1. **Importation of animals and poultry.** Animals or poultry may not be brought into the state for work, feeding, breeding, dairy purposes, or sale except in compliance with the rules of the board.

Subd. 2. MS 1986 [Repealed, 1988 c 485 s 15]

History: *(5409) 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; 1985 c 265 art 1 s 1*

35.153 DEFINITIONS.

Subdivision 1. **Applicability.** The definitions in this section apply to section 17.452, this section, and section 35.155.

Subd. 2. **Cervidae.** "Cervidae" means animals that are members of the family Cervidae and includes, but is not limited to, white-tailed deer, mule deer, red deer, elk, moose, caribou, reindeer, and muntjac.

Subd. 3. **Farmed Cervidae.** "Farmed Cervidae" means Cervidae that are:

(1) raised for any purpose; and

(2) registered in a manner approved by the Board of Animal Health.

Subd. 4. **Owner.** "Owner" means a person who owns or is responsible for the raising of farmed Cervidae.

Subd. 5. **Herd.** "Herd" means all Cervidae:

(1) maintained on common ground for any purpose; or

(2) under common ownership or supervision, geographically separated, but that have an interchange or movement of animals without regard to whether the animals are infected with or exposed to diseases.

History: *1Sp2005 c 1 art 1 s 65*

35.155 FARMED CERVIDAE.

Subdivision 1. **Running at large prohibited.** (a) An owner may not allow farmed Cervidae to run at large. The owner must make all reasonable efforts to return escaped farmed Cervidae to their enclosures as soon as possible. The owner must immediately notify the commissioner of natural resources of the escape of farmed Cervidae if the farmed Cervidae are not returned or captured by the owner within 24 hours of their escape.

(b) An owner is liable for expenses of another person in capturing, caring for, and returning farmed Cervidae that have left their enclosures if the person capturing the farmed Cervidae contacts the owner as soon as possible.

(c) If an owner is unwilling or unable to capture escaped farmed Cervidae, the commissioner of natural resources may destroy the escaped farmed Cervidae. The commissioner of natural resources must allow the owner to attempt to capture the escaped farmed Cervidae prior to destroying the farmed Cervidae. Farmed Cervidae that are not captured by 24 hours after escape may be destroyed.

(d) A hunter licensed by the commissioner of natural resources under chapter 97A may kill and possess escaped farmed Cervidae in a lawful manner and is not liable to the owner for the loss of the animal. If the animal has been outside of its enclosure less than 72 hours following notification of the commissioner of natural resources of its escape, the farmed Cervidae owner retains ownership of the animal. A licensed hunter who harvests escaped farmed Cervidae under this paragraph must notify the commissioner of natural resources within 24 hours.

(e) Escaped farmed Cervidae killed by a hunter or destroyed by the commissioner of natural resources must be tested for chronic wasting disease. The hunter must provide the animal to the commissioner of natural resources for testing and the commissioner must ensure the animal is tested.

(f) The possessor of the animal is responsible for proper disposal, as determined by the board, of farmed Cervidae that are killed or destroyed under this subdivision and test positive for chronic wasting disease.

(g) An owner is liable for any additional costs associated with escaped farmed Cervidae that are infected with chronic wasting disease. This paragraph may be enforced by the attorney general on behalf of any state agency affected.

Subd. 2. **Wild Cervidae inside confinement area.** An owner or an employee or agent under the direction of the owner must destroy wild Cervidae found within the owner's farmed Cervidae confinement area. The owner, employee, or agent must report the wild Cervidae destroyed to a conservation officer or an employee of the Department of Natural Resources, Division of Wildlife, within 24 hours. The wild Cervidae must be disposed of as prescribed by the commissioner of natural resources.

Subd. 3. **Farming in native elk area.** A person may not raise farmed red deer in the native elk area without written approval of the commissioner of natural resources. The native elk area is the area north of U.S. Highway 2 and west of U.S. Highway 71 and Trunk Highway 72. The commissioner of natural resources shall review the proposed farming operation and approve with any condition or deny approval based on risks to the native elk population.

Subd. 4. **Fencing.** Farmed Cervidae must be confined in a manner designed to prevent escape. All perimeter fences for farmed Cervidae must be at least 96 inches in height and be constructed and maintained in a way that prevents the escape of farmed Cervidae, entry into the premises by free-roaming Cervidae, and physical contact between farmed Cervidae and free-roaming Cervidae. The Board of Animal Health or commissioner of natural resources may determine whether the construction and maintenance of fencing is adequate to prevent physical contact or escape under this subdivision and may compel corrective action when fencing is determined to be inadequate. All new fencing installed and all fencing used to repair deficiencies must be high tensile. All entry areas for farmed Cervidae enclosure areas must have two redundant gates, which must be maintained to prevent the escape of animals through an open gate. If a fence deficiency allows entry or exit by farmed or wild Cervidae, the owner must immediately repair the deficiency. All other deficiencies must be repaired within a reasonable time, as determined by the Board of Animal Health, not to exceed 14 days. If a fence deficiency is detected during an inspection, the facility must be reinspected at least once in the subsequent three months. The farmed Cervidae owner must pay a reinspection fee equal to one-half the applicable annual inspection fee under subdivision 7a for each reinspection related to a fence violation. If the facility experiences more than one escape incident in any six-month period or fails to correct a deficiency found during an inspection, the board may revoke the facility's registration and order the owner to remove or destroy the animals as directed by the board. If the board revokes a facility's registration, the commissioner of natural resources may seize and destroy animals at the facility.

Subd. 5. **Disease control programs.** Farmed Cervidae are subject to this chapter and the rules of the Board of Animal Health in the same manner as other livestock and domestic animals, including provisions related to importation and transportation. The board shall allow the movement of Cervidae from a Cervidae farm located within a chronic wasting disease management or endemic zone if the Cervidae have tested negative for chronic wasting disease with an antemortem test validated by the United States Department of Agriculture and the herd has met other movement requirements as set by the board.

Subd. 6. **Identification.** (a) Farmed Cervidae must be identified by means approved by the Board of Animal Health. The identification must include a distinct number that has not been used during the previous three years and must be visible to the naked eye during daylight under normal conditions at a distance of 50 yards. White-tailed deer must be identified before October 31 of the year in which the animal is born, at the time of weaning, or before movement from the premises, whichever occurs first. Elk and other cervids must

be identified by December 31 of the year in which the animal is born or before movement from the premises, whichever occurs first. As coordinated by the board, the commissioner of natural resources may destroy any animal that is not identified as required under this subdivision.

(b) The Board of Animal Health shall register farmed Cervidae. The owner must submit the registration request on forms provided by the board. The forms must include sales receipts or other documentation of the origin of the Cervidae. The board must provide copies of the registration information to the commissioner of natural resources upon request. The owner must keep written records of the acquisition and disposition of registered farmed Cervidae.

Subd. 7. **Inspection.** (a) The Board of Animal Health must annually inspect farmed Cervidae, farmed Cervidae facilities, and farmed Cervidae records. As coordinated by the board, the commissioner of agriculture and an enforcement officer as defined under section 97A.015, subdivision 18, may participate in the inspection.

(b) The annual inspection must include a physical inspection of all perimeter fencing around the facility and a viewing to verify that all animals are tagged. The owner of a farmed Cervidae facility must present to the inspectors an accurate inventory of the owner's farmed Cervidae and other records for review. During an annual inspection, the owner must present individual animals in a herd for a physical inventory, if required by the board.

(c) The commissioner of natural resources may inspect farmed Cervidae, farmed Cervidae facilities, and farmed Cervidae records with reasonable suspicion that laws protecting native wild animals have been violated and must notify the owner in writing at the time of the inspection of the reason for the inspection and must inform the owner in writing after the inspection of whether (1) the cause of the inspection was unfounded; or (2) there will be an ongoing investigation or continuing evaluation.

(d) The commissioner of natural resources may inspect farmed white-tailed deer according to the concurrent authority granted under subdivision 14.

Subd. 7a. **Inspection fees.** For each herd, the owner must, on or before January 1, pay to the board an annual inspection fee of:

(1) $500 if the owner manages the herd for profit or monetary gain and engages in transactions or exchanges for consideration, including sale, barter, the offer to sell, or possession with the intent to sell;

(2) $500 if the owner sells the ability to shoot animals in the herd;

(3) $500 if the herd consists of more than one species; or

(4) $250 for all other herds.

Subd. 8. **Cervidae inspection account.** A Cervidae inspection account is established in the state treasury. The fees collected under this section and interest attributable to money in the account must be deposited in the state treasury and credited to the Cervidae inspection account in the special revenue fund. Money in the account, including interest earned, is appropriated to the Board of Animal Health for the administration and enforcement of this section.

Subd. 9. **Contested case hearing.** (a) A person raising farmed Cervidae that is aggrieved with any decision regarding the farmed Cervidae may request a contested case hearing under chapter 14.

(b) A person requesting a contested case hearing regarding a registration revocation under this section must make the request within 30 days of the revocation notice.

Subd. 10. **Mandatory registration.** (a) A person may not possess live Cervidae in Minnesota unless the person is registered with the Board of Animal Health and meets all the requirements for farmed Cervidae under this section. Cervidae possessed in violation of this subdivision may be seized and destroyed by the commissioner of natural resources.

(b) A person whose registration is revoked by the board is ineligible for future registration under this section unless the board determines that the person has undertaken measures that make future escapes extremely unlikely.

(c) The board must not allow new registrations under this section for possessing white-tailed deer. This paragraph does not prohibit a person holding a valid registration under this subdivision from selling or transferring the person's registration to an immediate family member. A valid registration may be sold or transferred only once under this paragraph. Before the board approves a sale or transfer under this paragraph, the board must verify that the registration is in good standing and the eligible family member must pay a onetime transfer fee of $500 to the board.

Subd. 11. **Mandatory surveillance for chronic wasting disease; depopulation.** (a) An inventory for each farmed Cervidae herd must be verified by an accredited veterinarian and filed with the Board of Animal Health every 12 months.

(b) Movement of farmed Cervidae from any premises to another location must be reported to the Board of Animal Health within 14 days of the movement on forms approved by the Board of Animal Health. A person must not move farmed white-tailed deer from a herd that tests positive for chronic wasting disease from any premises to another location.

(c) All animals from farmed Cervidae herds that are over six months of age that die or are slaughtered must be tested for chronic wasting disease.

(d) The owner of a premises where chronic wasting disease is detected must:

(1) allow and cooperate with inspections of the premises as determined by the Board of Animal Health and Department of Natural Resources conservation officers and wildlife managers;

(2) depopulate the premises of Cervidae after the federal indemnification process has been completed or, if an indemnification application is not submitted, within 30 days;

(3) maintain the fencing required under subdivision 4 on the premises for ten years after the date of detection;

(4) post the fencing on the premises with biohazard signs as directed by the board;

(5) not raise farmed Cervidae on the premises for at least ten years;

(6) before signing an agreement to sell or transfer the property, disclose in writing to the buyer or transferee the date of depopulation and the requirements incumbent upon the premises and the buyer or transferee under this paragraph; and

(7) record with the county recorder or registrar of titles, as appropriate, in the county where the premises is located a notice, in the form required by the board, that meets the recording requirements of sections 507.093 and 507.24 and includes the nearest address and the legal description of the premises, the date of detection, the date of depopulation, the landowner requirements under this paragraph, and any other information required by the board. The legal description must be the legal description of record with the county recorder or registrar of titles and must not otherwise be the real estate tax statement legal description

of the premises. The notice expires and has no effect ten years after the date of detection stated in the notice. The registrar of titles must omit an expired notice from future certificates of title.

(e) An owner of farmed Cervidae that test positive for chronic wasting disease is responsible for proper disposal of the animals, as determined by the board.

Subd. 11a. **Liability.** (a) A herd owner is liable in a civil action to a person injured by the owner's sale or unlawful disposal of farmed Cervidae if the herd owner knew or reasonably should have known that the farmed Cervidae were infected with or exposed to chronic wasting disease. Action may be brought in a county where the farmed Cervidae are sold, delivered, or unlawfully disposed.

(b) A herd owner is liable to the state for costs associated with the owner's unlawful disposal of farmed Cervidae infected with or exposed to chronic wasting disease. This paragraph may be enforced by the attorney general on behalf of any state agency affected.

Subd. 12. **Importation.** (a) A person must not import live Cervidae into the state from a state or province where chronic wasting disease has been detected in the farmed or wild cervid population in the last five years unless the animal has tested not detected for chronic wasting disease with a validated live-animal test.

(b) Live Cervidae or Cervidae semen must originate from a herd that has been subject to a state-, federal-, or provincial-approved chronic wasting disease herd certification program and that has reached a status equivalent to the highest certification.

(c) Cervidae imported in violation of this section may be seized and destroyed by the commissioner of natural resources.

(d) This subdivision does not apply to the interstate transfer of animals between two facilities accredited by the Association of Zoos and Aquariums.

(e) Notwithstanding this subdivision, the commissioner of natural resources may issue a permit allowing the importation of orphaned wild cervid species that are not susceptible to chronic wasting disease from another state to an Association of Zoos and Aquariums accredited institution in Minnesota following a joint risk-based assessment conducted by the commissioner and the institution.

(f) Notwithstanding this subdivision, the state veterinarian may issue a permit to a zoo that is a United States Department of Agriculture licensed exhibitor of regulated animals to import live reindeer from another state if the reindeer are part of a herd that is:

(1) in the United States Department of Agriculture Herd Certification Program; or

(2) subject to similar equivalent disease surveillance at the discretion of the state veterinarian.

Subd. 13. **Rules.** The Board of Animal Health shall adopt rules as necessary to implement this section and to otherwise provide for the control of Cervidae diseases.

Subd. 14. MS 2022 [Repealed, 2023 c 60 art 7 s 14]

Subd. 15. **Cooperation with Board of Animal Health.** (a) The commissioner of natural resources may contract with the Board of Animal Health to administer some or all of sections 35.153 to 35.156 for farmed white-tailed deer.

(b) The commissioner of natural resources must enter into an interagency agreement which establishes roles and responsibilities necessary to protect the health of Cervidae in Minnesota consistent with state regulations.

History: *2002 c 373 s 22; 2003 c 128 art 3 s 34; 1Sp2005 c 1 art 1 s 66; 1Sp2019 c 4 art 3 s 3-9; 2021 c 28 s 13,14; 1Sp2021 c 6 art 2 s 16,17; 2023 c 60 art 7 s 1-7; 2025 c 34 art 3 s 18*

35.156 CHRONIC WASTING DISEASE.

Subdivision 1. **Oversight.** The legislative committees and divisions with jurisdiction over agriculture policy and finance and environment and natural resources policy and finance may meet quarterly to receive updates from the commissioners of agriculture, health, and natural resources, the Board of Animal Health, and the University of Minnesota on chronic wasting disease activities undertaken by the reporting agency in the previous quarter.

Subd. 2. MS 2022 [Repealed, 2023 c 43 art 2 s 142]

Subd. 3. **Consultation required.** The Board of Animal Health and the commissioner of natural resources must consult the Minnesota Center for Prion Research and Outreach at the University of Minnesota and incorporate peer-reviewed scientific information when administering and enforcing section 35.155 and associated rules pertaining to chronic wasting disease and farmed Cervidae.

Subd. 4. **Notice required.** The Board of Animal Health must promptly notify affected local units of government and Tribal governments when an animal in a farmed Cervidae herd tests positive for chronic wasting disease.

Subd. 5. **Live-animal testing required.** (a) Once the United States Department of Agriculture has determined that a noninvasive live-animal test capable of accurately detecting chronic wasting disease in white-tailed deer is available, the Board of Animal Health must have each farmed white-tailed deer possessed by a person registered under section 35.155 tested for chronic wasting disease using a noninvasive live-animal test offered by a public or private diagnostic laboratory. A validated live-animal test is required when moving farmed white-tailed deer six months old and over from any premises within the state within 12 weeks of movement. The Board of Animal Health may institute additional live-animal chronic wasting disease testing protocols. Live-animal testing results must be submitted to both the commissioner of natural resources and the Board of Animal Health in the form required by both agencies.

(b) If a farmed white-tailed deer tests positive using a noninvasive live-animal test, the owner must have the animal destroyed and tested for chronic wasting disease using a postmortem test approved by the Board of Animal Health.

(c) If a farmed white-tailed deer tests positive for chronic wasting disease under paragraph (b), the owner must depopulate the premises of farmed Cervidae as required under section 35.155, subdivision 11.

History: *1Sp2019 c 4 art 3 s 10; 2023 c 60 art 7 s 8-11; 2024 c 85 s 115*

35.16 TRANSPORTATION COMPANIES TO HOLD LIVESTOCK AND POULTRY.

If 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 must be at the owner's expense.

History: *(5410) 1907 c 355 s 2; 1935 c 31 s 2; 1980 c 467 s 16; 1985 c 265 art 1 s 1*

35.165 LIABILITY FOR ILLEGALLY TRANSPORTING LIVESTOCK.

A transportation company or corporation or its agent, the owner or driver of a vehicle for hire or a private vehicle used to haul livestock, or a person violating section 35.15 or 35.16 is liable in a civil action to a person injured for the full amount of damages that may result from a violation of section 35.15 or 35.16. Action may be brought in a county where the livestock is sold, offered for sale, delivered to a purchaser, or detained in transit.

History: *1988 c 485 s 1*

35.17 MS 1978 [Repealed, 1980 c 467 s 44]

35.18 MS 1978 [Repealed, 1980 c 467 s 44]

35.19 MS 1978 [Repealed, 1980 c 467 s 44]

35.20 MS 1978 [Repealed, 1980 c 467 s 44]

35.21 MS 1978 [Repealed, 1980 c 467 s 44]

35.22 MS 1978 [Repealed, 1980 c 467 s 44]

35.23 MS 1978 [Repealed, 1980 c 467 s 44]

35.24 MS 1978 [Repealed, 1980 c 467 s 44]

35.243 MS 2010 [Repealed, 2012 c 244 art 1 s 83]

35.244 CONTROL OF BOVINE TUBERCULOSIS.

Subdivision 1. **Designation of zones.** The board may establish zones for the control and eradication of tuberculosis and restrict the movement of cattle, bison, goats, and farmed Cervidae within and between tuberculosis zones in the state.

Subd. 2. **Requirements within a tuberculosis control zone.** In a tuberculosis control zone, the board may:

(1) require owners of cattle, bison, goats, or farmed Cervidae to report personal contact information and location of livestock to the board;

(2) require a permit or movement certificates for all cattle, bison, goats, and farmed Cervidae moving between premises within the zone or leaving or entering the zone;

(3) require official identification of all cattle, bison, goats, and farmed Cervidae within the zone or leaving or entering the zone;

(4) require a whole-herd tuberculosis test on each herd of cattle, bison, goats, or farmed Cervidae when any of the animals in the herd is kept on a premises within the zone;

(5) require a negative tuberculosis test within 60 days prior to movement for any individual cattle, bison, goat, or farmed Cervidae moved from a premises in the zone to another location in Minnesota, with the exception of cattle moving under permit directly to a slaughter facility under state or federal inspection;

(6) require a whole-herd tuberculosis test within 12 months prior to moving cattle, bison, goats, or farmed Cervidae from premises in the zone to another location in Minnesota;

(7) require annual herd inventories on all cattle, bison, goat, or farmed Cervidae herds; and

(8) require that a risk assessment be performed to evaluate the interaction of free-ranging deer and elk with cattle, bison, goat, and farmed Cervidae herds and require the owner to implement the recommendations of the risk assessment.

Subd. 3. **Authority to adopt rules.** The board may adopt rules to provide for the control of tuberculosis in cattle. The rules may include provisions for quarantine, tests, and such other measures as the board deems appropriate. Federal regulations, as provided by Code of Federal Regulations, title 9, part 77, and the Bovine Tuberculosis Eradication Uniform Methods and Rules, are incorporated as part of the rules in this state.

History: *2007 c 45 art 1 s 45; 2008 c 274 s 2; 2010 c 333 art 1 s 12,13*

35.245 Subdivision 1. MS 1998 [Repealed, 1999 c 231 s 207]

Subd. 1a. MS 1990 [Repealed, 1992 c 433 s 5; 1999 c 231 s 207]

Subd. 2. MS 1998 [Repealed, 1999 c 231 s 207]

Subd. 3. MS 1998 [Repealed, 1999 c 231 s 207]

Subd. 4. MS 1998 [Repealed, 1999 c 231 s 207]

Subd. 5. MS 1998 [Repealed, 1999 c 231 s 207]

35.25 MS 1978 [Repealed, 1980 c 467 s 44]

35.251 MS 2002 [Repealed, 2003 c 107 s 32]

35.255 MS 2010 [Repealed, 2012 c 244 art 1 s 83]

35.26 MS 1978 [Repealed, 1980 c 467 s 44]

35.27 MS 1978 [Repealed, 1980 c 467 s 44]

35.28 MS 1978 [Repealed, 1980 c 467 s 44]

35.29 MS 1978 [Repealed, 1980 c 467 s 44]

35.30 MS 1978 [Repealed, 1980 c 467 s 44]

35.31 MS 1978 [Repealed, 1980 c 467 s 44]

35.32 MS 1978 [Repealed, 1980 c 467 s 44]

35.33 MS 1978 [Repealed, 1980 c 467 s 44]

35.34 MS 1978 [Repealed, 1980 c 467 s 44]

35.35 MS 1978 [Repealed, 1980 c 467 s 44]

35.36 MS 1957 [Repealed, 1959 c 406 s 5]

35.37 MS 1957 [Repealed, 1959 c 406 s 5]

35.38 MS 1957 [Repealed, 1959 c 406 s 5]

35.39 MS 1957 [Repealed, 1959 c 406 s 5]

35.40 MS 1978 [Repealed, 1980 c 467 s 44]

35.41 MS 1978 [Repealed, 1980 c 467 s 44]

35.42 MS 1978 [Repealed, 1980 c 467 s 44]

35.43 MS 1978 [Repealed, 1980 c 467 s 44]

35.44 MS 1978 [Repealed, 1980 c 467 s 44]

35.45 MS 1978 [Repealed, 1980 c 467 s 44]

35.46 MS 1978 [Repealed, 1980 c 467 s 44]

35.47 MS 1978 [Repealed, 1980 c 467 s 44]

35.48 MS 1978 [Repealed, 1980 c 467 s 44]

35.49 MS 1978 [Repealed, 1980 c 467 s 44]

35.50 MS 1978 [Repealed, 1980 c 467 s 44]

35.51 MS 1978 [Repealed, 1980 c 467 s 44]

35.52 MS 1965 [Repealed, 1967 c 166 s 3]

35.53 MS 1965 [Repealed, 1967 c 166 s 3]

35.54 MS 1957 [Repealed, 1959 c 406 s 5]

35.55 MS 1978 [Repealed, 1980 c 467 s 44]

35.56 MS 1978 [Repealed, 1980 c 467 s 44]

35.57 MS 1978 [Repealed, 1980 c 467 s 44]

35.58 MS 1978 [Repealed, 1980 c 467 s 44]

35.59 MS 1957 [Repealed, 1959 c 406 s 5]

35.60 MS 1978 [Repealed, 1980 c 467 s 44]

35.605 MS 1978 [Repealed, 1980 c 467 s 44]

35.61 MS 1957 [Repealed, 1959 c 406 s 5]

35.62 MS 1957 [Repealed, 1959 c 406 s 5]

35.63 MS 1957 [Repealed, 1959 c 406 s 5]

35.64 MS 1957 [Repealed, 1959 c 406 s 5]

35.65 MS 1957 [Repealed, 1959 c 406 s 5]

35.66 MS 1965 [Repealed, 1967 c 147 s 1]

35.67 RABIES INVESTIGATION.

If the executive director of the Board of Animal Health, or a community health board as defined in section 145A.02, subdivision 5, receives a written complaint that rabies exists in a town or city in the board's jurisdiction, the community health board shall investigate, either personally or through subordinate officers, the truth of the complaint. A community health board may also make an investigation and determination independently, without having received a complaint. The fact that a community health board has investigated and determined that rabies does not exist in a jurisdiction does not deprive the executive director of the Board of Animal Health of jurisdiction or authority to make an investigation and determination with reference to the territory. For the purposes of sections 35.67 to 35.69, the jurisdiction of the executive director of the Board of Animal Health is the entire state.

History: *(5389) 1913 c 541 s 1; 1973 c 123 art 5 s 7; 1980 c 467 s 18; 1985 c 265 art 1 s 1; 1987 c 309 s 14; 1999 c 231 s 75; 2014 c 291 art 7 s 28*

35.68 MS 2024 [Repealed, 2025 c 34 art 3 s 39]

35.69 UNMUZZLED DOGS NOT PERMITTED AT LARGE.

The owner or custodian of a dog may not permit it to be at large, either on the premises of the owner or elsewhere, within any city or town covered by a proclamation made under section 35.68, during the time the proclamation is in force, unless the dog is effectively muzzled so that it cannot bite any other animal or person.

Any person may kill a dog running at large on the public streets or roads in violation of sections 35.67 to 35.69. The owner of the dog has no claim against the person who kills the dog.

Peace officers and agents of a community health board as authorized under section 145A.04 shall file a complaint concerning any known violation of sections 35.67 to 35.69.

History: *(5391) 1913 c 541 s 3; 1973 c 123 art 5 s 7; 1985 c 265 art 1 s 1; 1987 c 309 s 24; 2015 c 21 art 1 s 109*

35.695 MS 1980 [Repealed, 1982 c 514 s 21]

35.70 Subdivision 1. MS 1986 [Repealed, 1988 c 485 s 15]

Subd. 2. MS 1978 [Repealed, 1980 c 467 s 44; 1988 c 485 s 15]

Subd. 3. MS 1986 [Repealed, 1988 c 485 s 15]

Subd. 4. MS 1986 [Repealed, 1988 c 485 s 15]

Subd. 5. MS 1978 [Repealed, 1980 c 467 s 44; 1988 c 485 s 15]

Subd. 6. MS 1978 [Repealed, 1980 c 467 s 44; 1988 c 485 s 15]

Subd. 7. MS 1986 [Repealed, 1988 c 485 s 15]

Subd. 8. MS 1978 [Repealed, 1980 c 467 s 44; 1988 c 485 s 15]

35.701 [Repealed, 2008 c 277 art 1 s 98]

35.71 Subdivision 1. MS 2010 [Repealed, 2012 c 244 art 1 s 83]

Subd. 2. MS 2010 [Repealed, 2012 c 244 art 1 s 83]

Subd. 3. MS 2010 [Repealed, 2012 c 244 art 1 s 83]

Subd. 4. MS 2010 [Repealed, 2012 c 244 art 1 s 83]

Subd. 5. MS 2010 [Repealed, 2012 c 244 art 1 s 83]

Subd. 6. MS 2010 [Repealed, 2012 c 244 art 1 s 83]

Subd. 7. MS 2010 [Repealed, 2012 c 244 art 1 s 83]

Subd. 8. MS 1986 [Repealed, 1988 c 485 s 15]

35.72 Subdivision 1. MS 2010 [Repealed, 2012 c 244 art 1 s 83]

Subd. 2. MS 2010 [Repealed, 2012 c 244 art 1 s 83]

Subd. 3. MS 2010 [Repealed, 2012 c 244 art 1 s 83]

Subd. 4. MS 2010 [Repealed, 2012 c 244 art 1 s 83]

Subd. 5. MS 2010 [Repealed, 2012 c 244 art 1 s 83]

Subd. 6. MS 1986 [Repealed, 1988 c 485 s 15]

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 given.

Subd. 2. MS 1978 [Repealed, 1980 c 467 s 44]

Subd. 3. MS 1994 [Repealed, 1996 c 310 s 1; 1997 c 7 art 1 s 171]

Subd. 4. **Garbage.** "Garbage" means animal or vegetable refuse, including 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 does not mean vegetable waste or by-products resulting from the manufacture or processing of canned or frozen vegetables or materials exempted under section 35.751.

History: *1953 c 355 s 1; 1985 c 265 art 1 s 1; 1992 c 381 s 1; 1996 c 310 s 1; 1997 c 7 art 1 s 15,171*

35.74 EXCEPTIONS.

Sections 35.73 to 35.80 do not apply to a person who has animals or poultry who are fed garbage obtained only from the person's private household.

History: *1953 c 355 s 2; 1985 c 265 art 1 s 1; 1986 c 444*

35.75 LICENSES.

Subdivision 1. **Requirement, renewal.** No person shall feed garbage to livestock or poultry without first securing a license from the board, and no person shall transport garbage over the public highways of this state for the purpose of feeding it to livestock or poultry unless the person has a license. A license must be renewed on or before the first day of July each year.

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

Subd. 3. **Revocation; refusal to issue.** Upon determination that a person who has or has applied for a license issued under sections 35.73 to 35.80 has violated or failed to comply with sections 35.73 to 35.80 or any rules made under those sections, the board may revoke the license or refuse to issue a license to the applicant.

History: *1953 c 355 s 3-5; 1985 c 265 art 1 s 1*

35.751 EXEMPT MATERIALS PERMIT.

Subdivision 1. **Permit required.** If it is considered by the board to be in the best interest of the livestock industry of the state and not detrimental to the public health, safety, or general welfare, the board may adopt rules authorizing an exempt materials permit for specified materials of a nonmeat nature. No person may feed material exempted under section 35.73, subdivision 4, to livestock or poultry without first securing a permit from the board, and no person may transport exempted material over the public highways of the state for the purpose of feeding it to livestock or poultry unless the person has a permit. A permit must be renewed on or before July 1 each year.

Subd. 2. **Application.** A person desiring a permit or the renewal of a permit under this section shall make written application to the board in accordance with its rules.

Subd. 3. **Revocation; denial.** Upon determination that a person who has a permit or who has applied for a permit issued under this section has violated sections 35.73 to 35.79 or any rules made under those sections, the board may revoke the permit or refuse to issue a permit to the applicant.

History: *1992 c 381 s 2*

35.76 GARBAGE, TREATMENT.

No person may feed garbage 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 it is treated in some other manner which is 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 may knowingly permit livestock or poultry owned or controlled by that person to have access to any garbage which has not been heated or otherwise treated pursuant to this section.

History: *1953 c 355 s 6; 1985 c 265 art 1 s 1; 1986 c 444*

35.77 QUARANTINE, PERMIT FOR REMOVAL OF LIVESTOCK OR POULTRY.

All premises on which garbage is fed to livestock or poultry are under quarantine and must be maintained in a reasonably sanitary condition. Livestock or poultry to which garbage has been fed may not be removed from the premises except under a permit from the board.

History: *1953 c 355 s 7; 1985 c 265 art 1 s 1*

35.78 INSPECTION AND INVESTIGATION OF PREMISES, RECORDS.

An authorized representative of the board may enter any property at reasonable times for the purpose of inspecting and investigating conditions relating to the feeding and treating of garbage to be fed to livestock and poultry. An authorized representative of the board may examine 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 the records must be submitted to the board on request.

History: *1953 c 355 s 8; 1985 c 265 art 1 s 1*

35.79 ENFORCEMENT.

The board shall administer and enforce sections 35.73 to 35.80 and may make and enforce reasonable rules it considers necessary to carry out their provisions.

History: *1953 c 355 s 9; 1985 c 265 art 1 s 1*

35.80 VIOLATIONS.

A person violates sections 35.73 to 35.80, who fails to perform any duties imposed by those sections or violates any rule made under those sections.

History: *1953 c 355 s 10; 1985 c 265 art 1 s 1; 1988 c 485 s 5*

35.81 TRANSPORTATION OF ANIMALS AND POULTRY, RULES.

The board may make reasonable rules for the cleaning and disinfection of railroad cars, 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: *(4882) 1921 c 179 s 2; 1927 c 182; 1980 c 467 s 26; 1985 c 265 art 1 s 1*

35.815 LIVESTOCK MORTALITIES.

(a) Notwithstanding any other law, the executive director of the Board of Animal Health is responsible for the regulation and oversight of the disposal of livestock mortalities due to animal disease.

(b) Notwithstanding any other law, the executive director of the Board of Animal Health is responsible for the regulation and oversight of livestock mortality disposal due to nondisease causes to protect animal health and the environment. The board shall, in cases where the disposal may adversely affect ground or surface water, seek the input of the Pollution Control Agency.

History: *2011 c 14 s 13*

35.82 RENDERING PLANT PERMITS; DISPOSITION OF CARCASSES.

Subdivision 1. **Permit required.** No person may engage in the business of rendering all or parts of animals, poultry, or fish, 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 other provisions the board considers necessary to prevent the spread of disease.

Subd. 1a. MS 1971 [Repealed, 1974 c 159 s 5]

Subd. 1b. **Carcasses for pet or mink food.** (a) The board, through its executive director, may issue a permit to the owner or operator of a pet food processing establishment, 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, other than by being slaughtered for human or animal 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 their suppliers and mink ranch operators located in any adjacent state with which a reciprocal agreement is in effect under subdivision 3 are not required to possess a permit issued under this subdivision. The permit is valid for one year following the date of issue unless it is revoked.

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

(c) Carcasses collected by owners or operators under permit may be used for pet food or mink food purposes if the official veterinarian examines them and finds them suitable for pet food or mink food purposes.

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

(e) The board must require pet food processing establishments, 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.

Subd. 2. **Disposition of carcasses.** (a) Except as provided in subdivision 1b and paragraph (d), every person owning or controlling 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 a depth adequate to prevent scavenging by other animals in the ground or thoroughly burn it or dispose of it by another method approved by the board as being effective for the protection of public health and the control of livestock diseases. The board, through its executive director, may issue permits to owners of rendering plants located in Minnesota which are operated and conducted as required by law, to transport 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 other provisions the board considers necessary to prevent the spread of disease. The board may issue permits to owners of rendering plants located in an adjacent state with which a reciprocal agreement is in effect under subdivision 3.

(b) Carcasses collected by rendering plants under permit may be used for pet food or mink food if the owner or operator meets the requirements of subdivision 1b.

(c) An authorized employee or agent of the board may enter private or public property and inspect the carcass of any domestic animal that has died or has been killed other 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 commenced under this paragraph does not preclude a criminal prosecution under this section. No person may sell, offer to sell, give away, or convey along a public road or on land the person does not own, the carcass of a domestic animal when the animal died or was killed other than by being slaughtered for human or animal consumption unless it is done with a special permit pursuant to this section. The carcass or parts of a domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption may be transported along a public road for a medical or scientific purpose if the carcass is enclosed in a leakproof 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. A carcass on a public thoroughfare may be transported for burial or other disposition in accordance with this section.

No person who owns or controls diseased animals shall negligently or willfully permit them to escape from that control or to run at large.

(d) A sheep producer may compost sheep carcasses owned by the producer on the producer's land without a permit and is exempt from compost facility specifications contained in rules of the board.

(e) The board shall develop best management practices for dead animal disposal and the Pollution Control Agency feedlot program shall distribute them to livestock producers in the state.

Subd. 3. **Reciprocity.** The executive director of the board may enter into a reciprocal agreement on behalf of this state with an adjacent state which provides 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.

This subdivision applies 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. **Domestic animals.** 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 in this section limits 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: *(10273) 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; 1985 c 265 art 1 s 1; 1986 c 444; 1988 c 485 s 6; 1991 c 37 s 1,2; 1995 c 233 art 1 s 4; 1998 c 401 s 18; 1999 c 231 s 77-79*

35.821 DEFINITIONS.

Subdivision 1. **Scope.** 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. MS 1978 [Repealed, 1980 c 467 s 44]

Subd. 3. **Brand.** "Brand" means a permanent identification mark, of which the letters, numbers, and figures used are each four inches or more in length or diameter and applied using the technique of freeze branding or burned into the hide of a live animal with a hot iron, which is to be considered in relation to its location on the animal. The term relates to both the mark burned into the hide and its location. In the case of sheep, the term includes, but is not limited to, a painted mark which is renewed after each shearing.

Subd. 3a. **Freeze branding.** "Freeze branding" means the application of an intensely cold iron to the hide of a live animal.

Subd. 4. **Mark.** "Mark" means a permanent identification cut from the ear or ears of a live animal and for farmed Cervidae, as defined in section 35.153, subdivision 3, means a tag, collar, electronic implant, tattoo, or other means of identification approved by the board.

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

History: *1965 c 291 s 1; 1985 c 265 art 1 s 1; 1993 c 375 art 9 s 12; 1996 c 407 s 30,31; 2006 c 212 art 1 s 22*

35.822 REGISTRATION OF MARKS OR BRANDS WITH BOARD.

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

History: *1965 c 291 s 2; 1980 c 467 s 28; 1985 c 265 art 1 s 1*

35.823 MS 1974 [Repealed, 1975 c 228 s 7]

35.824 APPLICATION FOR REGISTRATION; PENALTIES, DUPLICATE BRANDS.

The board shall prepare standard forms and supply the forms for distribution to those who desire to apply for a brand. The application must 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 must be designated to the following body regions: head, bregma, right and left jaw, neck, shoulder, rib, hip, and breech. The applicant must select at least three distinct marks or brands listed in preferred order, and three locations on the animal listed in preferred order. The application must be properly signed and notarized and accompanied by a fee of $10. The mark or brand, if approved and accepted by the board, is valid during the ten-year period in which it is recorded. A person who knowingly places on an 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" means 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. A 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; 1985 c 265 art 1 s 1*

35.825 CHECKING OF APPLICATIONS; CONFLICTS.

Marks or brands received by the board must be held and listed by the board, which shall immediately check the mark or brand applications for conflicts. If a conflict is found, the fee and the conflicting application must be returned to the person making the application.

History: *1965 c 291 s 5; 1985 c 265 art 1 s 1*

35.826 STATE BRAND BOOKS; REREGISTRATION OF MARKS, BRANDS.

All approved mark or brand applications must be sorted in a systematic manner and published in the state brand book. Supplements and revised brand books must be published at the discretion of the board. At least six months before expiration, all registered mark or brand owners and assignees must be notified in writing that their marks or brands will terminate in six months and that they must be renewed. A reregistration fee of $10 must be charged for the ensuing ten-year period or part of ten years. Failure to renew a mark or brand on or before the time specified, in accordance with sections 35.821 to 35.831, is an absolute abandonment to the state of the mark or brand. The board may not reissue a mark or brand abandoned under this section 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; 1985 c 265 art 1 s 1*

35.827 SALE OF BRAND BOOKS.

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

History: *1965 c 291 s 7; 1975 c 228 s 3; 1985 c 265 art 1 s 1*

35.828 EVIDENCE.

Marks or brands which appear in the state brand book or its supplements or which are registered with the board, are prima facie evidence of ownership and take precedence over similar marks or brands if the question of ownership arises. The owner whose mark or brand does not appear in the state brand book or its supplement and which is not registered with the board must produce evidence to establish title to the property in the event of controversy.

History: *1965 c 291 s 8; 1975 c 228 s 4; 1985 c 265 art 1 s 1*

35.829 TRANSFER OF BRANDS.

Only brands registered with the board or appearing in the state brand book or its supplement are 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 must be recorded with the board. The fee for recording it is $10.

History: *1965 c 291 s 9; 1975 c 228 s 5; 1985 c 265 art 1 s 1*

35.830 MS 2024 [Repealed, 2025 c 34 art 3 s 39]

35.831 RULES.

The board may make 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; 1985 c 265 art 1 s 1*

35.832 MS 1971 [Repealed, 1973 c 501 s 2]

35.84 MS 2000 [Repealed, 1Sp2001 c 2 s 162]

35.90 GENERAL INSPECTION AUTHORITY.

Subdivision 1. **Access and entry.** Except as otherwise specifically provided, the Board of Animal Health and the board's agents, upon issuance of a notice of inspection, must be granted access at reasonable times to sites where the board has reason to believe a violation of this chapter is occurring or has occurred.

Subd. 2. **Notice of inspection samples and analyses.** Before leaving the premises inspected, the Board of Animal Health or the board's agents must provide the owner, operator, or agent in charge with a receipt describing any samples obtained. If an analysis is made of the samples, a copy of the results of the analysis must be furnished to the owner, operator, or agent in charge.

History: *1988 c 485 s 8*

35.91 VIOLATION OF RULES AND ORDERS.

Violation of a rule adopted under this chapter or an order made under the authority of this chapter is a violation of this chapter.

History: *1988 c 485 s 9*

ENFORCEMENT

35.92 ENFORCEMENT.

Subdivision 1. **Enforcement required.** (a) The Board of Animal Health shall enforce this chapter and rules adopted under this chapter. The board may delegate to the executive director authority to act on behalf of the board.

(b) Upon the request of the Board of Animal Health or an agent authorized by the board, county attorneys, sheriffs, and other officers having authority in the enforcement of the general criminal laws shall take action to the extent of their authority necessary or proper for the enforcement of this chapter, or special orders, standards, stipulations, and agreements of the board.

Subd. 2. **Criminal actions.** For a criminal action, the county attorney where a violation occurred is responsible for prosecuting a violation of this chapter. If the county attorney or, if appropriate, the city attorney refuses to prosecute, the attorney general may prosecute at the request of the board.

Subd. 3. **Civil actions.** Civil judicial enforcement actions may be brought by the attorney general in the name of the state on behalf of the Board of Animal Health. A county attorney may bring a civil judicial enforcement action upon the request of the board and the attorney general.

Subd. 4. **Injunction.** The Board of Animal Health may apply to a court with jurisdiction for a temporary or permanent injunction to prevent, restrain, or enjoin violations of this chapter.

Subd. 5. **Subpoenas.** The Board of Animal Health through its executive director may issue subpoenas to compel the attendance of witnesses or submission of books, documents, and records affecting the authority or privilege granted by a license, registration, certification, or permit issued under this chapter or by the board or issued by the commissioner of agriculture if agreed to by the commissioner.

History: *1988 c 485 s 10; 1999 c 231 s 80*

35.93 ADMINISTRATIVE ACTION.

Subdivision 1. **Administrative remedies.** The Board of Animal Health may seek to remedy violations by authorizing the executive director to issue a written warning, administrative meeting, cease and desist, stop-sale, or other special order, seizure, stipulation, or agreement, if the board determines that the remedy is in the public interest.

Subd. 2. **Revocation and suspension.** The board may, after written notice and hearing, revoke, suspend, or refuse to renew a permit, license, or certification if a person violates this chapter.

Subd. 3. **Remedial action orders.** (a) If the Board of Animal Health has probable cause to believe that a diseased animal is kept, sold, transported, or disposed of in violation of this chapter, the board may investigate and issue a written cease and desist, stop-sale, stop-use, or removal order or other remedial action to the owner, custodian, or other responsible party. If the owner, custodian, or other responsible party is not available for service of the order, the board may attach the order to the animal and notify the owner, custodian,

or other responsible party. The animal may not be sold, slaughtered, or transported until the violation has been corrected or brought into compliance and the order has been released in writing under conditions specified by the board, or until the violation has been otherwise disposed of by a court.

(b) If a violation of this chapter results in conditions that may have an unreasonable adverse effect on humans, domestic animals, wildlife, or the environment, the Board of Animal Health may, by order, require remedial action, including removal and proper disposal.

History: *1988 c 485 s 11; 1999 c 231 s 81*

35.94 DAMAGES AGAINST STATE FOR ADMINISTRATIVE ACTION WITHOUT CAUSE.

If the Board of Animal Health did not have probable cause for an administrative action under section 35.93, including the issuance of a stop-sale or removal order, a court may allow recovery for damages caused by the administrative action.

History: *1988 c 485 s 12*

PENALTIES

35.95 CIVIL PENALTIES.

Subdivision 1. **General penalty.** Except as provided in subdivisions 2 and 5, a person who violates this chapter or a special order, standard, stipulation, agreement, or schedule of compliance of the board is subject to a civil penalty of up to $10,000 as determined by the board.

Subd. 2. **Wildlife and other damages.** (a) A person who violates this chapter is liable for and must pay to the state a sum to constitute just compensation for the loss or destruction of wild animals, fish, or other aquatic life and for actual damages to the state.

(b) The amounts paid as compensation for loss or destruction of wildlife, fish, or other aquatic life must be deposited into the state treasury and credited to the game and fish fund.

Subd. 3. **Defense to civil remedies and damages.** As a defense to a civil penalty or claim for damages under subdivisions 1 and 2, the defendant may prove that the violation was caused solely by an act of God, an act of war, an act or failure to act that constitutes sabotage or vandalism, or a combination of these defenses.

Subd. 4. **Actions to compel performance.** In an action to compel performance of an order of the Board of Animal Health to enforce this chapter, the court may require a defendant adjudged responsible to perform the acts within the person's power that are reasonably necessary to accomplish the purposes of the order.

Subd. 5. **Recovery of penalties by civil action.** The civil penalties and payments provided for in this section may be recovered by a civil action brought by the county attorney, the board, or the attorney general in the name of the state.

Subd. 6. **Recovery of litigation costs and expenses.** In an action brought by the attorney general or a county attorney in the name of the state under this chapter for civil penalties or injunctive relief or in an action to compel compliance, if the state finally prevails, the state, in addition to other penalties provided in this chapter, must be allowed an amount determined by the court to be the reasonable value of all or a part of the litigation expenses including attorney fees incurred by the state or county attorney. In determining

the amount of these litigation expenses to be allowed, the court shall give consideration to the economic circumstances of the defendant.

History: *1988 c 485 s 13; 1993 c 129 s 1,2*

35.96 CRIMINAL PENALTIES.

Subdivision 1. **General violation.** Except as provided in subdivisions 2 to 6, a person is guilty of a misdemeanor if the person violates this chapter, a rule adopted under this chapter, or a special order, standard, stipulation, agreement, or schedule of compliance of the Board of Animal Health.

Subd. 2. **Violation endangering humans.** A person is guilty of a gross misdemeanor if the person violates this chapter or a special order, standard, stipulation, agreement, or schedule of compliance of the Board of Animal Health and the violation endangers humans.

Subd. 3. **Violation with knowledge.** A person is guilty of a gross misdemeanor if the person knowingly violates this chapter or a standard, a special order, stipulation, agreement, or schedule of compliance of the Board of Animal Health.

Subd. 4. MS 1998 [Repealed, 1999 c 231 s 207]

Subd. 5. MS 2006 [Repealed, 2008 c 277 art 1 s 98]

Subd. 6. **Transportation of livestock.** A person violating a provision of section 35.15 or 35.16 relating to transportation of livestock is guilty of a gross misdemeanor, except that a person who fails or refuses to stop for inspection when directed to stop by a compliance representative is guilty of a misdemeanor.

History: *1988 c 485 s 14*