

**Minnesota
Board of Animal Health**

Statutes and Rules

August 2009

Minnesota Board of Animal Health
625 Robert Street North
St. Paul, MN 55155

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Minnesota Administrative Rules

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CHAPTER 1721, ANIMAL HEALTH

BOARD OF ANIMAL HEALTH

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**Minnesota Statutes Chapter 35
Animal Health**

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

35.02 Board of Animal Health.

Subdivision 1. **Members; officers.** The board has five members appointed by the governor with the advice and consent of the senate, three of whom are producers of livestock in the state, and two of whom are practicing veterinarians licensed in Minnesota. 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.

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.

35.04 Repealed

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.

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.

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.

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.

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.

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 must be the smallest size practicable to prevent the spread of disease and must exist for the shortest duration consistent with effective disease control. A quarantine zone of control must not extend beyond a radius of three miles from an animal deemed as likely to be infected with the disease, unless the board has adopted a rule regarding a specific disease requiring a larger quarantine zone of control.

Subd. 3. Restrictions on movement out of quarantine zones.

(a) The board may issue orders restricting the movement of persons, livestock, machinery, and personal property out of zones 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.

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.

35.069 Repealed

35.07 Repealed

35.08 Repealed 2007

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.

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 the effective date of this section, 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.

35.09 Repealed 2007

35.10 Repealed 2007

35.11 Repealed 2007

35.12 Repealed 2007

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.

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. Repealed

[Farmed Cervidae]

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.

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 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.

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 or entry into the premises by free-roaming cervidae.

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.

Subd. 6. **Identification.** (a) Farmed cervidae must be identified by means approved by the Board of Animal Health. The identification must be visible to the naked eye during daylight under normal conditions at a distance of 50 yards. Newborn animals must be identified before December 31 of the year in which the animal is born or before movement from the premises, whichever occurs first. (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 shall 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.** The commissioner of agriculture and the Board of Animal Health may inspect farmed cervidae, farmed cervidae facilities, and farmed cervidae records. For each herd, the owner or owners must, on or before January 1, pay an annual inspection fee equal to \$10 for each cervid in the herd as reflected in the most recent inventory submitted to the Board of Animal Health, up to a maximum fee of \$100. 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.

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 person raising farmed cervidae that is aggrieved with any decision regarding the farmed cervidae may request a contested case hearing under chapter 14.

Subd. 10. **Mandatory registration.** 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.

Subd. 11. **Mandatory surveillance for chronic wasting disease.** (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. (c) All animals from farmed cervidae herds that are over 16 months of age that die or are slaughtered must be tested for chronic wasting disease.

Subd. 12. **Importation.** A person must not import cervidae into the state from a herd that is infected or exposed to chronic wasting disease or from a known chronic wasting disease endemic area, as determined by the board. A person may import cervidae into the state only from a herd that is not in a known chronic wasting disease endemic area, as determined by the board, and the herd has been subject to a state or provincial approved chronic wasting disease monitoring program for at least three years. Cervidae imported in violation of this section may be seized and destroyed by the commissioner of natural resources.

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.

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.

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.

35.17 – 35.24 Repealed

35.243 Rules for control of brucellosis in cattle.

The Board of Animal Health shall adopt rules to provide for the control of brucellosis in cattle. The rules may include provisions for quarantine, tests, and vaccinations, and such other measures as the board deems appropriate.

35.244 Control of bovine tuberculosis.

Subdivision 1. **Designation of zones.** The board has the authority to control tuberculosis and the movement of cattle, bison, goats, and farmed cervidae within and between tuberculosis zones in the state. Zones within the state may be designated as accreditation preparatory, modified accredited, modified accredited advanced, or accredited free as those terms are defined in Code of Federal Regulations, title 9, part 77. The board may designate bovine tuberculosis control zones that contain not

more than 325 herds.

Subd. 2. Control within modified accredited zone. In a modified accredited zone, the board has the authority to: (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.

35.245 – 35.251 Repealed

35.255 Pseudorabies program rules.

The Board of Animal Health shall adopt rules to implement a program to control pseudorabies in swine, including pseudorabies testing of breeding swine and restricted movement of feeder pigs.

35.26 – 35.66 Repealed

35.67 Rabies investigation.

If the executive director of the Board of Animal Health, or a board of health as defined in section 145A.02, subdivision 2, receives a written complaint that rabies exists in a town or city in the board's jurisdiction, the board of health shall investigate, either personally or through subordinate officers, the truth of the complaint. A board of health may also make an investigation and determination independently, without having received a complaint. The fact that a board of health 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.

35.68 Rabies proclamation.

If a board of health as defined in section 145A.02, subdivision 2, investigates and finds that rabies does exist in a town or city the board of health shall make and file a proclamation of the investigation and determination which prohibits the owner or custodian of any dog from allowing the dog to be at large within the town or city unless the dog is effectively muzzled so that it cannot bite any other animal or person.

If the executive director of the Board of Animal Health, after investigation, has determined that rabies exists in any territory in the state, similar proclamations must 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. The proclamation must 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 is effectively muzzled so that it cannot bite any other animal or person.

All local peace officers and boards of health shall enforce sections 35.67 to 35.69.

A proclamation issued by the board of health must be filed with the clerk of the political subdivision responsible for the board of health. One issued by the executive director of the Board of Animal Health must be filed with the clerk of each town and city within the territory it covers.

Each officer with whom the proclamation is filed shall publish a copy of it in one issue of a legal newspaper published in the clerk's town or city if one is published there. If no newspaper is published there, the clerk must post a copy of the proclamation in three public places. Publication is at the expense of the municipality.

Proof of publication must be by affidavit of the publisher and proof of posting must be by the person doing the posting. The affidavit must be filed with the proclamation. The proclamation is effective five days after the publication or posting and remains effective for the period of time not exceeding six months specified in it by the board of health making the proclamation.

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

35.695, 35.70 Repealed
35.701 Repealed 2008

35.71 Unclaimed and unredeemed animals impounded; scientific use or other disposition.

Subdivision 1. **Definitions.** As used in this section, "establishment" means 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 and "institution" means a school or college of agriculture, veterinary medicine, medicine, pharmacy, or dentistry, or an educational or scientific establishment properly concerned with investigation or instruction concerning the structure or functions of living organisms or the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

Subd. 2. **Application for license.** An institution may apply to the board for a license to obtain animals from establishments. If, after investigation, the board finds that the institution requesting a license is a fit and proper agency to receive a license, and that the public interest will be served by granting it a license, the board may issue a license to the institution authorizing it to obtain animals under this section.

Subd. 3. **Stray animals; seizure, disposition.** All animals seized by public authority must be held for redemption by the owner for at least five regular business days of the impounding agency or for a longer time specified by municipal ordinance. For the purpose of this subdivision, "regular business day" means a 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. Establishments must maintain the following records of the animals in custody, and preserve the records for at least 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; and (e) the name and address of the person to whom any animal three months of age or over was transferred.

The records must be maintained in a form permitting easy perusal by the public. A person may view the records and animals in custody at any time during which the establishment is open to the public. At the end of the five-day period, all animals which remain unredeemed must be made available to any licensed institution which has requested that number of animals. However, if a tag affixed to the animal or a statement by the animal's owner after the animal's seizure specifies that the animal may not be used for research, the animal must not be made available to any institution and 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 more animals than are available at the time of the request, the establishment must withhold from destruction all unclaimed and unredeemed animals until the request has been filled. The actual expense of holding animals beyond the time of notice to the institution of their availability must be borne by the institution receiving them. An establishment which fails or refuses to comply with this section is ineligible for any further public funds from any county or municipality. Upon receipt of a sworn statement by an authorized officer or employee of a licensed institution of noncompliance by any establishment with this section, the treasurer of any municipality or other political subdivision of the state may not pay any public funds to the establishment until the complainant withdraws its statement of noncompliance or until the board either determines 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 a person's complaint that an 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 against the establishment, officer, agent, or employee to enjoin compliance with this section.

Subd. 4. **Transportation of animals.** A licensed institution must provide, at its own expense, for the transportation of animals from the establishment to the institution and must use them only in the conduct of its scientific and educational activities.

Subd. 5. **Annual license fee.** Each licensed institution must pay to the board a license fee of \$50 for each calendar year or part of a calendar year. License fees must be deposited in the general fund of the state treasury.

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

Subd. 7. **Rules.** The board may adopt rules consistent with this section necessary to carry out the provisions of this section, and may, if the board considers it advisable or in the public interest, inspect or investigate any institution which has applied for a license or has been granted a license under this section.

Subd. 8. Repealed

35.72 Milk or cream; testing by board.

Subdivision 1. **Establishment defined.** As used in this section "establishment" means a creamery, milk or cream collecting station, or 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 may enter the premises or buildings of any establishment to collect samples of milk or cream delivered to the establishment.

Subd. 3. **Samples, procurement.** Upon demand of the board or its authorized agents, the operator of an establishment shall submit containers of milk or cream delivered to the establishment to the board or agents before any milk or cream is removed or any substance or thing is added, and shall allow the board or agent to take a sample of one ounce in weight or less of milk or cream from each container for the purpose of applying any recognized test to determine the existence of disease in the cattle which produced the milk or cream.

Subd. 4. **Names, addresses.** The operator of the establishment shall furnish the board or agents 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 the milk or cream.

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

Subd. 6. Repealed

[Garbage feeding to livestock and poultry]

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. Repealed

Subd. 3. Repealed

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

[Carcass Disposal Requirements]

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. Repealed

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.

[Brands]

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. Repealed

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 17.451, subdivision 2, 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.

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.

35.823 Repealed

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.

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.

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.

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.

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.

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.

35.830 Sale of branded livestock; written bill of sale.

Persons selling animals marked or branded with their mark or brand recorded in a current state brand book or its supplement 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 must be kept by the purchaser for two years and for as long afterwards as the purchaser owns any of the animals described in the bill of sale. A copy of the bill of sale must be given to each hauler of the animals, other than railroads, and must accompany the shipment of animals while in transit. The bill of sale or a copy must 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.

35.831 Rules.

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

35.832, 35.84 Repealed

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.

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.

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.

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.

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.

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.

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. Repealed

Subd. 5. Repealed 2008

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.

**Minnesota Rules Chapter 1700
Importation of Livestock and Poultry**

Importation of Cattle

1700.0100 Definitions.

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

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

Subp. 3. **B-branded cattle.** "B-branded cattle" means cattle that have been identified by branding with a hot iron with the letter "B" at least two by two inches on the left hip high on the tailhead because they were classified as brucellosis reactors or are brucellosis-exposed cattle from a herd depopulation.

Subp. 4. **Beef breed.** "Beef breed" means all breeds of cattle except dairy breed.

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

Subp. 6. **Breeding cattle.** "Breeding cattle" means all cattle except steers, spayed heifers, and heifers of beef breed under 18 months of age imported for feeding purposes, or slaughter cattle as defined in subpart 17.

Subp. 7. **Brucellosis-exposed cattle.** "Brucellosis-exposed cattle" means cattle that are part of a known infected herd or that have been in contact with brucellosis reactors in marketing channels.

Subp. 8. **Cattle.** "Cattle" means all dairy and beef animals, and includes bison.

Subp. 8a. **Certificate of veterinary inspection.** "Certificate of veterinary inspection" means a certificate issued by an accredited veterinarian after a physical examination, stating that the cattle described are free from symptoms of contagious, infectious, or communicable disease, and must include a statement of the origin of the cattle and the name and address of the consignee.

Subp. 9. **Dairy breed.** "Dairy breed" means breeds of cattle whose primary purpose is the production of milk.

Subp. 10. **Feeding cattle.** "Feeding cattle" means all steers, spayed heifers, and beef breed heifers under 18 months of age imported for feeding purposes to be confined to a feedlot.

Subp. 11. **Feedlot.** "Feedlot" means a confined drylot area for finish feeding of cattle on concentrated feeds with no facilities for pasturing or grazing.

Subp. 12. Repealed

Subp. 13. **Herd.** "Herd" means all cattle under common ownership or supervision that are grouped on one or more parts of any single premises or all cattle on two or more premises geographically separated but on which the cattle have been interchanged or where there has been contact between the premises.

Subp. 14. **Official calfhooD vaccinate.** "Official calfhooD vaccinate" means a female bovine animal vaccinated against brucellosis with an approved Brucella vaccine while from four to 12 months (120 to 359 days) of age, permanently identified as a vaccinate, and reported at the time of vaccination to the appropriate state or federal agency cooperating in the eradication of bovine brucellosis.

Subp. 15. **Official identification.** "Official identification" of grade cattle consists of the following: complete official identification tag number; predominant breed characteristics or color markings; sex; age; positive identification of brucellosis vaccinates by vaccination certificate, legible tattoo, or official vaccination ear tag. "Official identification" of purebred cattle consists of the following: official registration number, tattoo, or complete official identification tag number; breed; sex; age; positive identification of brucellosis vaccinates by vaccination certificate, legible tattoo, or official vaccination ear tag.

Subp. 16. **S-branded cattle.** "S-branded cattle" means cattle that have been identified by branding with a hot iron the letter "S" at least two by two inches on the left hip high on the tailhead.

Subp. 17. **Slaughter cattle.** "Slaughter cattle" means cattle in channels of trade moving to a recognized slaughtering establishment with no diversion to farm or ranch.

1700.0200 Cattle consigned to public stockyards, approved markets, or slaughtering establishments.

Cattle of any class may be consigned without a certificate of veterinary inspection or tests to a public stockyard or market approved under parts 1715.0780 to 1715.1250. Cattle for immediate slaughter only may be consigned without a certificate of veterinary inspection or tests to slaughtering establishments where the federal government maintains inspection.

1700.0300 Movement of S-branded cattle and B-branded cattle.

The following cattle may move without diversion or unloading to public stockyards or to a slaughtering establishment operating under federal inspection, provided a shipping permit issued by an accredited veterinarian accompanies the shipment: reactor cattle and B-branded exposed cattle; S-branded cattle, including suspects, exposed cattle in channels of trade, and untested test-eligible cattle from states that are not certified "Brucellosis-Free" by Veterinary Services, United States Department of Agriculture.

1700.0400 Cattle quarantined for any disease.

Cattle quarantined for any disease may not enter the state except that:

- A. cattle may enter the public stockyards to be unloaded at quarantine pens to be sold directly to a slaughtering establishment provided a shipping permit from the state of origin accompanies the shipment and a copy of the permit is delivered to the person receiving the shipment; and
- B. cattle may enter a slaughtering establishment with federal inspection provided a shipping permit from the state of origin accompanies the shipment and a copy of the permit is delivered to the inspector in charge. All such shipments shall comply with all state and federal requirements.

1700.0500 Shipments of cattle not needing certificates of veterinary inspection.

The shipments of cattle in items A and B do not need certificates of veterinary inspection:

- A. cattle of any class consigned to the public stockyards or markets approved under parts 1715.0780 to 1715.1250; and
- B. slaughter cattle shipped directly to slaughtering establishments under federal inspection.

1700.0550 Cattle returned to Minnesota from pasture.

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

1700.0600 Certificates of veterinary inspection for cattle.

Cattle of any class consigned to individuals or to state approved markets must be accompanied by a certificate of veterinary inspection. Certificates of veterinary inspection must show:

- A. the consignee's name and address;
- B. the status of the herd and area of origin;
- C. all identity numbers of the animals in the shipment where required by parts 1700.0100 to 1700.1500;
- D. the results of all tests required in parts 1700.0700 to 1700.1000;
- E. date of vaccination or ear tattoo of official calfhood brucellosis-vaccinated cattle;
- F. age, sex, and breed;
- G. the purpose for which the cattle are to be moved; and
- H. permit number where required.

All certificates of veterinary inspection must be submitted to the animal health office of the state of origin for approval within one week of the issue date.

1700.0700 Requirement for brucellosis test.

Official tests for brucellosis in the state of origin must be used. All tests must be confirmed at a state-federal cooperative laboratory. Cattle may commence movement based on negative tests by authorized persons prior to laboratory confirmation. With the exception of items A to G, all cattle must be negative to brucellosis tests within 30 days prior to movement into Minnesota:

- A. cattle from certified brucellosis-free herds or certified brucellosis-free states;
- B. calves under six months of age;
- C. cattle shipped directly to the public stockyards or markets approved under parts 1715.0780 to 1715.1250;
- D. slaughter cattle going directly to a slaughtering establishment under federal inspection;
- E. official calfhood vaccinated dairy heifers under 20 months of age and official calfhood vaccinated beef heifers under 24 months of age;
- F. beef-type heifers under 18 months of age for feeding purposes entering a Minnesota feedlot under permit from the board; and
- G. steers and spayed heifers.

1700.0800 – 1700.1100 Repealed

1700.1100 Quarantine of cattle awaiting test results.

Imported cattle leaving a market approved under parts 1715.0780 to 1715.1250, or imported on permit pending the laboratory results of the anaplasmosis blood test drawn at the market or in the state of origin are under quarantine until the test results are determined. Negative test results shall release the quarantine. Positive test results shall release the quarantine after positive cattle have been returned to the state of origin, or positive cattle have been sent to slaughter under permit.

1700.1200 Cattle under quarantine.

Cattle imported without a certificate of veterinary inspection except where specifically exempted in parts 1700.0100 to 1700.1500, or imported when not in compliance with parts 1700.0100 to 1700.1500 are under quarantine. The cattle must be examined and tested to meet the requirements of parts 1700.0100 to 1700.1500 by an accredited veterinarian at owner's expense within 72 hours thereafter. Cattle that are not negative to brucellosis or anaplasmosis must be sent to slaughter on permit or returned to the herd of origin on a permit from the state of origin. Cattle with other infectious, contagious, or communicable disease must be sent to slaughter with permit, returned to the point of origin with permit, or continued in quarantine at the direction of the board.

1700.1300 - 1700.1400 Repealed

1700.1500 Importing feeding cattle.

Feeding cattle imported by permit from the board must be segregated from all other cattle except steers, spayed heifers, like quarantined cattle, or cattle purchased in accordance with a feeder affidavit quarantine. Segregation must consist of a drylot with no pasturing and grazing and double fencing to prevent access to drainage and other cattle. The cattle may be: retained in a feedlot for a period not to exceed 12 months; sold for further feeding under feeder affidavit quarantine; sold for slaughter; or moved to another state if the movement is in compliance with state and federal regulations.

Upon application by the owner of quarantined cattle, the board at its discretion may grant permission to the owner to make the necessary tests at the owner's expense to relieve the quarantine. The requirements for tests must not be less than the tests required for breeding cattle.

Importation of Dogs and Cats

1700.1600 Certificates of veterinary inspection for importation of dogs and cats.

All dogs and cats imported into Minnesota must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian except:

- A. performing dogs and cats in professional animal acts;
- B. dogs and cats for exhibition which are covered by parts 1715.0010 to 1715.0190;
- C. dogs and cats for research at educational and scientific institutions; and
- D. dogs and cats entering a veterinary facility for treatment, surgery, or diagnostic procedures.

1700.1700 Contents of certificates of veterinary inspection.

A certificate of veterinary inspection must certify that the dog or cat has been inspected and is free of visible signs of infectious, contagious, or communicable disease and certify that if the dog or cat is three months of age or over, it has a current rabies vaccination with a United States Department of Agriculture licensed rabies vaccine according to the package insert directions. The name of the vaccine, vaccine serial number, and date of vaccination or revaccination are to be entered on the certificate of veterinary inspection. A copy must be forwarded to the Board of Animal Health by the approving agency of the state of origin.

Importation of Sheep and Goats

1700.1800 Repealed

1700.1810 Definitions.

Subpart 1. **Scope.** The definitions in this part apply to parts 1700.1810 to 1700.1860.

Subp. 2. **Commingled.** "Commingled" means animals are grouped together so that they have physical contact with each other, including contact through a fence or sharing the same section in a transportation unit where there is physical contact.

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

Subp. 4. **Official identification.** "Official identification" means identification approved by the board and the United States Department of Agriculture, Animal and Plant Health Inspection Services for use in the scrapie eradication program as outlined in Code of Federal Regulations, title 9, section 79.2, identification of sheep and goats in interstate commerce.

Subp. 5. **Premises.** "Premises" means a distinct tract of land with an animal production facility.

Subp. 6. **Restricted-movement feeder animal.** "Restricted-movement feeder animal" means a sheep or goat that is less than 18 months of age as evidenced by the eruption of the second incisor, is not pregnant, has never given birth or aborted, is not commingled with breeding animals from other flocks, and will be slaughtered at less than 18 months of age.

Subp. 7. **Slaughter channels.** An animal is in a "slaughter channel" if it is sold, transferred, or moved to: A. a slaughter facility; B. an individual for custom slaughter; or C. a terminal feedlot for later slaughter at less than 18 months of age.

Subp. 8. **Terminal feedlot.** "Terminal feedlot" means a facility that exists for the express purpose of improving an animal's condition for slaughter and from which animals are moved only to slaughter.

1700.1820 Requirement for official identification.

Goats or sheep imported into Minnesota must be identified with official identification complying with Code of Federal Regulations, title 9, section 79.2, except as provided in items A to D:

A. goats or sheep less than 18 months of age that are going directly to slaughter at a slaughtering establishment having federal inspection;

B. restricted-movement feeder animals that are moved to a state-federal approved livestock market that has an official veterinarian and restricts the sale of sheep and goats without official identification to slaughter channels in a manner approved by the board;

C. restricted-movement feeder animals that are moved under permit from the board to a terminal feedlot; and

D. goats or sheep moved for grazing or similar management reasons if the goats or sheep are moved from a premises owned or leased by the owner of the goats or sheep to another premises owned or leased by the owner of the goats or sheep and the goats or sheep are not commingled with sheep or goats from other flocks.

1700.1830 Requirement for certificate of veterinary inspection.

Goats or sheep imported into Minnesota must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian, except as provided in items A and B:

A. goats or sheep going directly to slaughter at a slaughtering establishment having federal inspection; and

B. goats or sheep consigned to a state-federal approved market that has an official veterinarian.

1700.1840 Contents of certificate of veterinary inspection.

Certificates of veterinary inspection must show:

A. the individual official identification number of each animal, except as provided in subitems (1) and (2): (1) restricted-movement feeder animals when moved under permit from the board to a terminal feedlot; and (2) goats or sheep moved for grazing or similar management reasons as described in part 1700.1820, item D; and

B. the permit number where required.

1700.1850 Requirement for import permit.

A permit must be obtained prior to importation of the following:

A. a restricted-movement feeder animal that is being moved to a terminal feedlot as described in part 1700.1820, item C;

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

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

1700.1860 Prohibited imports.

No goat or sheep that is currently designated as scrapie positive, suspect, or high-risk as defined in Code of Federal Regulations, title 9, section 79.1, or that is from a flock that is currently designated as a scrapie source, infected, or noncompliant flock as defined in Code of Federal Regulations, title 9, section 79.1, may be imported into Minnesota.

Importation of Horses

1700.2100 Definitions.

Subpart 1. **Scope.** The definitions in this part apply to parts 1700.2100 to 1700.2500.

Subp. 2. **Coggins test.** "Coggins test" means the agar gel immunodiffusion test for equine infectious anemia that has been approved by the United States Department of Agriculture.

Subp. 3. **EIA.** "EIA" means equine infectious anemia (swamp fever), a virus disease of horses and other members of the equine species.

Subp. 4. **Horse.** "Horse" means and includes all members of the equine species as horses, mules, asses, ponies, donkeys, burros, and zebras.

Subp. 5. **Officially identified.** "Officially identified" means the permanent identification using the National Uniform Tag Code number of the state in which the reactor was tested followed by the letter "A," applied with a hot iron, chemical brand, freeze marking, or a lip tattoo in accordance with Code of Federal Regulations, part 75.

Subp. 5a. **Official test.** "Official test" means the Coggins test or other tests approved by the United States Department of Agriculture conducted at a United States Department of Agriculture approved laboratory.

Subp. 6. **Reactor.** "Reactor" means any horse which discloses a positive reaction to an EIA test.

1700.2200 Certificates of veterinary inspection for horses.

All horses imported into Minnesota must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian within 30 days prior to date of importation except:

- A. horses brought into the state for participation in trail rides, exhibitions, and horse shows where the horses are examined by an official veterinarian;
- B. horses consigned to slaughtering establishments under federal inspection; and
- C. reactors consigned to a federally inspected slaughtering establishment operated under the Federal Meat Inspection Act that are officially identified and accompanied by a shipping permit issued at the point of origin by a state or federal veterinarian or an accredited veterinarian.

1700.2300 Contents of certificate of veterinary inspection.

The certificate of veterinary inspection must certify that the horses have been examined by an accredited veterinarian within 30 days prior to importation and must include an accurate and complete description of each horse in the shipment including age, sex, color, and markings. Registered horses may be identified by registration name and number.

When required, the EIA test date and the name of the laboratory must be recorded on the certificate of veterinary inspection. A copy of the certificate of veterinary inspection approved by the chief livestock regulatory official of the state of origin must be mailed to the board.

1700.2305 Requirement for EIA test.

With the exception of items A to C, all horses must be negative to an official test for EIA within 12 months prior to the date of importation:

- A. horses consigned to slaughtering establishments under federal inspection;
- B. reactors consigned to a federally inspected slaughtering establishment operated under the Federal Meat Inspection Act that are officially identified and accompanied by a shipping permit issued at the point of origin by a state or veterinarian or an accredited veterinarian; and
- C. suckling foals accompanying a negative dam.

1700.2310 Permits.

If a blood sample has been drawn but there is insufficient time to obtain the laboratory results of the EIA test prior to the importation, a permit for the importation of horses without final laboratory results may be obtained from the board if the veterinarian requesting the permit agrees to submit the laboratory results promptly to the board.

1700.2400 Sales.

Horses imported into Minnesota for sale or resale must be accompanied by a certificate of veterinary inspection and must be tested and negative for EIA before leaving the sale premises if sold to remain in

Minnesota, unless the certificate of veterinary inspection certifies to a negative test for EIA conducted at an approved laboratory within 12 months prior to the date of sale.

1700.2450 Reactors.

Reactors must be quarantined, destroyed, consigned for slaughter to a slaughtering establishment under federal inspection, or returned to the state of origin under a permit issued by the state of origin. Reactors may not be moved intrastate except on a permit issued by the board. Reactors may only be moved interstate in accordance with Code of Federal Regulations, part 75.

1700.2500 Horses imported without the required test for EIA.

Horses imported without the required test for EIA must be quarantined for an immediate test at the owner's expense. The test must be completed within 30 days of entry into Minnesota.

Importation of Swine

1700.2590 Definitions.

Subpart 1. **Scope.** The definitions in this part apply to parts 1700.2590 to 1700.3010.

Subp. 1a. **Feral swine.** "Feral swine" means undomesticated swine that ordinarily run wild and are not included in any pseudorabies surveillance program.

Subp. 2. **Imported breeding swine.** "Imported breeding swine" means swine imported for the purpose of producing offspring, including domestic and feral swine of both sexes and all ages.

Subp. 3. **Imported feeder swine.** "Imported feeder swine" means domestic and feral swine imported into Minnesota for the purpose of feeding until sold to slaughter and does not include boars or postparturient sows.

Subp. 4. **Pseudorabies-monitored herd.** "Pseudorabies-monitored herd" means a herd that is in compliance with part 1705.2474.

Subp. 5. **Separation of breeding swine.** "Separation of breeding swine" means the maintenance of the swine at least six feet from other swine or divided by solid partitions that will prevent nose-to-nose contact with other swine.

1700.2600 Importation of swine from herds or areas under quarantine.

Swine shall not be imported into the state of Minnesota from herds or areas under quarantine for infectious diseases of swine except swine accompanied by a shipping permit sent directly to slaughtering establishments under federal inspection or to a public stockyard for sale to a slaughtering establishment.

1700.2650 Permits.

Prior to importation of swine, except for swine originating from a Stage III, IV, or V state or area, or swine going directly to slaughter, the veterinarian completing the certificate of veterinary inspection under part 1700.2700 must obtain a permit from the board. Before a permit is issued, the board must be given the following information: the source of the swine to be imported, the number of swine to be imported, and the destination of the swine. The permit number issued by the board must be included on the certificate of veterinary inspection.

1700.2700 Requirement for certificate of veterinary inspection.

All domestic and feral swine imported into Minnesota must be accompanied by a certificate issued by an accredited veterinarian, except: slaughter swine consigned to a public stockyard; slaughter swine consigned to a market operating under a permit from the board; feeder swine consigned to a state-federal approved swine market as defined in part 1715.0590, subpart 10, from a farm of origin in an adjacent state; and swine going directly to slaughter at a slaughtering establishment having federal inspection.

1700.2800 Contents of certificate of veterinary inspection.

Certificates of veterinary inspection for feeder swine must list identification numbers, the herd of origin, the destination, and one of the following statements: "these feeder swine originate from a pseudorabies-monitored herd," "these feeder swine originate from a qualified pseudorabies-negative herd," "these feeder swine originate from a qualified negative gene-altered vaccinated herd," "these feeder swine have all been tested for pseudorabies within 30 days before importation and found negative," or "these feeder or breeding swine originate from an officially designated Stage III, IV, or V pseudorabies area," as defined in part 1705.2400, subpart 6d, and the State-Federal Program Standards for Pseudorabies Eradication. Certificates of veterinary inspection for breeding swine must show the individual identification number of each animal. Acceptable individual identification must be either eartag, tattoo, registration number, or

approved ear notch system. The certificate must also show the date of test or the validated and qualified herd number and the date of the last qualified and validated herd test.

Certificates of veterinary inspection for feral swine must list individual eartag numbers and show that the swine were tested for pseudorabies and brucellosis and found negative within 30 days before importation. One copy of the certificate of veterinary inspection approved by the animal health department of the state of origin must be forwarded to the board within 14 days.

1700.2850 Feeder swine.

Feeder swine must originate from pseudorabies-monitored herds, qualified pseudorabies-negative herds, qualified negative gene-altered vaccinated herds, or an officially designated Stage III, IV, or V pseudorabies area, or must be tested negative within 30 days prior to importation, and must not be transported or confined with swine of unknown status. Feral swine may not be imported into Minnesota without a negative pseudorabies and brucellosis test within the previous 30 days.

1700.2900 Breeding swine.

Subpart 1. **Testing requirements.** Breeding swine must be:

- A. negative to the brucellosis buffered antigen test conducted at a state or federal laboratory within 30 days prior to importation, or originate from a validated brucellosis free swine herd, or originate directly from a nonquarantined herd in a validated brucellosis free state; and
- B. negative to an official test for pseudorabies within 30 days prior to importation, or originate from a qualified pseudorabies-negative herd, or originate from a qualified negative gene-altered vaccinated herd, or originate from a Stage IV or V state or area.

Subp. 2. **Retesting requirements.** Unless breeding swine originate from a Stage III, IV, or V state or area, they must be separated from all other swine until tested for pseudorabies not less than 15 nor more than 60 days following importation according to the following sample size: (1) if there are ten or less breeding swine, all must be tested; (2) if there are 11 to 35 breeding swine, ten must be tested; and (3) if there are 36 or more breeding swine, 30 percent or 30 head, whichever is less, must be tested. This item does not apply to breeding stock sales centers in Minnesota as provided in parts 1705.2400, subpart 15, and 1705.2480, subpart 9.

Subp. 3. **Transportation.** Breeding swine must not be transported or confined with swine of unknown status.

1700.2950 Importation of swine semen and embryos.

Swine semen and swine embryos imported into Minnesota for insemination of swine or implantation into swine must be accompanied by a document issued by an accredited veterinarian stating that the donor swine are not known to be infected with or exposed to pseudorabies, were negative to an official pseudorabies test within 30 days prior to the collection of the semen or embryos, or were members of a qualified pseudorabies-negative or qualified negative gene-altered vaccinated herd or a herd within a Stage IV or V state or area, and had not been exposed to pseudorabies within 30 days prior to the collection of the semen or embryos.

1700.3000 Repealed

1700.3010 Restriction of imported feeding swine.

Imported feeder swine are restricted to the premises where they are to be fed until they are sold for slaughter except that:

- A. Feeder swine imported for resale at a market are restricted to the premises of the buyer.
- B. Feeder swine imported for resale by a licensed livestock dealer must be sold to a feeding premises within 72 hours.
- C. Feeder swine may be moved from the herd of the buyer for purposes other than immediate slaughter if all are negative to a pseudorabies test conducted within 30 days prior to the movement.
- D. Feeder swine may be moved from the herd of the buyer for further feeding if one of the following conditions is met: (1) the herd is found to be negative for pseudorabies using an official random sample test (95/10) within 30 days prior to the movement; or (2) the herd is located in a Stage III, IV, or V county and the feeder swine originated directly from a Stage III, IV, or V county.

1700.3100 Repealed

Importation of Poultry

1700.3110 Definitions.

Subpart 1. **Scope.** The definitions in this part apply to parts 1700.3110 to 1700.4500.

Subp. 2. **Backyard chickens.** "Backyard chickens" means chickens of any breed in a flock that contains less than 1,000 birds.

Subp. 3. **Board.** "Board" means the Board of Animal Health.

Subp. 4. **Control program.** "Control program" means one or more of the state or state and federal cooperative programs for the control or eradication of poultry diseases.

Subp. 5. **Disease control classification.** "Disease control classification" means the negative status of a flock as pertaining to one or more of the control program diseases.

Subp. 6. **Other domesticated fowl.** "Other domesticated fowl" means fancy, exhibition, and game chickens, waterfowl, and game birds maintained in captivity, excluding pigeons and doves.

Subp. 7. **Poultry.** "Poultry" means turkeys, chickens, and other domesticated fowl.

1700.3200 Requirements for importation.

No poultry of any species, breed, or variety, and no poultry eggs to be used for hatching shall be brought or shipped in any manner whatsoever into Minnesota excepting in accordance with these rules.

1700.3300 Importation of poultry affected by or exposed to disease.

No poultry that is infected with or has been exposed to pullorum disease, typhoid disease, Newcastle disease, fowl plague, chronic respiratory disease, fowl cholera, infectious bronchitis, laryngotracheitis, infectious sinusitis, fowl pox, coccidiosis, ornithosis, tuberculosis, or any other infectious or communicable disease shall be imported or brought into the state of Minnesota for any purpose whatsoever.

1700.3400 Poults, chicks, and hatching eggs.

Hatching eggs and poultry under five months of age may be imported under the conditions in items A to C.

A. The importer must have a certificate of veterinary inspection or National Poultry Improvement Plan Form VS 9-3.

B. The importer must have a permit from the board. Annual permits are available. The application for a permit must be endorsed by the official disease control agency of the state of origin and must indicate the disease control classifications of the flock of origin.

C. The flocks of origin must have the disease control classifications as follows: (1) turkeys, including wild and exhibition turkeys: salmonella pullorum-typhoid, salmonella typhimurium, mycoplasma gallisepticum, mycoplasma synoviae, and sanitation monitored; (2) egg-type chickens: salmonella pullorum-typhoid, mycoplasma gallisepticum, mycoplasma synoviae, and sanitation monitored; (3) meat-type chickens: salmonella pullorum-typhoid, mycoplasma gallisepticum, and mycoplasma synoviae; and (4) backyard chickens, exhibition, game, and waterfowl: salmonella pullorum-typhoid.

1700.3500 Disease classifications.

All disease classifications, whether obtained through participation in the national plans or through the state disease control agency shall be considered acceptable provided the requirements such as tests, management procedures, and sanitation practices are deemed by the board to be comparable to the requirements used to classify Minnesota flocks and hatcheries.

1700.3600 Shipping containers.

Only new or cleaned and disinfected poultry boxes or containers may be used to ship poultry into Minnesota. The name and address of the consignor and consignee, the breed, the disease control classifications, and the Minnesota permit number must be on the container or on the invoice that accompanies the container.

1700.3700 Exceptions.

The board may waive the requirement for certain disease classifications for obtaining a poultry importation permit if the classification is no longer available. Birds imported for immediate slaughter are exempt from parts 1700.3400 and 1700.3800.

1700.3800 Adult poultry.

Poultry over five months of age may be imported only under the conditions in items A to C.

A. The importer must have an official certificate of veterinary inspection certifying that the poultry are free from evidence of any infectious, contagious, or communicable disease and have not been exposed to such a disease.

B. The poultry must be tested for or have the following disease control classifications: (1) turkeys, including wild and exhibition turkeys: salmonella pullorum-typhoid, salmonella typhimurium, mycoplasma gallisepticum, mycoplasma synoviae, and sanitation monitored; (2) egg-type chickens: salmonella pullorum-typhoid, mycoplasma gallisepticum, mycoplasma synoviae, and sanitation monitored; (3) meat-type chickens: salmonella pullorum-typhoid, mycoplasma gallisepticum, and mycoplasma synoviae; and (4) backyard chickens, exhibition, game, and waterfowl: salmonella pullorum-typhoid.

C. Upon arrival, all birds must be kept separate from other poultry for at least 30 days. Retesting for their respective disease control classifications is recommended.

1700.3900 Quarantine of livestock and poultry imported without proper health certificate.

The board shall quarantine at owner's expense all livestock and poultry imported into Minnesota without a health certificate if a health certificate was required by any rule of the board, or if with a health certificate which does not meet the importation requirements of the board.

1700.4000 Isolation.

It shall be the duty of the owner of quarantined livestock or poultry to maintain them in isolation in a manner that will prevent contact with any other livestock or poultry until the quarantine is released.

1700.4100 Release of quarantine.

The board will release the quarantine when it receives a report from an accredited veterinarian indicating personal inspection of the livestock or poultry for compliance with the importation rules of the board including test results to meet all entrance requirements or when proof of slaughter of the livestock or poultry is submitted.

Importation of Birds as Household Pets

1700.4200 Exotic Newcastle Disease.

Velogenic viscerotropic Newcastle disease, commonly referred to as exotic Newcastle disease, is a highly contagious disease of chickens, turkeys, ducks, and other fowl, including pet birds, with a mortality rate that can easily reach 100 percent. The disease was first recognized in England in 1926. Since that time, it has been found in many parts of the world. The disease has now entered the United States. Serious outbreaks have occurred in such states as Florida, Texas, New Mexico, and more recently in California and Arizona. The disease can spread in many ways and is a formidable threat to the nation's poultry industry. Over four million birds have been destroyed in California alone to contain the outbreak. Epidemiological data suggests that pet birds were responsible for the introduction of the disease in California. In order to protect our multimillion poultry industry, all appropriate precautions must be taken to prevent the introduction of exotic Newcastle disease into Minnesota. Because of the foregoing, parts 1700.4300 to 1700.4500 are deemed necessary.

1700.4300 Avian species.

"Avian species" shall mean those birds customarily used as household pets, to include but not limited to parakeets, parrots, and mynah birds.

1700.4400 Importation of avian species.

No avian species may be imported into Minnesota which is infected with or has been exposed to exotic Newcastle disease or originates from an area or premises under state or federal quarantine because of exotic Newcastle disease, and if deemed necessary, the board may prohibit the importation into Minnesota of any avian species originating from a state or country in which exotic Newcastle disease is known to exist.

1700.4500 Health certificate for avian species.

During the time when exotic Newcastle disease is known to exist in the United States based upon reports of ARS, USDA, avian species, except those excluded in part 1700.4400, may not be imported into Minnesota unless the shipment is accompanied by a health certificate issued by an accredited veterinarian certifying the birds are not infected with nor have been exposed to exotic Newcastle disease and endorsed by the appropriate disease control agency of state of origin. When USDA declares that

exotic Newcastle disease no longer exists in the United States, the health certificate on imported avian species covered by this rule shall not be required.

1700.4600 Repealed

1700.4700 Repealed

1700.4800 Repealed

Importation of Cervidae

1700.4900 Definitions.

Subpart 1. **Scope.** The definitions in this part apply to parts 1700.4900 to 1700.5300.

Subp. 2. **Cervidae.** "Cervidae" means all mammals of the family Cervidae, including deer, elk, moose, caribou, and reindeer.

1700.5000 Requirement for import permit.

A permit must be obtained prior to the importation of any Cervidae.

1700.5100 Requirement for certificate.

All Cervidae imported into Minnesota must be accompanied by a certificate issued by an accredited veterinarian.

1700.5200 Requirement for brucellosis test.

All Cervidae six months of age and over must be negative to a brucellosis test within 30 days prior to movement into Minnesota.

1700.5300 Requirement for tuberculosis test.

All Cervidae six months of age and over must be negative to a test for tuberculosis approved by the board within 90 days prior to movement into Minnesota.

**Minnesota Rules Chapter 1705
Diseases of Domestic Animals**

Anthrax

1705.0010 Treatment of carcasses.

The carcass of a domestic animal that may have died of anthrax, is not to be opened or rendered, but must be cremated. If any blood or excrete comes from any carcass, the material and the ground must be scraped up and burned.

1705.0020 Treatment of buildings.

If any animal dies of anthrax in any building, the building must be cleaned and disinfected, according to the manner ordered by the board or its duly authorized agent.

1705.0030 Necropsy.

No one may necropsy the carcass of any animal dying suddenly when there is anthrax in the area unless authorized by an agent of the board.

1705.0040 Notification of board.

Any person who suspects an animal may have died of anthrax, or has knowledge of this disease in any animal, shall immediately notify this board.

1705.0045 Quarantine.

- A. A herd with an animal that died of anthrax must be quarantined.
- B. Quarantine must not be released until at least 30 days after the last death due to anthrax.

1705.0050 Precautions to be observed.

The board shall maintain recommended standard operating procedures for the treatment of all domestic animals on contaminated premises. "Contaminated premises" means the area where an animal died of anthrax.

Brucellosis in Cattle

1705.0060 Definitions.

Subpart 1. **Scope.** The definitions in this part apply to parts 1705.0060 to 1705.0530.

Subp. 1a. **Board.** "Board" means the Minnesota Board of Animal Health or its authorized agent.

Subp. 2. **Cattle.** "Cattle" means both bovine and bison.

Subp. 2a. Repealed, 23 SR 883

Subp. 3. **Exposed cattle.** "Exposed cattle" means cattle that are part of a known affected herd or have been in contact with brucellosis reactors in marketing channels regardless of the blood test results.

Subp. 4. **Herd.** A "herd" is all cattle under common ownership or supervision that are grouped on one or more parts of any single premises, or all cattle on two or more premises geographically separated but on which the cattle have been interchanged, or where there has been contact of cattle between the premises.

Subp. 5. **Infected herd.** "Infected herd" means one in which one or more reactors were diagnosed on the last test or which is under an infected herd quarantine.

Subp. 6. **Market cattle test or MCT.** "Market cattle test" or "MCT" means a brucellosis test conducted on marketed cattle.

Subp. 7. **Official brucellosis calfhoo d vaccinate.** "Official brucellosis calfhoo d vaccinate" means female dairy cattle under 20 months of age and female beef cattle under 24 months of age vaccinated against brucellosis using a United States Department of Agriculture licensed *Brucella abortus* vaccine while they are from four to 12 months (120 to 359 days) of age.

Subp. 8. **Owner.** "Owner" means the legal owner, the owner's agents, and the person in possession of or caring for the cattle.

Subp. 9. **Negative.** "Negative" means official dairy vaccinates 20 months of age and over and beef vaccinates 24 months of age and over with brucellosis test titers not higher than complete agglutination at a 1:50 dilution on the standard plate test or standard tube test unless diagnosed suspect or reactor on the basis of a United States Department of Agriculture approved confirmatory test; cattle negative to the buffered acidified plate antigen test when no other tests are performed; cattle negative to the rapid

automated presumptive test when no other test is performed; cattle more than six months of age when the standard plate test or standard tube test discloses reactions of not more than complete agglutination in the 1:25 dilution, if performed; are negative to the brucellosis card test, if performed; disclose 25 percent fixation or less (1+) at the 1:10 dilution on the complement fixation test, if performed; or disclose less than complete agglutination at the 1:25 dilution on the rivanol plate agglutination test, if performed; are negative to the rapid automated presumptive test when no other tests are performed. The board may accept variations when an epidemiological investigation indicates *Brucella abortus* infection is present. A diagnosis of suspect or reactor will then be accepted.

Subp. 10. **Negative herd.** "Negative herd" means one in which no reactors or suspects were diagnosed on the last test and which is not under an infected herd quarantine.

Subp. 11. **Reactor.** "Reactor" means official vaccinates of dairy breeds 20 months of age and over and official vaccinates of beef breeds 24 months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth) or official vaccinates under these ages that are parturient (springers) or postparturient when they disclose complete standard plate test or standard tube test agglutination reactions in the blood titer dilution of 1:200 or higher; positive to the brucellosis card test where it has been the only test conducted; disclose titers of 25 percent fixation (1+) in a dilution of 1:40 or higher on the complement fixation test, if it is performed; disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test, if it is performed; all other cattle more than six months of age when they disclose a complete agglutination reaction in the blood titer dilution of 1:100 or higher on the standard plate test or standard tube test; are positive to the brucellosis card test where it has been the only test conducted; disclose titers of 50 percent fixation (2+) in a dilution of 1:20 or higher on the complement fixation test; disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test; found infected by isolation of *Brucella abortus* microorganisms; and cattle which show an increasing titer on consecutive tests.

The board may accept variations when an epidemiological investigation indicates *Brucella abortus* is not present. A diagnosis of a suspect will then be accepted.

Subp. 12. **Ring test.** "Ring test" means the brucellosis agglutination test (BRT) of milk or cream.

Subp. 13. **Suspect.** "Suspect" means: A. official vaccinates of dairy breeds 20 months of age or over and official vaccinates of beef breeds 24 months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth), or official vaccinates under these ages that are parturient (springers), or postparturient when they disclose any standard plate test, or standard tube test agglutination reactions in the dilution of 1:100, or incomplete agglutination in the 1:200 dilution; (1) vaccinated cattle serologically negative to the standard plate test or standard tube test but which are positive to the brucellosis card test, if it is performed; (2) vaccinated cattle having less than 25 percent fixation (1+) in a dilution of 1:40 and 50 percent (2+) or more in a dilution of 1:10 to the complement fixation test, if it is performed; B. all other cattle more than six months of age when they disclose any standard plate test, or standard tube test agglutination reactions in a blood titer dilution of 1:50, or incomplete agglutination in the 1:100 dilution; (1) cattle serologically negative to the standard plate test or standard tube test but which are positive to the brucellosis card test, if it is performed; and (2) cattle having less than 50 percent fixation (2+) in a dilution of 1:20 and 50 percent fixation (2+) or more in a dilution of 1:10 to the complement fixation test, if it is performed. The board may accept variations when an epidemiological investigation indicates *Brucella abortus* is not present. A diagnosis of negative will then be accepted. When an epidemiological investigation indicates *Brucella abortus* infection is present, a diagnosis of reactor will be accepted.

Subp. 14. **Suspect herd.** "Suspect herd" means one in which one or more suspects but no reactors were diagnosed on the last test and which is not under an infected herd quarantine.

Subp. 15. **Test and testing.** "Test" and "testing" mean blood samples shall be collected and submitted by a veterinarian. Standard plate test or other field tests approved by the board may be made by a veterinarian approved by the board to conduct field tests.

All blood samples accompanied by test charts in triplicate with results of field test recorded shall be submitted to a state or state-federal laboratory to confirm the field test. The laboratory test shall be the official test if there is more than one-half titer variation between the laboratory test and the field test.

Tests used at the state or state-federal laboratory shall include the buffered acidified plate antigen test (BAP), rapid automated presumptive test (RAP), standard plate test (SPT), card test (BBA), standard tube test (STT), rivanol test (RIV), complement fixation test (CF), and other tests approved by the board.

Subp. 16. **Veterinarian.** "Veterinarian" means a veterinarian licensed and accredited in Minnesota or a veterinarian of the United States Department of Agriculture.

1705.0070 Herds infected with bovine brucellosis.

Veterinarians shall report to the board all herds infected with bovine brucellosis or suspected of being infected with bovine brucellosis. The board may demand tests of infected herds, or cattle diagnosed as

suspect, or exposed cattle, or herd of origin of market cattle test reactors, or brucellosis ring test positive herds, or any cattle when necessary for the eradication of bovine brucellosis, and the owner or the owner's agent shall present them and assist with the testing.

1705.0080 Testing.

All cattle over six months of age shall be eligible for test except: steers; spayed heifers; official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age which are not parturient or postparturient; feeding cattle in a dry lot area without pasture or grazing facilities; feeding cattle of beef type and breed imported into the state on special permit, and maintained under quarantine; feeding cattle of beef type and breed sold under affidavit when under 18 months of age and maintained under quarantine. The board may test all cattle in infected herds.

1705.0090 Blood samples.

Blood samples shall be collected by a veterinarian at the owner's expense unless the board or cooperating agency authorizes collection of blood samples at state or federal expense.

1705.0100 Identification of tested cattle.

Cattle tested shall be individually identified by an official ear tag with the Minnesota prefix inserted in the right ear, registry tattoo, registry number, or a private ear tag inserted by the owner or the owner's a

1705.0110 Retesting.

Suspects, exposed cattle, and infected herds shall be retested at approximately 30-day intervals.

1705.0120 Reactors.

Reactors are to be identified and appraised upon demand within 15 days of the test date, and with an official reactor tag in the left ear and a "B" hot brand at least two by two inches on the left hip high on the tailhead. Reactors must be sold within 15 days of appraisal for slaughter only, with a shipping permit. The time intervals may be extended by the cooperating state and federal officials for reasons mutually accepted.

1705.0130 Quarantines.

Quarantines shall be established on all cattle in infected herds confining all cattle to the premises where tested and restraining them from water courses by fencing and from contacting adjacent herds. Cattle diagnosed suspect, or exposed cattle other than those in infected herds, or herd of origin of market cattle test reactors shall be quarantined to premises where tested or herd of origin.

1705.0140 Notice of brucellosis quarantine.

The board shall serve written notice of the brucellosis quarantine on the owner either personally or by mail to the owner's post office address as on the test chart.

1705.0150 Release of infected herd quarantine.

Infected herd quarantines will be released after two consecutive negative herd tests, the first conducted at least 30 days after slaughter of all reactors, and the second test not less than 180 days following the removal of all reactors. An additional blood test of all test-eligible cattle in the herd shall be made not less than six months nor more than 12 months after release of an infected herd quarantine.

1705.0160 Exception to intervals between tests.

Exceptions to intervals between tests are allowable when *Brucella abortus* Strain 19 or RB51 organisms have been isolated from the reactor, or all epidemiologic evidence is consistent with *Brucella abortus* Strain 19 or RB51 infection and not with infection by a field strain of *Brucella*.

1705.0170 Suspects and exposed cattle.

Suspects and exposed cattle other than those in infected herds will be released from quarantine when on the basis of tests and supplemental test results a negative status is allowed, or when suspects or exposed cattle are shipped for slaughter with a shipping permit. If suspects requiring retest are not available, a complete herd test is necessary unless it is determined on the basis of epidemiological investigation that the herd test is not indicated.

1705.0180 Quarantines on herd of origin of market cattle test reactors.

Quarantines on herd of origin of market cattle test reactors will be released if a herd test disclosed no additional reactors or an investigation indicates no evidence suggestive of Brucella infection or exposure thereto.

1705.0190 Quarantine on entire herd pending final diagnosis.

A quarantine may be established on an entire herd until a final diagnosis is made when an animal from the herd discloses a reaction to the brucellosis test. An infected herd quarantine shall be established if a reactor diagnosis is made. A quarantine on a herd shall be released if a suspect diagnosis is made.

1705.0200 Restricted area quarantines.

Restricted area quarantines may be established by the board when an owner refuses to comply with any part of these rules, confining all cattle to a defined area until the owner complies with the rule.

1705.0210 Movement of brucellosis quarantined cattle.

Brucellosis quarantined cattle shall be sold only for slaughter at establishments where federal meat inspection is maintained, or to public stockyards or state and federal markets approved to receive brucellosis quarantined cattle for sale to such establishments for slaughter and must be accompanied by a shipping permit. Reactors must be identified as provided in part 1705.0120. Exposed cattle moved to slaughter or interstate must be identified with a hot "S" brand at least two by two inches on the left hip high on the tailhead.

1705.0220 Movement of brucellosis quarantined cattle.

Brucellosis suspects or exposed cattle may be returned to their herd of origin from markets without being "S" branded if accompanied by a shipping permit or an official brucellosis quarantine.

1705.0230 Brucellosis-negative quarantined cattle.

Brucellosis-negative quarantined cattle may be moved to other premises of the owner if accompanied by a shipping permit issued by the board.

1705.0240 Shipping permit.

The owner shall give the shipping permit to the transporting agent, who shall give it to the consignee or the consignee's agent at the time the cattle are delivered, who shall receipt it and return it to the board. Copies of all shipping permits issued are to be submitted to the board.

1705.0250 Infected premises.

Infected premises shall be cleaned and disinfected under regulatory supervision within 15 days following removal of reactors. Extension and exemption may be authorized by the cooperating state and federal officials.

1705.0260 Official vaccination.

Brucella vaccine must be licensed by the United States Department of Agriculture. Vaccine must be sold to and administered by veterinarians only. Vaccine must be administered by the method and dosage described by the manufacturer or the board. Brucella abortus vaccine may be administered to female dairy and beef cattle while they are from four to 12 months (120 to 359 days) of age.

1705.0270 Identification of vaccinated cattle.

Cattle vaccinated must be identified with an official Minnesota vaccination tag in the right ear and a vaccination tattoo in the right ear. If already identified with an ear tag or an individual registration tattoo, an official Minnesota vaccination tag is not required. The vaccination tattoo will include US Registered "Shield and V," which will be preceded by the letter "R" and will be followed by a number corresponding to the last digit of the year vaccination was done.

1705.0280 Official Minnesota vaccination tags.

Official Minnesota vaccination tags shall be applied by the veterinarian or under the veterinarian's direct supervision only at the time the vaccination is conducted. Vaccination tags shall not be used for retagging.

1705.0290 Retattooing.

Cattle shall not be retattooed with the vaccination tattoo unless a veterinarian obtains a permit from the board. Permits may be issued if the cattle have the same identification as at time of vaccination and the vaccination report is on file at the office of the board.

1705.0300 Reports of vaccinations.

Complete reports of vaccinations shall be submitted to the board within 14 days of the vaccination on forms supplied.

1705.0310 Cattle vaccinated with brucella abortus vaccine.

Cattle vaccinated with Brucella abortus vaccine other than females of authorized ages are not official vaccinates, and, when tested, must be diagnosed as unvaccinated cattle.

1705.0320 Area plan participation.

The ring test must be conducted at least twice a year at approximately equal intervals. Herds with suspicious ring tests must be investigated within 30 days.

The board may collect blood samples for the brucellosis test from breeding cattle two years of age and over at concentration points, locker plants, and slaughtering establishments. Reactors must be traced to herd of origin and the herd investigated within 30 days.

1705.0330 Community notification of brucellosis affected herds.

The board shall notify other owners and caretakers of cattle herds of an affected herd by means of an educational letter delivered through personal contact or by mail within 30 days of the issuance of the quarantine. The board shall determine the size of the notification area. When the infected herd quarantine is released, the herd owners and caretakers shall also be notified within 30 days by an educational letter delivered through personal contact or by mail.

1705.0340 Adjacent herd and epidemiologically traced herd testing.

The board may demand tests on adjacent herds, or herds sharing common pasture, having other contact with the affected herd, or herds containing previous purchases from or exchanges with the affected herd. Such herds may be placed under quarantine until the test is completed.

The board may recommend a second test of herds described in the preceding paragraph. If the second test is not made, the veterinarian shall document the reasons the herd was not tested and furnish the owner a copy of such document.

1705.0350 Establishment and maintenance of certified brucellosis-free herds of cattle.

An agreement to comply with these rules shall be signed and filed with the board by the owner.

1705.0360 Certification.

When at least two consecutive negative herd tests of all eligible cattle over six months of age are conducted not less than ten months or more than 14 months apart, the herd will be certified for a period of one year (365 days) and a certified herd certificate issued.

1705.0370 Cancellation of certification.

Certification will be canceled if: additions to the herd are made contrary to part 1705.0380; if two or more reactors are disclosed in the herd; and if only one reactor is disclosed, the certification is suspended until infected herd quarantine is released.

1705.0380 Additions to certified herd.

No test requirements for cattle originating from certified brucellosis-free herds. Cattle originating from certified brucellosis-free areas shall pass a negative test within 30 days prior to addition to a herd. Cattle added to a certified brucellosis-free herd under this provision shall not receive new herd status for sale purposes until they have passed a 45 to 120 day postentry retest.

1705.0390 Cattle from herds not under quarantine in states not certified "Brucellosis-Free" by Veterinary Services, United States Department of Agriculture.

Cattle originating from herds not under quarantine in states not certified "Brucellosis-Free" by Veterinary Services, United States Department of Agriculture shall have passed a brucellosis test within 30 days prior to date of movement and then kept in isolation until they have passed a brucellosis retest made between 60 and 120 days after being moved. Cattle added to a certified brucellosis-free herd under this provision shall not receive new herd status for sale purposes until they have passed a 60- to 120-day

postentry retest and have been included in the herd blood test on the next anniversary of the recertification test.

1705.0400 Repealed

1705.0410 Nontest eligible vaccinated cattle.

Nontest eligible vaccinated cattle, except cattle originating from a certified brucellosis-free herd must be kept isolated until they have passed a brucellosis test. Cattle added to a certified brucellosis-free herd under this provision shall not receive new herd status until they have passed the 45 to 120 day postentry test.

1705.0420 Recertification.

All test-eligible cattle in the herd over six months of age are required to pass a brucellosis test within 60 days prior to the anniversary date for continuous certification. If the certification test is conducted within 60 days following the anniversary date, the certification period will be 12 months from the anniversary date and not 12 months from the date of the recertifying test. During the interval between the anniversary date and the recertifying test, certification will be suspended. If a herd blood test for recertification is not conducted within 60 days after the anniversary date, then certification requirements are the same as for initial certification.

1705.0430 Repealed

1705.0440 Accounting to board for quarantined feeding cattle.

The owner shall account to the board for all quarantined feeding cattle, reporting those sold directly for slaughter, those resold for feeding (with an affidavit), those tested with permission of the board for sale as breeding stock, those which died, and those which were slaughtered for consumption by the owner.
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1705.0450 Cattle improperly maintained.

If at any time it is determined that the cattle are not maintained in accordance with the terms of the affidavit or the rules of the board, the owner shall immediately correct the facilities for segregation and employ a veterinarian, at owner's expense, to test all cattle which have associated with or have been exposed to the quarantined cattle.

1705.0460, 1705.0470 Repealed

1705.0480 Dealer recordkeeping.

Any dealer who purchases, deals in, or sells cattle; or who acts as a commission representative or broker; or who operates and conducts an auction where cattle are sold shall maintain records for a period of two years as outlined in these rules.

1705.0490 Contents of records.

The records shall be maintained on all cattle except calves six months of age and under, steers, spayed heifers, and female feeding cattle under 18 months of age of beef type and breed imported into Minnesota under special permit or sold in Minnesota under affidavit by: individually identifying each animal; showing the origin of each animal; showing the destination of each animal; showing the date of each transaction.

1705.0500 Origin and destination of cattle.

Dealers shall upon request furnish the board the origin and destination of any cattle handled by them when essential to determine the source and dissemination of disease.

1705.0510 Repealed

1705.0520 Complete herd condemnation, except steers, including nonreactors and exposed cattle not eligible for test.

The Board of Animal Health through its executive secretary may condemn a complete herd, except steers, after having considered recommendations from the following: field veterinarian responsible for the herd; state brucellosis epidemiologist; federal veterinarian in charge; veterinarian in charge, brucellosis division, Board of Animal Health.

1705.0530 Factors to be considered in condemnation.

The persons named in part 1705.0520 shall consider the following factors:

- A. Danger of transmission to other herds; number and percent of abortions among reactors, suspects, and negatives;
- B. Supplemental test results;
- C. Evaluation of management practices;
- D. Vaccination history;
- E. Epidemiologic investigation;
- F. Status of area as determined by tests on contact herds and surveillance testing with MCT or BRT;
- G. Results of culture attempts to isolate Brucella. A positive culture, other than Strain 19 or RB51, shall support a decision to condemn, but a negative culture does not prohibit herd condemnation; and
- H. Rapidity of spread within the herd.

1705.0540 Condemnation or appraisal of nonreactors and exposed cattle.

Nonreactors and exposed cattle shall not be condemned or appraised unless the owner signs an agreement which provides:

- A. Owner and any other holder of an interest in the herd certifies such interest and voluntarily agrees to the condemnation of the herd.
- B. All cattle, except steers, shall be condemned and appraised. Steers may be kept on the premises under quarantine in an area approved by the board.
- C. No cattle, except steers, shall be brought to the premises sooner than 30 days following shipment of the condemned herd.
- D. Indemnity will be paid, if funds are available, as provided by Minnesota Statutes, section 35.09, subdivision 2a.
- E. Nonreactors and exposed cattle will be identified, appraised, and sold as outlined in part 1705.0120.
- F. Premises shall be cleaned and disinfected following shipment of nonreactors and exposed cattle as outlined in part 1705.0210.

1705.0550 - 1705.0630 Repealed

Johne's Disease (Paratuberculosis)

1705.0640 Definitions.

Subpart 1. **Board.** "Board" means the Board of Animal Health or its authorized agent.

Subp. 2. **Herd.** "Herd" means all cattle under common ownership or supervision that are grouped on one or more parts of a single premises or all cattle on two or more premises geographically separated but on which the cattle have been interchanged or where there has been contact of cattle between the premises.

Subp. 3. Repealed

Subp. 4. **Owner.** "Owner" means the legal owner, his or her agents, and the person in possession of or caring for the cattle referred to.

Subp. 4a. Repealed

Subp. 5. Repealed

Subp. 6. Repealed

Subp. 7. Repealed

Subp. 8. Repealed

Subp. 8a. **Vaccinated cattle.** "Vaccinated cattle" means cattle vaccinated with the Mycobacterium paratuberculosis bacterin which is licensed by the United States Department of Agriculture according to the procedures specified in parts 1705.0640 to 1705.0732.

Subp. 9. **Veterinarian.** "Veterinarian" means a veterinarian licensed and accredited in Minnesota or a veterinarian employed by the United States Department of Agriculture.

1705.0650 - 1705.0710 Repealed

1705.0720 Identification of cattle.

Cattle tested must be individually identified by an official ear tag with the Minnesota prefix inserted in the right ear, by a tattoo, by a registry number, or by an ear tag inserted by the owner.

1705.0725 Reports of recognized tests.

Subpart 1. **Johnin or agid tests.** Johnin tests and the agid test must be reported to the board by the veterinarian who made the test within 14 days after observation of test results.

Subp. 2. **Serum or fecal tests.** A veterinarian submitting either serum or fecal samples to an approved laboratory for paratuberculosis testing must provide that laboratory completed official test charts in triplicate at the time of sample submission. The laboratory must report results of the test to the board.

1705.0726 Sale of mycobacterium paratuberculosis bacterin.

Manufacturers, wholesalers, distributors, and other agencies may sell Mycobacterium paratuberculosis bacterin only to a veterinarian authorized by the board and must send a copy of each sale invoice to the board.

1705.0727 Requirements for use of mycobacterium paratuberculosis bacterin.

Mycobacterium paratuberculosis bacterin may be used only when the following requirements are met:

- A. The bacterin may be administered only by a veterinarian.
- B. The bacterin may be used only in cattle herds in which one or more members of the herd are positive to the fecal culture test or the agid test, or have been diagnosed as infected by histopathological diagnosis at a laboratory approved by the board.
- C. All cattle in the herd 24 months of age or over must be negative to a caudal fold intradermal tuberculin test made within 60 days prior to the vaccination starting date.
- D. The bacterin may be used only in calves from one to 35 days of age.
- E. Vaccinated calves must be identified pursuant to part 1705.0720. Vaccinated calves must be further identified by a tattoo in the left ear which includes a number representing the quarter of the year when the calf was vaccinated followed by the letter "J" followed by a number representing the year in which the calf was vaccinated.
- F. The veterinarian must have a permit issued by the board for use of the bacterin in a specified herd.
- G. A report of the vaccination must be submitted to the board within 14 days after the vaccine is administered.

1705.0728 - 1705.0731 Repealed

1705.0732 Cost of tests and vaccination.

All tests and vaccinations must be done by a practicing veterinarian at the cattle owner's expense unless a veterinarian employed by the state or federal government is assigned by the board.

1705.0735 – 1705.0830 Repealed

1705.0840 – 1705.1080 Repealed 2007

1705.1081 – 1705.1085 Repealed

1705.1086 – 1705.1088 Repealed 2007

Rabies

1705.1090 Definitions.

Subpart 1. **Board.** "Board" shall mean the Board of Animal Health.

Subp. 1a. **Confinement.** "Confinement" means restricting an animal in such a way that it can always be found and cannot wander away.

Subp. 1b. **Domesticated wild animal.** "Domesticated wild animal" means a wild or hybrid animal that is confined or controlled by a human and for which the rabies incubation and viral shed time are unknown.

Subp. 2. **Effectively muzzled.** "Effectively muzzled" shall mean a dog fitted with a muzzle securely attached to the head and designed in such manner as to prevent said dog from biting any other animal or person.

Subp. 2a. **Farm animal.** "Farm animal" includes horses or livestock raised for food.

Subp. 2b. **Hybrid animal.** "Hybrid animal" means an animal that is partially a wild or domesticated wild animal.

Subp. 3. **Owner.** "Owner" shall mean legal owner of animal(s), or the owner's agent, or the person in possession of or caring for such animal(s).

Subp. 4. **Person.** "Person" shall mean an individual, firm, or corporation.

Subp. 4a. **Pet.** "Pet" means an animal for which there is a licensed rabies vaccine and which is ordinarily maintained in the home of the owner.

Subp. 5. **Positive rabies case.** "Positive rabies case" means an animal showing signs associated with rabies that are observed and reported to the board by a veterinarian, or an animal diagnosed as positive for rabies by a recognized laboratory, or both.

Subp. 6. **Rabies specimen.** "Rabies specimen" means that part of an animal or an entire animal submitted for rabies examination.

Subp. 6a. **Under the supervision of a veterinarian.** "Under the supervision of a veterinarian" means that a veterinarian is on the premises and is responsible for the rabies vaccination.

Subp. 7. **Vaccinated.** "Vaccinated" means an animal immunized for rabies by or under the supervision of a licensed veterinarian with a vaccine licensed by the United States Department of Agriculture and used in accordance with the label approved by the USDA taking into consideration the duration period of immunity set forth for the vaccine. The National Association of State Public Health Veterinarians annually publishes the Compendium of Animal Rabies Prevention and Control which lists all vaccines approved and licensed by the USDA and the duration of immunity for each vaccine. The board shall maintain current editions of this compendium which are available to the public upon request.

Subp. 8. **Veterinarian.** "Veterinarian" means a licensed graduate of a veterinary college, who is accredited by the United States Department of Agriculture.

Subp. 9. **Wild animal.** "Wild animal" means a nonhuman terrestrial mammal or a bat that is wild by nature.

1705.1100 Reporting.

Any person having knowledge of or who reasonably suspects any animal to be infected with rabies shall report same to the board immediately.

1705.1110 Suspect rabies specimen.

All suspect rabies specimens shall be shipped in suitable containers which are properly labeled or transported directly, together with a completed rabies data form to the appropriate laboratory. See directions on rabies data form.

1705.1120 Investigation of positive rabies case.

All known positive cases of rabies shall be investigated by a veterinarian employed by the board or the Animal and Plant Health Inspection Service, United States Department of Agriculture. The results of each investigation shall be submitted on forms furnished by the board.

1705.1130 Animals bitten or exposed by rabid animal.

Animals determined by the veterinarian to be bitten or otherwise exposed by a rabid animal shall be humanely euthanized or quarantined in an animal-tight enclosure constructed so that the animal cannot escape and to prevent the animal from biting or coming in contact with persons or other animals. The quarantine period is for six months unless conditions in part 1705.1175 or 1705.1180 are met or the animal is subject to part 1705.1131. The quarantine starts with the day of exposure. Quarantined pets must be vaccinated at the beginning of the quarantine. Unvaccinated animals should receive a series of three vaccinations on days zero, seven, and 14.

1705.1131 Wild animals.

Wild animals, domesticated wild animals, or hybrids for which there is no licensed rabies vaccine must be euthanized or quarantined for life if exposed to a rabid animal.

1705.1140 Repealed

1705.1145 Animal rabies vaccines.

Because of techniques and tolerances, species limitations, and public health implications, animal rabies vaccines may only be administered by or under the supervision of a veterinarian. Rabies vaccine must not be sold or distributed to persons other than veterinarians or distributors of veterinary products, who may only sell it to veterinarians.

1705.1146 Rabies vaccination certificates.

The veterinarian responsible for the administration of the rabies vaccine must sign a rabies vaccination certificate for each pet vaccinated. The certificate must include: name, address, and telephone number of owner; pet's name, breed, size (weight range), sex, age, species, and color; vaccine name, company, serial number, date administered, and duration of immunity or date the vaccination expires; rabies tag number; and the name of the veterinarian and the clinic, the veterinarian's signature, and the veterinarian's code number or license number.

1705.1147 Vaccination of other species.

Use of rabies vaccine in animal species for which the vaccine is not licensed must not be recognized and the animal must be considered to be unvaccinated. A vaccination certificate may not be written for these species.

1705.1150 Repealed

Bites to humans

1705.1151 Bites to humans.

Subpart 1. **Pet animals.** If a pet animal bites a human, the pet must be confined and observed for signs suggestive of rabies for ten days or euthanized and tested for rabies. If at any time during the ten-day observation the animal dies, it must be tested for rabies. If the animal shows signs suggestive of rabies, it must be euthanized and tested for rabies. Stray or unwanted pet animals may be euthanized after a five-day holding period and, if euthanized, must be tested for rabies. If, after consultation with a board or public health official, a veterinarian requests a rabies test in writing, a stray or unwanted animal must be euthanized and tested during the five-day period.

Subp. 2. **Farm animals.** If a farm animal bites a human, it must be evaluated on an individual basis by a veterinarian. If it is normal, it may be confined for 14 days. If it exhibits unusual behavior, it must be euthanized and tested for rabies.

Subp. 3. **Wild animals; domesticated wild animals; hybrid animals.** If a wild animal, domesticated wild animal, or hybrid animal bites a human, the wild animal, if available, must be euthanized and tested for rabies. Domesticated wild or hybrid animals must be euthanized and tested for rabies, except that the animal may be exempted from testing if a veterinarian determines that the animal shows no signs of rabies, the local authority, the state public health veterinarian, and the executive director of the board of animal health agree, and the person bitten receives the postexposure vaccination regimen. An exempt animal must be quarantined until completion of the postexposure vaccination regimen.

Subp. 4. **Lagomorphs; small rodents; and insectivores.** A lagomorph, small rodent, or insectivore that has bitten a human should not be tested unless recommended by the Board of Animal Health or the Minnesota Department of Health.

1705.1152 Enforcement.

Local animal control, health, and law enforcement officials are responsible for enforcement of part 1705.1151.

1705.1160 Repealed

1705.1170 Veterinarian's inspection report.

Quarantines established on animals under these rules will not be released until a written report is received by the board from a veterinarian stating the veterinarian has inspected the animals, and no signs of rabies were observed.

1705.1175 Release of quarantine on vaccinated animals.

Animals may be released from quarantine after 40 days under the conditions in items A to C.

- A. The animal must have been vaccinated for rabies at least 21 days before exposure.
- B. The animal must have been revaccinated for rabies immediately after exposure.
- C. The written report required in part 1705.1170 must be received by the board.

1705.1180 Release of quarantine on farm animals.

Quarantines established on farm animals other than pets, because of rabies exposure may be released upon request after 90 days have elapsed from date of exposure if:

- A. no new cases of rabies have developed on the premises; and
- B. a written report is submitted to the board by a veterinarian stating the veterinarian has inspected all animals on the premises and that no animals are showing signs of rabies.

[Rabies Epidemic – Area Proclamation and Quarantine]

1705.1190 Area proclamation and quarantine.

When an investigation reveals that rabies exists and presents imminent danger of an epidemic, and it is necessary to control the outbreak and prevent the spread of the disease, the executive director of the board shall make and file a proclamation and establish a quarantine to include any territory in the state.

1705.1200 Conditions of proclamation notice and quarantine.

In accordance with the Minnesota Statutes, sections 35.67, 35.68, and 35.69, pertaining to the control of rabies and the proclamation notice, the following shall apply when a proclamation notice and quarantine are in effect. The proclamation and quarantine shall be in effect not to exceed six months and shall be in full force five days after proper publication or posting. No pet shall be allowed to run at large within the quarantined area unless effectively muzzled or confined on a leash as described in the proclamation notice for the duration of the quarantine. It shall be the duty of all local peace officers and health officers to enforce the provisions of the rabies law, rule, and proclamation notice.

1705.1210 Permit for removal of pets.

Special permits may be issued by the executive director of the board for removal of pets from a quarantined area. The permits will be granted only if: (1) the pet has been vaccinated for rabies at least 21 days before the quarantine proclamation under part 1705.1190; (2) there is no evidence of exposure to a rabid animal; and (3) the pet will be quarantined for 40 days at its new destination.

Removal of pets from a quarantined area in Minnesota to other states will require prior approval from disease control officials in the state of destination.

Scabies

1705.1220 Outbreaks of skin disease.

All outbreaks of skin disease among cattle, sheep, or goats suspicious of being caused by Psoroptes mites shall be reported to the board. All animals affected with scabies and all animals that have been exposed to the affected animals shall be quarantined.

1705.1230 Duration of quarantine.

The quarantine shall be continued until satisfactory evidence is presented to the board that the quarantined animals are not affected with scabies; or until the entire herd has been dipped, sprayed, or satisfactorily treated two or more times with an interval of ten to 14 days, using a dip approved by the USDA for treatment of scabies, the recommended withdrawal period observed, and satisfactory evidence presented to the board that the animals are no longer affected; or the entire herd has been shipped for slaughter.

1705.1240 Enclosure.

Enclosures in which animals affected with scabies have been confined shall not be repopulated for a period of at least 30 days after untreated quarantined animals have been shipped for slaughter, or until cleaned and disinfected under supervision of the board.

1705.1250 Dipping facility.

Facilities used for official dipping of animals for scabies shall be approved by the board. A supervisor of the dip vat shall be authorized by the board, who will be responsible for operation of the vat, for submission of vat samples, and maintaining a record of all animals dipped for official purposes.

Brucellosis in Swine

1705.1550 Definitions.

Subpart 1. **Board.** "Board" means the Board of Animal Health or its authorized agent.

Subp. 2. **Exposed swine.** "Exposed swine" means those which are part of a brucellosis infected herd or have been in contact with a brucellosis reactor for 24 hours, or less than 24 hours if reactor has recently aborted, farrowed, or has vaginal or uterine discharge.

Subp. 3. **Herd.** "Herd" means any number of swine owned by one or more persons which are maintained on one or more premises and which associate with or contact one another or are cared for by the same personnel.

Subp. 4. **Herd selling breeding stock.** "Herd selling breeding stock" means a herd from which purebred, hybrid, or grade gilts, sows, or boars are sold as replacement breeding stock on a continuing basis as a major or primary herd management objective.

Subp. 5. **Infected herd.** "Infected herd" means one in which one or more reactors has been disclosed and which has not regained a negative herd status.

Subp. 6. **Negative herd.** "Negative herd" means one in which all eligible swine six months of age and over are negative.

Subp. 7. **Negative swine.** "Negative swine" means swine showing no reaction on the test.

Subp. 8. **Owner.** "Owner" means the legal owner, the owner's agents, and the person in possession of or caring for the swine referred to.

Subp. 9. **Reactor swine.** "Reactor swine" means swine showing a positive reaction on the test or found infected by other diagnostic procedures. Diagnosis may be deferred on card test positive swine in a herd which is otherwise serologically, bacteriologically, and epidemiologically negative when held under herd quarantines until subjected to subsequent tests to determine the status of the swine.

Subp. 10. **Test and testing.** "Test" and "testing" mean and refer to the Brucella buffered antigen (BBA or card) test or other tests approved by the board conducted in a laboratory approved by the board on serums from blood samples collected and submitted by a veterinarian.

Subp. 11. **Validated brucellosis-free area.** "Validated brucellosis-free area" means an area which is recognized by the board and USDA as being free of swine brucellosis.

Subp. 12. **Validated brucellosis-free herd.** "Validated brucellosis-free herd" means one for which the owner holds an unrevoked and unexpired validated herd certificate.

Subp. 13. **Veterinarian.** "Veterinarian" means a veterinarian licensed and accredited in Minnesota or a veterinarian of the USDA.

1705.1560 Report to board.

Veterinarians shall report to the board all herds infected with swine brucellosis or suspicious of being infected with swine brucellosis. The board may demand tests of infected or suspicious swine, and the owner shall present them for test and assist with the testing when demanded by the board.

1705.1570 Quarantine.

The board shall quarantine exposed swine and herds suspicious of being infected with swine brucellosis. These quarantines will be released if it is determined that the herd is not infected.

1705.1580 Movement of swine.

No exposed swine or swine under quarantine shall be moved except with a shipping permit for slaughter at a slaughtering establishment where federal inspection is maintained, or a market approved to receive quarantined swine for sale to such establishments, or return to the herd of origin with a permit.

1705.1590 Eligibility for testing.

Swine six months of age and over except barrows shall be eligible for test.

1705.1600 Exemption from test.

Feeding swine isolated from all breeding swine are exempted from test.

1705.1610 Expense of blood sample collection.

Blood samples shall be collected by a veterinarian at owner's expense unless the board or cooperating agency authorizes collection of blood samples at state or federal expense.

1705.1620 Identification of tested swine.

Swine tested shall be individually identified by a piercing ear tag with the uniform numbering system, a tattoo number, registry number, or other identification acceptable to the board.

1705.1630 Recognized testing laboratories.

Serums from the blood samples, with three copies of the test chart, shall be submitted to an approved laboratory for testing.

1705.1640 Quarantine of reactors.

Reactors shall be quarantined and be identified by an approved reactor tag in the left ear. Reactors should be removed from the premises with a shipping permit within 15 days of identification for slaughter at a slaughtering establishment where federal inspection is maintained, or a market approved to receive

quarantined swine for sale to such establishments. The time may be extended by cooperating authorities.

1705.1650 Infected herd quarantine.

Infected herds shall be quarantined. The board shall serve written notice of quarantine on the owner, either personally or by mail addressed to the owner's post office address as on the test chart.

1705.1660 Release of quarantine.

Infected herd quarantines will be released when the reactors have been shipped with a permit and slaughtered, and all remaining swine six months of age and over except barrows and feeding swine have passed two consecutive negative herd tests, the first negative test to be at least 30 days after slaughter of the reactors, and the second negative test not less than 90 days following the first. After removal of reactor swine the premises shall be cleaned and disinfected as directed by the board.

1705.1670 Establishment and maintenance of validated brucellosis-free herds of swine.

An agreement to comply with these rules shall be signed and filed with the board by the owner.

1705.1680 Validation.

When the eligible swine in the breeding herd maintained under agreement have passed a negative test, the herd shall be declared a validated brucellosis-free herd for a period of one year and a validated brucellosis-free herd certificate issued by the board.

1705.1690 Cancellation of validation.

The validation will be canceled if: additions to the herd are made contrary to part 1705.1700; the validation would be reinstated when the entire breeding herd passes a negative test; a reactor is disclosed on a herd test or on a test of any swine from the herd; the validation would be reinstated when the infected herd quarantine is released.

1705.1700 Swine added to validated herds.

Swine added to validated herds shall be accompanied by a record of origin or test and from a validated brucellosis-free herd or a breeding herd not under quarantine if the added swine are tested negative on the card test at an approved laboratory within 30 days prior to admission to the validated herd and isolated from all other swine until negative to a retest made at least 60 days after the first test; bred sows and gilts to have the second test at least 30 days after farrowing.

1705.1710 Swine temporarily removed from validated herd.

Swine temporarily removed from a validated herd for exhibition or other purposes shall, upon return to the herd, be isolated from other swine until tested negative 30 to 60 days after their return.

1705.1720 Revalidation.

The herd will be revalidated for a period of one year from the validation date upon a negative herd test of all eligible swine conducted within ten to 14 months of the validation date, or if it is established that at least 20 percent of the adult breeding swine of the herd were market swine tested during the year and at least one-half of these in the last six months of the year, or that 25 percent of the adult breeding swine (six months of age and over) in the herd are tested every three months (80 to 100 days) with each breeding animal tested at least once during the year.

1705.1730 Establishment and maintenance of validated brucellosis-free areas.

The entire state or any political subdivision of the state may be submitted for validation as determined by cooperating state and federal authorities.

1705.1740 Method of initial validation.

All herds selling breeding stock must be validated during a one year period at owner's expense or be revalidated. Ninety percent of all sows, boars, and stags slaughtered are to be tested, and when reactors are found, the herd of origin is to be sent to slaughter within 30 days, or tested for brucellosis until the quarantine is released. All slaughtering establishments slaughtering sows, boars, and stags shall allow and cooperate with the board in collection of necessary swine blood samples. Other methods of validation may be authorized by the board.

1705.1750 Additions to herds in validated brucellosis-free areas.

Additions to herds in validated brucellosis-free areas shall be directly from:

- A. a validated brucellosis-free herd;
- B. a nonquarantined herd in validated brucellosis-free area; or
- C. a nonquarantined herd in areas which are not validated brucellosis-free if the swine have a negative brucellosis card test conducted at an approved laboratory within 30 days prior to the date of entry and are held in isolation after being added to the herd until they have had an additional negative brucellosis card test between 60 and 90 days after the date of entry, and are accompanied by a record of such origin or test.

1705.1760 Feeding swine.

Feeding swine may be held on validated herd premises or enter validated areas without brucellosis tests provided the feeding swine are isolated from all breeding swine on the premises.

1705.1770 Swine consigned to slaughtering establishment or stockyard.

Swine may be consigned to slaughtering establishments or to stockyards approved for sale and shipment to slaughtering establishments for slaughter in a validated brucellosis-free area without a brucellosis test provided they are transported directly to holding pens at the slaughtering establishment or at the stockyards and are not diverted en route for any other purpose.

1705.1780 Revalidation.

When the initial validation period expires, application to USDA for revalidation will be made.

Brucellosis in Goats

1705.1790 Definitions.

Subpart 1. **Certified brucellosis-free goat herd.** "Certified brucellosis-free goat herd" means one for which the owner holds an unrevoked and unexpired certified herd certificate.

Subp. 2. **Infected herd.** "Infected herd" means one in which one or more reactors has been disclosed and which has not regained a negative herd status.

Subp. 3. **Other tests.** "Other tests" means test other than the card test approved by the board which shall be conducted and interpreted as outlined in parts 1705.0060 to 1705.0540.

Subp. 4. **Negative.** "Negative" means a goat showing no reaction on the test.

Subp. 5. **Negative herd.** "Negative herd" means one in which all goats six months of age and over are tested and negative and which herd is not under an infected herd quarantine.

Subp. 6. **Reactor.** "Reactor" means a goat showing a positive reaction on the test or proven infected by other diagnostic procedures. Diagnosis may be deferred on a goat showing a positive reaction when held under quarantine until subjected to additional tests and investigation to determine its disease status.

Subp. 7. **Suspect.** "Suspect" means a goat showing a reaction to a test that does not qualify as a reactor or negative.

Subp. 8. **Suspect herd.** "Suspect herd" means one in which one or more suspects but no reactors were diagnosed on the last test and which is not under an infected herd quarantine.

Subp. 9. **Test and testing.** "Test" and "testing" mean and refer to the Brucella buffered antigen (BBA or card) test or other tests approved by the board on serums from blood samples collected and submitted by a veterinarian.

1705.1800 General requirements.

An agreement to comply with these rules shall be signed by the owner and filed with the board.

1705.1810 Testing.

Tests shall be made at owner's expense except tests conducted to release quarantines may be made by veterinarians of the board or USDA if personnel and funds are available.

All goats six months of age and over shall be included on a herd test.

Goats tested shall be individually identified by ear tag or tattoo.

1705.1820 Quarantines on infected herds.

A herd shall be under quarantine when owner receives notice that reactors were disclosed. An official quarantine will be issued to the owner.

1705.1830 Removal of goats from quarantine herd.

No goats shall be removed from a quarantined herd unless a permit is issued by the board for shipment directly to a slaughter plant where the federal government maintains meat inspection.

The board may authorize the movement of goats from a quarantined herd to a public stockyard or to a rendering plant.

1705.1840 Release of quarantine.

Quarantines are released after the board has been furnished evidence that the reactors have been destroyed and that the herd has passed two consecutive negative tests. The first test may be conducted no sooner than 30 days after reactors are destroyed, and the second test no sooner than 90 days after first negative test.

1705.1850 Quarantines on suspects held in suspect herds.

Suspects shall be under quarantine when the owner receives notice that suspects were disclosed. An official quarantine will be issued to the owner.

1705.1860 Removal of suspects from quarantine.

No suspects shall be removed from quarantine unless a permit is issued by the board for shipment directly to a slaughter plant where the federal government maintains meat inspection.

The board may authorize the movement of suspects to a public stockyard or to a rendering plant.

1705.1870 Release of quarantine.

Quarantines are released if suspects are negative to a retest or after the board has been furnished evidence that suspects have been destroyed. If suspects are not available for retest, the herd shall be tested by a veterinarian of the board or USDA if personnel and funds are available.

1705.1880 Certified brucellosis-free goat herds.

Subpart 1. **Initial certification.** When two consecutive negative herd tests of all goats six months of age and over are conducted not less than ten months or more than 14 months apart, the herd will be certified for a period of one year and a certified herd certificate issued. The expiration date on the certificate will be one year after date of final test for herd certification. Tests made for release of quarantine shall not be used for herd certification.

Subp. 2. **Recertification.** A negative herd test on all goats six months of age and over within 60 days prior to each anniversary of the certificate date is required for continuous certified herd status. If the negative recertification test is conducted within 60 days following the anniversary date, the recertification is for 12 months from the anniversary date.

1705.1890 Additions to certified herds and herds in process of certification.

Additions to certified herds and herds in process of certification shall:

A. originate from certified herds; or

B. originate from negative herds tested within one year; added animals shall also be negative to a test conducted more than 60 days following herd test and within 30 days prior to joining the herd.

Goats from all other herds shall be negative to a test made within 30 days prior to being brought to premises and then kept in isolation until negative to a retest made no sooner than 30 days from previous test.

Additions to herd shall not receive certified herd status until they have been members of the herd for at least 30 days and are included in a complete herd test.

1705.1900 Temporary transfer of males or females for breeding to a certified herd or a herd in process of certification.

The animals shall originate from a herd with the status described in part 1705.1890, item A or B.

1705.1910 Public exhibitions.

Goats originating directly from a certified herd will be eligible for public exhibitions without the test for brucellosis required by parts 1715.0010 to 1715.0190, and it is recommended that such goats be isolated from the certified herd until tested negative 30 to 60 days after their return.

1705.1920 Revocation of certified brucellosis-free certificate.

Certificate will be canceled by the board if: one or more reactors are disclosed in the herd; one or more reactors disclosed in animals removed from the herd within 30 days following date such animals were removed; and one or more animals are added to the herd contrary to parts 1705.1890 and 1705.1900. If

a certificate is canceled, the herd may be recertified providing the requirements for initial certification described in part 1705.1880, subpart 1 are met.

1705.1930 Other tests.

Tests other than those made under the agreement described in part 1705.1800 to establish certified brucellosis-free goat herds. The provisions of parts 1705.1810 to 1705.1870 shall apply to all goats tested in Minnesota if such tests disclose suspects or reactors.

Tuberculosis in Goats

1705.1940 Definitions.

Subpart 1. **Accredited tuberculosis-free goat herd.** "Accredited tuberculosis-free goat herd" means one for which the owner holds an unrevoked and unexpired accredited herd certificate.

Subp. 2. **Infected herd.** "Infected herd" means one or more reactors were diagnosed on the last herd test, or the herd is under an infected herd quarantine.

Subp. 3. **Negative.** "Negative" means no tissue response to the caudal fold injection or a negative diagnosis on comparative cervical test.

Subp. 4. **Negative herd.** "Negative herd" means no reactors or suspects were diagnosed in the last herd test and the herd is not under an infected herd quarantine.

Subp. 5. **Reactor.** "Reactor" means a reactor diagnosis on comparative cervical test.

Subp. 6. **Suspect.** "Suspect" means a suspect diagnosis on comparative cervical test.

Subp. 7. **Suspect herd.** "Suspect herd" means one or more suspects, but no reactors were diagnosed in the last herd test, and the herd is not under an infected herd quarantine.

Subp. 8. **Test and testing.** "Test" and "testing" mean the intradermic injection of tuberculin in the caudal fold by an accredited veterinarian or a veterinarian of the USDA and the injection site observed and palpated 72 hours after injection. On all goats which respond to the caudal fold injection, a comparative cervical test will be made within ten days or after 60 days following date of caudal fold injection by a veterinarian of the board or USDA.

1705.1950 General requirements.

An agreement to comply with these rules shall be signed by the owner and filed with the board.

1705.1960 Testing.

Tests, except comparative cervical tests, shall be made at owner's expense. Tests conducted to release quarantines may be made by veterinarians of the board or USDA if personnel and funds are available. All goats six months of age and over shall be included on a herd test. Goats tested shall be individually identified by ear tag or tattoo.

Veterinarians shall report to the board by telephone immediately following observation when goats respond to caudal fold injection. Negative tests shall be reported within 14 days of observation on forms furnished by the board.

1705.1970 Suspect herds quarantine.

Suspects maintained in suspect herds shall be under quarantine until diagnosed negative or reactor by a comparative cervical test which test may be made 60 days after suspect is disclosed. An official quarantine will be issued to the owner.

1705.1980 Infected herds quarantine.

Infected herds shall be under quarantine which will remain in force until reactors are destroyed and the herd passes three consecutive negative tests. The first test is to be made no sooner than 60 days following date reactors are destroyed, the second test no sooner than 60 days following the first negative test, and the third test no sooner than six months following the second negative test. An official quarantine will be issued to the owner.

1705.1990 Movement of goats from quarantined herd.

No goats shall be removed from a quarantined herd unless a permit is issued by the board for shipment directly to a slaughter plant where the federal government maintains meat inspection. The board may authorize the movement of goats from a quarantined herd to a public stockyard or to a rendering plant.

1705.2000 Accreditation of goat herds tuberculosis-free

Subpart 1. **Initial accreditation.** When two consecutive negative herd tests of all goats six months of age and over are conducted not less than ten months or more than 14 months apart, the herd will be accredited for a period of one year and an accredited herd certificate issued. The expiration date on the certificate will be one year after date of final test for herd accreditation.

Subp. 2. **Reaccreditation.** A negative herd test on all goats six months of age and over within 60 days prior to each anniversary of the certificate date is required for continuous accredited herd status. If the negative reaccreditation test is conducted within 60 days following the anniversary date, the reaccreditation is for 12 months from the anniversary date.

1705.2010 Additions to accredited herds and herds in process of accreditation.

Additions to accredited herds and herds in process of accreditation shall:

- A. originate from accredited herds; or
- B. originate from negative herds tested within one year; added animals shall also be negative to a test conducted more than 60 days following herd test and within 60 days prior to joining herd.

Goats from all other herds shall be negative to a test made within 60 days prior to being brought to premises and then kept in isolation until negative to a retest made no sooner than 60 days from previous test.

Additions to herd shall not receive accredited herd status until they have been members of the herd for at least 60 days and are included in a complete herd test.

1705.2020 Temporary transfer of males or females for breeding to accredited herd or herd in process of accreditation.

The animals shall originate from a herd with the status described in part 1705.2010, item A or B.

1705.2030 Public exhibitions.

Goats originating directly from an accredited herd will be eligible for public exhibitions without the test for tuberculosis required by parts 1715.0010 to 1715.0190 and it is recommended that such goats be isolated from the accredited herd until tested negative 60 to 120 days after their return.

1705.2040 Revocation of accredited tuberculosis-free certificate.

Certificate will be canceled if one or more reactors are disclosed in the herd; if one or more reactors are disclosed in animals removed from herd within 30 days following the date such animals are removed; and if one or more animals are added to the herd contrary to parts 1705.2010 and 1705.2020.

If a certificate is canceled, the herd may be reaccredited providing the requirements for initial accreditation described in part 1705.2000, subpart 1 are met.

1705.2050 Other tests.

Tests other than those made under the agreement described in part 1705.1950 to establish accredited tuberculosis-free goat herds. The provisions of parts 1705.1960 to 1705.1980 shall apply to all goats tested in Minnesota if such tests disclose suspects or reactors.

1705.2060 - 1705.2250 Repealed

Aleutian Disease of Mink

1705.2260 Official test.

"Official test" means counter-electrophoresis (CEP) plate test conducted in a laboratory recognized by the board on samples submitted by an authorized testing agent.

1705.2270 Establishing aleutian disease-free herd.

The herd owner shall notify the board of intent to qualify the herd by having the breeding mink tested at the owner's expense. A mink herd will qualify when the owner has filed with the board proof that all mink in the breeding herd have been negative on two successive official tests for aleutian disease conducted not less than 45 days or more than 365 days apart.

1705.2280 Aleutian disease-free herd certificate.

An aleutian disease-free herd certificate valid for one year from the date of the last qualifying test will be issued to the owner of the qualified herd.

1705.2290 Revocation of certificate.

Certificates will be revoked if a laboratory or clinical diagnosis of aleutian disease is made in the herd or if the provisions of this rule are not complied with.

1705.2300 Additions to certified herds or those being qualified.

Mink from certified aleutian disease-free herds may be added without a test. Mink from other herds must be tested for aleutian disease and negative within 30 days prior to entry, be isolated from all other mink until retested, and negative not less than 30 days or more than 60 days after entry.

1705.2310 Recertification of certified aleutian disease-free herd.

The board may recertify a certified aleutian disease-free herd for one year from the anniversary date upon receipt of proof of a negative official test of the breeding herd conducted within 30 days of the expiration of the certificate. Herds which have been certified for two years may be recertified upon receipt of a negative official test on 50 percent of the breeding mink in each color phase including all males in each color phase.

1705.2320 Supervision.

Agents of the board may be present and supervise the collection of samples for any aleutian disease test. The board may request collection under its supervision of not to exceed 200 blood samples for testing at a time mutually agreed upon to check the disease status of the herd.

Pseudorabies Control and Eradication

1705.2400 Definitions.

Subpart 1. **Scope.** As used in parts 1705.2400 to 1705.2530, the terms defined in this part have the meanings given them.

Subp. 1a. **All out status.** "All out status" describes a management method by which all swine on a premises have been marketed or otherwise disposed of and the structures that housed all the swine have been cleaned and disinfected or have been free of any swine for at least 30 days.

Subp. 1b. **Approved differential pseudorabies test.** "Approved differential pseudorabies test" means any test for the diagnosis of pseudorabies that: A. can distinguish vaccinated swine from infected swine; B. is produced under license from the United States Department of Agriculture for use in the pseudorabies eradication program; C. is conducted in a laboratory approved by the United States Department of Agriculture; and D. is approved by the board if it finds that it is appropriate for the detection of pseudorabies.

Subp. 1c. **Approved offspring segregation plan.** "Approved offspring segregation plan" means a plan by which swine are weaned and isolated from the herd of origin under the direction of and approval of the board.

Subp. 1d. **Approved premises.** "Approved premises" means a premises that has been inspected by board personnel and approved to feed out quarantined feeder pigs or light weight market hogs in isolation from other domestic animals and sell those pigs directly to slaughter, in compliance with part 1705.2434.

Subp. 2. **Board.** "Board" means the Board of Animal Health.

Subp. 3. **Breeding herd.** "Breeding herd" means a herd of breeding swine that have been maintained together for a minimum of 60 days.

The terms "swine," "pigs," and "hogs" are used interchangeably in parts 1705.2400 to 1705.2530.

Subp. 3a. **Breeding swine.** "Breeding swine" are swine of any age that are maintained for the purpose of producing offspring. This includes all intact boars and sows.

Subp. 3b. Renumbered Subp. 3c

Subp. 3b. **Breeding swine sales center.** "Breeding swine sales center" means a swine facility where breeding swine are congregated for resale purposes.

Subp. 3c. **Feeder swine.** "Feeder swine" are immature swine that are bought, sold, loaned, or leased for feeding rather than breeding purposes until sold to slaughter. This does not include postparturient sows or intact boars.

Subp. 3d. **Finishing herd.** "Finishing herd" means a herd of feeder swine that have been maintained together for a minimum of 30 days on premises where there are no breeding swine.

Subp. 3e. **Herd.** "Herd" means any group of swine maintained on common ground for any purpose, or two or more groups of swine under common ownership or supervision, geographically separated, but which have an interchange or movement of animals without regard to whether the animals are infected with or exposed to pseudorabies. If a herd owner receives swine from or moves swine to an entity in

which the herd owner has a material ownership interest, the entity must be considered part of the herd owner's herd for purposes of swine movement.

Subp. 4. **Infected herd.** "Infected herd" means a swine herd in which pseudorabies has been diagnosed in one or more animals by an official test, clinical diagnosis by a veterinarian, or laboratory diagnosis. The final determination of the herd status must be made by a state or federal district regulatory veterinarian.

Subp. 5. **Isolation.** "Isolation" means maintenance of swine in a manner that will ensure (1) that the swine have no physical contact with other domestic animals on the premises, and (2) that all drainage of organic waste is handled to prevent it from having contact with any other animals.

Subp. 5a. **Low-prevalence pseudorabies area.** "Low-prevalence pseudorabies area" means a state or area that is in Stage III, IV, or V of the national pseudorabies eradication program.

Subp. 5b. Renumbered Subp. 7a

Subp. 5c. **Monitoring sample.** "Monitoring sample" means a herd sampling procedure as follows:

A. if breeding swine are present, and there are: (1) fewer than 11 breeding swine, test all; (2) 11 to 35 breeding swine, test ten; or (3) 36 or more breeding swine, test 30 percent or 30 head, whichever is lower; or

B. if no breeding swine are present, and there are: (1) fewer than 11 feeder swine, test all; or (2) 11 or more feeder swine, test ten.

Subp. 5d. **Official pseudorabies herd cleanup plan.** "Official pseudorabies herd cleanup plan" means a plan to eliminate pseudorabies from a swine herd, developed by the board in consultation with the herd owner and the owner's veterinary practitioner, when applicable, that is mutually acceptable to those parties and then approved by the state animal health official.

Subp. 6. **Official pseudorabies test.** "Official pseudorabies test" means the serum neutralization test or other test defined as an "official pseudorabies test" by the United States Department of Agriculture which may be approved by the board if it finds that they are appropriate for the detection of pseudorabies. In approving additional tests the board shall consider scientific evidence of their reliability, the opinions of experts, experience with their use, their cost-effectiveness, and their hazards, if any.

Subp. 6a. **Official random sample test (95/10).** "Official random sample test (95/10)" means a herd sampling procedure that provides a 95 percent probability of detecting infection in a herd in which at least ten percent of the swine are positive for pseudorabies. Each segregated group of swine at a particular site must be considered to be a separate group and be sampled as follows:

A. less than 100 head, test 25;

B. 100 to 200 head, test 27;

C. 201 to 999 head, test 28; and

D. 1,000 or over, test 29.

In each breeding herd, each parity must be included in the sample.

Subp. 6b. **Official random sample test (95/5).** "Official random sample test (95/5)" means a herd sampling procedure that provides a 95 percent probability of detecting infection in a herd in which at least five percent of the swine are positive for pseudorabies. Each segregated group of swine at a particular site must be considered to be a separate group and be sampled as follows:

A. less than 100 head, test 45;

B. 100 to 200 head, test 51;

C. 201 to 999 head, test 57; and

D. 1,000 or over, test 59.

In each breeding herd, each parity must be included in the sample.

Subp. 6c. **Owner's notice of shipment.** "Owner's notice of shipment" refers to the form provided by the board to the owners of all quarantined herds at the time of quarantine which is used to accompany the movement of quarantined animals.

Subp. 6d. **Program stages of the National Pseudorabies Eradication Program.** Five "program stages" are defined in the National Pseudorabies Eradication Program which classify states or areas in their progress toward complete eradication of the disease:

A. **Stage I** is the "Preparation" stage. This is the initial program stage in which the basic procedures to control and eradicate pseudorabies are developed.

B. **Stage II** is the "Control" stage. The goals of this stage are for a state or area to determine which herds are infected with pseudorabies and to begin herd cleanup.

C. **Stage III** is the "Mandatory Herd Cleanup" stage. In this stage, the cleanup of infected herds becomes mandatory. For a state or area to qualify for this stage, prevalence of pseudorabies infected herds must be less than one percent of the total swine herds in the state or area.

D. **Stage IV** is the "Surveillance" stage. For a state or area to qualify for this stage, there may be no known infected herds in the state or area.

E. **Stage V** is the "Free" stage. For a state or area to qualify for this stage, the state or area must have had no known infected herds for one year since the recognition of Stage IV status.

Subp. 7. Repealed

Subp. 7a. **Pseudorabies-monitored herd.** "Pseudorabies-monitored herd" means a herd that is in compliance with part 1705.2474.

Subp. 7b. **Qualified herd.** "Qualified herd" means "qualified negative gene-altered vaccinated herd" or "qualified pseudorabies-negative herd" unless specifically identified as one or the other.

Subp. 7c. **Qualified negative gene-altered vaccinated herd.** "Qualified negative gene-altered vaccinated herd" means a qualified pseudorabies-negative herd of swine in which pseudorabies vaccine is used.

Subp. 8. **Qualified pseudorabies-negative herd.** "Qualified pseudorabies-negative herd" means a herd of swine which has been free of pseudorabies for the previous 90 days, in which all swine over six months of age have been initially tested negative for pseudorabies, and for which the procedures in part 1705.2480 have been followed.

Subp. 8a. Renumbered Subp. 1c

Subp. 9. **Quarantined herd.** "Quarantined herd" means an infected herd maintained on the quarantined premises so as not to have contact with animals belonging to other owners.

Subp. 10. **Restricted-movement swine.** "Restricted-movement swine" means breeding or feeding swine sold in Minnesota through a swine concentration point.

Subp. 11. **Slaughter-only market.** "Slaughter-only market" means a federally approved slaughter market for swine in which all swine moving through the facility are consigned directly to a slaughter establishment or sold for direct reassignment to a slaughter establishment.

Subp. 12. **Swine concentration point.** "Swine concentration point" means a facility or location where swine are assembled for sale or resale for feeding, breeding, or slaughter purposes and where contact may occur between groups of swine from various sources. "Swine concentration point" includes, without limitation, a public stockyard, auction market, street market, state or federal market, untested consignment sales location, buying station, and livestock dealer's yard, truck, and facility.

1705.2410 Pseudorabies test procedures.

Subpart 1. **Blood sample.** Blood samples drawn in administering an official pseudorabies test must be drawn by an accredited veterinarian, and serological tests must be conducted by a laboratory approved to conduct pseudorabies tests by the United States Department of Agriculture.

Subp. 2. **Identification.** Animals tested must be individually identified by eartag, tattoo, registration number, or standard ear notch. The identification number must be recorded on the test form.

1705.2420 Disease reporting.

When clinical or laboratory evidence indicates the presence of pseudorabies in an individual animal or herd, the veterinarian or laboratory shall report that diagnosis to the board within two business days.

1705.2430 Infected herd quarantine and disposal procedures.

Subpart 1. **Quarantine.** The board shall immediately quarantine a herd of swine that is affected with, shows symptoms of, or has been exposed to pseudorabies, as authorized by Minnesota Statutes, section 35.05. The board shall release quarantines of swine herds under part 1705.2440. Livestock other than swine infected with pseudorabies must be quarantined. The board shall lift the quarantine ten days after the diagnosis of infection if there are no signs or symptoms of pseudorabies in the quarantined livestock.

Subp. 2. **Epidemiological investigation.** If species of animals other than swine have been diagnosed as having pseudorabies, the state or federal district veterinarian shall conduct an epidemiological investigation of any swine on the premises. The investigation must include blood testing of a monitoring sample of the swine herd. The owner shall pay the fees associated with this testing unless state funds are available for this purpose. If pseudorabies reactors are disclosed, the swine herd must be quarantined.

Subp. 3. **Permitted disposal.** Swine may only be removed from a quarantined herd or disposed of pursuant to item A, B, or C.

A. Market or breeding swine or other infected or exposed species may be sold for slaughter via a federally approved slaughter market, public stockyard, packer buying station, or directly to a slaughter plant accompanied by an owner's notice of shipment.

B. Feeder pigs may be sold, loaned, leased, or moved for custom/contract feeding to an approved premises and must be accompanied by an owner's notice of shipment.

C. A quarantined swine herd may be sold to another owner only with the permission of the board and only if the buyer agrees to: (1) maintain them at the same place where the herd was quarantined; and (2) sign an approved official pseudorabies herd cleanup plan.

Subp. 4. **Movement to another location.** Quarantined swine that remain within a quarantined herd may be moved from their farm of origin to another location only if all of the following conditions are met: A. Swine may be moved only with the prior approval of the district veterinarian. B. Swine may not be moved to a location which is within a Stage III area unless part of the herd was at this location when the original herd quarantine was issued or movement is part of an approved offspring segregation plan and the herd of origin is also located in the Stage III area. C. Swine may not be moved to a location which is within a Stage IV or V county or area. D. Swine may not be moved to a location which is within the northern zone unless movement is part of an approved offspring segregation plan and the herd of origin is also located in the northern zone. E. Swine may not be moved to a location which is within two miles of a qualified herd unless part of the herd was at this location when the original herd quarantine was issued. F. All of the swine that are moved except for those under an approved offspring segregation plan must be vaccinated for pseudorabies.

1705.2434 Approved premises procedures.

Subpart 1. **Qualifications.** No person may accept feeder swine from quarantined herds for purposes of feeding them out unless a permit is obtained from the board. A person seeking a permit must agree to provide the board's representative access during business hours to the premises and records required by this part. The operator of an approved premises must comply with the following requirements:

- A. Swine on the premises must be maintained in isolation from other domestic livestock, fed out, and sent directly to slaughter.
- B. No breeding swine may be maintained on the premises.
- C. Swine must be maintained so that they do not come in contact with neighbors' livestock or expose neighbors' livestock to pseudorabies.
- D. Feeder swine must be vaccinated for pseudorabies at the owner's expense on or before arrival at the approved premises. Vaccination records must be maintained for one year for inspection by board personnel.
- E. Dead hogs must be disposed of according to chapter 1719 within 24 hours or held so that wildlife or other domestic animals cannot reach them.
- F. Hogs must be sold directly to slaughter accompanied by an owner's notice of shipment as required in part 1705.2430, subpart 3, item A. One copy must be sent to the board.
- G. Records of swine purchases and sales, including names of sellers and buyers, dates of purchase, and number of head, must be maintained in a timely manner and understandable form, retained for at least one year and made available for inspection by board personnel.

Subp. 2. **Location.** No approved premises may be established within the northern zone, or in a county in the southern zone that has been declared to be in Stage III, IV, or V of the national pseudorabies eradication program. Approved premises may not be established within a two mile radius of an existing qualified herd or a swine herd in the process of becoming a qualified herd as indicated by board records. Approved premises may not continue to operate as approved premises when the county in which the premises is located has been granted Stage III status in the national pseudorabies eradication program and has maintained this status for one year.

Subp. 3. Repealed

Subp. 4. **Annual renewal.** Approved premises permits must be renewed annually by the board, based upon an annual report of the district veterinarian for the district in which the premises is located. The permit must be renewed if the district veterinarian finds that the premises is and has been in compliance with the board's rules. The district veterinarian shall inspect approved premises on the complaint of any person or at the board's direction. The board may suspend or cancel the permit of approved premises for noncompliance with the requirements in this part. Whenever the permit of approved premises is suspended, canceled, or not renewed, the premises remains under pseudorabies quarantine until the quarantine is released under part 1705.2440.

Subp. 5. **Continued operation of approved premises.** Approved premises that have legally been established under this part must be permitted to continue to operate if a swine herd within two miles subsequently becomes a qualified herd.

1705.2440 Release of quarantine.

Subpart 1. **Methods.** Swine herd quarantine release may be accomplished by any of the methods in items A to E.

A. **Depopulation:** The entire herd may be sold to slaughter accompanied by an owner's notice of shipment. The premises must be cleaned and disinfected under the direction of the board. The quarantine must be released 30 days after completion of the cleaning and disinfection. If cleaning and

disinfection are not done and the hog facility stands empty for 120 days, the quarantine may be released with approval of the board.

B. Test and removal: All swine positive to a pseudorabies serologic test must be removed from the premises. All breeding swine that remain in the herd and an official random sample (95/10) of grower-finishing swine over two months of age must be subjected to a pseudorabies serologic test and found negative 30 days or more after removal of swine positive to a pseudorabies serologic test.

C. Official random sample: All swine present on the date a quarantine was imposed must be removed from the herd and there must be no clinical signs in the herd for at least six months. Two successive official random sample (95/5) tests of the breeding herd, conducted at least 90 days apart, must be determined by the official pseudorabies epidemiologist to reveal no infection. Two successive official random sample (95/10) tests of progeny at least four months of age, conducted at least 90 days apart, must also be negative. In finishing herds without any breeding swine, there must be two successive negative official random sample tests (95/10), conducted at least 90 days apart, on hogs over four months of age. Herds removed from quarantine by the official random sample testing schedule must be tested negative by an official random sample (95/10) test one year after the quarantine is released. During Stage IV or V of the pseudorabies program, quarantine release by official random sample may not be used.

D. Offspring segregation: Under an approved offspring segregation plan, progeny of a quarantined herd may be moved to a premises different from that of the herd of origin, and themselves be quarantined. All of these pigs must be tested for pseudorabies no sooner than 30 days after the isolation. If 100 percent of these tests are negative for pseudorabies, the quarantine on the progeny herd must be released.

E. Other procedures: Quarantines of swine herds may be released by herd testing schedules in addition to those in this part if they are approved by the United States Department of Agriculture, are equally reliable and effective as the other methods in this part, and are consistent with the eradication goals of parts 1705.2400 to 1705.2520.

Subp. 2. **Vaccination titres.** When a tentative diagnosis of pseudorabies may be the result of a vaccination, an epidemiological investigation must be conducted. The epidemiological evaluation must be conducted under the direction of the district veterinarian and must include all the items in items A to D.

A. The herd owner shall submit a signed statement that the animal diagnosed as having pseudorabies was either vaccinated for pseudorabies or was the progeny of a vaccinated animal. The owner shall also state that, to the best of the owner's knowledge, she or he has not seen any indication of pseudorabies in the herd.

B. The attending veterinarian shall submit a signed statement that he or she has not seen signs or symptoms of pseudorabies in the herd.

C. Evidence must be submitted to document the use of pseudorabies vaccine in the herd. Acceptable evidence includes purchase records, owner vaccination request forms, or other reliable evidence that the owner has vaccinated the herd for pseudorabies.

D. A negative pseudorabies test must be conducted on a monitoring sample of swine.

Subp. 3. **Ten-day period for release.** A quarantine on livestock other than swine must be released ten days after the diagnosis or exposure if there are no signs or symptoms of pseudorabies in those livestock.

Subp. 4. **Owner's expense.** Pseudorabies tests conducted on a quarantined premises are at the owner's expense, unless state funds are available for this purpose.

Subp. 5. **Veterinarian determines quarantine release.** A state or federal regulatory veterinarian must make the final determination on quarantine release.

1705.2450 Pseudorabies trace to source or destination herds.

Subpart 1. **Information furnished.** The owner of a herd in which pseudorabies has been diagnosed shall furnish the following information to the board:

A. a list of sources of purchases of feeder or breeding swine during the preceding six months; and

B. a list of sales of feeder or breeding swine during the preceding six months.

Subp. 2. **Pseudorabies diagnosed in recently purchased swine.** If pseudorabies is diagnosed in breeding or feeder swine which have been purchased from or sold to another swine producer within the preceding six months, the board shall require a pseudorabies test of a monitoring sample of the herd of the seller or buyer.

Subp. 3. Repealed

Subp. 4. **Owner's expense.** Testing pursuant to subpart 2 must be done at the swine owner's expense, unless state funds are available for this purpose.

1705.2460 Intrastate movement of breeding swine.

Subpart 1. **Requirements for movement.** Except for movement to another location within the same swine herd, or movement directly to slaughter, breeding swine moving from their premises of origin must:

- A. be accompanied by a certificate of veterinary inspection or pseudorabies test chart; and
- B. be identified by an eartag, tattoo, brand, or ear notch recognized by a breed association; and
- C. be negative to an official or approved differential pseudorabies test conducted within 30 days prior to movement, or originate from a qualified pseudorabies-negative herd or a qualified negative gene-altered vaccinated herd or a Stage IV or V county or area.

Subp. 2. **Restricted-movement classification.** Breeding swine sold through a swine concentration point are restricted-movement breeding swine.

Subp. 3. **Restricted-movement identification.** Restricted-movement breeding swine must be identified at the swine concentration point pursuant to subpart 1.

Subp. 4. **Restricted-movement certificate.** Restricted-movement breeding swine must be moved from the swine concentration point to the herd of destination accompanied by a certificate explaining the restricted-movement breeding swine status. A copy of this restricted-movement certificate must be retained for two years at the swine concentration point and one copy must be submitted to the board. At the herd of destination they must be maintained in the herd until they have farrowed and then must be sold for slaughter. Restricted movement breeding swine may not be resold for breeding purposes except pursuant to subpart 7.

Subp. 5. **Restricted-movement breeding swine purchased for resale.** Restricted-movement breeding swine purchased at a swine concentration point by a livestock dealer for resale purposes must be:

- A. maintained separately from other swine until resold;
- B. accompanied to the farm of destination by a document explaining the restricted-movement breeding swine status; and
- C. maintained on the farm of destination, farrowed, and sold in the manner set forth in subpart 4.

Subp. 6. **Sale of restricted-movement breeding swine.** Restricted-movement breeding swine may be sold for slaughter as cull sows or boars through any livestock marketing channel. They may not, however, be sold through a marketing facility at which breeding stock is sold unless the facility maintains separate chutes, pens, and scales for breeding swine.

Subp. 7. **Removal of restricted-movement classification.** The restricted-movement breeding swine classification may be removed from swine by a negative pseudorabies test conducted at least 30 days after movement of the swine through the swine concentration point.

Subp. 8. **Other restricted-movement swine.** All swine which are maintained in contact with restricted-movement breeding swine in the herd of destination are also restricted-movement swine.

Swine classified as restricted-movement swine because of exposure to restricted-movement breeding swine may not be resold except to slaughter unless they are tested negative to pseudorabies pursuant to subpart 7.

Subp. 8a. **Movement into northern zone.** Only breeding swine that have had a negative pseudorabies test within the last 30 days or have originated from a qualified herd or a Stage IV or V county or area may be moved into the northern zone.

Subp. 8b. **Sale of swine semen and embryos.** Except for movement to another location within the same swine herd, swine semen and embryos moving from their premises of origin for insemination of swine or implantation into swine must be accompanied by a document issued by an accredited veterinarian stating that the donor swine are not known to be infected with or exposed to pseudorabies, were negative to a pseudorabies test within 30 days prior to the collection of the semen or embryos or were members of a qualified pseudorabies-negative or qualified negative gene-altered vaccinated herd or herd within a Stage IV or V county or area, and had not been exposed to pseudorabies within 30 days prior to the collection of the semen or embryos.

Subp. 9. Repealed

1705.2470 Intrastate movement of feeder pigs.

Subpart 1. **Requirements for movement.** Feeder swine moving from the premises of origin must be tested negative for pseudorabies within 30 days prior to movement or originate from a:

- A. pseudorabies-monitored herd;
- B. qualified pseudorabies-negative herd;
- C. qualified negative gene-altered vaccinated herd; or
- D. Stage III, IV, or V low-prevalence pseudorabies area.

Subp. 1a. **Proof of origin.** Proof of the status or location of the herd of origin of all feeder pigs sold through a swine concentration point must be submitted to the sales management by the owner or the dealer who brings them in for sale.

Subp. 1b. **Feeder pig identification.** All feeder pigs sold must be identified with a metal eartag, legible pseudorabies-monitored herd number ear tattoo, legible pseudorabies-monitored herd number shoulder slap tattoo, or eartag imprinted with the monitored herd number assigned to that herd.

Subp. 1c. **Prevention of exposure.** While in transit through marketing channels, all feeder pigs from monitored herds must be maintained so that they are not exposed to swine of unknown pseudorabies status or maintained in facilities or trucks contaminated by those swine. Failure to do so causes them to lose their monitored status.

Subp. 1d. **Restricted-movement classification.** All feeder pigs sold in Minnesota through a swine concentration point must be classified as restricted-movement feeder pigs. Restricted-movement feeder pigs are not eligible for resale through a second swine concentration point except as provided in subp. 4.

Subp. 3. **Restricted-movement certificate.** Restricted-movement feeder pigs must be moved from the swine concentration point to the herd of destination accompanied by a certificate explaining the restricted-movement feeder pig status. A copy of this restricted-movement certificate must be retained for two years at the swine concentration point and one copy must be submitted to the board. At the herd of destination all restricted-movement feeder pigs must be maintained in isolation from breeding swine until they are sold for slaughter. They may not be used for breeding purposes or resold for breeding purposes except pursuant to subpart 6.

Subp. 4. **Restricted-movement feeder pigs purchased for resale.** Restricted-movement feeder pigs purchased at a swine concentration point by a livestock dealer for resale purposes must be:

- A. maintained separately from other swine until resold;
- B. accompanied to the farm of destination by a restricted movement certificate; and
- C. maintained on the farm of destination, fed out, and sold pursuant to subpart 5.

Subp. 5. **Sale of restricted-movement feeder pigs.** Restricted-movement feeder pigs may be sold as market hogs through any livestock marketing channel. They may not, however, be sold through a marketing facility at which breeding stock or pseudorabies-monitored feeder pigs are sold unless the facility maintains separate chutes, pens, and scales for breeding swine and pseudorabies-monitored feeder pigs.

Subp. 6. **Removal of restricted-movement classification.** The restricted-movement feeder pig classification may be removed from swine by a negative official random sample test (95/5) for pseudorabies conducted at least 30 days after movement of the swine through the swine concentration point.

Subp. 7. **Resale of feeder pigs.** Except for restricted movement feeder pigs, feeder swine may be resold and moved from the herd of the buyer for further feeding if one of the following conditions is met:

- A. the herd is found to be negative for pseudorabies using an official random sample test (95/10) within 30 days prior to the movement; or
- B. the herd is located in a Stage III, IV, or V county and the feeder swine originate directly from a Stage III, IV, or V county.

1705.2472 Northern and southern zones.

Subpart 1. **Zoning of state.** For purposes of controlling the spread of pseudorabies and eradicating the disease, the state is divided into two zones, a northern zone and a southern zone. The northern zone includes the counties of Washington, Ramsey, Hennepin, Wright, Meeker, Kandiyohi, Chippewa, Swift, Big Stone, and all counties to the north of them. The southern zone includes all counties not included in the northern zone.

1705.2474 Pseudorabies-monitored herd procedures.

Subpart 1. **Attaining monitored status.** In order for a herd to attain a pseudorabies-monitored herd status, a monitoring sample of the herd must test negative for pseudorabies. Testing must be done at the owner's expense unless state funds are available for this purpose.

Subp. 2. **Proof of herd status.** All swine producers or dealers selling feeder pigs in Minnesota shall provide to the buyer proof of the pseudorabies-monitored status of the herd of origin upon request. That proof must include one of the following: A. a current pseudorabies-monitored herd identification card or other proof of a current herd monitoring test; B. a qualified pseudorabies-negative herd number; C. a qualified negative gene-altered vaccinated herd number; or D. proof that they originated directly from a Stage III, IV, or V area.

Subp. 3. **Annual remonitoring.** All herds must have an annual negative test of a monitoring sample of the herd on a date within 30 days of the anniversary date of the original monitoring test as required in subpart 1. The annual remonitoring may be discontinued when the area in which the herd is located becomes a Stage III, IV, or V area and surveillance programs are in place that do not require on-farm monitoring. For finishing herds that have completed an initial monitoring test, confirmation of all out

status for the herd may be accepted in lieu of an annual remonitoring test. The all out status must be confirmed in writing to the board.

1705.2476 Pseudorabies surveillance and control of spread.

Subpart 1. **Purpose.** The surveillance and control programs in this part are designed to identify pseudorabies infected herds, control spread of the disease, and eradicate pseudorabies from Minnesota.

Subp. 2. **Slaughter plant surveillance.** The board shall cooperate with the United States Department of Agriculture in the pseudorabies testing of cull boars or sows at all slaughter plants and in the identification of their herds of origin. All herds determined to be pseudorabies-positive must be quarantined under parts 1705.2430 to 1705.2450.

Subp. 3. Repealed

Subp. 4. **Circle testing around all new qualified herds.** The board shall require a test of a monitoring sample of swine in herds within a one and one-half mile radius of all new Minnesota qualified pseudorabies-negative or qualified negative gene-altered vaccinated herds. At the time of the circle testing, qualified or monitored herds that have been tested within the last year need not be retested. If positive titres are disclosed on this test, the herd must be considered to be an infected herd and must be quarantined. This circle testing must be done at state expense if the funds are available.

Subp. 5. **Cleanup of herds disclosed to be positive near qualified herds.** All herds that are disclosed to be pseudorabies-positive within a one and one-half mile radius of all qualified herds must:

A. begin a board-approved official pseudorabies herd cleanup plan within 90 days of the date of quarantine and vaccinate all breeding swine with an approved pseudorabies vaccine on a continuing basis; and B. vaccinate all feeder pigs coming into finishing herds.

Subp. 6. **Circle testing around quarantined herds.** The board shall require a test of a monitoring sample of swine in herds within a one and one-half mile radius of all new quarantined herds. At the time of the circle testing, qualified or monitored herds that have been tested within the last year need not be retested. If positive titres are disclosed on this test, the herd must be considered an infected herd and placed under quarantine. This testing must be done at state expense if the funds are available.

Subp. 7. **Mandatory herd monitoring.** As part of the national pseudorabies eradication program, all swine herds in Minnesota must be annually monitored pursuant to part 1705.2474, at the owners' expense unless state funds are available for this purpose. A monitoring sample of each herd must be tested. The annual remonitoring may be discontinued when the area in which the herd is located becomes a Stage III, IV, or V area and surveillance programs are in place that do not require on-farm monitoring.

Subp. 8. **Quarantined herd cleanup.** The owners of all quarantined herds in Minnesota must sign an approved official pseudorabies herd cleanup plan within 30 days of the original quarantine date. Each herd cleanup plan must be updated every six months. An official random sample test (95/5) of breeding swine and an official random sample test (95/10) of finishing swine in each quarantined herd must be completed at least every six months to assess the prevalence of pseudorabies infected swine in the herd. Herd cleanup testing must be paid for by state or federal funds if the funds are available. If state or federal funds are not available, testing that is required in this part must be done at the owner's expense.

1705.2480 Qualified pseudorabies-negative herd procedures.

Subpart 1. **Qualifications.** To qualify a herd for qualified pseudorabies-negative herd status:

- A. the herd must have been free of pseudorabies for the previous 90 days;
- B. all breeding stock six months of age or older must be negative to an official pseudorabies test;
- C. offspring over four months of age that are located on the same premises as the breeding herd must be negative for pseudorabies using the following testing schedule:
 - (1) 10 head or less, test all; (2) 11 to 35 head, test 10; or (3) 36 or more head, test 30 percent up to a maximum of 30 head;
- D. offspring over four months of age that are located on any premises different from that of the breeding herd must be negative for pseudorabies using an official random sample test (95/10); and
- E. the herd owner must sign an agreement to comply with parts 1705.2400 to 1705.2530.

Subp. 2. **Qualified pseudorabies-negative herd certificate.** Following the receipt by the board of a report of the initial negative herd test and the signed herd agreement, the board shall issue a numbered qualified pseudorabies-negative herd certificate. The initial qualification is valid for 90 days or until the next scheduled requalification test.

Subp. 3. **Requalification testing.** The pseudorabies status of a qualified pseudorabies-negative herd must be maintained by having a negative official pseudorabies test of at least 20 percent of the breeding herd and a sample of offspring as described in subpart 1, item C, every 80 to 100 days.

All qualified pseudorabies-negative herds must use one of the following herd testing schedules:

A. To test on a quarterly schedule: (1) test 20 percent of the breeding herd every 90 days; (2) test offspring over four months of age that are located on the same premises as the breeding herd every 90 days using the following test schedule: (a) 10 head or less, test all; (b) 11 to 35 head, test 10; or (c) 36 or more head, test 30 percent up to a maximum of 30 head; and (3) test offspring over four months of age that are located on any premises different than that of the breeding herd every 30 days using an official random sample test (95/10); or

B. To test on a monthly schedule: (1) test seven percent, or complete an official random sample test (95/5) of the breeding herd every 30 days; (2) test offspring over four months of age that are located on the same premises as the breeding herd every 30 days using the following test schedule: (a) 10 head or less, test all; (b) 11 or more head, test 10 head; and (3) test offspring over four months of age that are located on any premises different from that of the breeding herd every 30 days using an official random sample test (95/10).

If the breeding herd or offspring are maintained on more than one premises, the appropriate percentage of the animals on each premises must be tested for each requalification.

Subp. 4. **Qualification canceled, regained.** The board shall cancel qualified pseudorabies-negative herd status if any swine show a positive test or are diagnosed as having pseudorabies, if herd additions are made contrary to subparts 5 and 6, or for failure to comply with subpart 3.

Swine herds which have lost their qualified pseudorabies-negative herd status may regain that status by being free of pseudorabies for a period of 90 days and by following the herd qualification procedure in subpart 1.

Subp. 5. **Testing purchased additions.** All purchased additions, except those purchased pursuant to subpart 6, must have a negative official test for pseudorabies within 30 days prior to movement, and must be isolated and retested negative with an official pseudorabies test at least 15 and within 45 days from the date of their arrival upon the premises.

Subp. 6. **Additions from qualified herds.** Additions may be purchased directly from a qualified pseudorabies-negative herd without isolation or testing.

Subp. 7. **Swine returned to a qualified pseudorabies-negative herd.** Swine returned to qualified pseudorabies-negative herds from exhibitions or which are otherwise commingled with swine from herds not qualified must be kept in isolation upon return for 15 days and have a negative official pseudorabies test before rejoining the herd.

Subp. 8. **Sale from qualified pseudorabies-negative herd.** Swine from a qualified pseudorabies-negative herd may be sold in Minnesota for breeding or feeding purposes without further testing or restriction of movement unless they are sold through a swine concentration point.

Subp. 9. **Qualifications of breeding swine sales centers.** Breeding swine sales centers, in which animals are collected from qualified herds or herds in Stage IV or V areas, must test ten percent or complete an official random sample test (95/5) of their hog inventory each month with a minimum of ten animals tested.

1705.2482, 1705.2490 Repealed

1705.2500 Community notification.

Following the declaration of a quarantine or approval of approved premises status, the board shall notify owners of livestock located within a one-mile radius of the quarantined herd or approved premises.

1705.2510 Repealed

1705.2520 Transportation of pseudorabies infected or exposed animals.

Subpart 1. **Vehicles exposed.** All vehicles used as carriers for livestock known to be infected with or exposed to pseudorabies must: A. contain a shipping permit or owners notice of shipment when quarantined livestock are being transported; and B. be cleaned and disinfected pursuant to subpart 2 before being used for transportation of other livestock or livestock feed and feed ingredients.

Subp. 2. **Cleaning vehicle.** A vehicle must be cleaned by thorough removal of all litter, manure, and refuse, and disinfected by the use on partitions, floors, interior walls, and the vehicle chassis of a disinfectant approved by the United States Department of Agriculture. Provision must be made for the disposition of all manure, litter, and refuse removed from vehicles into an area where other livestock cannot come in contact with it.

1705.2530 Experimental use of diagnostic biological products.

Notwithstanding the quarantine provisions of this chapter and parts 1720.0580 to 1720.0640, in order to promote and encourage the research on new diagnostic biological products, the board shall authorize the limited experimental use of diagnostic biological products for testing for pseudorabies if the use is part of

a research project sponsored by the University of Minnesota, College of Veterinary Medicine. The research project must be conducted under conditions and limitations, including restrictions on swine movement, which the board determines are adequate to prevent the spread of disease. No quarantine will be issued on pseudorabies-infected herds disclosed on tests conducted during a board-approved field research on biological products if: A. all herds proposed to be tested during the research projects are identified to the board; B. full disclosure of all test results from each research herd are promptly reported to the board; and C. herd owners agree that swine from positive herds will only be sold to slaughter.

Scrapie Control and Eradication

1705.2700 Federal compliance.

Code of Federal Regulations, title 9, sections 54 and 79, govern the scrapie control and eradication program in parts 1705.2700 to 1705.2750.

1705.2710 Definitions.

Subpart 1. **Scope.** The definitions in this part apply to parts 1705.2700 to 1705.2750.

Subp. 2. **Commingled.** "Commingled" means animals are grouped together so that they have physical contact with each other, including contact through a fence or sharing the same section in a transportation unit where there is physical contact.

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

Subp. 4. **Official identification.** "Official identification" means identification approved by the board and the United States Department of Agriculture, Animal and Plant Health Inspection Services for use in the scrapie eradication program as outlined in Code of Federal Regulations, section 79.2, identification of sheep and goats in interstate commerce.

Subp. 5. **Premises.** "Premises" means a distinct tract of land with an animal production facility.

Subp. 6. **Restricted-movement feeder animal.** "Restricted-movement feeder animal" means a sheep or goat that is less than 18 months of age as evidenced by the eruption of the second incisor, is not pregnant, has never given birth, is not commingled with breeding animals from other flocks, and will be slaughtered at less than 18 months of age.

Subp. 7. **Restricted-movement certificate.** "Restricted-movement certificate" is a board-approved form used to accompany restricted-movement feeder animals that do not have official identification when moved from one premises to another premises and which restricts the animals to slaughter channels.

Subp. 8. **Slaughter channels.** An animal is in a "slaughter channel" if it is sold, transferred, or moved to: A. a slaughter facility; B. an individual for custom slaughter; or C. a terminal feedlot for later slaughter at less than 18 months of age.

Subp. 9. **Terminal feedlot.** "Terminal feedlot" means a facility that exists for the express purpose of improving an animal's condition for slaughter and from which animals are moved only to slaughter.

1705.2720 Disease reporting.

A person who knows or reasonably suspects that an animal is infected with scrapie must report that knowledge or suspicion to the board immediately.

1705.2730 Registration.

Persons who buy or sell sheep or goats in Minnesota must register their flocks with the board.

1705.2740 Identification.

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

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

A. a state-approved livestock market that has an official veterinarian and restricts the sale of unidentified animals to slaughter channels in a manner approved by the board;

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

C. a terminal feedlot, either directly or through market channels, when accompanied by a restricted movement certificate.

Subp. 3. **Removal of unidentified sheep and goats from slaughter channels.** No sheep or goat that has been sold, moved, or transferred into slaughter channels, including a sheep or goat in a terminal feedlot, may be removed from slaughter channels. No sheep or goat may be removed from slaughtering establishments or yards immediately contiguous to slaughtering establishments without first obtaining a permit from the board under part 1720.1080.

Subp. 4. **Removal of official identification.** No person may tamper with or remove any official identification without prior permission from the board.

1705.2750 Required records.

Subpart 1. Persons who apply official identification.

A. A person who applies official identification that has been assigned directly to the producer must maintain the following records: (1) date the identification was applied; (2) number of sheep and goats identified; (3) identification numbers applied; and (4) name and address of the flock of birth, if different from the current flock.

B. Market, auction, sale, or extension personnel or accredited veterinarians who apply official identification that is not assigned to the producer must maintain the following records: (1) date the identification was applied; (2) number of sheep and goats identified; (3) serial tag numbers applied; and (4) name and address of the flock where the animal currently or most recently resided.

Subp. 2. Persons who purchase, acquire, sell, or dispose of sheep and goats.

A. A person who purchases or acquires a sheep or goat must maintain normal business records that include the following: (1) date of purchase or acquisition; (2) name and address of the person from whom the animals were purchased or acquired; (3) species, breed, and class of animal; (4) number of animals purchased or acquired; and (5) certificate of veterinary inspection, when required.

B. A person who sells or disposes of a sheep or goat must maintain normal business records that include the following: (1) date of sale or disposition; (2) name and address of the buyer or person who acquired the animals; (3) species, breed, and class of animal; (4) number of animals sold or disposed of; (5) certificate of veterinary inspection, when required; and (6) the official identification number of any sheep or goat sold for breeding purposes.

Subp. 3. **Record retention and availability.** All business records relating to sheep and goat movement including those described in subparts 1 and 2 must be maintained for at least five years after the person has sold or otherwise disposed of the sheep or goat and be available for inspection and copying at any reasonable time by any authorized agent of the board.

Minnesota Rules Chapter 1710 Diseases of Poultry

1710.0010 - 1710.1290 Repealed

1710.1300 Definitions.

Subpart 1. **Scope.** The definitions in this part apply to parts 1710.1300 to 1710.1530.

Subp. 1a. **Approved salvage program.** "Approved salvage program" means an industry wide program to allow use of an infected flock that meets the following criteria: (1) it impedes shed of a disease to other poultry; (2) it meets any applicable plan requirements of the United States Department of Agriculture; and (3) it is approved by the board.

Subp. 2. **Authorized agent.** "Authorized agent" means a person not employed by the board but designated and authorized by the board to perform functions under parts 1710.1300 to 1710.1530.

Subp. 3. **Baby poultry.** "Baby poultry" means newly hatched poultry that have not been fed or watered.

Subp. 4. **Board.** "Board" means the Minnesota Board of Animal Health.

Subp. 5. **Chickens.** "Chickens" means meat-type and egg-type chickens, but not exhibition, fancy, or game chickens.

Subp. 6. **Control program.** "Control program" means one or more of the state or state and federal cooperative programs for the control or eradication of poultry diseases.

Subp. 7. **Deal; dealing.** "Deal" and "dealing" mean the sale or distribution, for any purpose except immediate slaughter, of any live poultry not owned by the seller or distributor since the hatching of those poultry.

Subp. 8. **Dealer.** "Dealer" means a person, firm, association, partnership, or corporation engaged in dealing in poultry.

Subp. 9. **Disease control classification.** "Disease control classification" means the negative status of a flock as pertaining to one or more of the control program diseases.

Subp. 10. **Environmental sample.** "Environmental sample" means a dust, litter, or swab sample taken from a building according to plan procedures.

Subp. 11. **Flock.** "Flock" means poultry maintained and segregated for at least 21 days as one group of birds on one premises.

Subp. 12. **Flockowner.** "Flockowner" means a person who owns or is in charge of a flock or flocks of poultry.

Subp. 13. **Hatchery.** "Hatchery" means buildings and equipment on one premises operated or controlled for the purpose of hatching poultry.

Subp. 14. **Hatchery debris.** "Hatchery debris" includes hatchery fluff or egg shells, meconium, or dead germ eggs.

Subp. 15. **Hatching egg dealer.** "Hatching egg dealer" means a person in the business of selling, trading, or exchanging poultry hatching eggs owned by the person or for participating flockowners, independent flockowners, or other hatcheries.

Subp. 16. **Multiplier breeding flock.** "Multiplier breeding flock" means a flock intended for the production of progeny for commercial egg or meat production or for other nonbreeding purposes.

Subp. 17. **Nonparticipant.** "Nonparticipant" means a person who has not signed an agreement with the board or whose agreement has expired or been canceled.

Subp. 18. **Official laboratory.** "Official laboratory" means a laboratory authorized by the board through the cooperative plan to test poultry for program diseases.

Subp. 19. **Other domesticated fowl.** "Other domesticated fowl" means fancy, exhibition, and game chickens, waterfowl, and game birds maintained in captivity, excluding pigeons and doves.

Subp. 20. **Participant.** "Participant" means a person who has signed an agreement with the board that has not expired or been canceled.

Subp. 21. **Plan.** "Plan" means provisions of the National Poultry Improvement Plan, a federal government program with which the state cooperates. The board is the official agency for purposes of administering these programs.

Subp. 22. **Positive flock.** "Positive flock" means a flock in which one or more birds are diagnosed with a control program disease as defined by the plan. For the Minnesota Salmonella typhimurium program, one or more positive samples are required for primary breeders and two or more samples are required for multiplier breeders.

Subp. 23. **Poultry.** "Poultry" means turkeys, chickens, and other domesticated fowl.

Subp. 24. **Primary breeding flock.** "Primary breeding flock" means a flock composed of one or more generations that is maintained for the purpose of establishing, continuing, or improving parent lines.

Subp. 25. **Products.** "Products" means live poultry and hatching eggs.

Subp. 26. **Reactor.** "Reactor" means a bird that has a positive test to a control program disease.
Subp. 27. **Recycled.** "Recycled" means a flock that is molted for the purpose of coming back into production as a breeder flock.
Subp. 28. **Started poultry.** "Started poultry" means young poultry that have been fed and watered.
Subp. 29. **State inspector.** "State inspector" means a person employed by the board to perform functions under the plan and parts 1710.1300 to 1710.1530.
Subp. 30. **Supervision.** "Supervision" means the direct inspection or critical evaluation by a state inspector.
Subp. 31. **Turkeys.** "Turkeys" means domestic, exhibition, and wild turkeys maintained in captivity.
Subp. 32. **Typhimurium.** "Typhimurium" is a disease caused by Salmonella typhimurium or S. typhimurium var. copenhagen.

1710.1310 Sale of poultry and hatching eggs.

No person may sell, offer for sale, purchase, or trade poultry less than five months of age and their hatching eggs unless they originate from flocks and hatcheries operating under the supervision of the board and parts 1710.1300 to 1710.1530. Birds over five months of age must be tested and be negative for the appropriate required tests before being sold, except those sold for immediate slaughter.

1710.1320 Exemptions.

Parts 1710.1300 to 1710.1530 do not apply to a person hatching eggs from the person's breeding flocks, if the eggs and progeny are maintained on the same premises and are not sold except to slaughter.

1710.1330 Permits.

No person may conduct or operate buildings and equipment for the purpose of incubating and hatching eggs or otherwise handling, brooding, selling, or dealing in baby or started poultry, unless a permit is obtained from the board. Requirements for a permit are a completed application, necessary testing, and a satisfactory inspection report. Permits are annual with the renewal date set by the board.

1710.1340 Board Participation.

The board may participate in federal disease control programs for poultry. Breeder flocks and hatcheries signing up for any of these disease control programs must comply with all applicable provisions for obtaining and maintaining the program disease classifications agreed upon.

1710.1350 Required participation.

All hatcheries, dealers, and poultry breeder flocks must participate in the Salmonella pullorum-typhoid clean program of the plan. In addition, turkey, chicken, exhibition, and wild turkey breeder flocks and hatcheries must participate in the Mycoplasma gallisepticum (MG) and the Mycoplasma synoviae (MS) clean programs of the plan, and egg-type chicken breeder flocks and hatcheries must participate in the Salmonella enteritidis clean program of the plan. A required participation flock that is positive to any of these diseases must be quarantined and may not be used as a breeder flock for the production of hatching eggs, unless the breeder flock is participating in an approved salvage program.

1710.1360 Voluntary participation.

Hatcheries, breeders, and commercial flock owners may volunteer to participate in any plan or other available disease control programs. Use of a breeder or commercial flock positive to any of these diseases disqualifies the hatchery or flock from classifications for these diseases, unless the breeder flock is participating in an approved salvage program.

1710.1370 Hatchery participation.

If more than one hatchery is operated under the same ownership or management, all the hatcheries shall attain and maintain the same disease control classifications for all products interchanged. Flocks and hatcheries supplying a hatchery shall attain and maintain the same disease control classifications as the receiving hatchery.

1710.1380 Flock participation.

Flocks of poultry to be used for breeding under the board's supervision must be tested at the disease control participation level applied for according to parts 1710.1300 to 1710.1530 and follow all plan provisions. Only birds of the same or comparable classification may be added to a flock. The addition of poultry without the same or comparable classifications causes loss of those classifications.

1710.1385 Approved salvage program participation.

Individuals wishing to participate in an approved salvage program must apply to the executive secretary and agree to comply with the program.

1710.1390 Loss of classification.

Poultry products produced under a plan agreement lose their classification when consigned to or received by a person without the same classification or by a nonparticipant. A hatchery or flock loses its disease control classification if any of its birds are considered positive in that disease classification, unless the breeder flock is participating in an approved salvage program.

1710.1400 Suspension or revocation of permit.

Failure to comply with parts 1710.1300 to 1710.1530 is grounds to revoke or suspend the permit and the hatchery may lose disease control classifications.

1710.1410 Test procedures.

Tests, procedures, and antigens used in the control of poultry diseases must be according to plan programs and approved by the board. The board may approve the use of other comparable tests, procedures, and antigens for other board programs as needed.

1710.1420 Program participation.

Subpart 1. **Chicken; egg-type.** Hatcheries, poultry breeders, and commercial flockowners must participate in required board programs and may participate in other plan or board voluntary programs. Plan program test schedules, procedures, and classifications change in accordance with biennial conference amendments in order to keep abreast of industry changes. The board must maintain current editions of the plan that are available to the public upon request.

Subp. 2. **Chicken: meat-type.** Hatcheries, poultry breeders, and commercial flockowners must participate in required board programs and may participate in other plan or board voluntary programs. Plan program test schedules, procedures, and classifications change in accordance with biennial conference amendments in order to keep abreast of industry changes. The board must maintain current editions of the plan that are available to the public upon request.

Subp. 3. **Turkey.** Hatcheries, poultry breeders, and commercial flockowners must participate in required board programs and may participate in other plan or board voluntary programs. Plan program test schedules, procedures, and classifications change in accordance with biennial conference amendments in order to keep abreast of industry changes. The board must maintain current editions of the plan that are available to the public upon request.

Minnesota Salmonella typhimurium program - Primary or multiplier breeder candidate flocks at 12 to 20 weeks of age or recycled breeder flocks prior to the start of lay may participate by: 100 percent blood test or 500 pooled rectal swabs with a minimum of 100 per barn. Serologic reactors must be submitted to the official laboratory within ten days for culture. The pooled rectal swabs must be combined and tested in multiples of five. If Salmonella typhimurium is cultured from two or more pooled rectal swabs on the multiplier breeder candidate or multiplier breeder recycled initial test, the flock is considered positive. If Salmonella typhimurium is cultured from one pooled rectal swab, the flock is considered suspect and a second set of 500 rectal swabs is required. If Salmonella typhimurium is cultured from one or more pooled rectal swabs on the second set of samples, the flock is considered positive. Primary breeder candidate flocks may participate using a self-designed testing program that meets or exceeds the rectal swabs program as determined by the board. Each primary breeder flock or company must annually submit a plan to the board for approval. For a primary breeder flock, if Salmonella typhimurium is isolated from any samples as part of its board-approved program, the flock is considered positive.

Subp. 4. **Waterfowl, exhibition, and game birds.** Hatcheries, poultry breeders, and commercial flockowners must participate in required board programs and may participate in other plan or board voluntary programs. Plan program test schedules, procedures, and classifications change in accordance with biennial conference amendments in order to keep abreast of industry changes. The board must maintain current editions of the plan that are available to the public upon request.

Subp. 5. **Ostrich, emu, rhea, and cassowary.** Hatcheries, poultry breeders, and commercial flockowners must participate in required board programs and may participate in other plan or board voluntary programs. Plan program test schedules, procedures, and classifications change in accordance

with biennial conference amendments in order to keep abreast of industry changes. The board must maintain current editions of the plan that are available to the public upon request.

1710.1430 Identification.

If further testing is required, all poultry must be identified in such a way as to be individually found when the test is completed and all positive birds must be identified with a leg or wing band. Poultry tested for sale or exhibition must be identified with a leg or wing band.

1710.1435 Diagnostic services.

A person performing poultry diagnostic services shall report to the board, within 48 hours, the source of specimens that are positive to a disease for which there is a control program.

1710.1440 Reactors.

Birds positive to any of the control program diseases are considered reactors. Reactors may be retested according to board and plan procedures. If retesting is required, reactors must be submitted to the official laboratory within ten days.

1710.1445 Investigation.

The board shall conduct an investigation as to the origin of a disease infection in a flock for which there is a required program.

1710.1450 Quarantine.

Flocks positive to required participation disease control tests are quarantined. No products may be used from these flocks, unless the flock is participating in an approved salvage program. The birds may only be sold to slaughter under permit from the board.

1710.1455 Release of quarantine.

A quarantine imposed under part 1710.1450 must be released and the flock requalifies for participation in the disease control program:

- A. if all cultures of the reactor birds are negative; or
- B. for the Pullorum-Typhoid program, if all reactor birds are slaughtered, and there are two consecutive official negative tests, at least 21 days apart on all of the remaining birds.

1710.1460 Cleaning and disinfecting.

After removal of a positive flock, the premises must be carefully cleaned and disinfected under official supervision according to plan procedures.

1710.1470 Additional testing.

The board may conduct or require additional testing or other protective measures if the board considers it necessary.

1710.1480 Hatchery responsibilities.

Hatchery management shall:

- A. identify products as to source;
- B. clean and disinfect incubators, hatchers, and trays after each hatch according to plan procedures;
- C. fumigate or sanitize hatching eggs according to plan procedures;
- D. maintain incubator rooms, brooder rooms, and other hatchery areas in a sanitary condition and isolate the brooder room in a manner satisfactory to the board;
- E. use only new or cleaned and disinfected poultry boxes;
- F. not hatch or custom hatch eggs unless they originate from sources with the same or comparable disease control classifications as the hatchery;
- G. permit inspection of buildings, equipment, and records at any reasonable time by agents of the board; and
- H. maintain adequate records to show origin of all hatching eggs and destination of baby poultry for the current year and the previous year.

1710.1490 Flockowner responsibilities.

A flockowner shall:

- A. maintain poultry buildings and premises in a sanitary condition;
- B. fumigate or sanitize the hatching eggs as soon after laying as possible;
- C. maintain identity of hatching eggs;

- D. use only new or cleaned and fumigated egg cases;
- E. isolate for at least 30 days and test any poultry returning to or being added to the flock;
- F. permit inspection of flocks, buildings, and premises at any reasonable time by agents of the board;
- G. establish a good biosecurity program; and
- H. not raise other poultry on the premises unless they are well segregated or of the same classifications.

1710.1500 Authorized testing agents.

Subpart 1. **Program training course.** A person who wants to become an authorized testing agent shall attend and complete a program training course and perform satisfactory work at a field school. Temporary authorizations may be issued by the board. A veterinarian is not required to attend a program training course.

Subp. 2. **Term of authorization.** Authorization is valid for three years unless revoked or suspended by the board for failure to comply with parts 1710.1300 to 1710.1530 or for performing unsatisfactory work. Reauthorization of testing agents must be completed by reapplication and completion of an authorized testing agent course update once every six years.

Subp. 3. **Fees.** Any authorized testing agent fees must be paid by the flockowner or hatchery.

Subp. 4. **Limitation.** Only testing agents with current authorization may collect samples or conduct Pullorum-Typhoid tests.

Subp. 5. **Records.** All tests must be recorded on an official test chart furnished by the board and the original must be submitted to the board within ten days following completion of the test.

1710.1510 Dealer responsibilities.

A poultry dealer shall:

- A. maintain holding areas in a clean and sanitary condition;
- B. not keep, maintain, or sell sick poultry and properly dispose of all sick or dead poultry;
- C. report to the board any poultry showing signs or diagnosed as having a control program disease;
- D. permit inspection of buildings, equipment, vehicles, and records at any reasonable time by agents of the board;
- E. use only new or cleaned and disinfected poultry boxes; and
- F. maintain adequate records to show the origin and distribution of all poultry for two years. Records must contain the number, breed, sex, and age of the poultry in each transaction.

1710.1520 Advertising.

A person may not advertise poultry or a hatchery for any disease control classification which the poultry or hatchery does not have.

1710.1530 Revocation of permit.

The board may refuse to issue or may revoke a permit or authorization for failure to comply with parts 1710.1300 to 1710.1530. Upon receipt of a written notice of the violations from the board, the recipient has ten days to comply with parts 1710.1300 to 1710.1530. Failure to comply within this time is grounds for refusing to issue or to revoke the permit as well as to charge the violator with misdemeanor charges as applied to Minnesota Statutes, chapter 35. The board shall give written notice of the refusal to issue or the revocation by personal delivery or certified mail. The violator may, within 30 days, file a notice of appeal with the board for a hearing by the board.

**Minnesota Rules Chapter 1715
Livestock Exhibitions and Markets**

Exhibition of Livestock and Poultry

1715.0005 Definitions.

Subpart 1. **Scope.** The definitions in this part apply to parts 1715.0005 to 1715.0162.

Subp. 2. **Board.** "Board" means the Board of Animal Health or its authorized agents.

Subp. 2a. **Coggins test.** "Coggins test" means the agar gel immunodiffusion test for equine infectious anemia that has been approved by the United States Department of Agriculture.

Subp. 2b. **EIA.** "EIA" means equine infectious anemia (swamp fever), a virus disease of horses and other members of the equine species.

Subp. 2c. **Horse.** "Horse" means and includes all members of the equine species such as horses, mules, asses, ponies, donkeys, burros, and zebras.

Subp. 2d. **Official test.** "Official test" means the Coggins test or other tests approved by the United States Department of Agriculture conducted at a laboratory approved by the United States Department of Agriculture.

Subp. 3. **Official veterinarian.** "Official veterinarian" means a veterinarian licensed and accredited in Minnesota selected by the management of an exhibition and authorized by the board to carry out parts 1715.0005 to 1715.0162.

Subp. 3a. **Other domesticated fowl.** "Other domesticated fowl" means fancy, exhibition, and game chickens, waterfowl, and game birds maintained in captivity, excluding pigeons and doves.

Subp. 3b. **Poultry.** "Poultry" means turkey, chickens, and other domesticated fowl.

Subp. 4. **Public exhibition of livestock and poultry in Minnesota.** "Public exhibition of livestock and poultry in Minnesota" means bringing livestock or poultry owned by two or more persons to one location for judging or for display to the public, except when there is only one animal of each species exhibited.

Subp. 5. **Slaughter classes.** "Slaughter classes" means livestock or poultry classes in which no animals or poultry in the class will be returned to the premises of the owner, all animals will be slaughtered during or immediately after the exhibition, and the entire class is kept isolated in a separate building from all other livestock and poultry at the exhibition.

Subp. 6. Repealed, 17 SR 1272

Subp. 7. **Turkeys.** "Turkeys" means domestic, exhibition, and wild turkeys maintained in captivity.

1715.0010 Supervision.

All public exhibitions of livestock and poultry are under the supervision of the board.

1715.0020 Exemption.

Performing livestock and poultry used by rodeos, circuses, and as animal acts, if kept isolated from other livestock and poultry on the exhibition premises, are exempt from the requirements of parts 1715.0040, items C and D; 1715.0060 to 1715.0115; and 1715.0130 to 1715.0162.

1715.0030 Exhibitions in connection.

Exhibitions held in connection with a consignment sale of livestock or poultry must be supervised by the official veterinarian authorized under parts 1715.0200 to 1715.0580 who must enforce the requirements of parts 1715.0005 to 1715.0162 if livestock and poultry are on exhibition premises more than 18 hours.

1715.0040 Management of exhibition.

The management of an exhibition shall:

A. Comply with all reasonable orders of the board or the official veterinarian pertaining to the sanitation of premises and the health status of all livestock and poultry exhibited.

B. Clean and disinfect all building and exhibit areas for the use of livestock and poultry prior to the opening date of the exhibition and during the exhibition if livestock and poultry are released and new livestock and poultry are brought to the exhibition premises, and maintain the areas in a sanitary condition.

C. Provide quarantine facility for any livestock or poultry showing symptoms of infectious or communicable disease. If a quarantine facility is impractical, any livestock or poultry showing symptoms of infectious or communicable disease shall be removed from the premises by the exhibitor when ordered to do so by the official veterinarian.

D. Employ an official veterinarian when cattle, swine, sheep, goats, horses, or poultry are exhibited.

1715.0050 Responsibilities of official veterinarian.

The official veterinarian shall:

- A. approve the cleaning and disinfection of the exhibition premises prior to the exhibition and during the exhibition if livestock and poultry are released and new livestock and poultry are brought to the exhibition premises;
- B. inspect all livestock and poultry on the day admitted to the exhibition;
- C. refuse admission of livestock and poultry exhibiting symptoms of any infectious or communicable disease, or of livestock or poultry not meeting the admission requirements of this part;
- D. inspect all livestock and poultry at least once daily during the exhibition and order the immediate removal to the quarantine facility or removal from the exhibition premises of any livestock or poultry with symptoms of infectious or communicable disease, and order and supervise the cleaning and disinfection of the area from which the diseased livestock or poultry was removed;
- E. conduct any necessary tests at any time to determine the health status of the livestock or poultry on the exhibition grounds;
- F. at the conclusion of the exhibition, report to the board violations of parts 1715.0005 to 1715.0162 and other information concerning the exhibition as requested by the board; and
- G. retain for a period of one year all official forms

Entrance Requirements for Livestock and Poultry Originating in Minnesota

1715.0060 Slaughter classes.

All livestock and poultry entered in the class which are kept isolated in a separate building from all other livestock and poultry at the exhibition and which are slaughtered during or immediately following the exhibition do not need tests or individual identification.

1715.0070 Repealed

1715.0072 Exhibition of cattle.

Cattle must be examined by the official veterinarian on the day they are admitted to the exhibition.

1715.0080 Repealed

1715.0090 Identification of swine which must be tested.

Swine which must be tested must be individually identified by ear tag number, tattoo number, registry number, or other identification satisfactory to the board.

1715.0100 Repealed

1715.0105 Exhibition of swine.

No swine from a pseudorabies-quarantined herd may be exhibited at any type of exhibition. All swine, except swine entered in a slaughter class pursuant to part 1715.0060, must:

- A. have had a negative official or approved differential pseudorabies test conducted within 30 days prior to the opening date of the exhibition, a record of which and the result must be entered on a test chart or certificate of veterinary inspection and presented to the official veterinarian at the time of entry;
- B. originate directly from a qualified pseudorabies-negative herd or a qualified negative gene-altered vaccinated herd pursuant to parts 1705.2480 and 1705.2482, with the qualified herd number and date of last qualifying test reported to the official veterinarian at the time of entry; or
- C. originate directly from a Stage IV or V county or area.

1715.0110 Exhibition of sheep or goats.

Subpart 1. **Official identification.** Official identification as defined in part 1705.2710, subpart 4, is required for all goats or sheep to be exhibited.

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

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

- C. the area housing the sheep or goat can be properly cleaned and disinfected;
- D. when a sheep or goat gives birth, the placenta, placental fluids, and soiled bedding are removed immediately and disposed of in a manner that prevents it from coming in contact with other animals at the exhibition; and
- E. once the sheep or goat leaves the exhibition, the area is thoroughly cleaned and disinfected in a manner approved by the board.

1715.0115, 1715.0120 Repealed

1715.0125 Testing of horses for equine infectious anemia.

All horses must be negative to an official test as defined in part 1715.0005, subpart 2d, for EIA within 12 months prior to the opening date of the exhibition. A test is not required for suckling foals accompanying a negative dam.

1715.0130 Exhibition of horses.

Horses must be examined by the official veterinarian on the day they are admitted to the exhibition. Trail rides are exempt from the requirements of part 1715.0040, items C and D, and this part. Those horse shows which are programmed to be completed within a period of 12 hours and at which horses are not stabled overnight are exempt from the requirements of part 1715.0040, items C and D, and this part. The commission veterinarian shall enforce the provisions of this part on horses brought to a racetrack licensed by the Minnesota Racing Commission. If no commission veterinarian has been appointed, the management shall employ an official veterinarian as defined in part 1715.0005, subpart 3.

1715.0140 Exhibition of poultry.

Poultry, except waterfowl and pigeons, must be individually identified with a leg or wing band and accompanied by a form approved by the board to show compliance with one of the following: negative test for pullorum-typhoid disease conducted within 90 days prior to the opening date of the exhibition; originate directly from parent stock tested and found negative for pullorum-typhoid disease within the last 12 months. In addition, turkeys must be negative for salmonella typhimurium, mycoplasma gallisepticum, and mycoplasma synoviae.

1715.0150 Exhibitions of dogs over six months of age.

Dogs over six months of age must be accompanied by a certificate of rabies vaccination issued by a licensed veterinarian. Vaccinations must be recognized for that period of time specified in parts 1705.1090 to 1705.1210.

Entrance Requirements for Livestock And Poultry Originating Outside Minnesota

1715.0160 Cattle, goats, swine, poultry, and sheep.

All cattle, goats, swine, poultry, and sheep must meet all requirements in parts 1715.0005 to 1715.0162 for livestock and poultry originating in Minnesota and must also meet the board's importation requirements of parts 1700.0100 to 1700.1500, 1700.1810 to 1700.1860, 1700.2600 to 1700.3010, and 1700.3110 to 1700.3800. Certificates of veterinary inspection and required tests, except pseudorabies tests for swine which must be made within 30 days, must be accepted if issued and conducted within 90 days prior to the opening date of the exhibition.

1715.0162 Dogs and horses.

Dogs and horses must meet all requirements outlined in parts 1715.0005 to 1715.0162 for livestock and poultry originating in Minnesota.

1517.0170 Repealed

1517.0180 Repealed

1517.0190 Repealed

Sale of Livestock at Auction Markets, Consignment, Community, and Other Sales

1715.0200 Authority.

Pursuant to Minnesota Statutes, section 35.03, the Board of Animal Health adopts parts 1715.0210 to 1715.0580.

1715.0210 Definitions.

Subpart 1. **Scope.** Where used in parts 1715.0210 to 1715.0580, the terms defined in this part have the meanings given.

Subp. 2. **Board.** "Board" means the Board of Animal Health acting by and through the executive secretary.

Subp. 3. **Brucellosis reactor.** "Brucellosis reactor" means (a) a nonvaccinated bovine animal that shows standard plate test complete agglutination in a 1:100 dilution or higher; or (b) a vaccinated female bovine animal of dairy breed 20 months of age or over or any vaccinated female bovine animal of beef breed 24 months of age and over, that shows standard plate test complete agglutination in a 1:200 dilution.

Subp. 4. **Brucellosis suspect.** "Brucellosis suspect" means (a) a nonvaccinated bovine animal that shows standard plate test agglutination in the 1:50 dilution or higher which is not classed as a brucellosis reactor; or (b) an officially vaccinated female bovine animal over 20 months of age if of dairy breed, or over 24 months of age if of beef breed, that shows any standard plate test agglutination in the 1:100 dilution which is not classed as a brucellosis reactor.

Subp. 5. **Community sales.** "Community sales" means the public sale of livestock for purposes other than immediate slaughter, from any location in Minnesota where two or more persons who own livestock offer the livestock for public sale. "Community sales" includes regularly scheduled livestock auction markets, consignment sales of livestock, and street markets of livestock.

Subp. 6. **Certificate of veterinary inspection.** "Certificate of veterinary inspection" means a certificate issued by an accredited veterinarian certifying that after a physical examination the livestock described are free from visible signs or symptoms of contagious, infectious, or communicable disease, and stating the origin of the livestock, the name and address of the consignee and consignor, and the description and identification of the livestock.

Subp. 7. **Official veterinarian.** "Official veterinarian" means an individual licensed to practice veterinary medicine in Minnesota, accredited by the United States Department of Agriculture, approved by the board to perform the brucellosis agglutination test and authorized by the board to act as its representative at a community sale.

Subp. 8. **Sales management.** "Sales management" means the persons organizing and conducting a community sale.

Subp. 9. **Sales premises.** "Sales premises" means the premises where a community sale is conducted including temporary or permanent sales rings, pens, and alleys for confining livestock prior to and after sale.

Subp. 10. **Street market.** "Street market" means a place where livestock owned by two or more persons are offered for sale to the public without unloading the livestock from the transporting vehicles prior to completion of the sale.

Subp. 11. **Completely separate facilities for swine.** "Completely separate facilities for swine" means pens, alleys, loading and unloading chutes, scales, and sales rings that are separated by at least six feet or by solid partitions. Slaughter swine facilities must not drain into other swine facilities.

Subp. 12. **Monitored feeder swine.** "Monitored feeder swine" means the offspring of a pseudorabies monitored herd complying with part 1705.2474.

Subp. 13. **Breeding swine.** "Breeding swine" means swine that are used or will be used to produce offspring.

1715.0220 Permits.

No person shall operate or conduct a community sale of livestock in Minnesota except at a public stockyard or at a state-federal approved market for cattle or swine, unless the person has obtained an annual or special permit from the board as hereafter provided. Applications by the sales management for permits shall be made upon forms furnished by the board.

1715.0230 Annual Permits.

An annual permit, valid until the June 30 following its issue unless it is previously revoked, may be issued for community sales at a specified location if:

- A. the veterinarian named in the application is acceptable to the board to act as the official veterinarian of the sale and is authorized by the board to act as its representative as provided in parts 1715.0260 to 1715.0320; and
- B. prior to issuance of the annual permit, the sales premises named in the application are inspected by a representative of the board and certified to be in compliance with parts 1715.0330 and 1715.0340.

1715.0240 Special permits.

A special permit must be issued for single community sales upon receipt of an application on a form furnished by the board. The permit must specify the date and the location of the sale.

Not more than one special permit may be issued to the same person or organization to conduct a sale at any one location in any three-month period except that cooperative livestock marketing associations selling only livestock owned by association members may hold up to six sales each calendar year.

1715.0250 Refusal to grant or revocation of permit.

The board may refuse to grant or may revoke an annual or special permit when the applicant or permit holder has violated the laws of this state or the rules of the board pertaining to the control and eradication of infectious, contagious, or communicable disease of livestock.

1715.0260 Official veterinarian.

The sales management shall employ an official veterinarian for each community sale for the purpose of inspection and examining all livestock offered for sale.

1715.0270 Prohibition of sale of diseased animals.

The official veterinarian shall prohibit the sale of any animal or animals that, in his or her reasonable opinion, are affected with or show symptoms of infectious, contagious, or communicable disease except as specifically provided in parts 1715.0210 to 1715.0580.

1715.0280 Examination of certificates of veterinary inspection.

The official veterinarian shall examine the certificates of veterinary inspection for all animals for which a certificate of veterinary inspection is required and prohibit the animals' sale if the certificate of veterinary inspection does not meet the requirements of the board.

1715.0290 Serological tests.

The official veterinarian shall, when required, test cattle for brucellosis and anaplasmosis and swine for pseudorabies and brucellosis.

1715.0300 Identification tags.

All breeding cattle not already identified by an official United States Department of Agriculture metal eartag, registry tattoo, or registry number must be identified by placing a United States Department of Agriculture metal eartag in the right ear prior to being offered for sale at an auction market or consignment, community, or other sale. Swine must be identified with metal ear tags that include the letters "Minn" on the reverse side or a legible pseudorabies monitored herd number ear tattoo or metal herd numbered ear tag.

1715.0305 Certificates; permits; quarantines.

The official veterinarian shall issue restricted movement certificates, shipping permits, and quarantines as required.

1715.0310 Inspection of sales premises and vehicles.

The official veterinarian shall report immediately to the board any failure by the sales management to properly clean and disinfect the sales premises and vehicles used for transporting animals.

1715.0320 Completion of sale.

The official veterinarian shall furnish the board, within five days of completion of a sale, copies of all quarantines, restricted movement certificates, and shipping permits issued at the sale, reports of tests performed, and other reports the board requires.

1715.0330 Sales premises.

The veterinarian's office and laboratory, sales rings, alleys, loading and testing chutes, all livestock pens, and all the other buildings and structures located on any sales premises must be constructed so that they can be maintained in a sanitary condition. Heating facilities must be provided so that the veterinarian's

laboratory may be maintained at a temperature of at least 70 degrees Fahrenheit. This part does not apply to street markets or special permit community sales.

1715.0340 Pavement.

Sales rings, alleys, testing chutes, and pens must be paved with cement or other impervious materials.

1715.0350 Sales Management.

The sales management shall not permit the sale of livestock until such livestock has been examined and found free of symptoms of infectious, contagious, or communicable disease by the official veterinarian. The sales management shall refuse to accept livestock for sale when so ordered by the official veterinarian acting as an agent of the board, and shall refuse to deliver livestock sold until such livestock has been released by the official veterinarian.

1715.0360 Report of quarantined livestock.

The sales management shall, within five days after each sale day, mail to the board a report of all quarantined and restricted movement livestock sold through the sale, furnishing the name and address of the consignor of the livestock and the name and address of the purchaser. This report must correspond with the quarantine issued by the official veterinarian at the sale. If no quarantined or restricted movement livestock are sold during the sale, the management shall notify the board within five days following the sale.

1715.0370 Consignment of livestock originating in other states.

Livestock originating in other states may not be accepted for consignment unless they have been imported into Minnesota in compliance with Minnesota law and all rules of the board governing the importation of livestock, and are accompanied by required certificates of veterinary inspection.

1715.0380 Consignment of livestock originating in Minnesota.

Livestock originating in Minnesota may not be accepted for consignment unless accompanied by a signed statement by the owner that to the owner's best knowledge and belief no livestock in the consignment have originated from premises where animals of the same species are under quarantine and that they have not been exposed, within 30 days prior to the sale, to other animals affected with any infectious, contagious, or communicable disease. The statement must include the owner's post office address, and the township and county from which the livestock were removed immediately prior to sale.

1715.0385 Pseudorabies-quarantined feeder pigs.

Feeder pigs from pseudorabies-quarantined herds in Minnesota may be sold in accordance with part 1715.0550, subpart 5.

1715.0390 Statements and certificates of veterinary inspection.

Persons delivering livestock to a sale shall furnish the sales management statements signed by owners of all animals in the consignment originating at points in Minnesota as provided in part 1715.0380 and certificates of veterinary inspection for all animals originating in other states. The statements and certificates of veterinary inspection must be submitted to the official veterinarians by the sales management for the veterinarian's approval before the animals are sold.

1715.0410 Sale of female feeding cattle.

Female feeding cattle imported on special permit or purchased on affidavit may be consigned to a community sale to be sold for slaughter purposes.

1715.0420 Test records.

The official veterinarian shall furnish to the sales management a record of test for all cattle tested. The test record must be available for examination by any purchaser before the cattle are offered for sale. The test records of all cattle giving a positive reaction must show the names and addresses of all owners during the preceding 30 days. All cattle passing through a sale on a valid certificate of veterinary inspection or valid official record of test must be reported.

1715.0430 Cattle sold for slaughter.

The sales management shall not allow the removal of cattle for immediate slaughter or consignment to a public stockyard unless the cattle are identified with a tag as applied under the market cattle identification program.

1715.0440 Female cattle of beef breed under 18 months.

The sales management shall not allow the removal of female cattle of beef breed under 18 months of age that did not originate in states certified "Brucellosis-Free" by Veterinary Services, United States Department of Agriculture, sold without a test for brucellosis under affidavit and quarantine for feeding purposes, until the purchaser furnishes an affidavit to the sales management. The original and second copy of the affidavit must be mailed to the board within five days following the sale.

1715.0450 Brucellosis reactors.

Brucellosis reactors must be placed in isolation pens and not allowed to move from the market until the official veterinarian has identified them as reactors and a permit has been issued for their removal to a designated place of slaughter where the federal government maintains inspection service or to public stockyards in accordance with part 1705.0120.

1715.0460 Brucellosis suspects.

Brucellosis suspects and all bovine animals that have been in contact with reactors more than 24 hours or in contact less than 24 hours if the reactor has recently aborted, calved, or has a vaginal or uterine discharge must be placed in isolation pens that permit no contact with other livestock and may not move from the market until the official veterinarian has issued a permit for their removal. The brucellosis suspects and contact animals must be returned to the farm of origin under quarantine issued by the official veterinarian in accordance with part 1705.0220 or identified with the letter "S" on the left hip high on the tailhead and sold for immediate slaughter to a slaughtering establishment where the federal government maintains inspection service, or shipped to public stockyards under permit issued by the official veterinarian in accordance with part 1705.0210.

1715.0470 Report of origin of reactors and suspects.

A report of the origin of all reactors and suspects disclosed when cattle are tested on the sales premises shall be made within five days of the test to the board by the official veterinarian.

1715.0480 Cattle imported subject to quarantine.

Any cattle imported subject to quarantine and consigned to a community sale shall be quarantined on the premises of the buyer by the official veterinarian when released from the sales premises. The quarantine issued by the official veterinarian shall include the provisions required for imported cattle.

1715.0490 Records of vaccination.

Records of vaccination submitted to the board by the official veterinarian for cattle vaccinated for brucellosis at a community sale must include the name and address of the new owner.

1715.0500 Identification tags.

Cattle with official identification tags consigned to a community sale must be identified by the tags on all official sale records submitted to the board. The tags may not be removed without permission from the board.

1715.0510 Sale of cattle with actinomycosis.

The official veterinarian may issue a permit for the sale of cattle affected with actinomycosis (lumpy jaw) for the purpose of slaughter only.

1715.0520 Sale of sheep and goats.

Sheep and goats found by the official veterinarian to be infected with any infectious or contagious disease may not be sold at a sale.

1517.0530, 1517.0540 Repealed

1715.0550 Sale of swine.

Subpart 1. **Order of sale in mixed market facilities.** Slaughter swine must be sold after feeder and breeding swine in markets that do not use completely separate facilities for slaughter swine. No feeder or breeding swine may be sold through slaughter swine facilities until the facilities are cleaned and disinfected. Breeding swine must be sold through the sales ring first, followed by monitored feeder pigs.

Subp. 2. **Breeding swine.** Breeding swine must:

A. be negative to an official or approved differential pseudorabies test less than 30 days before sale or originate from a qualified pseudorabies-negative herd or a qualified negative gene-altered vaccinated herd or a Stage IV or V county or area;

- B. be identified by an eartag, tattoo, brand, or ear notch recognized by a breed association;
- C. be sold before feeder pigs are sold at the market; and
- D. leave the sale with a restricted-movement certificate if the sales premises is used to sell feeder pigs, market hogs, or other untested swine.

Subp. 3. **Feeder pigs.** Feeder pigs and all swine other than breeding or slaughter swine must:

A. be identified by a metal eartag, legible pseudorabies-monitored herd numbered ear tattoo, legible pseudorabies-monitored herd number shoulder slap tattoo, or pseudorabies-monitored herd numbered eartag;

B. leave the sale with a restricted-movement certificate; and

C. feeder pigs sold must be tested negative for pseudorabies within 30 days prior to sale or originate from: (1) a qualified pseudorabies-negative herd; (2) a qualified negative gene-altered vaccinated herd; (3) an officially designated low-prevalence Stage III, IV, or V pseudorabies area; or (4) a pseudorabies-monitored herd complying with part 1705.2474.

While in transit through marketing channels, all feeder pigs from monitored herds must be maintained so that they are not exposed to swine of unknown pseudorabies status or maintained in facilities or trucks contaminated by those swine. Failure to do so causes them to lose their monitored status.

Subp. 4. **Sale of lightweight market hogs.** Market hogs consigned that are not sold to go directly to slaughter because of insufficient weight may be sold for feeding purposes to an approved premises in compliance with part 1705.2434.

Subp. 5. **Sale of feeder pigs from herds under quarantine for pseudorabies.** Feeder pigs from pseudorabies-quarantined herds may be sold at a pseudorabies-restricted feeder pig market approved as a quarantined feeder pig market as provided in items A to E.

A. No livestock other than quarantined feeder pigs may be sold at the market.

B. The quarantined feeder pigs may not be unloaded from incoming vehicles before sale.

C. The feeder pigs must be accompanied by an owner's notice of shipment or shipping permit consigning them to the sale.

D. Following sale, the feeder pigs must be transported directly to an approved premises authorized in part 1705.2434.

E. An owner's notice of shipment must be issued for feeder pigs to move from the pseudorabies-restricted feeder pig market to an approved premises.

Subp. 6. **Location of pseudorabies-restricted feeder pig markets.** Pseudorabies-restricted feeder pig markets under this part may not be established or authorized in the northern zone as defined in part 1705.2472 or in an area that is in Stage III, IV, or V of the national pseudorabies eradication program.

1715.0560 Sale of horses.

The official veterinarian shall report the consignors' names and addresses, the buyers' names and addresses, description of horses, and the results of the test for EIA (equine infectious anemia) if a test is required.

1715.0570 Horses received from out of state.

Horses received from out of state must be retained on the sale premises until found negative to the test for EIA performed at a laboratory approved by the United States Department of Agriculture. This part does not apply to:

A. horses entering the sale with a valid certificate of veterinary inspection indicating a negative test for EIA within the past 12 months at an approved laboratory;

B. suckling foals accompanying dams negative to test for EIA as in item A;

C. horses sold for slaughter purposes if the buyer is a licensed livestock dealer and the buyer completes and signs a declaration of intent to slaughter; and

D. horses sold to be transported immediately to a state which does not require a negative test for EIA and accompanied by a certificate of veterinary inspection issued by the official veterinarian for shipment to that state.

1715.0580 Reactors to test for EIA.

Reactors to the test for EIA must be destroyed, consigned for slaughter under permit, or returned to the premises of origin under permit and in compliance with Code of Federal Regulations, part 75.4 and the rules of the board.

State-Federal Approved Markets for Swine

1715.0590 Definitions.

Subpart 1. **Scope.** The definitions in this part apply to parts 1715.0590 to 1715.0770.

Subp. 2. **Board.** "Board" means the Minnesota Board of Animal Health acting by and through the executive secretary.

Subp. 3. **Certificate of veterinary inspection.** "Certificate of veterinary inspection" means a document issued by an accredited veterinarian on the official form of the state of origin, after a physical examination, certifying that the swine described show no visible symptoms of contagious, infectious, or communicable disease, and including the name and address of the consignee.

Subp. 4. **Official veterinarian.** "Official veterinarian" means a graduate veterinarian licensed to practice veterinary medicine in Minnesota, accredited by the United States Department of Agriculture, and authorized by the board to act as its representative at the market.

Subp. 5. **Owner.** "Owner" means the legal owner of the swine referred to or the owner's agent.

Subp. 6. **PRV.** "PRV" means pseudorabies virus.

Subp. 7. **Recognized slaughtering establishment.** "Recognized slaughtering establishment" means a point where slaughtering facilities are provided and to which animals are regularly shipped and slaughtered.

Subp. 8. **Sales management.** "Sales management" means the person or persons organizing and conducting a state-federal approved swine market.

Subp. 9. **Sales premises.** "Sales premises" means the premises where a market is conducted and includes but is not limited to sales rings, pens, alleys, land, or building contiguous to sales rings where swine may be brought, unloaded, and confined before and after sales, before delivery to the purchaser.

Subp. 10. **State-federal approved swine market.** "State-federal approved swine market" means a sales premises where swine have been assembled for sale that has been approved by state and federal agencies under Code of Federal Regulations, title 9, part 76.18.

Subp. 11. **Completely separate facilities for swine.** "Completely separate facilities for swine" means pens, alleys, loading and unloading chutes, scales, and sales rings that are separated by at least six feet or by solid partitions. Slaughter swine facilities must not drain into other swine facilities.

1715.0610 Approval.

No livestock market shall be approved without the joint endorsement of the board and the veterinarian in charge, veterinary services, APHIS, USDA in Minnesota.

1715.0620 Suspension of approval.

Approval may be suspended by either the executive secretary of the board or the deputy administrator veterinary services, APHIS, USDA for just cause pending a hearing to show cause why the approval should not be revoked.

1715.0630 Removal of market from approved list.

A market may be removed from the approved list by the deputy administrator veterinary services, APHIS, USDA when it is determined by the executive secretary of the board or the federal veterinarian in charge of the animal health programs in Minnesota that the operators of the market fail to meet the standards mutually agreed upon by the cooperating state and federal officials, upon written request of the market management, or if no swine have been sold for three consecutive months.

1715.0640 Permits.

A person may not operate or conduct a state-federal approved market for swine in Minnesota, unless the person has obtained a permit from the board. State-federal approved swine markets must be approved by state and federal agencies cooperatively. Application for a permit must be made on forms furnished by the board. Permits are valid until June 30 following the date of issue.

1715.0650 Refusal to grant or revocation of permit.

The board may refuse to grant or may revoke the permit when the applicant or permit holder has violated any of the provisions of Minnesota Statutes, chapter 35, or the rules promulgated there under by the board.

1715.0660 Premises.

All markets shall comply with the following:

A. all pens, alleys, sales rings, loading and unloading chutes shall be well constructed and maintained in good repair;

- B. all floors shall be surfaced with cement or other impervious material;
- C. facilities for inspection shall be well lighted;
- D. premises shall be maintained in a reasonably clean and sanitary condition at all times and shall be cleaned and disinfected with a permitted disinfectant as often as necessary to guard against the spread of disease;
- E. water supply shall be clean, adequate, and operate under pressure;
- F. facilities shall be provided and maintained in good operating condition at all times for the cleaning and disinfection of premises and vehicles;
- G. feed and water containers shall be metal, concrete, plastic, or other impervious material that can be readily cleaned and disinfected;
- H. proper and adequate office space shall be provided for official veterinarian; and
- I. isolation pen(s) shall be provided for the temporary holding of swine found by the official veterinarian to have any symptoms of a contagious, infectious, or communicable disease.

1715.0670 Isolation pens.

The isolation pen(s) shall be constructed and operated as follows: located so that diseased animals therein shall have no direct contact with nondiseased animals; drainage shall not be into other pens; proper equipment shall be available for cleaning and disinfecting; feeding and watering facilities shall be separate from those used by healthy animals; conspicuously posted as "ISOLATION PEN(S)" on the entrance gate(s); used for diseased or disease exposed swine only. The market operators shall use proper procedures in cleaning and disinfecting the isolation pen(s). The cleaning and disinfecting shall be done immediately after the removal of diseased or disease exposed animals. Swine from this pen shall not be placed in any other holding pen in the market, but shall be removed directly to an area inaccessible to livestock. Disinfectant used shall be a permitted disinfectant only.

1715.0680 Official veterinarian.

The management of each market shall employ a veterinarian as defined in part 1715.0590, subpart 4 to inspect and examine all swine offered for sale. No permit will be issued until a veterinarian acceptable to the board has been employed by said management and authorized by the board to act as its representative.

1715.0690 Prohibition of certain sales.

The veterinarian shall prohibit the sale of any swine that in the veterinarian's opinion are affected with or show symptoms of contagious, infectious, or communicable diseases. The veterinarian shall order the movement of such swine to the isolation pen(s).

1715.0705 Sale of swine.

Subpart 1. **Slaughter swine.** Slaughter swine must be sold after feeder and breeding swine in markets that do not use completely separate facilities for slaughter swine. No feeder or breeding swine may be sold through slaughter swine facilities until the facilities are cleaned and disinfected.

Subp. 2. **Breeding swine.** Breeding swine must:

- A. be negative to an official or approved differential pseudorabies test less than 30 days before sale or originate from a qualified pseudorabies-negative herd or a qualified negative gene-altered vaccinated herd or a Stage IV or V county or area;
- B. be negative to a brucellosis test less than 30 days before sale or originate from a validated brucellosis-free swine herd if originating from a state that is not validated brucellosis-free;
- C. be identified by an eartag, tattoo, brand, or ear notch recognized by a breed association;
- D. be sold before feeder pigs are sold at the market; and
- E. leave the sale with a restricted-movement certificate if the sales premises is used to sell feeder pigs, market hogs, or other untested swine.

Subp. 3. **Feeder pigs.** Feeder pigs and all other swine other than breeding or slaughter swine must:

- A. be identified by a metal eartag, legible pseudorabies-monitored herd numbered ear tattoo, legible pseudorabies-monitored herd number shoulder slap tattoo, or pseudorabies-monitored herd numbered eartag;
- B. leave the sale with a restricted-movement certificate;
- C. be tested negative for pseudorabies within 30 days prior to sale or originate from: (1) a qualified pseudorabies-negative herd; (2) a qualified negative gene-altered vaccinated herd; (3) an officially designated Stage III, IV, or V low-prevalence pseudorabies area; or (4) a pseudorabies-monitored herd complying with part 1705.2474.

While in transit through marketing channels, all feeder pigs from monitored herds must be maintained so that they are not exposed to swine of unknown pseudorabies status or maintained in facilities or trucks contaminated by those swine. Failure to do so causes them to lose their monitored status.

1715.0710 Maintenance of sanitary conditions.

The veterinarian shall report to the board any failure by the sale management to properly clean and disinfect the sale premises and isolation pen(s) as necessary to maintain them in a sanitary condition.

1715.0720 Reports to board.

The veterinarian shall furnish to the board, within five days, duplicate copies of all quarantines and slaughter statements issued by the veterinarian at the market, and such other reports as the board may require.

1715.0730 Shipping permits for slaughter only.

The veterinarian shall issue shipping permits for slaughter only on all swine sold from the isolation pen(s).

1715.0740 Management.

The management of markets shall comply with the following:

A. No swine shall be sold at the market until such swine have been examined and found free of symptoms of contagious, infectious, or communicable diseases by the official veterinarian. The management shall refuse to accept swine for sale when so ordered by the official veterinarian. The management shall place in the isolation pen(s) such swine as the official veterinarian shall designate as infected with or exposed to a contagious, infectious, or communicable disease. The management shall refuse to deliver swine sold until such swine have been released by the official veterinarian.

B. The management shall maintain records of origin and destination of swine handled at the market. Such records shall be maintained for a period of one year and shall be accessible to authorized federal and state inspectors when reasonable demand is made therefore.

C. The management shall within five days following the completion of each week's business, mail to the board a report of all swine sold through the market, furnishing the name and address of the consignor and the name and address of the purchaser. Other reports are to be made as required by the board.

1715.0750 Consignments.

Swine when consigned for sale must be accompanied by a statement signed by the owner or the owner's agent that the swine are not under quarantine. The statement shall include the post office, township, and county of the premises from which the swine were removed immediately prior to entry to the market. The owner resident address shall also be included if it differs from the above.

Persons delivering swine to the market shall furnish statements signed by the owners or agents as stated above.

1715.0760 Movements into markets.

Subpart 1. **Swine under quarantine.** Swine under quarantine must not be allowed entry, except under permit from the board.

Subp. 2. **Swine from Minnesota markets.** Swine from markets in Minnesota may enter if they are accompanied by a certificate of veterinary inspection issued by an accredited veterinarian.

Subp. 3. Repealed, 12 SR 1748

Subp. 4. Repealed, 12 SR 1748

Subp. 4a. **Breeding swine from other states.** Breeding swine originating from other states may only enter the market if there is a certificate of veterinary inspection and a permit meeting the requirements of part 1715.0705, subpart 2.

Subp. 4b. **Feeder pigs from markets in other states.** Feeder pigs originating from other states may only enter the market if there is a certificate of veterinary inspection and a permit meeting the requirements of part 1715.0705, subpart 3.

Subp. 4c. **Feeder pigs from farms of origin in other states.** Feeder pigs originating from farms of origin in adjacent states may enter if the seller presents an official pseudorabies monitored herd test record or feeder pig monitoring herd card.

Subp. 4d. **Feeder pigs from farm of origin in low prevalence states.** Feeder pigs originating from a farm of origin in a low prevalence state may enter the market if the consigner furnishes proof of residence and proof of origin of the feeder pigs.

Subp. 5. **Slaughter swine.** Slaughter swine may enter for sale for slaughter purposes only.

1715.0770 Movements from markets.

Subpart 1. **Swine on market premises.** All swine on market premises must be inspected by the official veterinarian before sale.

Subp. 2. **Swine infected with contagious, infectious, or communicable disease.** Swine found by the official veterinarian to be infected with or show symptoms of a contagious, infectious, or communicable disease must be placed in isolation pens. Swine from isolation pens must be shipped for slaughter only to some point where the federal government maintains inspection. Shipment must be in accordance with federal regulations governing the interstate shipments of swine.

Subp. 3. **Swine sold for slaughter.** Swine may be sold for slaughter purposes if the purchaser signs a statement of intent to slaughter and the swine are tattooed in accordance with parts 1720.1710 to 1720.1730.

Subp. 4. **Identification.** All swine except swine sold for slaughter must be individually identified by eartag or legible pseudorabies monitored herd numbered ear tattoo or pseudorabies monitored herd numbered eartag.

Subp. 5. Repealed, 12 SR 1748

Subp. 6. **Swine sold to persons in other states.** Swine sold to persons in other states must leave the market with a certificate of veterinary inspection and meet the state of destination requirements.

Subp. 7. **Certificate of veterinary inspection.** Breeding swine in Minnesota that originate in other states must be accompanied by a certificate of veterinary inspection showing individual identification, date of tests, name of laboratory, and results of tests for brucellosis and PRV.

State-Federal Approved Markets for Cattle

1715.0780 Definitions.

Subpart 1. **Scope.** The definitions in this part apply to parts 1715.0780 to 1715.1260.

Subp. 2. **Approved state-federal market.** "Approved state-federal market" shall refer to and include the sale of cattle from a designated premises that has been approved by the board and federal agency.

Subp. 3. **Approved state-federal market qualified to accept reactors, suspects, and cattle from quarantined herds.** "Approved state-federal market qualified to accept reactors, suspects, and cattle from quarantined herds" shall mean a market approved under part 1715.1240.

Subp. 4. **Board.** "Board" shall mean the Minnesota Board of Animal Health acting by and through the executive secretary.

Subp. 5. **Brucellosis reactor.** "Brucellosis reactor" means any nonvaccinated bovine animal showing complete agglutination in a 1:100 dilution or higher, or a vaccinated female bovine animal of dairy breed 20 months of age or over or any female bovine animal of beef breed 24 months of age and over, that is an official vaccinate as defined in subpart 11 which shows complete agglutination in a 1:200 dilution or higher, or any bovine animal that is positive to the brucellosis card test.

Subp. 6. **Brucellosis suspect.** "Brucellosis suspect" means a nonvaccinated bovine animal showing any agglutination in the 1:50 dilution or higher which is not classed as a brucellosis reactor; or an officially vaccinated bovine animal over 20 months of age if of dairy breed, or over 24 months of age if beef breed that shows any agglutination in the 1:100 dilution or higher that is not classed as a brucellosis reactor.

Subp. 6a. **Certificate of veterinary inspection.** "Certificate of veterinary inspection" means a certificate issued by a veterinarian, on an official form of the state of origin, certifying that the animals are free from visible signs of contagious, infectious, or communicable disease. Statements with reference to brucellosis status of area of origin and name and address of consignee shall be included. Record of tests or vaccination and individual identification must be recorded when required.

Subp. 7. **Federal agency.** "Federal agency" shall mean the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Subp. 8. Repealed, 17 SR 1272

Subp. 9. **Market management.** "Market management" shall mean the person or persons organizing and conducting such a market.

Subp. 10. **Market premises.** "Market premises" shall mean the premises where a sale is conducted and shall include but not be limited to temporary or permanent sales rings, pens, and alleys for confining cattle prior to and after sale, and any land or building contiguous to such sales rings where cattle may be brought, unloaded, or confined prior to sale or after sale before delivery to the purchaser.

Subp. 11. **Official vaccinate.** "Official vaccinate" means a female bovine animal vaccinated against brucellosis with an approved Brucella vaccine while from four to ten months (120 to 299 days) of age, permanently identified as a vaccinate, and reported at the time of vaccination to the appropriate state or federal agency.

Subp. 12. **Official veterinarian.** "Official veterinarian" shall mean an individual licensed to practice veterinary medicine in Minnesota, accredited by the United States Department of Agriculture, approved by the board to perform the brucellosis agglutination tests, and authorized by the board to act as its representative at the approved market.

Subp. 13. Repealed by amendment, 8 SR 1659

1715.0790 Permits.

A state-federal approved market shall operate under the provisions of this rule. Cattle sold at such market shall be handled in accordance with these rules at all times. No person shall operate a state-federal approved market for cattle in Minnesota without a permit from the board.

1715.0800 Annual permits.

An annual permit valid until June 30 following date of issue, unless previously revoked, may be issued for conducting a market at a specified point when the following provisions have been complied with:

A. an application properly executed upon a form furnished by the board shall be filed with the board by the management;

B. the veterinarian named in the application is approved by the board to act as the official veterinarian of the sale and is authorized by the board to act as its representative as provided in parts 1715.0820 to 1715.0920; and

C. the market premises named in the application shall be inspected and approved by representatives of the board and the cooperating federal agency, and a report of such inspection shall be filed with the board.

1715.0810 Refusal to grant or revocation of permit.

The board may refuse to grant or may revoke the permit when the applicant or permit holder has violated these rules or the laws of this state and other rules of the board pertaining to the control and eradication of infectious, contagious, or communicable disease of livestock.

1715.0820 Official veterinarian.

The management of each approved market shall designate an official veterinarian to inspect and examine all livestock offered for sale.

1715.0830 Laboratory and other equipment.

Proper and adequate laboratory and other equipment for performance of required veterinary services are the responsibility of the veterinarian. Such equipment shall be inspected and approved by a representative of the board and cooperating federal agency as outlined in Standard Procedures for Brucellosis Testing at State-Federal Approved Markets for Cattle.

1715.0840 Examination of cattle.

The veterinarian shall examine all cattle at the market and shall prohibit the sale of any animal or animals that in the veterinarian's reasonable opinion are affected with or show symptoms of infectious, contagious, or communicable disease, except as specifically provided in these rules, and shall order the movement of such livestock to the isolation pens.

1715.0850 Certificates of veterinary inspection.

The official veterinarian shall examine and accept or refuse certificates of veterinary inspection of all cattle consigned to the sale, and prohibit the sale of cattle not accompanied by proper certificates of veterinary inspection until necessary examinations and required tests are completed.

1715.0860 Testing.

When required by the rules the official veterinarian shall test for brucellosis. Such tests shall be conducted in accordance with accepted procedure.

1715.0870 Master test sheet and other market records.

Cattle moving through the market accompanied by certificates of veterinary inspection must be listed on the master test sheet, and along with data as to the certificate of veterinary inspection. Certificates of veterinary inspection accompanying cattle must be maintained with other market records.

1715.0890 Cattle sold from isolation pens.

The official veterinarian shall issue shipping permits for slaughter only for all cattle sold from isolation pens.

1715.0900 Test records.

The official veterinarian shall furnish the management a record of tests for all cattle tested. Such test records shall be available for examination by any purchaser before the cattle are removed from the market premises.

1715.0910 Calves vaccinated against brucellosis.

The official veterinarian when submitting records for calves vaccinated against brucellosis at the market shall include the name and address of the purchaser.

1715.0920 Reports to board.

The veterinarian shall furnish the board duplicate copies of all quarantines of cattle issued by the veterinarian at the market, and also the records of brucellosis tests of cattle conducted by the veterinarian, and such other reports as the board may from time to time require, within five days following the completion of each week's business. The veterinarian shall report to the board any failure by the sales management to properly clean and disinfect the sales premises.

1715.0940 Market premises and management.

The veterinarian's office and laboratory, the pavilions, sales rings, alleys, loading and testing chutes, and all livestock pens, and all the other buildings and structures located on any sales premises shall be so constructed that they can be maintained in a sanitary condition.

1715.0950 Office and laboratory space for veterinarian.

Proper and adequate office and laboratory space shall be provided the veterinarian. Heating facilities shall be provided by the management so that the laboratory may be maintained at a uniform temperature of not less than 70 degrees Fahrenheit.

1715.0960 Paving with impervious materials.

Sales rings, alleys, testing chutes, and pens used for all livestock, must be paved with cement or other impervious materials.

1715.0970 Facilities for testing and examining cattle.

Facilities shall be provided for testing and examining cattle.

1715.0980 - 1715.0990 Repealed

1715.1000 Separate isolation pens.

Separate isolation pens shall be designated and maintained for each species of livestock. Such pens shall: be so constructed and located that diseased animals therein shall have no contact with nondiseased animals; drainage shall not be into other pens; be conspicuously posted as "isolation pen(s)" on the entrance gate; have feeding and watering facilities separate from those used by healthy animals; have proper equipment for cleaning and disinfecting isolation pen(s). Equipment used for cleaning shall be maintained separate from other equipment. Isolation pen(s) shall be cleaned and disinfected immediately after removal of diseased or disease-exposed animals. Refuse from such pens shall not be placed in any other holding pen in the market, but shall be removed directly to an area not accessible to livestock.

1715.1010 Examination by veterinarian.

No livestock shall be sold at any approved market until it has been examined and found free from symptoms of infectious, contagious, or communicable disease by the official veterinarian except as provided in part 1715.0890.

1715.1020 Acceptance and delivery of livestock.

The management shall refuse to accept livestock for sale when so ordered by the official veterinarian, and shall refuse to deliver livestock sold until such livestock has been released by the official veterinarian.

1715.1030 Report of quarantined livestock.

The management of the market shall within five days following the completion of each week's business mail to the board a report of all quarantined livestock sold through such market, furnishing the name and address of the consignor of such livestock and the name and address of the purchaser. This report shall

correspond with the quarantines issued by the official veterinarian at such market. If no livestock is sold subject to quarantine, the management shall so notify the board.

1715.1040 Records of origin and destination.

The management shall grant state or federal inspectors upon reasonable demand access to all records of origin and destination of all livestock handled at the market.

1715.1050 Maintenance of records.

Records shall be maintained for at least one year.

1715.1060 Identification tags.

All breeding cattle not already identified by an official United States Department of Agriculture metal eartag, registry tattoo, or registry number shall be identified by placing a United States Department of Agriculture metal eartag in the right ear prior to being offered for sale at a state-federal approved market for cattle. All breeding cattle must be identified on all official sale records. Official United States Department of Agriculture metal ear tags shall not be removed without permission from the board.

1715.1070 Affidavit.

The market management shall not allow the removal of female cattle of beef type and breed under 18 months of age sold under affidavit and quarantine for feeding only, unless accompanied by proper permit or until the purchaser furnishes an affidavit to the market management as required by Minnesota Statutes. The original and second copy of the affidavit shall be mailed to the board within five days following the completion of each week's business.

1715.1080 Consignment of livestock.

Cattle originating in Minnesota shall be accompanied by a statement signed by the owner that the cattle originate from a premises not under quarantine because of disease, and that to the owner's knowledge and belief have not been exposed within the past 30 days to cattle affected with any infectious, contagious, or communicable disease.

1715.1100 Cattle from other states.

Cattle originating in other states may be consigned to the market when accompanied by a certificate of veterinary inspection complying with the Minnesota importation requirements or a declaration signed by the owner showing address of origin, description and number of cattle in shipment, destination, and further stating cattle are not under quarantine because of disease.

STAT AUTH: MS s 35.03; 35.243; 35.245; 35.351

HIST: 8 SR 1659; 17 SR 1272; 23 SR 883

1715.1110 Testing for brucellosis.

When required, cattle shall be tested for brucellosis to comply with Minnesota Rules.

1715.1120 Owner's declaration.

Cattle entering the market on an owner's declaration must be tested to meet Minnesota importation requirements.

1715.1130 Certificate of veterinary inspection.

Cattle entering market accompanied by a certificate of veterinary inspection certifying to origin in a state not classified "Brucellosis-Free" by Veterinary Services, United States Department of Agriculture, are subject to brucellosis tests at the market.

1715.1140 Cattle sold without further testing.

Cattle entering market accompanied by certificate of veterinary inspection with necessary tests for brucellosis conducted within 30 days prior to date of importation and recorded thereon may be sold without further testing.

1715.1150 Reactors, suspects, and cattle from quarantined herds.

Reactors, suspects, and cattle from quarantined herds may be consigned to markets approved under part 1715.1240 when accompanied by a shipping permit providing for resale only to slaughtering establishments having federal inspection.

1715.1160 Cattle for immediate slaughter.

Cattle consigned for resale as slaughter cattle or determined at the market to be slaughter cattle shall be identified by a tag as applied under the market cattle identification program.

1715.1170, 1715.1180 Repealed

1715.1190 Brucellosis reactors.

Brucellosis reactors shall be placed in isolation pens and not allowed to move from the market until the official veterinarian has identified them as reactors and a permit has been issued for their removal to a designated place of slaughter where the federal government maintains inspection service, or to public stockyards.

1715.1200 Brucellosis suspects.

Brucellosis suspects and all bovine animals that have been in contact with reactors more than 24 hours are to be placed in isolation pens separate from reactors and not allowed to move from the market until the official veterinarian has issued a permit for their removal. Such brucellosis suspects and contact animals shall be returned to the farm of origin under quarantine issued by the official veterinarian or identified with the letter "S" on the left jaw and sold for immediate slaughter only to a slaughtering establishment where the federal government maintains inspection service, or shipped to public stockyards under permit issued by the official veterinarian.

1715.1210 Report of origin of reactors and brucellosis suspects.

A report of origin of all reactors and brucellosis suspects disclosed when cattle are tested at the market shall be made to the board by the official veterinarian within five days following completion of each week's business.

1715.1220 Shipping permit.

The management shall not allow the removal of reactor animals or brucellosis suspects from the market until the purchaser has a shipping permit issued by the official veterinarian.

1715.1230 Quarantines.

Cattle from states not classified "Brucellosis-Free" by Veterinary Services, United States Department of Agriculture, of beef breed under 18 months of age, accompanied by owner's certificate and sold for feeding purpose under affidavit, are quarantined for the feeding period. When such cattle are 18 months of age and over, they are considered as breeding cattle.

1715.1240 Markets approved to accept reactors.

Approved state-federal markets qualified to accept reactors, suspects, and cattle from quarantined herds shall:

- A. maintain an isolation section identified as such and used solely for the purpose of yarding reactors, suspects, and cattle quarantined by the Board of Animal Health because of the existence of or exposure to disease;
- B. weigh each reactor for which indemnity might be paid separately and individually, and maintain all records of sales price and costs with the identity marks and reactor tags so that net returns can be determined; and
- C. provide, maintain, and staff adequate facilities, equipment, and permitted disinfectant for the purpose of disinfecting vehicles that have transported reactors, suspects, or quarantined livestock, as determined by state and federal regulations.

1715.1250 Other species of livestock.

Other livestock shall be handled in accordance with parts 1715.0200 to 1715.0580 and/or parts 1715.0590 to 1715.0770.

1715.1260 Precedence.

No part of these rules shall take precedence over any portion of parts 1700.0100 to 1700.1500.

Public Stockyards

1715.1270 Definitions.

Subpart 1. **Board.** "Board" means the Minnesota Board of Animal Health or its authorized agents.

Subp. 2. **Public stockyards.** "Public stockyards" means an assembly point for livestock operated as a public market for livestock producers, feeders, market agencies, and buyers; having facilities and providing services for those individuals or organizations who have been granted the privileges of the market by the management of the stockyards.

Subp. 3. **Shipper contract.** "Shipper contract" means a record indicating: consignor's name and address; identification and description of the livestock consigned; date and time received; name of the trucker or transportation agency; name of the individual or firm who will represent the seller; and signature of the seller or the seller's agent.

Subp. 4. **Veterinary services contractor.** "Veterinary services contractor" means an accredited veterinarian or more than one veterinarian selected by the management and approved by the board to perform necessary services in connection with the rules of the board.

1715.1280 Permit to operate.

A permit to operate expiring June 30 following the issue date shall be issued provided: a veterinarian or veterinarians acceptable to the board have been retained by the stockyards management to act as the veterinary services contractor; an inspection by representatives of the board indicates compliance with the sanitation and general requirements of this rule; the management of the stockyards shall furnish a list of all persons and firms granted the privilege of the market.

1715.1290 Revocation of permit.

The executive secretary may suspend a permit issued under part 1715.1280 for just cause for a period of not more than 30 days pending a hearing before the board to show cause why the permit should not be revoked.

1715.1300 General requirements.

All pens, yards, alleys, and livestock holding areas shall be constructed so that they may be maintained in good repair and in a sanitary condition.

1715.1310 Veterinary services contractor.

The veterinary services contractor shall be provided adequate space and facility to perform duties.

1715.1315 Swine areas.

Facilities used by breeding and feeder swine must be separate from facilities used by slaughter swine.

1715.1320 Separate isolation pens.

Separate isolation pens shall be provided for yarding reactors, suspects, and exposed livestock.

1715.1330 Trucks and other vehicles.

Facilities shall be provided by the management for adequately cleaning and disinfecting trucks and other vehicles at a reasonable cost to the transportation agency.

1715.1340 Inspection.

Agents of the board shall be allowed entry for inspection purposes upon demand at any reasonable time.

1715.1350 Records.

The management shall maintain and cause to be maintained records of all livestock transactions for a period of one year. Such records shall be available for inspection on demand at reasonable times by agents of the board.

1715.1360 Locking and sealing pens or sections of stockyards.

The management shall lock and seal pens or sections of the stockyard upon demand when agents of the board detect or suspect contagious or communicable disease exists in such pens and sections of the stockyards. Such pens shall be cleaned and disinfected under board supervision before being used again.

1715.1370 Exposed cattle.

Upon disclosure of brucellosis reactors all other cattle in a consignment must be considered exposed and must be sold for immediate slaughter or returned to the farm of origin under quarantine. If sold for immediate slaughter, a shipping permit must be issued and each exposed animal must be permanently branded with the letter "S" on the left hip high on the tailhead. Any cattle in contact with a reactor must be considered exposed.

1715.1380 Movements into and out of public stockyards.

All movements into and out of public stockyards shall be in compliance with applicable federal interstate regulations and the laws of the state of Minnesota and rules of the board.

1715.1390 Entry of livestock.

All livestock shall enter with a properly completed shipper contract. Livestock under quarantine because of disease shall be allowed entry when properly identified and accompanied by a shipping permit issued by a veterinarian or a notice of shipment prepared by the owner. All reactors, suspects, and exposed livestock shall enter the stockyards through separate entryway and be yarded in the isolation area. The shipper contract shall be clearly marked with the appropriate word or words indicating such livestock. Cows and bulls two years of age and over shall be identified to the herd of origin by an official backtag as required in parts 1720.1680 to 1720.1700 prior to being offered for sale.

1715.1400 Removal of livestock.

Livestock may not be removed from the premises until released by the veterinary services contractor or a representative.

Cattle removed for purposes other than slaughter must be accompanied by a certificate of veterinary inspection meeting Minnesota importation requirements if they originate from other states, or Minnesota sale requirements if they originate from Minnesota, or state of destination requirements if exported.

1715.0410 Repealed

1715.1420 Brucellosis test requirements.

The requirements for importation of cattle in parts 1700.0100 to 1700.1500 apply to all cattle removed from the public stockyards to Minnesota destinations.

The diagnosis of cattle which respond to the brucellosis test shall be in accordance with parts 1705.0060 to 1705.0540.

1715.1440 Removing cattle two years of age.

Cows and bulls from other states two years of age and over must be backtagged or meet the testing requirements for importation of cattle in parts 1700.0700 to 1700.1100 before removal from the stockyards.

1715.1450 Sale of swine.

Subpart 1. **Slaughter swine.** Sows and boars sold for slaughter must be identified to the herd of origin as required in parts 1720.1680 to 1720.1730.

Subp. 2. **Breeding swine.** Breeding swine must:

- A. be negative to an official or approved differential pseudorabies test less than 30 days before sale or originate from a qualified pseudorabies-negative herd or a qualified negative gene-altered vaccinated herd or a Stage IV or V county or area;
- B. be either negative to a brucellosis test less than 30 days before sale or originate from a validated brucellosis-free swine herd if originating from a state that is not validated brucellosis-free;
- C. be identified by an eartag, tattoo, brand, or ear notch recognized by a breed association;
- D. leave the sale with a restricted-movement certificate if the sales premises is used to sell feeder pigs, market hogs, or other untested swine; and
- E. be sold before any feeder pigs are sold at the market.

Subp. 3. **Feeder pigs.** Feeder pigs and all other swine other than breeding or slaughter swine must:

- A. be identified by a metal eartag, legible pseudorabies-monitored herd numbered ear tattoo, legible pseudorabies-monitored herd number shoulder slap tattoo, or pseudorabies-monitored herd numbered eartag;
- B. leave the sale with a restricted-movement certificate; and
- C. all feeder pigs must be tested negative for pseudorabies within 30 days prior to sale or originate from:

(1) a qualified pseudorabies-negative herd; (2) a qualified negative gene-altered vaccinated herd; (3) an officially designated Stage III, IV, or V low-prevalence pseudorabies area; or (4) a monitored pseudorabies-negative herd complying with part 1705.2474.

While in transit through marketing channels, all feeder pigs from monitored herds must be maintained so that they are not exposed to swine of unknown pseudorabies status or maintained in facilities or trucks contaminated by those swine. Failure to do so causes them to lose their monitored status.

Subp. 4. **Report.** The veterinary services contractor shall supply a report to the board each week listing the names and addresses of sellers and buyers of feeder and breeding swine. The board may ask for further reports.

1715.0460, 1715.0470 Repealed

1715.1480 Sheep, goats, horses, mules, and other species.

Sheep, goats, horses, mules, and other species may only be removed after a certificate of veterinary inspection certifying compliance with the state of destination requirements has been prepared by the veterinary services contractor.

**Minnesota Rules Chapter 1719
Animal Carcasses**

Disposal of Dead Animals and Rendering Plants

1719.0100 Definitions.

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

Subp. 2. **Animal food processing.** "Animal food processing" means the procedure in which carcasses or discarded animal parts are denatured or decharacterized for use as pet or mink food and offered for sale.

Subp. 3. **Board.** "Board" means the Board of Animal Health.

Subp. 4. **Carcass.** "Carcass" means the body or a part of a domestic animal or fowl that has died or has been killed otherwise than by being slaughtered for human or animal consumption. Domestic animal does not include a species of animal maintained in the home of the owner whether or not the particular domestic animal was so housed at any time prior to its death.

Subp. 5. **Collecting station.** "Collecting station" means an establishment maintained and operated under permit where carcasses or discarded animal parts may be unloaded from trucks operating under permit, for temporary keeping.

Subp. 6. **Composting.** "Composting" means the controlled microbial degradation of organic material by thermophilic organisms to yield a stable humus with little odor.

Subp. 6a. **Discarded animal parts.** "Discarded animal parts" means all or a part of animals, fish, or poultry that have been killed for human or animal consumption and not used for that purpose.

Subp. 6b. **Disposal by other methods.** "Disposal by other methods" means the disposal of carcasses or discarded animal parts by a board-approved method other than burning, burial, rendering, or processing into animal food.

Subp. 7. **Establishment.** "Establishment" means a place where carcasses or discarded animal parts are rendered or processed for mink or pet food or for other commercial uses.

Subp. 7a. **Fur farm.** "Fur farm" means a premises on which fox, ferrets, mink, and other animals are raised for the production of fur.

Subp. 8. Repealed

Subp. 9. Repealed

Subp. 9a. **Off-site pickup point.** "Off-site pickup point" means a location away from the building site where carcasses may be placed for pickup by a carcass disposal service.

Subp. 10. **Poultry.** "Poultry" means turkeys, chickens, and other domesticated fowl.

Subp. 11. **Rendering.** "Rendering" means the processing of all or a part of carcasses, fish or poultry, including scraps, discarded animal parts, and grease, by cooking to produce inedible by-products. Rendering includes the skinning and dismembering of carcasses.

Subp. 12. **Rendering plant.** "Rendering plant" means an establishment where rendering is conducted and includes:

- A. the rooms or buildings where skinning and dismembering of carcasses is conducted;
- B. the tanks in which carcasses are cooked;
- C. the rooms or buildings used for storage of hides, tankage, or other products from processing and the adjacent area used in the operation of collecting, hauling, skinning, dismembering, and cooking carcasses and packaging, storing, and loading the finished product of the rendering operation;
- D. the area used for the disposal of waste material unsuitable for rendering; and
- E. the liquid waste disposal facilities of the plant.

Subp. 12a. **Toxic material.** "Toxic material" means a poisonous substance that killed an animal.

Subp. 13. **Truck.** "Truck" means a vehicle or conveyance used for the transportation of carcasses or discarded animal parts including scraps, grease, or other renderable parts.

1719.0200 Permits.

Subpart 1. **Generally.** The board may issue a permit to owners or operators of rendering, animal food processing plants, or other establishments to transport the carcasses or discarded animal parts over the public highways to their plant upon receipt of a properly executed application form furnished by the board. The application must include:

- A. the name of the establishment and location by county and city or town;
- B. a description of each truck owned, leased, contracted, or used in the transportation of carcasses, including the license number and truck body number;
- C. the location of each collecting station, if any, by county and city or town; and
- D. the signature of the owner or operator of the establishment or an authorized agent.

Subp. 2. Repealed

1719.0300 Permits required.

Subpart 1. Generally. Permits from the board are required for all trucks used to transport carcasses or discarded animal parts over public roads. The permit authorizes the permittee to transport the carcasses or discarded animal parts over public roads to an establishment but does not authorize crossing state lines. Permits are valid for one year unless revoked in accordance with Minnesota Statutes, section 35.93. The permittee shall comply with rules of other state and federal agencies. No permit is required for a person to haul the carcass of an animal which was owned by that person before the animal died.

1719.0310 Trucks crossing state lines.

Trucks crossing state lines must meet applicable conditions in any reciprocal agreement between the states involved.

1719.0400 Truck owned by person other than owner or operator of rendering plant.

If a truck is owned by a person other than the owner or operator of the establishment, the owner or operator of the truck and the owner or operator of the establishment are responsible for compliance with all laws and rules pertaining to the transportation of carcasses. The application must indicate the name and address of the owner of the truck.

1719.0500 Inspection of plant facilities and trucks.

Subpart 1. Generally. Before permits are issued, an inspection of the plant, collecting station, and trucks must be made by an agent of the board to determine if the facilities of the plant and the trucks comply with this chapter. A report of the inspection must be filed with the board.

Subp. 2. Repealed by amendment, 20 SR 2033

1719.0600 Burying or burning.

The Pollution Control Agency has adopted rules governing burying or burning carcasses or discarded animal parts.

1719.0700 Carcass of animal which has died from anthrax.

Permits shall not allow the removal, composting, transportation, or rendering of any carcass of an animal which has died from anthrax. The carcass must be treated according to parts 1705.0010 to 1705.0050.

1719.0750 Carcass of animal that died from rabies.

If circumstances exist that do not reasonably allow the burning or burial of a carcass of an animal that has died from rabies or is suspected of having died from rabies, the carcass may be transported to a rendering plant for special handling under the advisement of a veterinarian.

1719.0800 Carcass of animal that died from toxic materials.

Permits do not allow the removal, transportation, or rendering of a carcass of an animal that has died from toxic materials unless the material is inactivated by the rendering process. The Pollution Control Agency has adopted rules about the concentration of toxic agents in composted material.

1719.1000 Endangering health of domestic animals.

If the board determines that the removal, transportation, rendering, or feeding of a carcass of an animal or fowl that has died or has been killed because of a specific disease will endanger the health of the domestic animals of the state, the board shall notify the owner or person in charge that the carcass may not be removed from the premises, except with a permit from the board.

1719.1100 Permits to fur farms.

Permits are required for fur farmers to haul carcasses or discarded animal parts to feed their animals. The carcasses or discarded animal parts may be fed only to their own animals.

1719.1200 Transportation of carcasses and discarded animal parts.

Trucks permitted for the transportation of carcasses, or discarded animal parts to establishments, must be equipped with a truck body or tank that is watertight and so constructed that no drippings or seepings from the carcasses can escape. The truck body or tank must have a permanent cover and be completely enclosed. Temporary cover arrangements may be used on trucks or trailers in special circumstances such as hauling carcasses from collecting stations directly to the main plant if the cover arrangement passes inspection as being completely enclosed and prior approval is received from the board or its

agent. The tailgate must completely enclose the rear openings of the truck. Trucks used for hauling renderable products other than carcasses must be adequately constructed to prevent dripping and equipped with a cover to prevent the transported product against undue exposure to the outside.

1719.1300 Transportation for disposal by other methods.

Persons hauling carcasses or discarded animal parts for disposal by other methods shall keep the carcasses or discarded animal parts completely covered and in a leak proof container or truck body while being transported over any public road.

1719.1400 Hauling carcasses for medical or scientific purposes.

Persons hauling carcasses for medical or scientific purposes shall do so in leak proof containers designed to prevent spillage or the dripping of liquid waste.

1719.1500 Truck body number.

Each truck used for the transportation of carcasses and discarded animal parts to an establishment must be assigned a body number by the establishment. Both the establishment name or truck owner's name and the body number of the truck must be printed in a conspicuous place and manner on the left side of the truck bed or body in figures at least four inches high.

1719.1600 Fur farm identification.

No numbers are required on trucks used to haul carcasses or discarded animal parts to be used for fur farm food, but the truck must have the name of the owner or farm name on the left side of the truck in letters at least two inches high.

1719.1700 Cleaning and disinfection.

If a truck, a person in charge of a truck, or an agent has been on a premises for the purpose of removing a carcass, before the truck can be taken on a public road or on other premises the wheels of the truck and the shoes or boots of persons who have been upon the premises must be thoroughly cleaned and disinfected with a disinfectant of a prescribed strength approved by the board. The cleaning and disinfecting must also be conducted prior to the truck or persons in charge of the truck leaving the establishment.

1719.1800 Insecticide.

Before closing the cover and leaving the premises, a sufficient amount of an FDA-approved insecticide must be discharged into the truck body to destroy accumulated flies before the next stop during the time from May 1 to September 30.

1719.1900 Off-site pickup point.

Carcasses left at an off-site pickup point must be in an animal-proof enclosed area that is at least 200 yards from a neighbor's buildings. Carcasses must be picked up within 72 hours, except if the enclosed area is refrigerated to less than 45 degrees Fahrenheit, the carcasses must be picked up within seven days.

1719.2000 Use of vehicle for other purposes.

Subpart 1. Generally. A vehicle used for the transportation of carcasses or discarded animal parts may not be used for any other purpose until it is thoroughly cleaned and disinfected. Trucks and containers must be thoroughly cleaned and disinfected after emptying.

Subp. 2. Repealed by amendment, 20 SR 2033

1719.2100 Carcass unloading and reloading.

No carcass may be removed from a truck except for final disposal or at a collecting station.

A carcass must be unloaded within enclosures or a building provided for that purpose. A carcass may not be allowed to remain in the collecting station for a period longer than 24 hours before reloading into another permitted truck for transportation directly to an establishment, except a carcass kept at less than 45 degrees Fahrenheit may remain for up to seven days.

1719.2200 Establishments.

Subpart 1. Generally. A permit may not be issued to the owner of an establishment unless the plant and any collecting station includes a building or buildings adapted to the purpose intended, with adequate ventilation and concrete floors with good drainage, and so constructed that it may be maintained in a sanitary condition. The floors, walls, ceilings, posts, doors, and other structural parts of the building or

buildings must be of impervious materials or protected with impervious materials. All windows, doors, and other openings must be screened or constructed to prevent entry of rodents, insects, and other animals. Management shall establish and maintain a routine insect and rodent extermination program.

1719.2300 Rendering carcasses.

Skinning and dismembering of carcasses must be done in buildings properly constructed and provided for that purpose. The cooking vats must be airtight except for proper escapes or vents. All carcasses and discarded animal parts must be disposed of by subjecting them to a recognized cooking and rendering procedure.

1719.2400 Flushing or scrubbing; disposal of liquid waste.

Subpart 1. Repealed by amendment, 20 SR 2033

Subp. 2. Generally. The entire processing area and equipment of an establishment or collecting station must be thoroughly flushed or scrubbed daily with live steam or 185 degrees Fahrenheit potable water when the plant is in operation. All floor washings and other liquid waste or accumulation of water must be disposed of through proper disposal facilities which conform to the rules of the Department of Health, the Pollution Control Agency, and other governmental agencies.

Subp. 3. Repealed by amendment, 20 SR 2033

1719.2500 Official or alternate veterinarian.

Subpart 1. Generally. The management of a pet or mink food plant shall employ or engage the services of an accredited licensed veterinarian to inspect carcasses and supervise plant sanitation. The veterinarian selected may designate, with plant manager approval, an alternate veterinarian to perform this service in the veterinarian's absence. Compensation for services rendered by the veterinarians must be paid by the plant management. The veterinarian and alternate, if any, must be named on the permit application and be authorized by the board to act as official veterinarian.

The official veterinarian shall report to the board any failure on the part of plant management to carry out sanitary procedures in this chapter.

1719.2600 Inspection by veterinarian.

Carcasses presented to the veterinarian for inspection must have the lungs, heart, liver, and kidneys attached. Prior to inspection, the carcasses must be held in a chill room at a temperature of 40 to 45 degrees Fahrenheit to prevent decomposition.

1719.2700 Condemned carcasses.

Carcasses which show evidence of a dangerous communicable disease, decomposition, or any toxic material must be declared unfit for processing into pet animal or mink food. The carcasses must be identified as condemned. Condemned carcasses must be held in a room or area separate from the processing area and removed for rendering within a reasonable time. Condemned carcasses or discarded animal parts must be transported in permitted vehicles only.

1719.2800 Carcasses and discarded animal parts passed for use in pet animal and mink food.

Subpart 1. Generally. Carcasses and discarded animal parts passed for use in pet animal and mink food must be identified, cut up, decharacterized, packaged, weighed, labeled, stored, and transported according to Code of Federal Regulations, title 9, chapter III, section 325.11.

1719.2900 Sanitation.

Subpart 1. Generally. Processing of animal carcasses and discarded animal parts into pet animal or mink food must be accomplished in a plant maintained in a sanitary condition.

1719.3000 Records.

Plants operating under a permit to process carcasses into pet animal and mink food must keep the following records and make them available at all reasonable times to an agent of the board upon request: the name and address of the owner and the date an animal carcass was picked up and received for inspection and processing and an inventory of the weight and number of cartons of inedible meat and carcass parts processed, stored, and transported each day.

1719.3100 Sanitation guidelines.

To decrease bacterial contamination of the plant and the finished product, the operator of an establishment shall, to the extent practicable:

- A. divide the raw material room, processing room, and finished product room into completely separate areas by solid walls and ceilings;
- B. control the work pattern of employees from one work area to another or supply equipment and space for scrubbing footwear, changing clothes, and washing hands between the work areas;
- C. avoid the transfer of equipment, tools, mechanical loaders, or scrapers, particularly from the raw material or processing area to the storage and blending areas;
- D. maintain a constant and active rodent, bird, and insect control program especially in areas where the finished product is stored;
- E. exclude visitors or provide good security measures such as disposable or washable footwear, and conduct tours from finished product to raw material area;
- F. avoid excess production, accumulation, and distribution of dust in the grinding area, including covering conveyor belts and whirling machinery to keep air movement at a minimum and removing dust that settles on beams, shelves, window sills, and equipment;
- G. reprocess all spillage through the cookers;
- H. conduct a thorough daily cleanup of floors and equipment, avoiding the accumulation of pools of water and keeping floor and equipment as dry as possible;
- I. make adequate washing, showering, and dressing facilities available to all employees; and
- J. participate in available salmonella monitoring programs.

1719.3200 Pits or depositories.

Pits or depositories must be leak proof and built on an impervious pad. Pollution control agency rules also apply to pits or depositories.

1719.3250 Repealed

Composting

1719.4000 Composting.

Subpart 1. **Species allowed.** Composting is allowed for poultry, swine, sheep, and goats if parts 1719.0100 to 1719.4250 are followed. The board may authorize on an experimental or permit basis other species to be composted or alternative methods to be used.

Subp. 2. **Site selection.** In choosing a site for the construction of a facility, consideration must be given to prevailing winds and public view. Pollution Control Agency rules also apply to site selection.

Subp. 3. **Compost facility.** A composting facility must:

- A. be built on an impervious, weightbearing pad that is large enough to allow the equipment to maneuver;
- B. be covered with a roof to prevent excessive moisture on the composting material, but if sawdust or other water-repelling material is used as the bulking agent, a roof may not be necessary;
- C. be built of rot-resistant material that is strong enough to withstand the force exerted by the equipment; and
- D. be large enough to handle each day's normal mortality through the endpoint of the composting and that consists of a minimum of two heat cycles.

Pollution Control Agency and Department of Agriculture rules also govern the handling or storage of the manure and composted material.

Subp. 4. **Composting process.** The composting process must utilize at least the steps in items A to D.

A. Mortality must be processed daily. B. A base of litter is required. The carcasses or discarded animal parts and litter plus bulking agent are added in layers so that the carbon to nitrogen ratio is in the range of 15:1 to 35:1 (optimal 23:1). C. The carcasses or discarded animal parts must be kept six inches from the edges and sealed with litter each day. D. The temperature must be taken and recorded on site daily. The compost temperature must reach a minimum of 130 degrees Fahrenheit. Approximately seven to ten days are needed in each heat cycle to process the carcasses and kill the pathogens. The temperature drop indicates the time to mix and move the compost. A minimum of two heat cycles is required.

Subp. 5. **Protocol.** The owner of the compost facility shall have a written protocol for the operation containing at least the minimum steps in subpart 4 and shall instruct and be responsible for all employees to follow the protocol.

Subp. 6. **Pest control.** Flies, rodents, and vermin must be controlled so as not to be a health hazard to human or animal populations.

Subp. 7. **Transportation to compost site.** Carcasses and discarded animal parts may be transported over public roads only in vehicles or containers that are leak proof and covered.

Subp. 8. **Consulting and guidelines.** Best management practices, as recommended by the Cooperative Extension Service of the United States Department of Agriculture, are available to assist in the construction and operation of a compost facility and in the utilization of the end product.

Subp. 9. **Finished product.** The finished product must not contain visible pieces of soft tissue and must be handled, stored, and used according to Pollution Control Agency and Department of Agriculture rules.

Subp. 10. **Emergency and commercial composting.** The board shall authorize other composting processes for emergency, commercial, and other applications if a satisfactory protocol has been developed.

1719.4100 Inspection.

Representatives of the board may inspect an establishment, fur farm, or composting facility, and may review the operation protocol at any reasonable time.

Enforcement and penalties

1719.4200 Enforcement.

Enforcement of parts 1719.0100 to 1719.4100 must be according to Minnesota Statutes, sections 35.92 to 35.94.

1719.4250 Penalties.

Construction or operation of an establishment, fur farm, truck, or compost facility in violation of this chapter results in penalties pertaining to improper disposal of dead animals as well as possible charges for violations of the rules by other state or local agencies. The penalties assessed to the party or parties responsible for a violation that are civil penalties under Minnesota Statutes, section 35.95, or criminal penalties under Minnesota Statutes, section 35.96, must be enforced through an action by the county attorney, the attorney general, or the board as the situation dictates.

1719.4300 Repealed

1719.4400 Repealed

1719.4500 Repealed

1719.4600 Repealed

**Minnesota Rules Chapter 1720
Miscellaneous**

Cleaning and disinfecting vehicles

1720.0010 to 1720.0310 Repealed or Renumbered

1720.0320 Cleaning and disinfection of vehicles used as carriers.

Vehicles used as carriers for livestock which are affected with or suspected of being affected with a contagious, infectious, or communicable disease shall be cleaned and disinfected before use for transportation of other livestock.

1720.0330 Procedures for cleaning and disinfection.

The vehicles shall first be thoroughly cleaned by the removal of all litter, manure, and refuse. Provision shall be made for the disposition of all manure, litter, and refuse removed from the vehicles into an area where other livestock cannot come in contact with it. The floors, interior walls, and chassis of the vehicles shall then be disinfected with a disinfectant approved by the USDA.

1720.0340 to 1720.0580 Repealed or Renumbered

Sale and Distribution of Biological Products and Antigens

1720.0581 Restrictions on Biological Products

A. The following products may be sold or distributed to veterinarians or to pharmacists or companies who may only sell them to veterinarians: (1) rabies vaccine; (2) Brucella abortus vaccine; and (3) other biological products that are determined by the Board to be too dangerous for lay use.

B. The following products require a written prescription from a veterinarian to be sold or distributed for lay use: (1) anthrax vaccine; (2) modified live vaccines for any species of animal that is commonly maintained in the home of the owner whether or not the particular animal is so housed; and (3) other biological products that are restricted by the board for use in a disease control program.

1720.0590 Antigens.

No person, persons, pharmacists, companies, or corporations located within or without the state of Minnesota, engaged in the manufacture, wholesale or retail sale, or distribution of antigens and all other biological products used in the detection and diagnosis of communicable, infectious diseases of domestic animals shall sell or distribute these products to any person or persons located within the state of Minnesota except to veterinarians licensed to practice in Minnesota and to pharmacists, companies, and corporations engaged in the retail sale of such products, who shall not sell to persons other than licensed veterinarians.

1720.0600 Prescriptions.

Prescriptions shall not be written by veterinarians for Brucella abortus vaccine, rabies vaccine, antigens, and all other biological products used in the detection and diagnosis of communicable, infectious diseases of livestock, or other biological products that are determined by the board to be too dangerous for lay use.

1720.0610 Retention of prescription copies.

A copy of all written prescriptions shall be maintained on file by the issuing veterinarian for a period of two years.

1720.0620 Sale or distribution of biological products and antigens.

No person, persons, pharmacists, companies, or corporations shall sell or distribute in Minnesota biological products containing the active or infective agent of any communicable, infectious disease of livestock, or antigens used in the detection and diagnosis of communicable, infectious diseases of domestic animals unless such products are licensed by the United States Department of Agriculture and are in the original unopened container of the manufacturer.

1720.0630 Storage.

Biological products or antigens shall at all times be maintained in storage in accordance with the recommendations of the manufacturer.

1720.0640 Sale, distribution, and use of poultry biologicals and antigens.

With the exceptions of parts 1720.0620 and 1720.0630 the provisions of these rules shall not apply to biological products and antigens manufactured and sold exclusively for use in poultry; provided, the Board of Animal Health may impose restrictions on the sale, distribution, and use of poultry biologicals and antigens if deemed necessary to protect the health of livestock and poultry in Minnesota.

Stray Animals - Scientific Use

1720.0650 Authority.

Pursuant to Minnesota Statutes 1949, sections 35.71 and 15.042, the Board of Animal Health hereby amends the following rules.

1720.0660 Definitions.

Subpart 1. **Scope.** When used in these rules, the following words shall have the meaning subjoined to them.

Subp. 2. **Board.** The "board" shall mean the Board of Animal Health.

Subp. 3. **Establishment.** "Establishment" shall mean any pound, yard, or building, or combination thereof maintained or operated by or for a municipality or other governmental unit for the impounding, care, or disposal of animals seized by lawful authority.

Subp. 4. **Institution.** "Institution" shall mean any school or college of agriculture, veterinary medicine, medicine, pharmacy, dentistry, or other educational or scientific organization properly concerned with the investigation of or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of disease or abnormal conditions of human beings or animals.

Subp. 5. **Persons entitled to claim or redeem animals.** "Persons entitled to claim or redeem animals" shall mean the owner of such animal or the owner's agent, or any other person permitted by municipal ordinance or the rules or regulations of the establishment to purchase or otherwise secure ownership of such animals within the period of time designated in subpart 8.

Subp. 6. **Requisitioned animal.** "Requisitioned animal" shall mean any unredeemed animal obtained by an institution from an establishment by requisition.

Subp. 7. **Supervisor.** "Supervisor" shall mean the pound master or person in charge of any establishment.

Subp. 8. **Unredeemed animal.** "Unredeemed animal" shall be any animal seized by public authority impounded in an establishment as defined in subpart 3 for not less than five days or such other minimum period of time as may be specified by municipal ordinance, and which has not been claimed or redeemed by the owner of such animal or by any other person entitled to claim or redeem such animal.

1720.0670 Licenses.

Any institution desiring authority to requisition unredeemed animals may apply to the board on a form furnished by the board for a license. The application shall include: name and address of the institution; activities conducted by the institution; the purpose to which the animals will be put; name of the person who will be responsible for the procurement, care, and disposal of the animals, and carrying out the rules of the board pertaining thereto; the number and species of requisitioned animals which will be maintained at any one time by the institution.

1720.0680 Investigation.

Upon receipt of a proper application accompanied by a **fee of \$50** the board shall cause an investigation to be made by a qualified representative of the board. If it is determined that the institution is equipped with facilities and personnel in compliance with parts 1720.0690 to 1720.0730, and that the public interest will be served thereby, the board may issue a license authorizing such institution to requisition animals from any establishment.

1720.0690 Institutions.

All licensed institutions shall comply with the provisions of parts 1720.0690 to 1720.0730 in the handling, care, and disposal of all requisitioned animals.

1720.0700 Facilities.

Facilities shall be provided as follows: a kennel room which can be maintained in a sanitary condition and which shall be provided with an impervious floor with adequate drainage, adequate light, adequate ventilation, window and door screens in good condition, cages in sufficient number so a separate cage can be provided for each animal and the cages of such size that each animal may stand and lie in a normal position, and adequate space for the exercise of the animals. If separate runways or exercise yards are provided, they shall be equipped with impervious floor and shall be so constructed that they may be maintained in a sanitary condition at all times.

1720.0710 Personnel.

Personnel shall be provided as follows: a qualified person in charge with authority who shall be responsible for the care, transportation, handling, and disposal of animals procured under these rules and for the proper maintenance of the premises where animals are confined; personnel in addition to the person in charge sufficient to ensure humane and proper care, handling, and transportation of all animals and to maintain the premises where animals are confined and vehicles in which they are transported in a clean and sanitary condition.

1720.0720 Records.

The institution shall keep complete records of all animals procured under requisition which shall be available for inspection by an authorized representative of the board at any time. They shall include: description of animal; the date and place where the animal was procured, and requisition number; condition of the animal on arrival at institution; cage number or other identification; final disposition of the animal.

1720.0730 Transportation of animals.

Animals shall be transported from the establishment to the institution at the expense of the institution in vehicles maintained for that purpose and properly equipped. The number of animals transported at one time shall not exceed the number which can ride comfortably, and provision shall be made to prevent injuries from fighting or overcrowding during transportation.

1720.0740 Requisitions.

Every licensed institution may issue requisitions for animals to any establishment as defined in part 1720.0660, subpart 3. The requisition shall be executed in triplicate on forms furnished by the board. The original shall be furnished the establishment, one copy shall be mailed to the board, and one copy retained by the institution. The requisition shall include: name and address of the institution; name and address of the establishment; number, species, size, and sex of animals desired; date of issue.

1720.0750 Duties of establishments.

Whenever a request is submitted to a supervisor of an establishment, it shall be the supervisor's duty to make available to the institution the number of animals of the species, size, and sex specified in the requisition, from the unredeemed animals. If the number of such animals specified by the requisition is not available, the supervisor shall immediately make available all such unredeemed animals as are then in the establishment. The supervisor shall then withhold from destruction all unredeemed animals of the species, size, and sex specified by the requisition until the number of such animals is sufficient to complete the requisition. Any time unredeemed animals of the species, size, and sex specified in the requisition become available, even though the number of such animals is not sufficient to fill the requisition, the supervisor may notify the institution issuing the requisition of the availability of such unredeemed animals by collect telegram; and as soon as sufficient unredeemed animals of the species, size, and sex are available to fill the requisition, the supervisor shall immediately so notify the institution issuing the requisition. Upon receipt of any such notice, the institution shall accept the available animals and provide for their transportation to the institution.

1720.0760 Compensation for holding animals beyond time of notice.

The institution shall compensate the establishment for the actual expense for holding such animals beyond the time of notice to such institution of their availability, until they have been obtained by the institution.

1720.0770 Cancellation of requisition.

If at any time after a requisition has been issued to an establishment and before notice of the availability of the animals requisitioned has been made to the institution, the institution may cancel all or any unfilled part of the requisition by notice of such action by registered mail or telegram.

1720.0780 Receipts.

Whenever unredeemed animals are received by an institution which has requisitioned the same, the institution shall furnish the supervisor of the establishment a receipt therefore. Receipts shall be issued in triplicate and shall be countersigned by the supervisor of the establishment. A copy shall be mailed immediately to the board by the institution and one copy retained by the institution. The receipt shall show the number of animals obtained, the date when they were delivered to the agent of the institution by the supervisor, and the signature of the person to whom they were delivered.

1720.0790 Delivery of unclaimed animal to original owner.

No animals secured by an institution on requisition as herein provided shall be sold or given into the possession of any other person after being delivered by the establishment. All such animals shall be immediately transported to the institution and there maintained on the premises covered by the license during the life of the animal; provided that nothing herein shall prohibit an institution from delivering an unclaimed animal to the original owner thereof if the owner shall furnish proof of ownership satisfactory to the institution and the state Board of Animal Health, and pays actual expense maintaining the animal by the institution from the time it is received from the establishment until delivered to the previous owner.

1720.0800 Humane treatment of animals.

All animals maintained by licensed institutions shall be handled, transported, and disposed of in a humane manner.

1720.0810 Suspension and cancellation of license.

Any violation of Laws of Minnesota 1949, chapter 195, or these rules shall be cause for cancellation of any license issued under these rules. Upon receipt of evidence of such violation, the executive secretary of the board shall immediately suspend the license of the institution violating the law or rules and shall notify the institution when the next meeting of the board will be held. The board shall then grant a hearing to the institution to show cause why the permit shall not be canceled. If after such hearing the board decides the license shall be canceled, such action shall be final.

1720.0820 - 1720.0850 Repealed

Feeding of Garbage to Livestock and Poultry

1720.0860 Definitions.

Subpart 1. **Scope.** The definitions in this part apply to parts 1720.0860 to 1720.1010.

Subp. 2. **Board.** "Board" means the Board of Animal Health.

Subp. 2a. **Exempt material.** "Exempt material" is any refuse not derived in whole or in part from the meat of any animal or from refuse of any character that has been associated with that material. Exempt materials are excluded from the requirements for garbage treatment in part 1720.0930.

Subp. 3. **Feeding premises.** "Feeding premises" means the premises on which garbage or exempt material is fed to livestock and poultry.

Subp. 4. **Garbage.** "Garbage" means refuse matter, animal and 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 does not include:

A. vegetable waste or by-products resulting from the manufacture or processing of canned or frozen vegetables;

B. refuse matter determined by the board to be an exempt material; or

C. feed or feed ingredients regulated under Minnesota Statutes, chapter 25, even if the feed or feed ingredient is in whole or in part derived from materials otherwise regulated under parts 1720.0860 to 1720.1010 if the manufacturing process for these products eliminates potential harm to animals or humans.

Subp. 5. **Garbage truck.** "Garbage truck" means a conveyance used to haul garbage or exempt material from points of origin to feeding premises.

Subp. 6. **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.

1720.0870 Exclusion.

Parts 1720.0860 to 1720.1010 do not apply to a person who feeds animals and poultry which the person owns, only garbage obtained from the person's own private household.

1720.0880 Licenses.

No person shall operate a feeding premise or a garbage truck unless the person has first obtained a permit from the board to do so.

1720.0890 Provisions for annual license.

An annual license valid until June 30 following date of issuance, unless previously revoked, may be issued for operating a feeding premises and garbage trucks when the following provisions have been complied with: an application properly executed on a form furnished by the board shall be filed with the board; and the premises and garbage trucks designated in the application shall be inspected by a representative of the board, and a report of such inspection indicating that parts 1720.0910 to 1720.0940 have been complied with shall be filed with the board.

1720.0900 Refusal to grant or revocation of license.

The board may refuse to grant or may revoke the license when the applicant or permit holder has violated the laws of the state or the rules of the board pertaining to the control and elimination of infectious, communicable diseases of livestock or poultry.

1720.0910 Maintenance of feeding premises.

The feeding premises shall be maintained in a reasonably sanitary condition. No refuse shall be permitted to accumulate. All refuse shall be disposed of in such a way that the refuse shall not be a source of infection to the livestock and poultry on the premises.

1720.0920 Collected garbage.

Until such time as the collected garbage has been properly heated, it shall be handled in such a way that no livestock or poultry shall be permitted to contact it or have access to it.

1720.0930 Garbage treatment.

No person may feed garbage to livestock or poultry until the garbage 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 manner that is approved in writing by the board as being equally effective for the protection of public health and the control of livestock diseases. No person may knowingly permit livestock or poultry owned or controlled by that person to have access to garbage that has not been heated or otherwise treated pursuant to this part.

1720.0940 Wagon bed or tank on garbage truck.

The wagon bed or tank on a garbage truck must be watertight and constructed so that no drippings or seepage from the garbage can escape. The top of the wagon bed or tank must be covered at all times by means of a tarpaulin or similar cover except during the time the garbage is being loaded or unloaded or the garbage truck is not in use. The wagon bed or tank must be cleaned as often as necessary to maintain the wagon bed or tank in a reasonably sanitary condition.

1720.0950 Quarantines.

Feeding premises on which garbage is fed to livestock or poultry must be under quarantine, and all livestock and poultry on the premises to which garbage is being fed must be covered by the quarantine.

1720.0960 Permit for removal of livestock or poultry.

No garbage-fed livestock or poultry may be removed from a feeding premise without first obtaining a permit from the board to do so.

1720.0970 Permit for immediate slaughter.

Permits may be issued for immediate slaughter only by the board or its agent. Livestock or poultry for immediate slaughter shall be consigned to a point where the federal or state government maintains ante mortem and post mortem inspection.

1720.1000 Special permits.

Special permits may be issued by the board for the removal of garbage-fed livestock and poultry for purposes other than immediate slaughter when consigned directly to a feeder or breeder by application to the board. The application must state:

- A. the name and address of the veterinarian who will be employed at owner expense to inspect all garbage-fed livestock and poultry on the feeding premises, with the inspection to be made within 24 hours prior to the date of the removal of the livestock and poultry;
- B. the number and kind of livestock and poultry for which the permit is requested;
- C. the name and address of the consignee; and
- D. the location of the premises by section, township, and county to which livestock and poultry will be moved and the reason for requesting the permit.

1720.1010 Quarantine on premises of feeder or breeder.

Livestock and poultry moved from a quarantined feeding premise for purposes other than immediate slaughter must be quarantined by the board on the premises of the feeder or breeder until they are moved from the premises under permit issued by the board for immediate slaughter, or the quarantine may be released after 21 days if the livestock are examined by a qualified veterinarian and found to be free from symptoms of any serious communicable disease.

1720.1020 Repealed

Isolation and Quarantine

1720.1030 Isolation and quarantine.

All livestock and poultry affected with or which shows symptoms of or has been exposed to a disease determined by the board to be dangerous, infectious, communicable disease shall be quarantined and isolated from all other unexposed livestock or poultry until the board, its executive officer, or agent shall release the quarantine.

1720.1040 Entry into enclosures.

No person except the owner, attendants, or medical advisers shall enter any enclosures where any livestock or poultry quarantined and isolated are being kept.

Official Identification Tags

1720.1050 Definition.

For the purposes of parts 1720.1055 to 1720.1070, "official identification tag" means a metal identification ear tag conforming to the nine-character alphanumeric National Uniform Ear tagging System, contained in chapter 1, part I, paragraph M, of the Brucellosis Eradication Uniform Methods and Rules, May 1, 1982 edition, issued by the United States Department of Agriculture. It provides unique identification for each individual animal.

1720.1055 Sale and application.

Official identification tags may be sold only to veterinarians accredited under Code of Federal Regulations, title 9, section 160.1(d.), and may be applied only by or under the direct supervision of an accredited veterinarian. This requirement does not apply to official identification tags issued to artificial insemination technicians, identified as 41XAA through 41XZZ, or issued to the Dairy Herd Improvement Association, identified as 41WAA through 41WZZ.

1720.1060 Other tags prohibited.

Every person applying ear tags to cattle for purposes of compliance with rules of the Board of Animal Health shall use official identification tags.

1720.1065 Animals with existing tags.

When an animal is already identified by an official identification tag, that tag number must be recorded for official records and another official identification tag may not be applied, except when the owner of an animal already identified by an official identification tag wants the animal identified by an official vaccination identification tag at the time of the animal's vaccination against brucellosis.

1720.1070 Removal prohibited; exception.

No person may remove official identification tags, market cattle testing tags, or leg bands, or efface brands approved and registered by the Board of Animal Health under Minnesota Statutes, section 35.822,

except that market cattle testing tags may be removed by a veterinarian securing a blood sample for a brucellosis test.

Movement of Livestock from Slaughtering Establishments To Points in Minnesota

1720.1080 Permits to remove livestock under quarantine.

No cattle, sheep, or swine shall be removed from slaughtering establishments or the yards immediately contiguous thereto and operated by such slaughtering establishment as holding, sorting, or weighing pens, to other points in Minnesota except that under extenuating circumstances and upon application by the owner of the livestock, the executive secretary of the board may issue permits to allow removal of livestock under quarantine.

Kennels

1720.1330 Definitions.

Subpart 1. **Scope.** The following words and terms are defined as follows where used in parts 1720.1330 to 1720.1578.

Subp. 2. **Board.** "Board" means the Minnesota Board of Animal Health.

Subp. 2a. **Dealer.** "Dealer" has the meaning given in Minnesota Statutes, section 347.31, subdivision 4.

Subp. 3. Repealed

Subp. 4. **Duly authorized agent.** "Duly authorized agent" means an agent of the board, any sheriff or deputy sheriff, or police officer, or humane agent registered with the board and appointed pursuant to Minnesota Statutes, section 343.01.

Subp. 4a. **Humane agent.** "Humane agent" means a person appointed as an agent under Minnesota Statutes, section 343.01.

Subp. 5. **Institution.** "Institution" has the meaning given in Minnesota Statutes, section 347.31, subdivision 5.

Subp. 5a. **Kennel.** "Kennel" has the meaning given in Minnesota Statutes, section 347.31, subdivision 2.

Subp. 6. **Person.** "Person" means any individual, firm, partnership, or corporation.

Subp. 7. **Premises.** "Premises" has the meaning given in Minnesota Statutes, section 347.31, subdivision 3.

1720.1340 - 1720.1380 Repealed

1720.1390 Maintenance of premises.

Housing facilities must be structurally sound and maintained in good repair. Indoor housing facilities must be adequately ventilated and have ample light, either natural or artificial.

1720.1400 Dogs and cats kept outside.

Dogs and cats kept outside must be provided with access to shelter to protect them from the sun, wind, rain, and snow together with adequate bedding when the temperature falls below 50 degrees Fahrenheit.

1720.1410 Dogs and cats confined by chains.

If dogs or cats are confined by chains, the chains must be so attached that they cannot become entangled with the chains of other animals or any other objects. Chains must be of a size commonly used for the size of dog or cat involved and must be attached to the dog or cat by means of a well-fitted collar. Chains must be at least three times the length of the dog or cat as measured from the tip of its nose to the base of its tail.

1720.1420 Enclosures.

Enclosures must be of sufficient size to allow each dog or cat to turn about fully and to stand, sit, and lie in a comfortable normal position. The enclosure must be constructed so as to prevent injury to the dog or cat.

1720.1430 Temperature for indoor housing facilities.

The temperature for indoor housing facilities must not be allowed to fall below 50 degrees Fahrenheit for dogs and cats not acclimated to lower temperatures.

1720.1440 Disposal facilities.

Disposal facilities must be provided to minimize vermin infestation, odors, and disease hazards.

1720.1450 Adequate storage and refrigeration.

Adequate storage and refrigeration must be provided to protect food supplies against contamination and deterioration.

1720.1460 Clean and sanitary condition.

The premises, cages, enclosures, and all housing facilities must be cleaned and disinfected as often as it is necessary to maintain a clean and sanitary condition.

1720.1470 Repealed

1720.1480 Feeding of dogs and cats.

Dogs and cats must be fed at least once a day with clean, wholesome food sufficient to meet the normal daily nutritive requirements for the dog's or cat's age, size, and condition.

1720.1490 Water.

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

1720.1500 Feeding and watering receptacles.

All feeding and watering receptacles must be kept clean and sanitary.

1720.1510 Housing in same primary enclosure.

Dogs or cats housed in the same primary enclosure must be maintained in a compatible group. Puppies or kittens must not be housed in the same primary enclosure with adult dogs or cats other than their dam.

1720.1520 Dogs or cats with vicious dispositions.

Any dog or cat exhibiting a vicious disposition must be housed separately.

1720.1530 Females in estrus.

Females in estrus must not be confined in the same enclosure with males except for breeding purposes. Dogs or cats used for breeding must be of compatible size and only one male and one female may be confined in a primary enclosure for breeding.

1720.1535 Humane treatment.

All dogs and cats must be treated humanely while in the premises.

1720.1537 Transportation of dogs and cats.

Dogs and cats must be transported in vehicles equipped with ample cargo space and enclosures. The number of dogs or cats transported at one time must not exceed the number that can ride comfortably. Vehicles must be adequately equipped to provide sufficient ventilation and still protect the dogs or cats from the elements, injurious drafts, and exhaust fumes.

1720.1538 Cargo space for dogs and cats.

The dog and cat cargo space must be constructed and arranged to prevent injuries from fighting and allow for compatible grouping in terms of age, breed, size, and disposition. Separate enclosures must be provided for females in estrus. Dogs or cats must not be placed in enclosures over other animals unless the upper enclosure is constructed to prevent excreta from entering the lower enclosures. All crates, compartments, transport cages, and cargo space must be cleaned and disinfected between uses.

1720.1540 Minimizing dissemination of disease.

Dogs or cats affected with any clinical evidence of infectious, contagious, or communicable disease must be separated from other dogs or cats.

1720.1542 Veterinary care.

Kennels and dealers shall establish and maintain a program of disease control and prevention, euthanasia, and adequate veterinary care under the supervision of a doctor of veterinary medicine.

1720.1545 Health of dogs and cats at time of release.

The following conditions make a dog or cat unfit for sale or release, other than to the previous owner:

A. obvious signs of infectious disease; B. obvious signs of nutritional deficiencies; C. obvious signs of severe parasitism; D. fractures; E. blindness; and F. serious congenital abnormalities.

1720.1546 Dogs and cats unfit for sale or release.

Dogs or cats determined to be unfit for sale or release as described in part 1720.1545 must be isolated and treated by a licensed veterinarian or euthanized in a humane manner. If treatment for the conditions in part 1720.1545 brings about a satisfactory recovery to a normal state of health, the animals are fit for release or sale.

1720.1550 Control of pests.

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

1720.1555 Identification of dogs and cats in kennels.

Each dog and cat must be identified with a numbered tag affixed to the neck by the means of a collar.

1720.1560 Records.

A licensed kennel or dealer shall maintain the following records:

- A. the name and address of the person from whom a dog or cat three months of age or over was received and, in the case of a dealer, the person's driver's license number or social security number;
- B. the identification of each dog or cat confined to the premises as described in part 1720.1555;
- C. description of the dog or cat by approximate age, breed, and sex;
- D. the name and address of the person to whom a dog or cat three months of age or over was transferred; and
- E. the history of disease conditions diagnosed by a veterinarian or diagnostic laboratory on animals housed on the premises.

Records required by this part must be preserved for a minimum of two years and available to duly authorized agents upon demand at any reasonable time.

1720.1570 Inspections.

Periodic inspections must be made in cooperation with the United States Department of Agriculture, pursuant to Minnesota Statutes, section 347.35.

1720.1575 Investigation of complaints.

Complaints must be referred to local enforcement authorities. If the complainant is not satisfied with the results obtained and the complainant wants an investigation by the board, the complainant must send to the board a written and signed complaint and a deposit of \$100. Upon investigation, if the complaint is warranted, the deposit must be returned and the board shall take action as provided in Minnesota Statutes, section 347.38. If the complaint is deemed unfounded by the board investigator, the deposit must go into the general fund. Duly authorized agents are exempt from the \$100 deposit for investigation of a complaint.

1720.1576 Expenses of investigation.

A person who violates Minnesota Statutes, section 346.55 or sections 347.31 to 347.40, is liable for at least the amount of the expenses of the investigation. Expenses of investigation may be recovered by a court action in the county where the violation occurred.

1720.1578 Cost recovery.

Money from license fees, fines, penalties, or deposits under Minnesota Statutes, section 346.55 or sections 347.31 to 347.40, goes into the general fund and must be accounted for by the state treasurer to the board to enable a showing that costs of inspection and enforcement of Minnesota Statutes, sections 346.55 and 347.31 to 347.40, have been recovered.

1720.1580-1720.1670 Repealed

Slaughter Cattle and Slaughter Swine Identification

1720.1680 Slaughter cattle identification.

It shall be the duty of every livestock trucker, livestock dealer, livestock market operator, and slaughtering establishment subject to or maintaining meat inspection, to identify upon receipt unless previously identified by backtag, all bovine breeding animals two years of age and over originating from herds in this state and received for sale or shipment to a slaughtering establishment. Such identification unless otherwise authorized by the Board of Animal Health shall consist of an official backtag issued by the Board of Animal Health, or Veterinary Services, APHIS, USDA, and shall be affixed to such animals at a point approximately four inches behind the shoulder and four inches below the top line.

1720.1690 Reports.

Every person required to identify animals in accordance with these rules shall file reports on forms prescribed by the board, including thereon the backtag number and date of application; the name, address, and county of residence of the person who owned or controlled the herd from which such animals originated; and whether the animal was of beef or dairy type. Whenever animals are identified, a report shall be filed with the board at the end of each 14-day period covering all animals identified during such a period.

1720.1700 Exclusion from identification requirement.

The requirements in parts 1720.1680 and 1720.1690 shall not apply to livestock truckers with respect to animals delivered directly to a livestock market agreeing to accept responsibility for backtag identification if at the time of delivery the market is furnished with information identifying the herd of origin.

1720.1710 Slaughter swine identification.

Subpart 1. **Agent transporting swine.** It shall be the legal obligation of each agent transporting sows, boars, and stags from a producer to a livestock dealer, livestock market, stockyards, commission company, other concentration point, or slaughter establishment subject to or maintaining meat inspection to supply the receiving agent or agency with the name and address of the producer so the sows, boars, and stags can be identified to the herd of origin.

Subp. 2. **Agent or agency receiving swine.** It shall be the legal obligation of the agent or agency -- livestock dealer, livestock market operator, stockyard operator, commission company, buying station, operator of any concentration point at which the herd of origin of individual sows, boars, and stags would be lost, or slaughtering establishment subject to or maintaining meat inspection -- receiving sows, boars, and stags from a transporting agent to identify the sows, boars, and stags, unless so previously identified, with a tattoo or other identification authorized by the board. Failure of the first agent or agency receiving the sows, boars, and stags to properly identify the sows, boars, and stags does not relieve other agents or agencies receiving the sows, boars, and stags from the responsibilities of identification of the sows, boars, and stags to the herd of origin.

1720.1720 Identification code.

Tattoos or other identification shall be applied as directed by the board, using a code approved by the board which will identify the herd of origin of the sows, boars, and stags.

1720.1730 Record of identification.

Every agent or agency identifying sows, boars, and stags shall maintain a record of the identification used, date of application, name, and address of the producer of all sows, boars, and stags identified for at least 120 days. These records shall be made available to the board at any time.

1720.1740 Violation.

Each agent or agency failing to comply with the provisions of these rules is in violation of Minnesota Statutes, section 35.70.

CHAPTER 1721
BOARD OF ANIMAL HEALTH
ANIMAL HEALTH

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ANIMAL HEALTH

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GENERAL PROVISIONS

1721.0010 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0020 CONTROL OF ANIMAL DISEASES.

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0030 OFFICIAL EAR TAGS.

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0034 OFFICIAL BACK TAGS.

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0040 CERTIFICATES OF VETERINARY INSPECTION.

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0050 IMPORTATION OF LIVESTOCK.

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0070 LIVESTOCK RECORDS.

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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LIVESTOCK CONCENTRATION POINTS

1721.0080 DEFINITIONS.

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0090 COMMUNITY SALES.

Subpart 1. **Permits.**

A. A person may not operate or conduct a community sale of livestock in Minnesota unless the person has obtained an annual or single sale permit from the board.

B. An annual permit may be issued to a sale manager who holds regularly scheduled livestock sales throughout the year at a specified location.

C. A permit may be issued for a single community sale upon receipt of a completed application which specifies the date and the location of the sale.

D. Violations of Minnesota Statutes, chapter 35, or board rules by an applicant or permit holder shall constitute grounds for the board to deny an application for an annual or single sale permit or to revoke such a permit. The board shall notify the applicant or permit holder of the right to appeal the board's initial determination under the Administrative Procedure Act, Minnesota Statutes, chapter 14.

E. Prior to issuance of a permit, the sales premises shall be subject to inspection by a representative of the board to determine compliance with subparts 3 and 4.

F. For sales where the presence of an official veterinarian is required, an accredited veterinarian must be designated by the sale manager and authorized by the board to act as its representative prior to issuance of a permit.

Subp. 2. **Requirement for an official veterinarian.** An accredited veterinarian authorized by the board must be present at each community sale of livestock and perform the duties in subpart 6.

Subp. 3. **Requirements for sale premises.** Sale premises must meet the following standards:

A. sales rings, alleys, loading and veterinary chutes, livestock pens, and all other buildings and structures located on the sales premises must be well-constructed and maintained in good repair;

B. facilities for inspection of livestock must be well-lighted;

C. the premises must be maintained in a reasonably clean and sanitary condition at all times;

D. the water supply must be clean, adequate, and operate under pressure; and

E. feed and water containers must be metal, concrete, plastic, or constructed of other impervious material that can be readily cleaned and disinfected.

Subp. 4. **Additional requirements for state-approved and state-federal approved livestock markets.** In addition to the requirements specified in subpart 3, state-approved and state-federal approved livestock markets must meet the following requirements:

A. sales rings, alleys, testing chutes, and pens must be paved with cement or other impervious materials; and

B. facilities must be provided for testing and examining livestock.

Subp. 5. **Responsibilities of sale managers.** At each community sale, the sale manager shall:

- A. retain the services of an official veterinarian;
- B. not permit the sale of livestock until they have been inspected and found free from clinical signs of infectious, contagious, or communicable disease by the official veterinarian;
- C. refuse to accept livestock for sale when so ordered by the official veterinarian;
- D. submit certificates of veterinary inspection from all animals originating from outside of Minnesota for which a certificate of veterinary inspection is required to the official veterinarian for their approval before the animals are sold;
- E. ensure that affidavits of slaughter are completed and signed as outlined in subpart 8;
- F. ensure that livestock sold to persons in other states leave the sale with a certificate of veterinary inspection;
- G. refuse to accept animals originating in other states for consignment unless they meet all Minnesota import requirements;
- H. ensure that all livestock at the sale are identified as required by the board before being offered for sale;
- I. ensure that all livestock at the sale are tested as required by the board before being offered for sale; and
- J. maintain records as described in subpart 10.

Subp. 6. **Responsibilities of the official veterinarian.** As a representative of the board, the official veterinarian shall perform the following duties for each community sale:

- A. prohibit the sale of any animal that, in the veterinarian's opinion, is affected with or shows clinical signs of infectious, contagious, or communicable disease;
- B. examine the certificate of veterinary inspection for each animal for which a certificate of veterinary inspection is required and prohibit the sale of the animal if the certificate of veterinary inspection does not meet the requirements of the board;
- C. ensure that all livestock offered for sale are tested as required by the board;
- D. ensure that any animal originating from outside the state meets all of Minnesota's import requirements and prohibit the sale of animals which do not meet Minnesota's import requirements;
- E. write certificates of veterinary inspection for animals moving interstate when required;
- F. ensure that all livestock at the sale are identified as required before being offered for sale;
- G. maintain tagging records as outlined in part 1721.0030, subpart 4;
- H. remove official slaughter back tags when requested in accordance with subpart 9;
- I. issue USDA veterinary services form 1-27, Permit for Movement of Restricted Animals, when required by the board; and
- J. report immediately to the board any violation of board rules.

Subp. 7. **Exemption for intrastate poultry-only sales.** Subparts 2, 3, 5, and 6 do not apply to a community sale that meets all of the following conditions:

- A. the only livestock handled at the community sale are poultry or ratites;
- B. poultry, ratites, or hatching eggs that originate from flocks in other states are not allowed at the sale;
- C. poultry, ratites, or hatching eggs are not allowed to leave the sale for destinations in other states; and
- D. the sale manager must ensure that the requirements in part 1721.0310 are met.

Subp. 8. **Affidavits required for breeding cattle sold for slaughter.** A slaughter affidavit must be signed by the buyer of breeding cattle sold for slaughter. In the affidavit a buyer must designate the name of the slaughter establishment, state-federal approved livestock auction market, or slaughter-only handling facility to which the cattle will be moved and certify that the cattle will be moved directly from the community sale to the designated slaughter establishment, state-federal approved livestock auction market, or slaughter-only handling facility with no diversion to farm or ranch.

Subp. 9. **Removal of official slaughter back tags from slaughter cattle.** Removal of official back tags from slaughter cattle is prohibited unless the official veterinarian examines the cattle, completes a slaughter tag removal form, and ensures that:

- A. each animal is officially identified;
- B. all official tag numbers for each animal are recorded on a form approved by the board;
- C. each animal meets all testing and movement requirements; and
- D. sale records allow the animal to be traced back to the herd of origin.

Subp. 10. **Records.**

- A. The sales management shall maintain records as described in subitems (1) to (5):
 - (1) a record of each animal handled at the community sale which consists of:
 - (a) species, sex, and type of animal;
 - (b) the origin and destination of the livestock and name and address of both consignor and consignee;
 - (c) the official identification number of all livestock required to be identified correlated with the origin and destination of the livestock and name and address of both consignor and consignee; and
 - (d) date of transaction;
 - (2) tagging records for any animal to which official identification is applied at the community sale as outlined in part 1721.0030, subpart 4;
 - (3) copy of the veterinarian's identification and tagging records;
 - (4) affidavits of slaughter; and
 - (5) slaughter tag removal forms.
- B. Except as noted in item C, records outlined in item A must be submitted to the board within five days of the completion of the sale.

- C. The records outlined in item A may be maintained on site at the following entities:
- (1) state-federal approved livestock markets;
 - (2) state-approved livestock markets; and
 - (3) annually permitted sales which have been approved by the board to maintain records on site.

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0100 PUBLIC EXHIBITION.

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

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0104 SLAUGHTER-ONLY HANDLING FACILITY.

Subpart 1. **Permits.**

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

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

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

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

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

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

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

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

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

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

B. sex, breed, and age of animal;

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0110 SLAUGHTERING ESTABLISHMENTS.

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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CATTLE AND BISON

1721.0120 DEFINITION.

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0130 IMPORTATION OF CATTLE.

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

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1721.0140 INTRASTATE MOVEMENT.

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0150 EXHIBITIONS.

All cattle at public exhibitions must be officially identified.

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

Published Electronically: *April 4, 2013*

1721.0160 COMMUNITY SALES.

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0165 BOVINE TUBERCULOSIS.

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0170 BOVINE BRUCELLOSIS.

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0175 JOHNE'S DISEASE.

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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PIGS

1721.0180 DEFINITIONS.

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0190 IMPORTATION OF SWINE.

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0200 INTRASTATE MOVEMENT REQUIREMENTS.

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0210 EXHIBITIONS.

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0220 COMMUNITY SALES.

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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HORSES

1721.0230 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0240 IMPORTATION OF HORSES.

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0250 EXHIBITION OF HORSES.

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0260 EQUINE INFECTIOUS ANEMIA (EIA).

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

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

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

B. Exposed horses must:

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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POULTRY

1721.0270 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0280 IMPORTATION OF HATCHING EGGS, POULTRY, AND RATITES.

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

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0290 POULTRY DEALERS.

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0300 EXHIBITION OF POULTRY.

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0310 COMMUNITY SALES.

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0320 HATCHERIES AND BREEDING FLOCKS.

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0330 TESTING AND SAMPLING.

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0340 PULLORUM-TYPHOID.

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0344 MYCOPLASMA GALLISEPTICUM AND MYCOPLASMA SYNOVIAE.

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0350 SALMONELLA ENTERITIDIS.

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0360 AVIAN INFLUENZA.

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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DEER AND ELK

1721.0370 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0380 GENERAL REQUIREMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0390 ANIMAL IDENTIFICATION.

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0400 IMPORTATION OF FARMED CERVIDAE.

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

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

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

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

B. CWD endemic areas:

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0410 INTRASTATE MOVEMENT OF FARMED CERVIDAE.

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0420 CHRONIC WASTING DISEASE (CWD).

Subpart 1. CWD herd certification program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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SHEEP AND GOATS

1721.0430 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0440 GENERAL.

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

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

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

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

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

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

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

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

- (1) date the identification was applied;

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0450 IMPORTATION OF SHEEP OR GOATS.

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

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0460 INTRASTATE MOVEMENT.

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0470 EXHIBITION.

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0480 COMMUNITY SALES.

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0500 IMPORTATION OF DOGS, CATS, OR FERRETS.

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0510 DOG EXHIBITION REQUIREMENTS.

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0520 KENNELS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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ANTHRAX

1721.0530 ANTHRAX QUARANTINE, PRECAUTIONS AND DISPOSAL.

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

Published Electronically: *April 4, 2013*

RABIES PREVENTION AND CONTROL

1721.0540 DEFINITIONS.

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0550 ANIMAL RABIES VACCINES.

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0560 SAMPLE SUBMISSION.

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0580 MANAGEMENT OF ANIMALS THAT BITE HUMANS.

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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FEEDING GARBAGE TO LIVESTOCK

1721.0590 DEFINITIONS.

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0600 EXCLUSIONS.

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0610 PERMITS.

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

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

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

Subp. 2. **Cancellation.** Violations of the requirements of parts 1721.0590 to 1721.0660 pertaining to the feeding of garbage to livestock or any requirement specified in parts 1721.0100 to 1721.0740 or Minnesota Statutes, chapter 35, by an applicant or permit holder shall constitute grounds for the board to deny an application for a Class A or Class B permit for feeding premises or to revoke such a permit. The board shall notify the applicant or permit holder of the right to appeal the board's initial determination under the Administrative Procedure Act, Minnesota Statutes, chapter 14.

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0620 INSPECTIONS, INVESTIGATIONS, AND RECORDS.

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0630 MAINTENANCE OF FEEDING PREMISES AND TRUCKS.

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0640 FEEDING PRACTICES.

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0650 GARBAGE TREATMENT.

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0660 QUARANTINES.

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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BIOLOGICS

1721.0670 RESTRICTIONS ON SALE OR DISTRIBUTION OF CERTAIN VACCINES.

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

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

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

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

- (1) anthrax vaccine;
- (2) modified live vaccines for any species of animal that is commonly maintained in the home of the owner whether or not the particular animal is so housed; and

(3) other vaccines that are restricted by the board for use in a disease control program. A list of restricted vaccines is available through the Internet at <http://mn.gov/bah> or by calling the board office at 651-296-2942.

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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CARCASS DISPOSAL

1721.0690 DEFINITIONS.

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0695 EXCLUSION FOR DOGS, CATS, AND FERRETS.

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

Published Electronically: *April 4, 2013*

1721.0700 DISPOSAL OF CARCASSES.

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

Published Electronically: *April 4, 2013*

1721.0710 INSPECTION OF CARCASSES.

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0730 OFF-SITE PICKUP POINT.

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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1721.0740 COMPOSTING ANIMAL CARCASSES.

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

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

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

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

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

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

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

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