

This is an amendment to 21.30.6 NMAC, Section 7, 8, 9, 11 and 16, effective 2/1/2020.

21.30.6.7 DEFINITIONS:

- A.** “**Acceptable specimen**” means a specimen determined satisfactory for diagnostic testing by the testing laboratory, including complete documentation.
- B.** “**Accredited veterinarian**” means an individual who is currently licensed to practice veterinary medicine and is accredited by the United States department of agriculture, animal plant health inspection service, veterinary services in the state of New Mexico.
- C.** “**Agent**” means the executive director, deputy director, veterinarian, livestock inspector or employee of the board.
- D.** “**Approved laboratory**” means any laboratory designated and approved by the state veterinarian for examining *T. foetus* samples.
- E.** “**Approved veterinarian**” means an accredited veterinarian who has attended trichomoniasis training that is approved by the New Mexico state veterinarian. Such training must include preputial sampling, sample handling and shipping, appropriate record keeping and official bull trichomoniasis identification. A trained and certified designee, in the employ of the veterinarian of record for a New Mexico licensed sale yard, may work under the guidance of said approved veterinarian. These lay trich testers are limited to working at licensed New Mexico sale yards.
- F.** “**Board**” means the New Mexico livestock board.
- G.** “**Bovine**” means any sexually intact male or female animal of the genus *bos*.
- H.** “**Certificate of veterinary inspection (CVI)**” means the form issued by the state of origin that records the consignor, consignee, identity, origin, destination and health status of animals, issued by an accredited veterinarian of that state. It is commonly known as a health certificate.
- I.** “**Commingle**” means bovinds of opposite sex and belonging to different owners in the same enclosure or pasture with a reasonable opportunity for sexual contact.
- J.** “**Complete bull herd test**” means an official *T. foetus* test from each non-virgin bull in the herd.
- K.** “**Confined feeding**” means a dry lot feeding facility (not grazing) where there is no sexual contact among bovine therein.
- L.** “**Direct slaughter**” means transporting an animal to a slaughter plant without unloading prior to arrival at the slaughter plant.
- M.** “**Disease management plan**” means a plan developed to eradicate the disease from a positive herd. The disease management plan will be developed by the producer and shall be approved by the state veterinarian.
- N.** “**Exposed herd**” means a herd adjacent to a premises occupied by an affected herd, herds sharing common pasture or having contact with affected herd(s) as determined by the state veterinarian.
- O.** “**Herd**” means the group of animals consisting of all bovines over 12 months of age (male and female) which have commingled during the last 12 months.
- P.** “**Import permit**” means a document issued by the state veterinarian’s office authorizing specific livestock movements into New Mexico. Permits expire 30 days after issuance and are not transferable.
- Q.** “**‘N’ brand**” means the official brand registered to New Mexico livestock board, used to designate any livestock which must be shipped to slaughter or an approved feedlot.
- R.** “**Negative *T. foetus* bull**” means a bull which qualifies by one of the following:
- (1) originates from a herd not known to be infected and has had a negative official *T. foetus* bull test within the last 60 days;
 - (2) originates from a positive herd but has a series of three negative official *T. foetus* bull tests at intervals of at least one week; or
 - (3) qualified with a negative import or negative in-state official *T. foetus* bull test.
- S.** “**Negative *T. foetus* herd**” means a herd which has received a complete bull herd test with negative results within the last 12 months.
- T.** “**New Mexico commuter permit**” means a permit issued by the New Mexico state veterinarian’s office to New Mexico livestock producers who utilize pasture lands and other livestock operations in one or multiple states that are contiguous with New Mexico.

U. “**Official *T. foetus* bull test**” means the sampling of the preputial content of a bull by a licensed, accredited and *T. foetus* test certified veterinarian or a veterinarian from the New Mexico livestock board. Such test must be conducted after at least one week separation from all female bovine. The bull and sample must be positively and individually identified and documented for laboratory submission. The official laboratory test shall be a genetic based test such as polymerase chain reaction (PCR), either standard or real time, or other technologies as approved by the state veterinarian. Test is not considered official until results are reported by the testing laboratory.

V. “**Official *T. foetus* laboratory testing**” means the laboratory procedures that shall be approved by the state veterinarian for identification of *T. foetus*.

W. “**Positive *T. foetus* bull**” means a bull that has had a positive *T. foetus* test.

X. “**Positive *T. foetus* herd**” means the group of all bovines which have had any opportunity for sexual contact in the previous breeding season and in which any animal (male or female) has had a positive diagnosis for *T. foetus*.

Y. “**Quarantine**” means movement restriction issued by a New Mexico livestock inspector that shall be placed on all cattle in a positive *T. foetus* herd. Such restriction shall specify the identity of the animals and the premises where the animals shall be confined.

Z. “**Quarantine feedlot**” means a dry lot feeding facility approved by the state veterinarian where positive *T. foetus* bulls or bovine females from a positive *T. foetus* herd may be fed prior to slaughter and there is no sexual contact with the opposite sex bovine.

AA. “**Quarantine release**” means that a herd has completed all regulatory requirements to eliminate *T. foetus* infection in that herd and is no longer classified as a positive herd.

BB. “**Regulatory veterinarian**” means the state veterinarian or his designee. This may be a state or USDA employed veterinarian or any accredited veterinarian holding a current state license.

CC. “**State veterinarian**” means the veterinarian designated by the New Mexico livestock board.

DD. “**Suspect *T. foetus* bull**” means a bull from a positive *T. foetus* herd that has not yet had three consecutive negative official *T. foetus* bull tests.

EE. “***Tritrichomonas foetus* (or *T. foetus*)**” means a protozoan parasite that is the causative agent to the contagious venereal disease trichomoniasis. The disease exhibits as infertility, pyometra, abortions and reproductive inefficiency in the female bovine.

FF. “**Unacceptable sample**” means a sample that is deemed not diagnostic by the official testing laboratory.

GG. “**Virgin bull**” means a sexually intact male bovine less than 12 months of age.
[21.30.6.7 NMAC - N, 7/15/05; A, 2/26/10; A, 07/15/13; A, 07/15/14; A, 2/1/2020]

21.30.6.8 IMPORT REQUIREMENTS:

A. Breeding bull.

(1) All non-virgin bulls entering New Mexico must be accompanied by a certificate of veterinary inspection (CVI) and an import permit. All non-virgin bulls, except as noted in Paragraph (7) of this subsection (below), shall be accompanied by a certificate of veterinary inspection (CVI), import permit and a negative official *T. foetus* test within 60 days prior to entry and no sexual contact between testing and entry.

(2) If the pre-entry test is not an official *T. foetus* test and is not conducted at a laboratory approved by the American association of veterinary laboratory diagnosticians or the New Mexico state veterinarian, an in-state, post-entry test shall be required within 10 days of entry into New Mexico.

(3) No bull which has ever previously tested positive for *T. foetus* shall enter New Mexico unless the bull is consigned directly to slaughter and is individually identified for movement by a NMLB approved method.

(4) Each CVI issued for bulls covered under this rule shall bear one of the following statements:

(a) “*T. foetus* has not been diagnosed in the herd of origin”; or

(b) “The bull(s) represented on this CVI have had a negative official *T. foetus* bull test within 60 days prior to entry and there has been no female contact since the last qualifying test.”

(5) The veterinarian issuing the CVI shall forward a copy of all official negative *T. foetus* tests for the bull(s) represented on the CVI to the New Mexico state veterinarian’s office.

(6) No bull from a known positive *T. foetus* herd shall enter New Mexico unless the bull has three consecutive negative official *T. foetus* bull tests at least a week apart within 60 days prior to entry. The post-entry official test is also required. Bulls must be isolated from all females until the in-state test results are known. Identification procedures are listed below.

(7) Exceptions to the importation testing and slaughter surveillance requirements are:

- (a) transient rodeo or exhibition (show) bulls, which shall have no sexual contact with a female bovine and are held in a secure facility to prevent such contact (does not include pasture) while in New Mexico;
- (b) bulls consigned direct to slaughter; or
- (c) bulls consigned to confined feeding; or
- (d) bulls originating from a certified trichomoniasis-free herd, in a state with requirements equivalent to those New Mexico has in place for such a herd designation, as determined by the New Mexico state veterinarian. This exemption requires documentation of current trichomoniasis-free certification in the state of origin and a copy of the program requirements for certification.

B. Reproductive bovine female.

(1) No female bovine originating from a known positive *T. foetus* herd will be allowed to enter New Mexico. Exceptions include the following:

- (a) on the premises of origin, there were three consecutive official negative *T. foetus* tests of the entire bull population and the only allowed females are those which:
 - (i) have a calf at side and no exposure to other than known negative bulls since parturition; or
 - (ii) are at least 120 days pregnant; or
 - (iii) are known virgin heifers; or
 - (iv) are heifers exposed only to known negative bulls and not yet 120 days pregnant; or
 - (v) are documented to have had at least 120 days of sexual isolation; and
 - (vi) no other female will be allowed entry into New Mexico for breeding purposes from such herds;

(b) consigned directly to slaughter or to a quarantined feedlot.

(2) Bovine breeding females must have the following statement placed on the CVI and signed by the owner/manager of the herd of origin:

- (a) “the cows listed on this CVI did not originate from a known positive *T. foetus* herd”; or
- (b) “the cows listed on this CVI are at least 120 days pregnant”; or
- (c) “the cows listed on this CVI originated from a positive *T. foetus* herd and are consigned for slaughter”; or
- (d) “the heifers listed on this CVI were exposed for their first breeding only to a known negative *T. foetus* bull or artificially inseminated and are not yet 120 days pregnant”; or
- (e) “the females listed on this CVI have had at least 120 days of sexual isolation immediately preceding the date of their movement into New Mexico.”

C. Commuter permitted cattle.

(1) All bulls must be negative to an official *T. foetus* test within 60 days prior to entry. There shall be no commingling between testing and entry. All purchased bulls added to herd shall comply with test provisions.

(2) In any herd, should a bull be a positive *T. foetus* bull, he shall be identified and sold to slaughter only.

- (a) All remaining bulls must test negative on three consecutive official tests at least one week apart.
- (b) Only females which have a calf at side and no exposure to other than known negative *T. foetus* bulls since parturition, are at least 120 days pregnant, are known virgin heifers or are heifers exposed only to known negative bulls and not yet 120 days pregnant shall be allowed to accompany the commuting herd. Other open cows shall be sold to slaughter, moved under quarantine to be fed for slaughter or artificial insemination or held in sexual isolation for a 120 day period.

D. Import permit.

- (1) All cattle must obtain an import permit, which will be recorded on the CVI.
- (2) All cows originating from a premises where *T. foetus* has been diagnosed within the last year must obtain an import permit, and prior approval for entry from the New Mexico state veterinarian, which will be recorded on the CVI.

E. Public livestock sales (auctions).

- (1) All out-of-state bulls must be accompanied by an import permit.

(2) All non-virgin bulls [~~(in state or import)~~] (imported) shall be accompanied by an official laboratory negative *T. foetus* test, conducted within 60 days prior to sale with no exposure to bovine females from the time of sample collection until sold. Any bull without a test will be placed under quarantine and tested at the livestock sale premises within 10 days of sale or will be sold for slaughter purposes only. Bulls shall be isolated from all females until the in-state test results are known. Identification procedures are listed below.

(3) All bulls not qualifying as above will be announced in the sale ring as having “unknown *T. foetus* status” and shall be so designated on the buyer’s documents. Such bulls shall be identified with a back tag designating them as having no *T. foetus* test prior to being offered for sale.

(4) Untested bulls may be sold for confined feeding. To be removed from confined feeding, bulls must go directly to slaughter or have a negative official *T. foetus* bull test or have been castrated.

(5) Bovine breeding females shall be accompanied by one of the following statements signed by the owner/manager of the herd of origin on the CVI or other suitable document. In the absence of one of these statements, any female bovine over the age of 12 months shall be consigned and sold to slaughter (or quarantined feed for slaughter) only:

(a) “The cows listed on this document did not originate from a known positive *T. foetus* herd.”

(b) “The heifers on this document have been exposed to only known negative *T. foetus* bulls and are not yet 120 days pregnant.”

(c) “The cows listed on this document are at least 120 days pregnant.” or

(d) “The cows listed on this document originate from a positive *T. foetus* herd and are consigned for slaughter.”

[21.30.6.8 NMAC - N, 7/15/2005; A, 2/26/2010; A, 07/15/2013; A, 07/15/2014; A, 2/1/2020]

21.30.6.9 INTRASTATE BREEDING BULLS:

A. All non-virgin bulls including culled herd sires sold for slaughter, must have a negative *T. foetus* test within 60 days prior to:

(1) change of ownership (sold to slaughter buyers),

(a) all slaughter bulls can be N branded and have a Trich sample collected, but may go to slaughter with results pending. Slaughter surveillance bulls do not need to be held for test results.

(b) Any New Mexico producer that tests for Trichomoniasis annually (whole herd bull test), and has a defined breeding season, will be exempt from slaughter surveillance, upon presentation of the annual trichomoniasis test results.

(2) change of possession under lease or rental, sharing or

(3) any other agreement that would place the bull in a different breeding herd.

B. There shall be no sexual contact between the time of testing and change of possession. A NMLB inspection shall be required to verify change of possession and appropriate *T. foetus* testing. The owner presenting the bull for sale is financially responsible for the testing.

C. Cutter bulls, out of state cull bulls and slick bulls, may be castrated rather than tested, and sent for confined feeding.

D. Culled herdsires with medical conditions (broken penis, lameness, etc.) shall be tested at the owner’s expense. If it appears it would be inhumane (at the discretion of the NMLB inspector or herd veterinarian) to put the bull through the chute, crippled and chronic broken penis bulls will be exempt.

E. The need for slaughter surveillance will be reevaluated by the working Trichomoniasis committee, every two years.

~~[B]~~ **F.** Bulls shall not be exposed to females at the new premises until the results of the test are known.

~~[C]~~ **G.** Any bull with a positive test shall be immediately quarantined and the positive bull(s) shall be identified with the official New Mexico livestock board “N” fire brand or other NMLB approved method.

~~[D]~~ **H.** The positive *T. foetus* bull’s herd of origin will be placed under quarantine.

~~[E]~~ **I.** The quarantine will be released in accordance to the regulatory section of this rule.

[21.30.6.9 NMAC - N, 7/15/2005; A, 2/26/2010; A, 07/15/2013; A, 07/15/2014; A, 2/1/2020]

21.30.6.11 REGULATORY ACTION:

A. Commingled grazing. All non-virgin bulls commingling in grazing associations or multiple permittee allotments or leases, shall have the official *T. foetus* bull test conducted annually prior to turn out. A new official test will be required each time the bull(s) enter a different grazing association or multiple permittee allotment or lease. If a bull is found positive, the entire bull population present on the allotment or lease, regardless

of ownership, will be required to have an official *T. foetus* test conducted. All positive bulls shall be identified with the official New Mexico livestock board “N” fire brand or NMLB approved method, and be sold for slaughter only. All test negative bulls belonging to the same owner(s) will be required to have a second negative test prior to turn out and a third negative official test after the bull(s) are removed from the grazing association or multiple permittee allotment or lease.

~~[(2) Any stray non virgin bull from an untested group that enters the grazing area of tested animals may be held under quarantine until the bull has one or more official *T. foetus* test(s) conducted. The test(s) shall be the responsibility of the bull’s owner. The conditions of the quarantine and number of tests will be determined by the state veterinarian.]~~

B. Positive *T. foetus* bull & herd. Any confirmed *T. foetus* bovine and its herd (as defined by state animal health officials) shall immediately be placed under quarantine and will continue under quarantine until the following rules are completed.

(1) Positive *T. foetus* bulls shall be identified with the official New Mexico livestock board “N” fire brand or other NMLB approved method.

(2) Positive *T. foetus* bulls shall be quarantined and sent directly to slaughter or to public livestock market for slaughter only. Positive bulls may be required to move on a NMLB approved method. Confined feeding may be allowed provided bulls are “N” branded.

(3) All other bulls in a positive *T. foetus* herd shall test negative to three consecutive official *T. foetus* tests at least seven days apart. The third *T. foetus* test will be completed within 12 months of *T. foetus* confirmation in the herd and will be conducted after the bulls have had breeding exposure to the cow herd for a minimum of 65 consecutive days. A shorter breeding season must be approved by the state veterinarian, and be provided for in the herd management plan. The bulls will be removed from the cow herd at least seven days prior to the official *T. foetus* test. If more than 12 months have passed since confirmation of *T. foetus* in the herd, the state veterinarian may require additional *T. foetus* testing prior to release of quarantine. ~~[The initial negative *T. foetus* test is included in the three negative tests.]~~

(4) If a disease management plan has not been developed and activated within ~~[30]~~ 45 days of confirmation of *T. foetus* infection in the herd, all bovinds, except steers and spayed heifers, will be required to go directly to slaughter upon leaving the ranch.

(5) Any bull entering a quarantined premise will be required to test negative prior to re-introduction to its herd of origin.

C. Reproductive bovine females from a positive *T. foetus* herd.

(1) Females over 12 months of age (not known to be virgin heifers) from a positive *T. foetus* herd may be sold direct to slaughter or quarantined on the premises of origin. Individual females may be released from quarantine when either all requirements of Paragraph 3 of Subsection B of 21.30.6.11 NMAC have been met or the cow(s) has a calf at side with no exposure to other than known negative *T. foetus* bulls since parturition, has documented 120 days of sexual isolation or is determined by an accredited veterinarian to be at least 120 days pregnant. Heifers known to be virgin at the time of turnout or heifers exposed only to known negative *T. foetus* bulls and not yet 120 days pregnant are allowed unrestricted movement.

(2) Open females shall be sold to slaughter or held in isolation from all bulls for 120 days. Any female sold to slaughter through a livestock market shall be identified with an official New Mexico positive *T. foetus* tag or NMLB approved method during the quarantine period.

(3) Breeding by artificial insemination is allowed during the quarantine period and cows confirmed by an accredited veterinarian to be at least 120 days pregnant as well as cows documented to have 120 days sexual isolation will be released from quarantine.

(4) If a disease management plan has not been developed and activated within ~~[30]~~ 45 days of confirmation of *T. foetus* infection in the herd, all bovinds, except steers and spayed heifers, will be required to go directly to slaughter upon leaving the ranch.

D. Regulatory action.

(1) Any stray non-virgin bull ~~[from an untested group that enters the land of a negative *T. foetus* herd and commingles with that herd may be held under quarantine until the bull has one or more official *T. foetus* test(s) conducted]~~ of unknown *T. foetus* status, or from a positive *T. foetus* herd, that enters the land of a neighboring premise, and may have commingled with the herd on that premise, will be quarantined until the bull(s) has one or more official *T. foetus* test(s) conducted. A NMLB livestock inspector shall be involved in the interaction.

(2) The test(s) shall be the responsibility of the bull(s) owner. The conditions of the quarantine and the number of tests will be determined by the state veterinarian.

E. Neighboring facilities of a positive *T. foetus* herd.

(1) All facilities that share a common boundary with a positive *T. foetus* herd will be notified by the NMLB ~~[and may be quarantined based on results of the epidemiological investigation by the state veterinarian. Quarantine will remain in place until testing requirements are satisfied]~~ and will be required to test, due to the fact that *T. foetus* is a regional disease, and all neighbors testing will facilitate a more rapid regional eradication. Certified New Mexico *T. foetus* free herds in compliance with the provisions of 21.30.6.10 NMAC, will be exempt from testing, as well as instances where the state veterinarian has determined such testing to be unnecessary based on epidemiological investigation. This requirement will be reevaluated by the working Trichomoniasis committee every two years.

(2) Any exposed herds found positive upon testing will be designated as a positive *T. foetus* herd.

[21.30.6.11 NMAC - N, 7/15/2005; A, 2/26/2010; A, 7/15/2014; A, 4/24/2018; A, 2/1/2020]

21.30.6.16 COMPLIANCE: Livestock inspectors who are certified peace officers, in accordance with Section 30-18-14 NMSA 1978 shall enforce the provisions of Chapter 30, Article 18 NMSA 1978 and other criminal laws relating to livestock. Livestock inspectors may arrest persons found in the act or whom they have probable cause to believe are guilty of driving, holding or slaughtering stolen livestock. Any person who violates the provisions of these rules may be subject to the criminal and civil penalties pursuant to Sections 77-2-9 and 77-2-22 NMSA 1978. Penalties for misdemeanor crimes can include imprisonment of less than one year or fines up to \$1000 or both. Penalties for petty misdemeanors can include imprisonment not to exceed six months or fines up to \$500 or both. Furthermore, any person who violates a rule adopted under the power granted to the board unless the penalty has been fixed by law is guilty of a misdemeanor and upon conviction shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978.

[21.30.6.16 NMAC - N, 7/15/05; A, 2/1/2020]