

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 32 BRANDS, OWNERSHIP, AND TRANSPORTATION OF ANIMALS
PART 3 TRANSPORTATION OF LIVESTOCK

21.32.3.1 ISSUING AGENCY: New Mexico Livestock Board.

[21.32.3.1 NMAC - Rp, 21 NMAC 32.3.1, 5/28/2004; A, 10/15/2012]

21.32.3.2 SCOPE: All owners, transporters, or handlers of livestock in the state of New Mexico and those that apply to bring livestock into the state for any reason. Additional requirements for livestock owners governing livestock business activities can be found in 21.30, 21.33 and 21.35 NMAC.

[21.32.3.2 NMAC - Rp, 21 NMAC 32.3.2, 5/28/2004]

21.32.3.3 STATUTORY AUTHORITY: Section 77-2-7, A, 6, 7, 8, 9, & 12, G, Section 77-3-1, 77-9-28, 77-9-30, 77-9-31 NMSA 1978.

[21.32.3.3 NMAC - Rp, 21 NMAC 32.3.3, 5/28/2004; A, 10/15/2012]

21.32.3.4 DURATION: Permanent

[21.32.3.4 NMAC - Rp, 21 NMAC 32.3.4, 5/28/2004]

21.32.3.5 EFFECTIVE DATE: May 28, 2004 unless a later date is cited at the end of a section.

[21.32.3.5 NMAC - Rp, 21 NMAC 32.3.5, 5/28/2004]

21.32.3.6 OBJECTIVE: To establish ownership and health rules governing transportation of livestock within, into, and out of New Mexico.

[21.32.3.6 NMAC - Rp, 21 NMAC 32.3.6, 5/28/2004]

21.32.3.7 DEFINITIONS:

A. "Approved eartag" shall be any tag that has received the approval of the livestock board prior to application. The tag must clearly and conspicuously show the owner of the calf prior to sale. The owner may be shown by use of the actual name to which the brand is recorded, brand image or brand master number.

B. "Baby calf" means a bovine animal less than thirty (30) days of age.

C. "Board" means the New Mexico livestock board.

D. "Calf-raising facility and or feed yard" means an established entity in the state of New Mexico for the primary purpose of raising baby calves that are not part of a cow-calf pair that have multiple herds of origin.

E. "Cow-calf pair" means a cow and its suckling progeny; a cow nursing an adopted calf does not qualify as a "cow-calf pair."

F. "Dairy" means an established entity in the state of New Mexico in business for the primary purpose of fluid milk production and which has been assigned a dairy I.D. number by the New Mexico department of agriculture.

G. "Director" means the executive director of the New Mexico livestock board.

H. "Feedlot" means an established entity in the state of New Mexico for the primary purpose of feeding cattle.

I. "Inspector" means any duly authorized or commissioned officer of the livestock board.

J. "Livestock or animal" means cattle, sheep, swine, bison, goats, horses, mules, asses, poultry, ratites, camelids, and farmed cervidae.

K. "New Mexico livestock" means any livestock raised or pastured or fed within the state of New Mexico.

L. "Person" means an individual, partnership, association, or operation.

M. "Quarantine" or "quarantined area" means any area within the state of New Mexico whose physical boundaries have been established by order of the board or a duly authorized agent of the board for the purpose of controlling the movement of livestock to prevent the spread of disease.

N. "Quarantined livestock" means any livestock found by the board or its duly authorized agent to be exposed or affected by a contagious or infectious disease and the order of restricted movement is imposed.

O. "Telephone permit" means the authorization to transport livestock to an approved New Mexico auction without prior inspection, by use of a confidential number issued to the owner or owner's agent, which identifies the specific animals and shipment to a specific auction.

P. "Transient livestock" means livestock transported through the state of New Mexico from another state or country whose destination is not within the state of New Mexico.

Q. "Transient livestock with New Mexico destination" means livestock imported in the state of New Mexico from another state or country, or being transported within the state and not having reached the final destination for feed or pasture purpose.

[21.32.3.7 NMAC - Rp, 21 NMAC 32.3.7, 5/28/2004; A, 10/30/2008; A, 07/15/2013]

21.32.3.8 CREATING DISTRICTS:

A. The board shall, as it deems necessary, create such districts within the state for the purpose of controlling the movement of livestock.

B. The districts shall be known as "livestock inspection districts" and will coincide with the boundaries of the districts shown on the "livestock inspection districts map" dated June 21, 1997 and available at the office of the New Mexico livestock board.

C. Upon approval of the livestock inspector in charge, livestock may move within the designated district without inspection. All livestock intended for shipment from one district to another must be inspected prior to leaving the district, unless the inspector in charge shall designate another location outside the district of origin where the livestock will be subsequently inspected.

D. "International livestock inspection zone within districts" are created, to include the exterior boundaries within the United States of facilities comprising international import receiving facilities and any board-designated holding facility that directly receives livestock that have been transported directly to an international import receiving facility and that have been inspected for health by the United States department of agriculture. As to those USDA-inspected livestock, which have been received by the international import receiving facility and any nearby private holding facility, no prior permit from the board is required in order to enter those facilities. The board's inspection and health requirements apply in order to permit livestock movement from within the boundaries of the international livestock inspection zone to beyond said zone. The board's inspection and health requirements apply in order to permit livestock movement from outside the boundaries of the international livestock inspection zone to within said zone. Evidence of compliance with all inspection and health requirements necessary to enter New Mexico must also accompany all livestock that move from the international inspection zone into New Mexico. [21.32.3.8 NMAC - Rp, 21 NMAC 32.3.8, 5/28/2004; A, 10/15/2012]

21.32.3.9 DESIGNATED PLACE OF INSPECTION:

A. Any person desiring to move or transport livestock from one district to another, or beyond the limits of this state, except as provided in Section 77-9-42, NMSA 1978, and in 21.32.3.11 NMAC, must first notify the inspector in his district of his intention of move within a reasonable period of time. The inspector or his deputy shall set a time and location for inspection of such livestock and, upon inspection, shall issue the necessary certificate for livestock movement.

B. Fees for inspection of livestock shall be due and payable at the time the certificate for livestock movement is issued. Any unpaid fee shall constitute a lien on all such livestock in accordance with Section 77-9-38, NMSA 1978, until such fees are paid.

C. Notwithstanding the provisions of Subsections A and B of 21.32.3.9 NMAC above and Subsection E of 21.32.3.10 NMAC below, any person desiring to move or transport cattle, sheep, and/ or horses, from one district to another within the limits of this state may move such livestock without prior inspection, provided that:

- (1) for the purposes of this paragraph "livestock" shall be horses, cattle, or sheep; and
- (2) the livestock are to be moved to a licensed livestock auction market within the state to be sold;

and

(3) the cattle or sheep are legally branded or in the case of horses they are branded or identified by another means in accordance New Mexico statutes or board rules; and

(4) such person first notifies the inspector or proper authority at such licensed livestock auction market prior to such intended movement and, provides that person with the brand, number, description of such livestock, the name of the person owning said livestock; and

(5) provided further the inspector, his deputy, or proper authority shall confirm the information with the person intending to transport such livestock to be sold and shall issue a non-transferable permit number to the person stating the date the livestock auction will be held and said permit will be void on this date; and

(6) upon request by any livestock inspector, the person transporting livestock under a non-transferable permit number, shall reveal such number, the name of the inspector issuing the number, and such other information as is necessary to verify the legality of the livestock movement; and

(7) upon receiving any livestock moved or transported under a telephone authorization number the person receiving such livestock to be sold shall maintain them separately and shall notify the livestock inspector that such livestock are available for inspection; such livestock shall remain separate from any other livestock until such time as an inspector or his deputy has completed an actual inspection as provided in Sections 77-9-41 and 77-10-5, NMSA 1978, and a certificate of inspection has been issued to the owner or his agent; and

(8) should any person receiving a telephone authorization to transport livestock to be sold transport any livestock not in his ownership, said person will be responsible to the rightful owner and will transport those livestock back to the point of origin to the rightful owner, under the direction and supervision of the New Mexico livestock board; and

(9) all fees and expenses incurred in returning livestock to the rightful owner will be the responsibility of the shipper or persons who caused the animals to be shipped in error.

D. Notwithstanding the provisions of Subsections A and B of 21.32.3.9 NMAC above, any person desiring to move or transport cattle, sheep, bison, and/ or horses, from one district to another for the purpose of slaughter within the limits of this state may move such livestock without prior inspection, provided that:

(1) the livestock are to be moved to a licensed slaughter facility within the state to be slaughtered; and

(2) the slaughter facility has requested and been approved by the board to permit movement of livestock to their plant in accordance with this rule; and

(3) the cattle or sheep are legally branded or in the case of horses they are branded or identified by another means in accordance New Mexico statutes or board rules; and

(4) such person first notifies the inspector or proper authority at such slaughter facility prior to such intended movement and, provides that person with the brand, number, description of such livestock, the name of the person owning said livestock; and

(5) provided further the inspector, his deputy, or proper authority shall confirm the information with the person intending to transport such livestock to be slaughtered and shall record that information on a form approved by the board and issue a non-transferable permit number to the person stating the date the livestock will be slaughtered and said permit shall be void after that date; and

(6) upon request by any livestock inspector, the person transporting livestock under a non-transferable permit number, shall reveal such number, the name of the proper authority or inspector issuing the number, and such other information as is necessary to verify the legality of the livestock movement; and

(7) upon receiving any livestock moved or transported under a telephone authorization number the person receiving such livestock to be slaughtered shall maintain them separately and shall notify the livestock inspector that such livestock are available for inspection; such livestock shall remain separate from any other livestock and shall not be slaughtered until such time as an inspector or his deputy has completed an actual inspection as provided in Sections 77-9-41 and 77-10-5, NMSA 1978, and a certificate of inspection has been issued to the owner or his agent; and

(8) should any person receiving a telephone authorization to transport livestock to be slaughtered transport any livestock not in his ownership, said person will be responsible to the rightful owner and will transport livestock back to the point of origin to the rightful owner, under the direction and supervision of the New Mexico livestock board; and

(9) all fees and expenses incurred in returning livestock to the rightful owner will be the responsibility of the shipper or persons who caused the animals to be shipped in error.

E. Fees for inspection of any livestock transported or moved pursuant to a confidential authorization number shall be due and payable at the time of the actual inspection and issuance of inspection certificate. Any unpaid fees shall constitute a lien on all such livestock in accordance with Section 77-9-38, NMSA 1978, until such fees are paid.

F. Consignments of livestock grossing under \$150.00 at auction markets are exempt from service charges.

[21.32.3.9 NMAC - Rp, 21 NMAC 32.3.9, 5/28/2004]

21.32.3.10 EXPORTATION OF SHEEP AND GOATS:

A. All sheep and goats being moved out of the state of New Mexico shall be inspected for brands and marks by an inspector of the New Mexico livestock board.

B. The transportation of New Mexico sheep or goats to points in other states without proper release and inspection provided by law and these regulations may result in the shipper or owner, becoming subject to prosecution and fined upon conviction as provided by law.

C. For the exportation of sheep or goats to other states, inspectors are required to check with the shipper to ascertain his familiarity with import requirements of the state of destination.

D. An inspection fee will be charged to the shipper on all sheep and goats leaving New Mexico, except sheep or goats which are leaving this state directly from a licensed auction market and upon which the inspection fees have been collected as required for the inspection of sheep and goats passing through such markets.

E. A brand and health certificate issued by the New Mexico livestock board inspector is required for all movements of sheep and goats from the livestock inspection district of origin, except as provided by Subsection C of 21.32.3.9 NMAC above.

[21.32.3.10 NMAC - Rp, 21 NMAC 32.3.10, 5/28/2004]

21.32.3.11 INSPECTION AND TRANSPORTATION OF BABY CALVES:

A. Notwithstanding the provisions of 21.32.3.9 NMAC, any owner of a dairy or feedlot may sell calves born to his or her cows and commit the calves to transportation without prior inspection by a duly authorized livestock inspector of the New Mexico livestock board, provided the conditions of this section (21.32.3.11 NMAC) are met.

B. All calves that are to be sold and moved under the provisions of this section shall be eartagged with an approved eartag, which shall clearly and conspicuously show the owner of the calf prior to sale. The owner may be shown by use of the actual name to which the brand is recorded, brand image or brand master number.

C. All calves that are to be sold and moved under the provisions of this section shall be eartagged and accounted for by eartag number on the approved bill of sale distributed by the New Mexico livestock board for dairy and feedlot calves. The bill of sale shall contain the information required by Section 77-9-22, NMSA 1978, and shall include the eartag number, description of the individual calf by sex, age, and breed (color). The bill of sale shall list the destination to which the calves are to be shipped, the fees charged for the New Mexico livestock board and the beef checkoff, a statement that the calf inspection/bill of sale form is not valid for shipment out of New Mexico, and the form will be serial numbered for accountability. An individual form showing the sale of calves shall be used for no more than one destination. Separate destinations shall not be mixed on one form.

D. The bills of sale used to document the sale of baby calves in accordance with this section, shall be obtained from the New Mexico livestock board inspector.

E. The eartagging of calves in accordance with this section shall occur prior to the calf's departure from the dairy or feedlot of origin.

F. The bill of sale required by this section shall be completed upon change of ownership and in no case after change of possession.

G. The approved eartags used to identify the dairy or feedlot of origin and the individual calf may be procured from any source provided the eartag meets the minimum requirements of information in Subsection B of 21.32.3.11 NMAC above.

H. The dairy or feedlot owner is responsible for maintaining the serial numbered forms and all monies collected for the month. The New Mexico livestock board inspector will meet with the dairy owner monthly to reconcile the month's activities, update the form inventory, and collect all monies accumulated for the preceding month.

I. The New Mexico livestock board inspector shall record the totals to his/her monthly report to the main office of the board and deposit, to the main office in the normal manner, all monies collected.

J. The New Mexico livestock board inspector is responsible for maintaining inventory accountability and ensuring the forms issued to the dairy or feedlot owner are listed by serial number sequence on an issue document signed by that dairy or feedlot owner and the inspector issuing the forms. The original of that issue document will be held by the inspector and a copy supplied to the dairy or feedlot owner.

K. A fee set by the New Mexico livestock board shall be charged for each calf tagged and forms inspected. The fees are payable at the time the inspector inspects the forms and accomplishes the monthly reconciliation with the dairy or feedlot owner.

L. The beef checkoff shall be collected in accordance with state and federal laws and regulations. The amount collected will be the amount set by federal mandate through the Beef Promotion and Research Act and order.

[21.32.3.11 NMAC - Rp, 21 NMAC 32.3.11, 5/28/2004; A, 07/15/2013]

21.32.3.12 RE-SALE OF BABY CALVES:

A. All baby calves identified under the provisions of 21.32.3.11 NMAC, and which are re-sold, must have the original eartag intact and readable. Buyer must maintain a record keeping system approved by the livestock board. This record keeping system must be capable of identifying premise of origin and other owners, (if any), and any corresponding bill of sales in less than 24 hours. The seller must furnish the buyer a copy of the baby calf bill of sale from the original owner, which identifies the calf by eartag number. All subsequent buyers of the calf will maintain the eartag and a copy of the corresponding original bill of sale, provided by the seller.

B. Any sale of calves after being branded and the brands being peeled and healed, will be accomplished in the same manner as described in Section 77-9-21 through 77-9-23, NMSA 1978, and a tag leading to a premise of origin must be retained in the calf's ear.

C. All baby calves that are not part of a cow-calf pair imported into New Mexico from outside the state must be ear tagged from the premise of origin.

[21.32.3.12 NMAC - Rp, 21 NMAC 32.3.12, 5/28/2004; A, 10/30/2008]

21.32.3.13 TRANSPORTATION PERMITS FOR HORSES: Pursuant to Section 77-9-42 NMSA, 1978 all horses, mules or asses must be accompanied by a brand certificate. Exceptions to the brand certificate may be permitted as follows:

A. form 1-H (permanent hauling permit): an owner's transportation permit issued in lieu of a brand certificate that is valid as long as the horse, mule or ass described in the certificate remains under the ownership of the person to whom the permit was issued;

B. form 1-HA (annual hauling permit): an owner's transportation permit issued in lieu of a brand certificate that is renewable annually and is transferable with the change of ownership subject to issuance of a transfer number issued by the NMLB; the 1-HA will not be valid without a current transfer number, which constitutes a permit when issued by and on file with the NMLB.

[21.32.3.13 NMAC - N, 9/15/2010]

HISTORY OF 21.32.3 NMAC:

Pre-NMAC History: The material filed in this part was derived from that previously filed with the State Records Center and Archives under:

NMLB 67-1, Cattle Sanitary Board of New Mexico Instructions to Inspectors, filed 05-03-67;

NMLB 70-1, Rules and Regulations of the New Mexico Livestock Board, filed 03-11-70;

NMLB 76-1, New Mexico Livestock Board Rules and Regulations, filed 05-06-76;

NMLB 69-2, Notice-All NM Sheepmen rebranding, filed 12-10-69;

NMLB 72-2, Resolution re: Cattle Scabies Outbreak, filed 01-31-72;

NMLB 72-3, Resolution re: Cattle Scabies Outbreak, filed 01-31-72;

NMLB 72-4, Resolution re: Cattle Scabies Outbreak, filed 01-31-72;

NMLB -1, New Mexico Livestock Board Rules and Regulations, filed 10-17-79;

NMLB -2, New Mexico Livestock Board Rules and Regulations, filed 11-04-81;

NMLB Rule No. 3, New Mexico Livestock Board Rules and Regulations, filed 01-30-85.

History of Repealed Material: 21 NMAC 32.3, Transportation of Livestock (filed 03-01-1999), repealed 5/28/2004.

Other History: Only that applicable portion of NMLB Rule No. 3, New Mexico Livestock Board Rules and Regulations, filed 01-30-1985 renumbered, reformatted, and amended to 21 NMAC 32.3, Transportation of Livestock, filed 03-01-1999.

21 NMAC 32.3, Transportation of Livestock, filed 03-01-1999 renumbered, reformatted, and replaced by 21.32.3 NMAC, Transportation of Livestock, effective 05/28/2004.