

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 32 BRANDS, OWNERSHIP, AND TRANSPORTATION OF ANIMALS
PART 4 IMPORT REQUIREMENTS (TRANSPORTATION OF LIVESTOCK INTO NEW MEXICO)

21.32.4.1 ISSUING AGENCY: New Mexico Livestock Board.
[21.32.4.1 NMAC - Rp, 21.32.4.1, 7/16/2024]

21.32.4.2 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.
[21.32.4.2 NMAC - Rp, 21.32.4.2, 7/16/2024]

21.32.4.3 STATUTORY AUTHORITY: Section 77-2-7, 77-3-1, 77-9-28 NMSA 1978
[21.32.4.3 NMAC - Rp, 21.32.4.3, 7/16/2024]

21.32.4.4 DURATION: Permanent.
[21.32.4.4 NMAC - Rp, 21.32.4.4, 7/16/2024]

21.32.4.5 EFFECTIVE DATE: July 16, 2024 unless a later date is cited at the end of the section.
[21.32.4.5 NMAC - Rp, 21.32.4.5, 7/16/2024]

21.32.4.6 OBJECTIVE: To establish ownership and health rules governing transportation of livestock within and into New Mexico.
[21.32.4.6 NMAC - Rp, 21.32.4.6, 7/16/2024]

21.32.4.7 DEFINITIONS:

- A. "Board"** means the New Mexico livestock board.
- B. "Director"** means the executive director of the New Mexico livestock board.
- C. "Holstein cross"** means bovines that have some percentage of holstein or other dairy breed in their genetic lineage.
- D. "Inspector"** means any duly authorized or commissioned officer of the livestock board.
- E. "Livestock or animal"** means cattle, sheep, swine, bison, goats, horses, mules, asses, poultry, ratites, camelids and farmed cervidae.
- F. "New Mexico Livestock"** means any livestock raised or pastured or fed within the state of New Mexico.
- G. "Person"** means an individual, partnership, association or operation.
- H. "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.
- I. "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.
- J. "Sealed vehicle"** means a vehicle for transporting livestock that has its gates or doors closed and which gates or doors have an attached strip of metal, which is numbered for identification. The metal strip is attached to the gates or doors in a manner that would break the "seal" if the vehicle were to be opened.
- K. "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.
- L. "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.
- M. "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.
- N. "Universal swine earnotch (1-3-9) system"** means the system of cutting notches in the ears of swine, at specific locations on the ear, which correspond to number values. The notches' values added together

provide identification numbers for the pig. The right ear's value shall be the litter number. The left ear shall be the individual pig number in that litter.
[21.32.4.7 NMAC - Rp, 21.32.4.7, 7/16/2024]

21.32.4.8 IMPORT REQUIREMENTS FOR CATTLE, INCLUDING BISON:

- A.** A health certificate or other approved New Mexico livestock board document from the state of origin and a New Mexico entry permit are required on all shipments of cattle entering New Mexico.
 - B.** Upon arrival at destination, the owner or agent must notify the New Mexico livestock board inspector in order to make the arrangements for inspection of the shipments prior to commingling with other cattle or release to pasture.
 - C.** The inspection will be for the purpose of determining that the shipment has met all applicable import requirements including but not necessarily limited to: scabies dipping, brucellosis testing, tuberculosis testing, brand regulations and inspection to confirm the shipment does conform to the description of the animals as stated on the required permit and health certificate.
 - D.** The test charts and dipping certificates, when applicable, shall remain with the shipment upon arrival; otherwise the shipment will be quarantined until evidence has been presented.
 - E.** There will be an import inspection charge to be paid at completion of the inspection, except when there is a waiver of import inspection and/or fees for import cattle moving in accordance with a commuter agreement as described in Subsection F of 21.32.3.8 NMAC, below.
 - F.** Import inspections and/or fees will be waived upon request of the owner of bona fide and approved Colorado or Arizona and New Mexico commuter cattle when that owner brings commuter cattle to New Mexico as part of their normal commuter cattle operation and when the following conditions are met:
 - (1)** the owner notifies the appropriate New Mexico livestock board inspector prior to movement and furnishes the appropriate New Mexico livestock board inspector with a valid copy of the Colorado or Arizona export inspection within 48 hours (two days) after arrival in New Mexico; and
 - (2)** the owner understands that the New Mexico livestock board inspector may conduct a spot check inspection of arriving cattle for which no fee will be charged; and
 - (3)** Colorado and Arizona maintain at least "A" status in the brucellosis eradication program; and
 - (4)** the Colorado board of stock inspection or the Arizona livestock board has conducted a visual and complete inspection of the commuter herd owner's cattle departing Colorado or Arizona; and
 - (5)** all of the cattle arriving from Colorado or Arizona are owned by the commuter herd operator and are those cattle and their offspring, which were originally shipped from New Mexico to Colorado or Arizona and are now returning to New Mexico; none of the cattle arriving are cattle which were introduced into the herd in Colorado or Arizona from sources other than the owner's bona fide and approved commuter herd; and
 - (6)** all health requirements for commuter herd operations are met, to include necessary health certificates and permits.
- [21.32.4.8 NMAC - Rp, 21.32.4.8, 7/16/2024]

21.32.4.9 BRUCELLOSIS TEST REQUIREMENTS FOR CATTLE AND BISON:

- A.** For all states, regardless of brucellosis class, cattle originating from any "brucellosis certified free" herd may enter New Mexico without an entry test, provided the following information is recorded on the official health certificate:
 - (1)** individual identification of each animal; and
 - (2)** herd certificate number; and
 - (3)** date of the last herd test.
- B.** There is no brucellosis test required for spayed heifers and steers.
- C.** Brucellosis free states: All cattle must meet federal interstate regulation requirements for "class free" states, in addition to New Mexico requirements.
- D.** Class A states: All females and bulls over 18 months of age must be tested and negative within 30 days prior to entry into New Mexico, except heifers that are officially vaccinated for brucellosis and under 24 months of age if beef and under 20 months of age if dairy. All cattle must meet federal interstate requirements for "class A" states, in addition to New Mexico requirements.
- E.** Class B states: All females and breeding bulls over 8 months of age must be tested and negative within 30 days prior to entry into New Mexico, except heifers that are officially vaccinated for brucellosis and under 24 months of age if beef, and under 20 months of age if dairy. All cattle must meet federal interstate requirements

for "class B" states, in addition to New Mexico requirements. Test eligible animals over 8 months of age will be quarantined at destination for a retest for brucellosis at the owner's expense, unless waived by the board, between 60 and 90 days after the entry test date. Untested test eligible animals may go direct to slaughter or direct to a quarantined feedlot provided they are "S" branded and move on an "S brand" permit or they move direct to slaughter in a "sealed" vehicle. No heifer calves can move from infected herds, unless they are "S" branded or spayed. "S" branded heifers from infected herds can go only to slaughter or quarantined feedlot. Spayed heifers will be treated like steers. Special permits may be granted by the state veterinarian to spay heifers on arrival.

F. Testing or vaccination requirements for class A and class B states are not required when going directly from the farm or ranch of origin to a federally approved slaughter plant for slaughter or to a New Mexico quarantined feedlot or when going to an approved market where the qualification for brucellosis will be handled at the market.

G. Class C states: No sexually intact cattle, regardless of age, will be allowed to be moved into New Mexico, except "S" branded animals going to slaughter or quarantined feedlots. The restrictions will not affect spayed heifers or steers. The only cattle exempt from these requirements are cattle from "certified brucellosis free herds," which must have a negative test within 30 days prior to entry. Special permits may be granted by the state veterinarian to spay heifers on arrival.

H. All tests shall be at the owners expense.
[21.32.4.9 NMAC - Rp, 21.32.4.9, 7/16/2024]

21.32.4.10 TUBERCULOSIS TEST REQUIREMENTS FOR CATTLE AND BISON: All sexually intact import dairy cattle four months of age or older *must* have a negative tuberculin test within 30 days prior to entry *regardless* of the status of the state of origin or TB free herd. Exception: May be consigned to a licensed New Mexico auction, where they will be "N" branded, sold for slaughter only and sent directly to slaughter or a licensed New Mexico feedlot.

[21.32.4.10 NMAC - Rp, 21.32.4.10, 7/16/2024]

21.32.4.11 TUBERCULOSIS REQUIREMENTS FOR INTERNATIONAL IMPORTS:

A. All sexually intact cattle, from any foreign country or part thereof, with no recognized comparable tuberculosis status that are to be held for purposes other than immediate slaughter or feeding for slaughter in a quarantined feedlot, shall be under quarantine on the first premises of destination in New Mexico pending a negative tuberculosis test no earlier than 120 days and no later than 180 days after arrival and that test shall be performed at the owner's expense.

B. All sexually intact cattle, from any foreign country or part thereof, with no recognized comparable tuberculosis status that are destined for immediate slaughter or feeding for slaughter in a quarantined feedlot, shall be tested at the port-of-entry into New Mexico under the supervision of the port veterinarian and these cattle shall be moved to the slaughter facility or quarantined feedlot only in sealed trucks with a permit issued by the New Mexico livestock board or USDA personnel and, if destined to a quarantined feedlot, shall be "S" branded upon arrival at the feedlot.

C. Steers and spayed heifers from Mexico may enter from Mexican states that have been determined by the New Mexico livestock board, acting on the recommendation of the joint United States and Mexico (bi-national) tuberculosis committee, to have fully implemented the "control/preparatory" phase of the Mexican tuberculosis eradication program by September 1, 1995, after having been tested negative for tuberculosis in accordance with the *Norma Oficial Mexicana (NOM)* within 60 days prior to entry into the United States and may then move without further restriction within New Mexico.

D. Steers and spayed heifers may not be imported into New Mexico from Mexican states that have not implemented the "control/preparatory" phase of the Mexican tuberculosis eradication program by September 1, 1995.

E. Steers and spayed heifers from Mexico may enter from Mexican states that have been determined by the New Mexico livestock board, acting on the recommendation of the joint United States and Mexico (bi-national) tuberculosis committee, to have fully implemented the "eradication" phase of the Mexican tuberculosis eradication program by March 1, 1997, after having been tested negative for tuberculosis in accordance with the *Norma Oficial Mexicana (NOM)* within 60 days prior to entry into the United States or that originate from herds within those states that are equal to United States accredited TB-free herds and that are moved directly from the herd of origin across the border as a single group and not co-mingled with other cattle prior to arriving at the border and then may move within New Mexico without further restriction.

F. Steers and spayed heifers from Mexico may enter from Mexican states that have been determined by the New Mexico livestock board, acting on the recommendation of the joint United States and Mexico (bi-national) tuberculosis committee, to have achieved accredited TB-free status and move directly into New Mexico without further testing or restriction provided they are moved as single group and not co-mingled with other cattle prior to arriving at the border.

G. Holstein and Holstein cross steers and Holstein and Holstein cross spayed heifers from Mexico are prohibited from entering New Mexico, regardless of test history.

H. Cattle entering from Mexico for the purpose of feeding and return to Mexico or slaughter, under the federal (United States) in-bond program, are exempt from the requirements above in Subsections A through G of 21.32.4.11 NMAC.

I. Rodeo stock from Mexico shall be tested for tuberculosis by a United States accredited veterinarian or under the supervision of a USDA-APHIS port veterinarian, within 12 months prior to their utilization as rodeo or roping stock and retested for tuberculosis every 12 months thereafter.

J. The provisions of this section are intended solely for cattle born and raised in Mexico or within the United States or Canada and which were exported to Mexico, in accordance with appropriate rules and regulations. [21.32.4.11 NMAC - Rp, 21.32.4.11, 7/16/2024]

21.32.4.12 IMPORT REQUIREMENTS FOR SHEEP AND GOATS:

A. All sheep and goats entering the state of New Mexico must be accompanied by a permit previously procured by letter, telegraph, telephone or verbally requested from the office of the New Mexico livestock board in Albuquerque or from an officer of the board specifically authorized to issue entrance permits.

B. Sheep and goats entering the state of New Mexico must be accompanied by an official health certificate issued by a state inspector of the state of origin, an inspector of the United States department of agriculture or by a recognized and accredited veterinarian attesting the animals in the shipment are apparently free from symptoms of infectious or contagious disease. Additionally, all health certificates for sheep shall contain a statement by the certifying official that the sheep are free of scabies, contagious ovine ecthyma (sore mouth) and foot rot. The health certificate shall also certify that the sheep have not been exposed to blue tongue within 30 days of movement and all breeding rams shall be certified as individually examined and free of gross lesions of ram epididymitis.

C. Shippers and owners of sheep or goats imported into the state of New Mexico must notify the livestock inspector at destination upon arrival in order that the shipment can be inspected for health as required by law.

[21.32.4.12 NMAC - Rp, 21.32.4.12, 7/16/2024]

21.32.4.13 IMPORT REQUIREMENTS FOR EQUIDAE:

A. All equidae, which includes horses, mules and asses, entering New Mexico must be accompanied by an official health certificate attesting the equidae in the shipment are free from symptoms of infectious or contagious disease.

B. All equidae entering the state of New Mexico must be tested and negative, within 12 months prior to entry, for equine infectious anemia (EIA) using the agar gel immunodiffusion (AGID) test, also known as the "Coggins" test or the competitive enzyme-linked immunosorbent assay (CELISA) test or other USDA licensed test approved by the board. The date of the test, the laboratory and the results must be shown on the required health certificate. Individual identification and/or description of the animal(s) must also be provided on the health certificate.

C. Foals, nursing and accompanied in shipment by a negative (EIA) tested dam and equidae consigned directly to slaughter in New Mexico are not required to be tested for EIA. If the dam does not accompany the foal in shipment, the foal must be tested negative prior to entry.

D. All testing for EIA must be performed at laboratories approved by USDA for such testing. All samples must be collected by an accredited veterinarian or full-time state or federal regulatory personnel.

E. The state veterinarian may grant a special permit to enter the state of New Mexico for equidae that have a test pending. This permit must be requested and granted prior to entry.

[21.32.4.13 NMAC - Rp, 21.32.4.13, 7/16/2024]

21.32.4.14 IMPORT REQUIREMENTS FOR SWINE:

A. All swine entering New Mexico must be accompanied by an approved certificate of veterinary inspection showing individual identification and must originate from a herd or area not under quarantine. All swine

must have a prior entry permit from the New Mexico livestock board. All certificates must certify that the swine have not been fed raw garbage.

B. All swine, regardless of age, must prove negative to a brucellosis test conducted within 30 days or originate from a brucellosis "validated herd" and have the date of the last herd test and the herd certificate number indicated on the approved certificate of veterinary inspection.

C. All swine, regardless of age, must prove negative to an official pseudorabies test conducted within 30 days or originate from a "qualified pseudorabies free herd" and have the date of the last herd test and the herd certificate number indicated on the approved certificate of veterinary inspection.

D. All swine must be identified with an official ear notch (1-3-9-27-81 system), metal or plastic tag. These are the only acceptable means of identification. Swine consigned directly to specifically approved feedyards (quarantined feeding facilities) or recognized slaughtering establishments are not required to meet the individual identification requirements.

[21.32.4.14 NMAC - Rp, 21.32.4.14, 7/16/2024]

21.32.4.15 SCABIES REGULATIONS FOR IMPORT CATTLE:

A. All cattle, except those defined in Subsection B of 21.32.4.15 NMAC below, imported into the state of New Mexico from areas defined as high risk scabies infected areas shall be officially treated with a USDA approved pesticide for scabies. This treatment may be accomplished at origin, en route or at destination.

B. Cattle not required to be treated if entering New Mexico from high risk scabies areas include the following:

(1) cattle consigned for immediate slaughter and will be slaughtered within seven days after entering New Mexico; or

(2) dairy cattle used for milk production (these cattle will be inspected only); or

(3) calves under three weeks of age (these calves will be inspected only); or

(4) cattle consigned directly to a New Mexico livestock auction market for sale and immediate delivery to slaughter; or

(5) commuter cattle with a completed and approved "Colorado-New Mexico commuter cattle agreement."

C. The "high risk scabies infected areas" are to be determined by the director and the state veterinarian of the New Mexico livestock board.

D. Scabies treatment of New Mexico cattle moving in commerce will not be initiated by the board until, or unless the incidence of the disease within the state of New Mexico warrants such action, as determined by the appointed members of the New Mexico livestock board.

[21.32.4.15 NMAC - Rp, 21.32.4.15, 7/16/2024]

21.32.4.16 INTERNATIONAL IMPORTS OF LIVESTOCK: All livestock entering New Mexico from any foreign country and not originating from that country must have met all of the entry requirements that are in effect for each country through which the livestock have passed en route to the United States and have met the requirements for import as required by the United States department of agriculture that would be imposed upon those livestock had they been imported directly from the country of origin, unless specifically determined otherwise by the appointed members of the livestock board.

[21.32.4.16 NMAC - Rp, 21.32.4.16, 7/16/2024]

21.32.4.17 SCRAPIE REGULATIONS FOR IMPORT SHEEP:

A. The requirements of this section are in addition to the requirements set forth in 21.32.4.12 NMAC above and are intended to prevent the spreading of scrapie to New Mexico.

B. In addition to the information required by 21.32.4.12 NMAC, all breeding sheep (fine wool, medium wool or crossbreeds) entering New Mexico must have the following statement entered on the health certificate:

(1) "The sheep on this certificate originate from a flock in which scrapie has not been diagnosed in the last five years and has not been identified as a trace or source flock and there is no evidence of exposure to scrapie".

(2) The owner or owner's operator or agent shall print and sign his name under this statement attesting to the truthfulness of the statement.

C. Medium wool and crossbred sheep must be individually identified with an ear tag or tattoo (paint and chalk brands are not acceptable) and that ID shall be placed on the health certificate.

D. Commuter sheep imported into New Mexico from a contiguous state, without change of ownership and as part of the normal commuting operation, may enter without meeting the additional scrapie requirements of Subsections A through C of 21.32.4.17 NMAC above, provided the owner has a prior approved commuter herd permit from the state veterinarian of New Mexico.

E. Sheep entering New Mexico for grazing or feedlot must have a health certificate that includes the following statement:

(1) "The sheep on this certificate originate from a flock in which scrapie has not been diagnosed in the last five years and has not been identified as a trace or source flock and there is no evidence of exposure to scrapie".

(2) The owner or owner's operator or agent shall print and sign his name under this statement attesting to the truthfulness of the statement.

F. Slaughter sheep, consigned directly to slaughter, must only meet the requirements of 21.32.4.12 NMAC and are not required to meet the additional scrapie requirements of this section.
[21.32.4.17 NMAC - Rp, 21.32.4.17, 7/16/2024]

HISTORY OF 21.32.4 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 5/3/1967;

NMLB 70-1, Rules and Regulations of the New Mexico Livestock Board, filed 3/11/1970;

NMLB 76-1, New Mexico Livestock Board Rules and Regulations, filed 5/6/1976;

NMLB 69-2, Notice-All NM Sheepmen re: branding, filed 12/10/1969;

NMLB 72-2, Resolution re: Cattle Scabies Outbreak, filed 1/31/1972;

NMLB 72-3, Resolution re: Cattle Scabies Outbreak, filed 1/31/1972;

NMLB 72-4, Resolution re: Cattle Scabies Outbreak, filed 1/31/1972;

NMLB -1, New Mexico Livestock Board Rules and Regulations, filed 10/17/1979;

NMLB -2, New Mexico Livestock Board Rules and Regulations, filed 11/4/1981;

NMLB Rule No. 3, New Mexico Livestock Board Rules and Regulations, filed 1/30/1985.

History of Repealed Material: 21 NMAC 32.4 - Import Requirements (Transportation of Livestock into New Mexico) filed (03/01/1999) repealed effective 12/31/2007.

21.32.4 NMAC - Import Requirements (Transportation of Livestock into New Mexico) filed (12/14/2007) Repealed, effective 7/16/2024.

Other History:

That applicable portion of NMLB Rule No. 3, New Mexico Livestock Board Rules and Regulations (filed 1/30/1985) was renumbered, reformatted, amended and replaced by 21 NMAC 32.4, Import Requirements (Transportation of Livestock Into New Mexico), effective 03/01/1999.

21 NMAC 32.4, Import Requirements (Transportation of Livestock Into New Mexico) (filed 01/28/1999) renumbered, reformatted, amended, and replaced by 21.32.4 NMAC, Import Requirements (Transportation of Livestock Into New Mexico), effective 12/31/2007.

21.32.4 NMAC - Import Requirements (Transportation of Livestock into New Mexico) filed (12/14/2007) Replaced by 21.32.4 NMAC - Import Requirements (Transportation of Livestock into New Mexico) effective 7/16/2024.