

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 35 LIVESTOCK MARKETING
PART 5 CATTLE AND SHEEP REST STATIONS

21.35.5.1 ISSUING AGENCY: New Mexico Livestock Board.
[21.35.5.1 NMAC - Rp, 21.35.5.1, 7/16/2024]

21.35.5.2 SCOPE: All owners and operators of livestock rest stations and facilities used as rest stations and all owners, transporters, or handlers of livestock in the state of New Mexico and those that bring livestock into the state for any reason and utilize the services provided by rest stations. Additional requirements for livestock owners governing livestock business activities can be found in Title 21, Chapters 30, 32, 33, & 34 of the NMAC.
[21.35.5.2 NMAC - Rp, 21.35.5.2, 7/16/2024]

21.35.5.3 STATUTORY AUTHORITY: Section 77-2-7, 77-3 and 77-9A-1 through 77-9A-5 NMSA 1978.
[21.35.5.3 NMAC - Rp, 21.35.5.3, 7/16/2024]

21.35.5.4 DURATION: Permanent.
[21.35.5.4 NMAC - Rp, 21.35.5.4, 7/16/2024]

21.35.5.5 EFFECTIVE DATE: July 16, 2024 unless a later date is cited at the end of a section.
[21.35.5.5 NMAC - Rp, 21.35.5.5, 7/16/2024]

21.35.5.6 OBJECTIVE: To establish rules governing the operation, inspection services, and licensing of cattle and sheep rest stations in New Mexico.
[21.35.5.6 NMAC - Rp, 21.35.5.6, 7/16/2024]

21.35.5.7 DEFINITIONS:

- A. “Board”** means the New Mexico livestock board.
 - B. “Bond”** means cash or an insurance agreement from a New Mexico licensed surety or insurance corporation pledging surety for financial loss caused to another, including certificate of deposit, irrevocable letter of credit or other surety as may be approved by the United States department of agriculture, packers and stockyards administration or the board.
 - C. “Cattle or sheep rest station owner”** means any person, persons, corporation, or organization operating a cattle rest station.
 - D. “Cattle rest station”** means any facility in the state of New Mexico, which is used for the purpose of receiving and holding for rest, feeding, watering cattle, which are in transit within or through New Mexico.
 - E. “Director”** means the executive director of the New Mexico livestock board.
 - F. “Inspector”** means any duly authorized or commissioned officer of the livestock board.
 - G. “Livestock”** means cattle, sheep, swine, bison, goats, horses, mules, asses, poultry, ratites, camelids, and farmed cervidae.
 - H. “New Mexico livestock”** means any livestock raised or pastured or fed within the state of New Mexico.
 - I. “Person”** means an individual, partnership, association, or operation.
 - J. “Sheep rest station”** means any facility in the state of New Mexico, which is used for the purpose of receiving and holding for rest, feeding, or watering sheep or goats, which are in transit within or through New Mexico.
- [21.35.5.7 NMAC - Rp, 21.35.5.7, 7/16/2024]

21.35.5.8 LICENSING OF REST STATIONS:

- A.** Cattle and sheep rest stations shall be licensed and bonded in accordance with Section 77-9A-2, NMSA 1978. The license shall be renewed annually. The bond shall be in an amount of \$10,000.00.
- B.** The NM livestock board or its inspector shall be notified upon arrival of all shipments entering a cattle or sheep rest station. An inspection of the cattle, sheep or goats may be conducted by a livestock inspector, or his authorized agent.
- C.** All cattle, sheep or goats entering a cattle or sheep rest station on direct shipment from outside the

continental United States, must be accompanied by an official form issued by a federal official of the U.S.D.A. showing the current health status of the shipment, indicating the type of inspection and treatment administered prior to entry, and indicating the destination of the shipment. If the cattle, sheep or goats crossed at Santa Teresa or Columbas, they must also be accompanied by the New Mexico livestock board inspection certificate issued at the port of entry.

D. All cattle, sheep or goats entering a cattle or sheep rest station from a state within the continental United States shall be accompanied by an official certificate issued by an accredited veterinarian, state, or federal official of the that state of origin, which certificate shall indicate the current health status, the place of origin, and the destination of the shipment.

E. The owner or operator of the cattle or sheep rest station shall provide a book to be used expressly by him or his agent for the purpose of recording the following information for each consignment of cattle or sheep entering the rest station:

- (1) date and time of arrival;
- (2) origin of the shipment;
- (3) name and address of the importer, consignor, or shipper;
- (4) name of the carrier upon arrival and departure;
- (5) number and class of livestock;
- (6) livestock identification (brands, ear tags, etc);
- (7) name and address of consignee;
- (8) place of destination (city and state); and date and time of departure from the cattle or sheep rest station.

F. The record book shall be available at any time, day or night, to a representative of the New Mexico livestock board.

G. Cattle, sheep or goat shipments entering a New Mexico cattle or sheep rest station, with a predetermined destination within, or out of the state of New Mexico, may depart without inspection, provided the shipment is not altered, sorted, reconfigured, or diverted from the destination indicated on the accompanying certificate.

H. Cattle, sheep or goat shipments entering without a predetermined destination, or shipments diverted from the predetermined destination, shall be subject to inspection at the prescribed fee, by a representative of the New Mexico livestock board.

I. Cattle, sheep or goats remaining in a cattle or sheep rest station for a period of more than twelve hours, are subject to inspection at the prescribed fee, at the discretion of the New Mexico livestock board.

J. No cattle, sheep or goats may be allowed to enter a cattle or sheep rest station without the required official certificate prescribed in 8.3 or 8.4 above until prior permission is obtained from the livestock inspector, or other official of the New Mexico livestock board.

K. The penalty for violating any of the regulations of this section shall be as provided by Section 77-9A-4, NMSA 1978, and, at the discretion of the appointed board, may result in revocation of the rest station license and forfeiture of the bond.

[21.35.5.8 NMAC - Rp, 21.35.5.8, 7/16/2024]

HISTORY OF 21.35.5 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 5/30/1967;
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 35.5, Cattle Rest Stations, (filed 1/28/1999) repealed effective 11/30/2001.

21.35.5 NMAC - Cattle and Sheep Rest Stations (filed 11/14/2001) repealed effective 7/16/2024.

Other History: 21 NMAC 35.5 - Cattle and Sheep Rest Stations (filed 1/28/1999) Replaced 21.35.5 NMAC - Cattle and Sheep Rest Stations effective 11/30/2001.

21.35.5 NMAC - Cattle and Sheep Rest Stations (filed 11/14/2001) Replaced by 21.35.5 NMAC - Cattle and Sheep Rest Stations, effective 7/16/2024.