

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 35 LIVESTOCK MARKETING
PART 4 LIVESTOCK MARKETS AND FACILITIES

21.35.4.1 ISSUING AGENCY: New Mexico Livestock Board; 300 San Mateo, NE, Suite 1000; Albuquerque, New Mexico 87108; Telephone (505) 841-6161.
[3/1/99; 21.35.4.1 NMAC - Rn, 21 NMAC 35.4.1, 10/30/2008]

21.35.4.2 SCOPE: All owners and operators of livestock markets in New Mexico and all owners, transporters or handlers of livestock in the state of New Mexico and those that apply to bring livestock into the state for the purpose of selling or buying livestock at any New Mexico livestock market. Additional requirements for livestock owners governing livestock business activities can be found in 21 NMAC 30, 32, 33 and 34.
[3/1/99; 21.35.4.2 NMAC - Rn, 21 NMAC 35.4.2, 10/30/2008]

21.35.4.3 STATUTORY AUTHORITY: Section 77-2-7, A, 6, 7, 8, 9 and 12 and 77-13 NMSA 1978.
[3/1/99; 21.35.4.3 NMAC - Rn, 21 NMAC 35.4.3, 10/30/2008]

21.35.4.4 DURATION: Permanent
[3/1/99; 21.35.4.4 NMAC - Rn, 21 NMAC 35.4.4, 10/30/2008]

21.35.4.5 EFFECTIVE DATE: March 1, 1999, unless a later date is cited at the end of a section.
[3/1/99; 21.35.4.5 NMAC - Rn & A, 21 NMAC 35.4.5, 10/30/2008]

21.35.4.6 OBJECTIVE: To establish rules governing licensing, inspection services, testing and handling of livestock at livestock auction markets in New Mexico.
[3/1/99; 21.35.4.6 NMAC - Rn, 21 NMAC 35.4.6, 10/30/2008]

21.35.4.7 DEFINITIONS:

- A. "Board" means the New Mexico livestock board.
 - B. "Director" means the executive director of the New Mexico livestock board.
 - C. "Inspector" means any duly authorized or commissioned officer of the livestock board.
 - D. "Livestock" means cattle, sheep, swine, bison, goats, horses, mules, asses, poultry, ratites, camelids and farmed cervidae.
 - E. Livestock market owner means any person, persons, corporation or organization operating for business or charity a facility for the purpose of consignment sales of livestock.
 - F. Livestock market means any facility in the state of New Mexico, which is used for the purpose of holding consignment sales of livestock.
 - G. "New Mexico livestock" means any livestock raised or pastured or fed within the state of New Mexico.
 - H. "Official Identification" means an electronic or visual ear tag with a 15-digit number beginning with "840", a USDA silver metal identification tag, a USDA orange metal calfhood brucellosis vaccination tag, a breed registry tattoo with proof of registration, or other identification as approved by the New Mexico state veterinarian.
 - I. "Person" means an individual, partnership, association or operation.
- [3/1/99; 21.35.4.7 NMAC - Rn, 21 NMAC 35.4.7, 10/30/2008; A/E, 12/07/2009]

21.35.4.8 LIVESTOCK MARKET LICENSE AND LICENSEE:

- A. Any person desiring to operate a livestock market in New Mexico shall file an application for a license with the director on such form or forms as the director shall prescribe, which application shall be signed by the applicant.
- B. Every license issued by the director to a livestock market operator shall expire one year from the date of issuance. Renewal of such license shall be made on renewal forms as prescribed by the board.
- C. The director may extend licenses for a portion of a calendar year, in order to synchronize the periods of all licenses, so that the one year period of issue coincides with the calendar year.
- D. The license issued by the director to any livestock market owner for the operation of a livestock market, shall specify the day or days of the week on which the sale or sales will be conducted at that market.

E. The board will cooperate with the United States department of agriculture, packers and stockyards administration, to insure that the livestock market owner has met the requirements for bonding and approval under the federal codes, prior to issuing the license.

F. Special sales may be held on days or dates not specified in said license upon written application being submitted to the director, at least fifteen days prior to the scheduled date of the special sale.

G. The market owner shall display the license in a prominent place visible to the public.

H. Violation of any rule or statute on livestock market property by owner, agent, operator or employee may result in suspension or revocation of license.

[3/1/99; 21.35.4.8 NMAC - Rn & A, 21 NMAC 35.4.8, 10/30/2008]

21.35.4.9 INSPECTION AND TESTS AT LIVESTOCK MARKETS:

A. All livestock received at a livestock market may be inspected for health by a veterinarian of the board, or its authorized agent.

B. In conducting such inspections of any livestock in the possession of the livestock market operator, such board veterinarian, or its agent, is authorized to make such tests and to require the administration of such preventative or curative treatment, as the veterinarian shall deem necessary to prevent the spread of livestock disease.

C. The tests and treatments which are required as part of this section shall be accomplished at the owner's expense.

[3/1/99; 21.35.4.9 NMAC - Rn, 21 NMAC 35.4.9, 10/30/2008; A/E, 12/07/2009]

21.35.4.10 TRANSPORTING LIVESTOCK EXPOSED OR AFFECTED BY CONTAGIOUS AND INFECTIOUS DISEASE:

A. Any livestock exposed or affected by a contagious and infectious disease and so certified by the veterinarian of the board, or its authorized agent, shall be immediately quarantined.

B. It shall be unlawful for anyone to move or transport any livestock from the livestock market or quarantined area.

C. The veterinarian of the board, or its authorized agent, shall notify the operator of the market in writing that no movement or transporting of the quarantined livestock is permitted.

[3/1/99; 21.35.4.10 NMAC - Rn, 21 NMAC 35.4.10, 10/30/2008]

21.35.4.11 BRUCELLOSIS TESTS OF CATTLE AT LIVESTOCK MARKETS:

A. Test eligible cattle originating from any zone, area, county or state determined by the USDA or the New Mexico state veterinarian to be high-risk for bovine brucellosis and entering New Mexico through specifically approved livestock markets may be required to be tested for brucellosis.

B. Reactors to the presumptive brucellosis test shall be quarantined at the market pending completion of confirmatory testing and final determination of brucellosis status.

C. Reactors as determined by confirmatory testing, shall either be B branded, or sealed by metal seal in the truck transporting them to slaughter and documented correctly on a USDA veterinary services form 127.

D. After the reactors are removed, the remaining cattle in the shipment may be returned to premises of origin under quarantine, or be S branded and sent directly to an approved feedlot or slaughter.

[3/1/99; 21.35.4.11 NMAC - Rn, 21 NMAC 35.4.11, 10/30/2008; A/E, 12/07/2009]

21.35.4.12 INSPECTION OF CATTLE AND TAGGING AT LIVESTOCK MARKETS:

A. All livestock entering a livestock market shall be inspected by a livestock inspector or authorized agent of the board, for brands and ownership and that inspection shall be documented upon the certificate prescribed by the board.

B. The livestock board shall provide tags of identification to be applied as directed by the New Mexico livestock board. The tag shall be placed on the upper section of the shoulder area of all cattle tagged at such markets. The tag number and the brand identification data for animals shall be properly entered on the certificate prescribed by the board. All sexually intact dairy cattle four months of age or older, sexually intact beef cattle 18 months of age or older and all Mexican-origin (M-branded) cattle shall be individually identified by official identification, with such identification recorded on the certificate.

C. For the inspections conducted at markets, the board shall charge the fees prescribed by law and board rules for inspection of livestock.

[3/1/99; 21.35.4.12 NMAC - Rn, 21 NMAC 35.4.12, 10/30/2008; A/E, 12/07/2009]

HISTORY OF 21.35.4 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 5/3/67;

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

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

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

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

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

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

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

NMLB -2, New Mexico Livestock Board Rules and Regulations, filed 11/4/81;

NMLB Rule No. 3, New Mexico Livestock Board Rules and Regulations, filed 1/30/85.

History of Repealed Material: [RESERVED]

Other History:

Only those applicable portions of NMLB Rule No. 3, New Mexico Livestock Board Rules and Regulations (filed 1/30/85) was renumbered, reformatted, amended and replaced by 21 NMAC 35.4, Livestock Markets, effective 03/01/1999.

21 NMAC 35.4, Livestock Markets (filed 01/28/1999) was renumbered, reformatted, amended and replaced by 21.35.4 NMAC, Livestock Markets and Facilities, effective 10/30/2008.