NC DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES
VETERINARY DIVISION

APPLICATION FOR LIVESTOCK DEALER LICENSE

INSTRUCTIONS: Submit this application to the Director of Animal Health Programs/Livestock, Veterinary Division, N.C. Department of Agriculture and Consumer Services, 1030 Mail Service Center, Raleigh, North Carolina 27699-1030 for applicable licensing requests. Complete all sections. If a section is not applicable, enter "N/A" or "None." If additional space is needed for any item, attach sheet and number item.

FOR OFFICE USE ONLY

GPS Coordinates N: __-_____ W: __-_____

QBSP Number __-___-__-__-_

State Premises ID_____ National Premises ID_____

1. DATE OF APPLICATION	2. TYPE OF APPLICATION __ NEW __ ANNUAL RENEWAL __ CHANGE OF LOCATION __ OTHER (SPECIFY)

3. FORM OF ORGANIZATION		4. IF CORPORATION, NAME OF STATE WHERE INCORPORATED
__ INDIVIDUAL	__ PARTNERSHIP	
__ CORPORATION	__ OTHER (SPECIFY)	
__ COOPERATIVE ASSOCIATION		5. DATE OF INCORPORATION (Month and Year)

6. NAME OF APPLICANT (Company Name) AND 911MAILING ADDRESS, ZIP Code, E-Mail Address and Driver's license number.	7. COUNTY	8. AREA CODE & TELEPHONE NO. AFTER HOURS CONTACT NUMBER

9. LOCATION OF FACILITY AND MAILING ADDRESS IF DIFFERENT FROM ITEM 6 (Include ZIP Code)	10. AREA CODE AND TELEPHONE NO.
11. NAME & TYPE OF OTHER BUSINESSES LOCATED IN THE SAME FACILITY	12. OTHER NAMES (If any) UNDER WHICH BUSINESS WILL BE CONDUCTED

13. TYPE OF RECORD KLEPING SYSTEM (Please circle all that are applicable)		14. WHERE ARE RECORD KEPT? (Please circle all that are applicable)	15. DAYS OF OPERATION (Please circle)		
Paper	Computer	Home	MON	WED	FRI
Ledger	Other_____	Office	TUE	THU	SAT

16. ANIMALS TO BE PURCHASED AND SOLD WHEN LICENSE IS INAUGURATED (Please circle all that are applicable)

CATTLE CALVES SHEEP GOATS SWINE EQUINE CERVIDS OTHER (Specify)

17. DO YOU OR ANY OTHER PERSON ASSOCIATED WITH THIS FACILITY OWN OR OPERATE A SLAUGHTER FACILITY?	
__ YES (Please provide details) __ NO	

Continued on Back

18. List all persons responsibly connected with the applicant. Include all owners, partners, officers, directors, holders or owners of 10 per centum or more of voting stock, and employees in a managerial or executive capacity in the business. Notify the State Veterinarian of any changes in the listing given.

NAME TITLE (Indicate if partner, manager)	DRIVER'S LICENSE NUMBER		PRESENT HOME ADDRESS (Street and Number, City, State, Zip Code)	HOLDER OF 10% OR MORE VOTING STOCK (If Corporation)	
				YES (X)	NO (X)

19. Enter the name of each person listed under item 18 who has been convicted in any Federal or State court of any felony. Enter the name of each person listed under item 18 who has been convicted in any Federal or State court of more than one violation of any law, other than felony, based upon the acquiring, sale, brokering, bartering, or compensation to a buyer of any livestock, equine, or other farm animal, or any fraud associated with transactions of the same. Include the nature of the crime, the date of conviction and the court in which convicted. If none write "None".

20. List each conviction against the applicant (person, firm or corporation) in any Federal or State court of any felony. List each conviction against the applicant (person, firm or corporation) in any Federal or State court of more than one violation of any law, other than a felony, based upon the acquiring, sale, brokering, bartering, or compensation to a buyer of any livestock, equine, or other farm animal, or any fraud associated with transactions of the same. Include the nature of the crime, the date of conviction and the court in which convicted. If none write "None".

AGREEMENT AND CERTIFICATION: If license is granted under this application, I (we) expressly agree to conform strictly to Articles 35, 35A, and 35B of the General Statutes of North Carolina governing Public Livestock Markets, the North Carolina Livestock Prompt Pay Law, and the Livestock Dealer Licensing Act. I CERTIFY that all statements made herein are true to the best of my knowledge and belief.

This is an Equal Opportunity Program. If you believe that you have been discriminated against because of race, color, religion, sex, national origin, age, or handicap, write to the State Veterinarian, NCDA&CS, Veterinary Division, 1030 Mail Service Center, Raleigh, NC 27699-1030.

21. TYPED OR PRINTED NAME OF PERSON SIGNING APPLICATION	SIGNATURE AND TITLE OF OWNER, PARTNER, OR AUTHORIZED OFFICER MAKING THIS APPLICATION	
	22. SIGNATURE	23. TITLE
24. ARE YOU PRESENTLY LICENSED WITH THE NCDA&CS? __ YES __ NO		

TO BE COMPLETED BY NCDA&CS

25. DATE RECEIVED	26. DATE REVIEWED	27. SIGNATURE OF ANIMAL HEALTH OFFICE

Article 35B.

Livestock Dealer Licensing Act.

§ 106-418.8. Definitions.

When used in this Article,

(1) The term "Commissioner" means the Commissioner of Agriculture of North Carolina;

(2) The term "livestock" means cattle, sheep, goats, swine, horses and mules;

(3) The term "livestock dealer" means any person who buys livestock (i) for his own account for purposes of resale, or (ii) for the account of others; and

(4) The term "person" means an individual, partnership, corporation, association, or other legal entity. (1973, c. 196.)

§ 106-418.9. Exemptions.

The provisions of this Article shall not apply to a person who offers for sale or trade only livestock which he has raised or livestock which he owns or has had in his possession for a period of 30 days or longer or who has had the livestock grown under contract, and is not engaged in the business of buying, selling, trading, or negotiating the transfer of livestock. Neither shall this Article apply to a livestock market operator conducting sales in compliance with the Public Livestock Markets Act (General Statutes Chapter 106, Article 35). (1973, c. 196.)

§ 106-418.10. Prohibited conduct.

It shall be unlawful for any person to:

(1) Carry on or conduct the business of a livestock dealer without a current valid license issued by the North Carolina Department of Agriculture and Consumer Services under the provisions of this Article;

(2) Fail to keep the records required by G.S. 106-418.13. (1973, c. 196; 1997-261, s. 52.)

§ 106-418.11. Licenses.

(a) Any person desiring to be licensed as a livestock dealer shall make application to the Commissioner. Such application shall contain the address, both business and personal, of the applicant. No financial information shall be required from the applicant.

Whenever an applicant has complied with this Article, the Commissioner shall issue to such applicant a license which shall entitle the licensee to engage in the business of livestock dealer for a period of one year, unless such license is sooner suspended, or revoked in accordance with the provisions of this Article.

The license may be renewed annually by written request to the Commissioner on a form prepared by the Department of Agriculture and Consumer Services, which form shall require only the name and current address of the licensee. No renewal fee shall be charged.

(b) The Commissioner may suspend for a period not to exceed 120 days the license of any livestock dealer whom the Commissioner finds has violated G.S. 106-418.10(2). For a second violation of G.S. 106-418.10(2) within a period of two years, the Commissioner may revoke a dealer's license.

(c) The Commissioner may refuse to issue a license to any person who has (i) within five years of his application therefor, been finally adjudicated as having on two or more occasions violated the provisions of G.S. 106-418.10(1) or (ii) on three or more occasions within five years of his application therefor been finally adjudicated as violating G.S. 106-418.10(2).

(d) All proceedings relative to the suspension, revocation, or refusal of a license shall be conducted pursuant to the provisions of Chapter 150B of the General Statutes. (1973, c. 196; c. 1331, s. 3; 1975, c. 19, s. 34; 1987, c. 827, s. 1; 1997-261, s. 109.)

§ 106-418.12. Hearings.

Any hearing required or permitted to be held pursuant to this Article may be conducted by the Commissioner or his delegate and his decision shall be treated for all purposes as that of the Commissioner. (1973, c. 196.)

§ 106-418.13. Maintenance of records.

Every livestock dealer shall keep complete records for at least one year of all transactions involving livestock and permit any authorized agent of the Commissioner to have access to and to copy all records relating to such transactions. Such records shall consist of the approximate age, breed and species of the livestock, the date of sale, name and address of persons from whom and to whom livestock are sold and traded. (1973, c. 196.)

§ 106-418.14. Penalties.

Any person who violates G.S. 106-418.10(1) is guilty of a Class 3 misdemeanor. For a second or subsequent violation of G.S. 106-418.10(1), a person is guilty of a Class 2 misdemeanor. (1973, c. 196; 1999-408, s. 5.)

§ 106-418.15. Short title.

This Article may be cited as the "Livestock Dealer Licensing Act." (1973, c. 196.)

§ 106-418.16. Civil penalties.

The Commissioner may assess a civil penalty of not more than five thousand dollars ($5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation.

The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 11; 1998-215, s. 15.)

SUBCHAPTER 52E - MARKETING OF LIVESTOCK

SECTION .0100 - DEFINITIONS AND GENERAL RULES

02 NCAC 52E .0101 DEFINITIONS

These definitions are applicable throughout Chapter 52:

(1) "Farm of Origin" means a farm or other premise where an animal was born or on which it has been maintained for at least 90 consecutive days immediately prior to movement.

(2) "Recognized Slaughtering Establishment" means any slaughter establishment operating under provisions of the federal or state meat inspection acts and where ante-mortem and post-mortem inspections are routinely performed.

(3) "Breeding Swine" means any swine which are maintained for breeding purposes, including sows which are parturient or which have given birth to one or more litters of pigs and boars which are uncastrated and which have reached a stage of maturity rendering the animal capable of being used as a breeding animal, including those boars which through age or infirmity are no longer suitable for such use.

(4) "Feeder Swine" means any swine showing no visible signs of infectious or communicable disease and weighing less than 150 pounds and which are moved from the farm of origin to an approved feeder pig market to be assembled for resale as feeder swine or moved directly to another premise for further feeding prior to slaughter.

(5) "Slaughter Swine" means swine which are consigned to a slaughter market or consigned directly to slaughter irregardless of age, breed or sex.

(6) "Immediate Slaughter" means slaughter within seven days.

History Note: *Authority G.S. 106-416;*
Eff. April 1, 1984.

02 NCAC 52E .0102 RESOLD CATTLE

History Note: *Authority G.S. 106-14; 106-22(3); 106-348; 106-396; 106-416;*
Eff. April 1, 1984;
Repealed Eff. April 1, 1985.

02 NCAC 52E .0103 RESOLD CATTLE

(a) When cattle for feeding or breeding purposes are delivered to a public livestock market, the seller shall designate as "resold" or "second-handed" any cattle which have been sold through any livestock market within the previous 21 days. The seller shall make this designation to the livestock market operator, his agent, or the North Carolina Department of Agriculture livestock inspector in charge.

(b) All resold or second-handed cattle shall be penned together and separate from farm fresh cattle. The market operator shall announce to the buyers that these are resold or second-handed cattle when they are offered for sale.

Note: Violation of this Rule is a misdemeanor under G.S. 106-417, and violators may be fined or imprisoned, or both, in the discretion of the court. In addition, a public livestock market license may be revoked for violations of this Rule, pursuant to G.S. 106-407.2.

History Note: *Authority G.S. 106-416;*
Eff. May 1, 1992.

SECTION .0200 - PUBLIC LIVESTOCK MARKET REGULATIONS

02 NCAC 52E .0201 DAY AND TIME OF SALE

The regularly scheduled auction sales at public livestock auction markets shall be held on a designated day or days, Monday through Friday. The State Veterinarian may, on a minimum of two weeks written notice from a market operator, issue a permit for a breeding cattle consignment sale to be held on a Saturday. Cattle consigned to sales

held under this exemption must be entered at the sales barn no later than 6:00 P.M. on the day preceding the sale with each individual consignment confined to separate pens until the required testing for brucellosis has been completed. Cattle officially tested as negative for brucellosis within 30 days prior to the sale may be entered at the sales barn anytime prior to the sale.

History Note: *Authority G.S. 106-408; 106-416;*
Eff. April 1, 1984.

02 NCAC 52E .0202 NOTIFICATION OF UNSATISFACTORY PAYMENT

Public livestock market operators shall notify the Commissioner of Agriculture of unsatisfactory payment for livestock within 24 hours after having knowledge of such unsatisfactory payment. The notification will include the following:

(1) the person on which the account is drawn and address;
(2) amount of unsatisfactory payment;
(3) nature of unsatisfactory payment including payee, bank; and address if applicable;
(4) nature of collection action taken by the public livestock market.

History Note: *Authority G.S. 106-418.6;*
Eff. April 1, 1984.

02 NCAC 52E .0203 FACILITIES FOR HANDLING LIVESTOCK

Proper facilities for handling, segregating, holding and sale of livestock shall meet the following minimum requirements:

(1) Facilities for Handling Breeder and/or Feeder Swine. Alleys and pens shall have properly drained floors of concrete or other impervious material approved by the State Veterinarian or his authorized representative. The alleys shall lead directly from unloading docks to such pens and shall be used by all feeder and/or breeder swine offered for sale.

(2) Facilities for Handling Slaughter Swine. When slaughter swine are sold on the same day that feeder and/or breeder swine are sold, separate facilities shall be provided for slaughter swine including unloading docks, alleys and pens. Alleys shall lead directly from unloading docks to pens so that slaughter swine shall not come in contact with facilities used by feeder and/or breeder swine.

(3) Maintenance of Floors Required by this Rule. All floors of concrete or other impervious material referred to or required in these Regulations shall be free of holes, cracks or depressions and shall be properly drained and reasonably smooth so that they can be easily cleaned and disinfected. All other floors shall be properly drained, free of holes and depressions and maintained in such a manner that they can be readily cleaned and kept in a sanitary manner.

(4) Facilities for Handling Livestock Other Than Swine. Sufficient unloading and loading docks, alleys and pens shall be provided for yarding livestock in a safe and humane manner. Docks, alleys and pens shall be constructed in such manner so that they drain properly and may be cleaned and/or disinfected as deemed necessary by the State Veterinarian or his authorized representative.

(5) Holding Pens and Restraining Chutes. Sufficient holding pens and restraining chutes suitable for restraining animals for testing, tagging, branding and other procedures required in providing livestock inspection service at stockyards shall be provided and maintained in a manner acceptable to the State Veterinarian at each public livestock market selling cattle.

(6) Laboratory Facility. All public livestock markets selling cattle shall provide laboratory space for conducting brucellosis tests acceptable to the State Veterinarian or his authorized representative. The laboratory shall be constructed so as to provide privacy for the person or persons conducting the brucellosis tests. It shall be constructed and equipped so as to provide adequate ventilation, lighting, heating, and cooling. Refrigeration for brucellosis testing supplies and water with facilities for washing testing equipment shall be readily available. Unauthorized persons shall not have access to this facility.

History Note: *Authority G.S. 106-408; 106-416;*
Eff. April 1, 1984.

02 NCAC 52E .0204 MARKETS KEPT CLEAN AND SANITARY: DISINFECTION

(a) Livestock market facilities including yards, loading and unloading docks, alleys, pens, chutes, scales, and sales ring shall be maintained in a clean and sanitary manner. All loading docks, alleys, pens, scales and sales rings used for feeding and/or breeding swine shall be thoroughly cleaned and disinfected in an approved manner prior to receiving such swine for each sale. All trucks, trailers and other conveyances owned and/or operated by livestock market operators shall be maintained in a clean and sanitary manner. Those trucks, trailers, and other conveyances transporting animals affected with an infectious or contagious disease shall be thoroughly cleaned and disinfected before further use. All livestock market operators shall provide equipment and facilities deemed suitable by the State Veterinarian or his authorized representative for cleaning and disinfection of market facilities, trucks, trailers, and other conveyances operated by them in handling and transporting livestock.

(b) Approved disinfectants to be used in disinfection of livestock market facilities, trucks, trailers and conveyances, etc., are those listed in 2 NCAC 52B .0503. Equipment and facilities for cleaning and disinfecting livestock market facilities, trucks, trailers and other conveyances shall consist of, but not be limited to, high pressure hoses and connections, power sprayers or other pressure sprayers approved by the State Veterinarian for applying disinfectant solutions.

History Note: *Authority G.S. 106-408; 106-416;*
Eff. April 1, 1984.

02 NCAC 52E .0205 VETERINARIANS ACCEPTABLE FOR WORK AT LIVESTOCK MARKETS

Pursuant to G.S. 106-408.1, any veterinarian licensed and accredited in North Carolina will be approved by the State Veterinarian for work at public livestock markets.

History Note: *Authority G.S. 106-408.1;*
Eff. April 1, 1984.

02 NCAC 52E .0206 CATTLE AND SWINE FOR IMMEDIATE SLAUGHTER: IDENTIFICATION

(a) Cattle. Cattle sold in a public livestock market shall be identified with an official back tag applied at a point just back of the shoulder, or by any other method approved by the State Veterinarian.

(b) Swine. All swine sold for immediate slaughter in a public livestock market or buying station shall be identified as follows:

(1) Bred gilts, sows and boars will be individually identified with an official backtag, eartag or tattoo approved by the State Veterinarian.

(2) Other swine weighing 150 pounds or less shall be identified with a green paint mark on the back not less than three inches in diameter.

(3) Swine weighing in excess of 150 pounds that can be graded and/or classed as top hogs need not be paint marked or tagged.

History Note: *Authority G.S. 106-409; 106-410;*
Eff. April 1, 1984.

02 NCAC 52E .0207 CATTLE: SWINE SOLD OTHER THAN SLAUGHTER: IDENTIFICATION

(a) Cattle. All cattle sold for purposes other than for immediate slaughter in public livestock markets shall be identified with an official ear tag or a legible permanent ear tattoo or other methods approved by the State Veterinarian.

(b) Swine. All swine sold for purposes other than for immediate slaughter at public livestock markets, including feeder and/or breeder swine shall be identified with an official ear tag or other methods approved by the State Veterinarian. All feeder swine sold through public livestock markets and/or approved feeder pig sales shall be identified at the time of entry into a public livestock market and/or other approved feeder pig sale facility, with an official feeder pig tag approved by the State Veterinarian. A permanent record will be made of the tag numbers used for each consignor of feeder swine, along with the name and address of the consignor. One copy of the record will be mailed to the State Veterinarian at the completion of each sale.

History Note: *Authority G.S. 106-416;*
Eff. April 1, 1984.

02 NCAC 52E .0208 REMOVAL OF IDENTIFICATION MARKS: TAGS: ETC.

No person or persons shall remove any paint mark, tag, etc., required for identification of cattle and swine unless previously authorized by the State Veterinarian or his authorized representative. The State Veterinarian authorizes the removal of paint marks, tags, etc., used for identification of slaughter cattle and swine at the time of slaughter.

History Note: *Authority G.S. 106-416;*
Eff. April 1, 1984.

02 NCAC 52E .0209 CERTIFICATES: CATTLE AND SWINE REMOVED FOR NON-SLAUGHTER

(a) No cattle except those for immediate slaughter shall be removed from a public livestock market unless they are accompanied by a certificate issued by a veterinarian accredited pursuant to Title 9, Part 161 of the Code of Federal Regulations or an employee of the veterinary division of the North Carolina Department of Agriculture or Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture. The certificate shall show that such animals are apparently healthy and come directly from a certified brucellosis-free herd or state or that eligible cattle listed have passed an approved test for brucellosis within 30 days prior to sale. (Steers, spayed heifers, and native cattle under 18 months of age are exempt from this requirement.) Every animal shall be identified by a numbered ear tag or tattoo in accordance with Title 9, Part 78.1 of the Code of Federal Regulations. No brucellosis test shall be required on official brucellosis vaccinates less than 20 months of age of the dairy breeds and less than 24 months of age of the beef breeds, provided that all parturient or post parturient cattle regardless of age shall be tested for brucellosis. Official calfhood vaccinates must be identified by ear tag, tattoo or official vaccination certificate.

(b) Swine. No swine except those for immediate slaughter shall be removed from any public livestock market unless they are accompanied by a certificate issued by a veterinarian accredited pursuant to Title 9, Part 161 of the Code of Federal Regulations or employee of the veterinary division, North Carolina Department of Agriculture or Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture. The certificate shall show that swine covered by the certificate are apparently healthy and come directly from a validated brucellosis-free herd. Each animal shall be identified with an official ear tag, tattoo or other methods approved by the State Veterinarian.

(c) Record Kept. A copy of all health certificates issued on cattle and swine sold in a public livestock market shall be kept on file as a part of the livestock market records for at least one year.

(d) Exemptions. The Commissioner of Agriculture exempts from the requirement for official health certificates all breed sponsored sales, quality feeder pig sales where animals are not sold for movement to other states, and those sponsored wholly or in part by an agency of state government.

History Note: *Authority G.S. 106-416;*
Eff. April 1, 1984;
Amended Eff. July 1, 2000; December 1, 1987.

02 NCAC 52E .0210 REMOVAL OF SLAUGHTER SWINE FROM A PUBLIC LIVESTOCK MARKET

(a) No swine consigned to and sold in a swine slaughter sale at a public livestock market shall be removed from the market for any purpose other than for immediate slaughter unless a permit is obtained from the State Veterinarian or his authorized representative.

(b) Conditions under which a permit may be authorized by the State Veterinarian:

(1) When there is sufficient evidence to prove swine have been stolen and sold for slaughter;
(2) When swine are found to be affected with a treatable disease which at that time would render them unfit for slaughter;
(3) No sale animals;
(4) Animals sold for home consumption.

(c) All swine released by permit from the State Veterinarian or his authorized representative, in (b) (1), (2), (3), and (4) of this Rule, shall be quarantined in isolation on the swine owner's premise until it has been determined that they will not expose other swine to a contagious and/or infectious disease.

History Note: *Authority G.S. 106-410; 106-416;*
Eff. April 1, 1984.

02 NCAC 52E .0211 SALE OF SLAUGHTER SWINE IN FEEDER SWINE FACILITIES

Public livestock markets not having separate facilities for receiving, handling and selling feeder and slaughter swine may use their feeder pig facilities for the sale of slaughter swine provided:

(1) All feeder swine sales and slaughter swine sales are held on alternate days;

(2) Following each slaughter swine sale, all slaughter swine shall be removed and the facilities used for slaughter swine shall be thoroughly cleaned and disinfected prior to receiving any feeder swine for sale.

History Note: *Authority G.S. 106-416;*
Eff. April 1, 1984.

02 NCAC 52E .0212 PERMITS/DISEASED LIVESTOCK ENTER PUBLIC LIVESTOCK MARKETS

(a) Permits shall not be issued for known diseased animals to enter a public livestock market except when it can be determined by the State Veterinarian or his authorized representative that other animals will not be exposed.

(b) Diseased animals entering public livestock markets under permit shall be placed under quarantine until they are disposed of in accordance with instructions issued by the State Veterinarian or his authorized representative.

History Note: *Authority G.S. 106-412; 106-416;*
Eff. April 1, 1984.

SECTION .0300 - LIVESTOCK MARKET REGULATIONS

02 NCAC 52E .0301 REMOVAL OF LIVESTOCK FROM SLAUGHTER BUYING STATIONS

The operator or operators of a buying station not operating under a public livestock market permit shall not allow the removal of livestock from such facility for any purpose other than for immediate slaughter unless a permit has been obtained from the State Veterinarian or his authorized representative.

History Note: *Authority G.S. 106-409; 106-416;*
Eff. April 1, 1984.

02 NCAC 52E .0302 SANITATION

All slaughter buying stations shall be maintained in a clean and sanitary manner.

History Note: *Authority G.S. 106-409; 106-416;*
Eff. April 1, 1984.

02 NCAC 52E .0303 PERMITS TO REMOVE ANIMALS

The issuance of a written permit by the State Veterinarian or his authorized representative to remove animals for any purpose other than immediate slaughter from a "buying station" of a slaughterhouse or similar business, not operating under a public livestock market permit, is contingent upon the animals in question being moved to an isolated location and maintained under quarantine until it can be determined that they will not serve as a source of disease capable of being spread to other animals.

History Note: *Authority G.S. 106-409; 106-410; 106-416;*
Eff. April 1, 1984.

02 NCAC 52E .0304 PERMITS FOR OTHER PURPOSES

(a) At an owner's request, permits to use animals sold for slaughter for another purpose will be issued in the following cases:

(1) when there is evidence that the animals have been stolen and sold for slaughter;

(2) when the animals are affected with a treatable disease or condition, including advanced pregnancy, which would render them unfit for slaughter at that time;

(3) in other instances where slaughter would cause a demonstrated preventable loss to the owner.

(b) In all cases, animals temporarily or permanently released from slaughter under this provision shall be quarantined and isolated as a condition of the permit until it can be determined they are not infected with a

contagious disease.

History Note: *Authority G.S. 106-409; 106-410; 106-416; Eff. April 1, 1984.*

02 NCAC 52E .0305 DENIAL OF PERMIT

(a) No permit shall be issued for an animal known to be affected with or having visible signs of a contagious or infectious disease to enter a public livestock market except when it can be determined that other animals will not be exposed.

(b) Animals quarantined under this provision will be held in isolation for a sufficient time to prevent the exposure of healthy animals to contagious diseases. Movement of quarantined animals to slaughter will be authorized by the State Veterinarian or his authorized representative when it is determined that the movement can be accomplished without exposure of other animals or humans to disease.

(c) All facilities used for holding such animals and conveyances used in transporting them shall be thoroughly cleaned and disinfected at the discretion and to the satisfaction of the State Veterinarian or his authorized representative.

History Note: *Authority G.S. 106-412; 106-416; Eff. April 1, 1984.*

02 NCAC 52E .0306 PERMISSION TO SELL DISEASED ANIMALS

Written permission may be given by the Commissioner of Agriculture or his authorized representative to sell, trade or dispose of animals affected with or exposed to a contagious or infectious disease for slaughter at a plant with state or federal meat inspection provided in the opinion of the official issuing the permit it can be done without exposing humans or animals to a contagious disease. Permission should be requested in writing directed to: State Veterinarian, Department of Agriculture, Post Office Box 26026, Raleigh, North Carolina 27611.

History Note: *Authority G.S. 106-413; 106-414; Eff. April 1, 1984.*

SECTION .0400 - LIVESTOCK BRANDING

02 NCAC 52E .0401 APPLICATION FOR BRAND REGISTRATION

(a) An application for a brand shall be accompanied by an exact likeness of the brand desired for registration. This likeness shall be a minimum of three inches in its smallest dimension either horizontal or vertical.

(b) An application for a brand shall specify the exact location on the animal where the brand will be located.

History Note: *Authority G.S. 80-61; Eff. April 1, 1984.*

02 NCAC 52E .0402 STYLE AND LOCATION OF BRAND

(a) No brand shall be accepted for registration that:

(1) contains any numbers;

(2) because of shape would be difficult to read when affixed to the animal; or

(3) is a close likeness to another registered brand.

(b) If practical, a brand shall be located on either the right or left hip to the rear of the hip bone. In any event, the brand shall be easily read from a side or top view of the animal.

History Note: *Authority G.S. 80-61; Eff. April 1, 1984.*

CHAPTER 52C - CONTROL OF LIVESTOCK DISEASES: MISCELLANEOUS PROVISIONS

SECTION .0100 - DISEASED AND DEAD ANIMALS

02 NCAC 52C .0101 TRANSPORTATION OF INFECTED ANIMALS

Permits will be issued by the State Veterinarian to sell or transport on the public roads of the state animals affected with a contagious or infectious disease under the following circumstances:

(1) The animals can be wholly or partly salvaged by slaughter with no danger to human or animal health.

(2) On request of the owner or caretaker a permit will be issued to move diseased animals from one quarantined premise to another when the movement can be made without exposure of humans or other animals to the disease.

(3) A permit will be issued to transfer diseased animals to a research facility when such transfer can be accomplished without danger to human or animal health.

(4) Permits may be issued for the movement of swine in accordance with the North Carolina Pseudorabies Program.

History Note: *Authority G.S. 106-22(3); 106-400;*
Eff. April 1, 1984;
Amended Eff. December 1, 1989.

02 NCAC 52C .0102 DISPOSAL OF DEAD ANIMALS

Methods approved by the State Veterinarian for disposing of dead domesticated animals in addition to burial three feet beneath the surface of the ground are as follows:

(1) rendering at a rendering plant licensed under G.S. 106-168.7;

(2) complete incineration;

(3) in the case of dead poultry, placing in a disposal pit as prescribed in G.S. 106-549.70; and

(4) any method which in the professional opinion of the State Veterinarian would make possible the salvage of part of a dead animal's value without endangering human or animal health.

History Note: *Authority G.S. 106-403;*
Eff. April 1, 1984.

02 NCAC 52C .0103 RECORDS REQUIREMENTS FOR LIVESTOCK DEALERS

(a) In order to cooperate with the United States Department of Agriculture in the control and eradication of brucellosis, all livestock dealers licensed under the Livestock Dealer Licensing Act shall keep records for two years of all transactions involving livestock and permit any authorized agent of the Commissioner of Agriculture to have access to and copy all records relating to such transactions.

(b) The records required to be kept in (a) of this Rule shall consist of the approximate age, breed and species of the livestock, the date of sale, and the name and address of persons from whom and to whom livestock are sold and traded.

History Note: *Authority G.S. 106-389; 106-396;*
Eff. April 1, 1984.

02 NCAC 52C .0104 REQUIREMENTS FOR TRANSPORTING BREEDING SWINE

Breeding swine transported along the public roads of North Carolina pursuant to a change of ownership shall originate from a "qualified pseudorabies-free herd" or undergo a negative official blood test for pseudorabies within 30 days of movement; provided that breeding swine being transported for immediate slaughter shall not be subject to the provisions of this Rule and; provided further, the importation of breeding swine shall be governed by the provisions of 2 NCAC 52B .0207(c).

History Note: *Authority G.S. 106-22(3); 106-307.3; 106-307.5; 106-400; 106-401;*
Eff. April 1, 1985.

02 NCAC 52C .0105 PSEUDORABIES STATUS AND TESTING

(a) Feeding and breeding swine may not be transported on any public road or held in any public place unless accompanied by a written permit from the State Veterinarian or proof satisfactory to the State Veterinarian that:

(1) No pseudorabies vaccine has been used in the herd of origin, unless the herd is a pseudorabies monitored vaccinated herd or unless the use of vaccine has been approved under the North Carolina Pseudorabies Program; and

(2) The swine were tested and found negative for pseudorabies within 30 days prior to movement; or

(3) The swine originated from a pseudorabies-free area as determined by the State Veterinarian; or

(4) The swine originated from a Qualified Pseudorabies Negative Herd as defined in Title 9, Part 85 of the Code of Federal Regulations; or

(5) The swine originated from a monitored feeder pig herd; or

(6) The swine are being transported or held in accordance with the North Carolina Pseudorabies Program.

(b) The State Veterinarian or his representative is authorized to test swine for pseudorabies in accordance with G.S. 106-400.1.

(c) Swine transported on a public road or held in a public place in violation of this Rule are subject to quarantine and may be transported or held only by written permit from the State Veterinarian or his representative.

(d) Sporting swine:

(1) For the purpose of this Rule:

(A) "Sporting swine" means any domestic or feral swine intended for hunting purposes and includes the progeny of these swine whether or not the progeny are intended for hunting purposes;

(B) "Feral swine" means any swine that have lived any part of its life free roaming.

(2) All sporting swine sold or offered for sale must originate directly from a qualified pseudorabies-negative herd.

Note: Violation of this regulation is a misdemeanor under G.S. 106-22(3), and is punishable by fine or imprisonment of not more than two years, or both.

History Note: *Authority G.S. 106-22(3); 106-400.1;*
Eff. January 1, 1989;
Amended Eff. February 1, 1996; December 1, 1989; June 1, 1989.

SECTION .0400 - EQUINE INFECTIOUS ANEMIA (EIA)

02 NCAC 52B .0401 DEFINITIONS

The following definitions are in effect throughout this Section:

(1) Equine. Any member of the equine family, including horses, ponies, mules, asses and other equines;

(2) Reactor. An equine over six months of age that reacts positively to an approved test for equine infectious anemia;

(3) Official Test. A test recognized by Veterinary Services, APHIS, USDA, pursuant to 9 CFR 75.4;

(4) Date of Test. Date blood sample is collected from the equine;

(5) Licensed Accredited Veterinarian. A veterinarian licensed to practice in North Carolina by the North Carolina Veterinary Medical Board and accredited by the USDA;

(6) Exposed Equine. An equine which the State Veterinarian or his authorized representative has reasonable grounds to believe has been exposed to equine infectious anemia; An equine shall be considered exposed when in the professional judgment of a state or federally employed, or accredited, veterinarian designated by the State Veterinarian, the equine has been exposed. A premises may be approved by the State Veterinarian for the permanent quarantine of an equine which is positive to an official test for equine infectious anemia when it can be determined that other equines will not be exposed to the disease;

(7) Division. Veterinary Division of the North Carolina Department of Agriculture and Consumer Services;

(8) Dealer. Any person who buys equine for his own account for the purpose of resale, or for the account of others;

(9) Public Place. Any premises owned or operated by any governmental entity, any privately owned or operated premises open to the public, or any privately owned or operated premises where three or more equine originating from three or more premises are gathered.

History Note: *Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;*
Eff. April 1, 1984;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. April 1, 2001.

02 NCAC 52B .0402 DISPOSITION OF REACTORS
02 NCAC 52B .0403 EXPOSED HORSES
02 NCAC 52B .0404 REPORT OF TEST RESULTS

History Note: *Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;*
Eff. April 1, 1984;
Temporary Repeal Eff. October 1, 1999;
Repealed Eff. April 1, 2001.

02 NCAC 52B .0405 FEES FOR BLOOD TEST

A person submitting a blood sample to the Division to be tested for equine infectious anemia (EIA) shall pay a fee of four dollars ($4.00) per sample.

History Note: *Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;*
Eff. April 1, 1984;
Amended Eff. April 1, 1985;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. April 1, 2001.

02 NCAC 52B .0406 EIA TEST REQUIRED

(a) All equine more than six months of age entering North Carolina for any purpose other than for immediate slaughter shall be accompanied by a copy of the certificate of test from a laboratory approved by the USDA showing the animal to be negative to an official test for equine infectious anemia (EIA) within the past 12 months, except as provided in 02 NCAC 52B .0410. (See 02 NCAC 52B .0206 for other importation requirements.)

(b) No equine more than six months of age shall be sold, offered for sale, traded, given away, or moved for the purpose of change of ownership unless accompanied by the original official negative test for EIA administered within 12 months prior to sale or movement, except that equine which are offered for sale at auction markets or sales may have a blood sample drawn at the market by the market's veterinarian at the seller's expense. In such cases, the equine may be sold and transferred contingent upon receipt of an official negative EIA test. Until receipt of an official negative EIA test, the equine must be isolated in accordance with standards for isolation of positive reactors, pursuant to 02 NCAC 52B .0408(c)(2).

(c) All equine brought to or kept at any public place for exhibition, recreation or assembly shall be accompanied by either the original or a copy of an official negative test for EIA administered within the previous 12 months. The person in charge of any public place where equine are brought or kept for exhibition, recreation or assembly shall not permit an equine to remain on the premises without the test required by this Rule.

(d) A person in possession or control of an equine in a public place shall, upon the request of an authorized person, present the original or a copy of the test required by this Rule and shall assist in identifying the equine. A person in possession or control of an equine who does not have an original or a copy of the test required by this Rule shall remove the equine from the premises within two hours of receiving written notification to leave from an authorized person. As used in this Rule, "authorized person" means the person in charge of the premises, or the State Veterinarian or his representative.

History Note: *Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;*
Temporary Adoption Eff. October 1, 1999;
Eff. April 1, 2001;
Amended Eff. October 1, 2004; April 1, 2001.

02 NCAC 52B .0407 TESTING FOR EIA

(a) Equine tested for equine infectious anemia (EIA) must be completely and accurately identified by a licensed, accredited veterinarian, using the official test form provided by the office of the State Veterinarian.

(b) Only one form shall be utilized by the testing veterinarian for each equine to be tested. Any distinctive markings and their location on the animal such as brands, tattoos, stars, snips, stockings, or other markings shall be noted on the official chart.

(c) Equine receiving on-farm or private treaty test shall not be sold or ownership otherwise transferred until the results of the equine infectious anemia test performed on the animal are returned. Positive test results shall automatically result in the quarantine of the animal without further notice at the premises of the owner or where the test was conducted.

(d) All test results shall be reported to the office of the State Veterinarian. Tests conducted at a laboratory within the state shall be reported on official forms supplied by the Division. Licensed, accredited veterinarians submitting samples for testing in U.S. Department of Agriculture approved laboratories outside of North Carolina shall supply a copy of the test record to the office of the State Veterinarian within five days upon receipt of the test results from the testing laboratory.

(e) The owner or manager of a market or sale shall announce, prior to the sale or auction, that all equines not accompanied by either the original or a copy of an official negative test for EIA will be tested. Each buyer of such equine at the sale or auction shall sign an agreement to maintain such equine at a specified location until notified of the results of the test. Equine that prove negative to the test may move in normal trade channels. Owners of equine that react to the test must comply with 2 NCAC 52B .0408.

History Note: *Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;*
Temporary Adoption Eff. October 1, 1999;

Eff. April 1, 2001.

02 NCAC 52B .0408 POSITIVE REACTORS

(a) Equine testing positive to an approved test for equine infectious anemia (EIA) may have a confirmatory retest by a representative of the State Veterinarian within 15 days of the initial test. If there is no retest within 15 days from notification, the right to retest is forfeited and the equine shall be euthanized or branded immediately.

(b) If not euthanized, reactors must be branded on the left side of the neck with the characters '55A' and the official reactor number assigned by the Division. The owner of the reactor must submit the equine for branding by a representative of the State Veterinarian within 15 days of the confirmatory test.

(c) A reactor shall be isolated, euthanized or sold for slaughter within seven days of branding. Reactors shall be subject to the following disposition, at the option of the owner:

(1) With approval of the State Veterinarian or his designated representative, the equine may be sold for slaughter to bona fide slaughter buyers. EIA reactors must be permitted on VS Form 1-27 by a representative of the State Veterinarian for movement from farm to an approved slaughter establishment or research facility when, in the State Veterinarian's judgment, it can be done without risk of exposure of other equine;

(2) Quarantine of the infected, branded, equine until death in an isolation facility on the owner's premises or elsewhere, approved by an authorized representative of the State Veterinarian. A written quarantine will be issued for each equine. Minimum standards for an approved isolation facility shall be a plot or pasture located a minimum of 880 yards from any other equine enclosure, or other equine, except another known EIA reactor. Owners of infected, branded equine shall not sell, barter, trade or give away these equine except as provided in this Rule.

History Note: *Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;*
Temporary Adoption Eff. October 1, 1999;
Eff. April 1, 2001.

02 NCAC 52B .0409 ADJACENT OR EXPOSED EQUINE

When an equine is found positive by an official equine infectious anemia (EIA) test and an EIA retest by state personnel, all equine on the same premises (farm, pasture, or stable), and all other equine located on adjacent farms, pastures, or stables within 880 yards shall be required to be tested by state regulatory personnel or a licensed, accredited veterinarian. All exposed equine, as defined in 2 NCAC 52B .0401(6), shall be quarantined until tested and found negative to the EIA test 60 days after removal of the reactor.

History Note: *Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;*
Temporary Adoption Eff. October 1, 1999;
Eff. April 1, 2001.

02 NCAC 52B .0410 MARKET AND SALE RESPONSIBILITY

(a) Livestock markets and all others conducting sales of equine shall send a written request for approval of all sales to the State Veterinarian at least two weeks prior to sale. The State Veterinarian shall approve the request if:

(1) the applicant is in compliance with this Section at the time of the application;

(2) it appears that the applicant is able to comply with this Section at the time of the proposed sale; and

(3) the Veterinary Division has personnel available to monitor the sale to determine compliance with this Section.

(b) Livestock markets or equine sales offering to provide equine infectious anemia (EIA) testing must employ a licensed, accredited veterinarian.

(c) Livestock markets or sales that have permanent facilities, including a licensed, accredited veterinarian, may handle equine that do not have a negative test, provided each such equine is tested as provided in this

Section.

(d) Livestock markets and all others conducting sales of equine shall have check-in procedures, including at least the following:

(1) See that the correct name and mailing address of the owner is on the "check-in" form, along with the license number of the vehicle that transported the animal;

(2) Apply a backtag or paint number at "check-in" and note it on the "check-in" form;

(3) See that all EIA test records are collected and presented to the market veterinarian or representative of the State Veterinarian for verification prior to the sale.

(e) Equine shall be presented to the market or sale veterinarian if testing is required, and assistance shall be provided for drawing blood samples for the EIA test.

(f) The market or sale management shall maintain records of sales for a minimum of two years, so that animals that react positively to the EIA test may be traced.

(g) Those managing the sale shall not permit the sale of equine on the premises except through the market or sale.

(h) Non-compliance with these Rules is grounds for revocation of approval to conduct sales.

History Note: *Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;*
Temporary Adoption Eff. October 1, 1999;
Eff. April 1, 2001.

02 NCAC 52B .0411 MARKET OR SALE VETERINARIANS

(a) Market or sale veterinarians shall:

(1) Collect blood samples of five cubic centimeters in a blood collection tube with identification of each equine presented for test;

(2) Properly identify each equine tested on a Department of Agriculture and Consumer Services form as to name, age, sex, breed, color and markings, brands, tattoos, scars; and

(3) Mail blood and form to an approved laboratory by the end of the next business day following the sale.

(b) Each market veterinarian involved in the equine infectious anemia (EIA) program shall notify the State Veterinarian of such involvement.

History Note: *Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;*
Temporary Adoption Eff. October 1, 1999;
Eff. April 1, 2001.

02 NCAC 52B .0412 SLAUGHTER SALES

Market or sale operators who wish to conduct a sale of equine only for slaughter without EIA testing must sign an agreement with the State Veterinarian to comply with the terms of this Section.

History Note: *Authority G.S. 106-405.17; S.L. 1999-237, s. 13.6;*
Temporary Adoption Eff. October 1, 1999;
Eff. April 1, 2001.