

ARTICLE 48.1-01

GENERAL ADMINISTRATION

Chapter

- 48.1-01-01 Definitions
- 48.1-01-02 Agents of the Board
- 48.1-01-03 Penalties
- 48.1-01-04 Waivers and exemptions
- 48.1-01-05 Quarantines
- 48.1-01-06 Virulent Products
- 48.1-01-07 Rendering Plants – Collection of dead animals

CHAPTER 48.1-01-01

DEFINITIONS

Section

- 48.1-01-01-01 Definitions

48.1-01-01-01. Definitions. The terms used throughout this title have the same meaning as in North Dakota Century Code chapter 36-01. Additionally:

1. "Certificate of Veterinary Inspection" means a legible official regulatory certificate on an official form that documents the health status of an animal. It is signed by the inspecting veterinarian, who must be licensed by the state of origin and accredited by the United States department of agriculture, attesting to the veracity of the information contained within it.
2. "Designated Epidemiologist" means a state or federal epidemiologist designated by the state veterinarian to make decisions about the use and interpretation of diagnostic tests and field investigation data and the management of animals.
3. "Importation permit" and "importation permit number" means authorization obtained from the board or the state veterinarian for the movement of animals into the state and within the state as needed.
4. "State veterinarian" means the veterinarian appointed by the agriculture commissioner with the consent of the board. The state veterinarian ascertains all obtainable information in relation to diseases of animals and executes all orders and rules of the board.
5. "USDA-APHIS-VS" means United States department of agriculture, animal and plant health inspection service, veterinary services.

History: Adopted effective XXX.
General Authority: NDCC 36-01-08
Law Implemented: NDCC 36-01-08

CHAPTER 48.1-01-02 AGENTS OF THE BOARD

Section
48.1-01-02-01 Agents of the Board
48.1-01-02-02 Vouchers for Services

48.1-01-02-01. Agents of the board. The board or state veterinarian may appoint agents to engage in animal health work on behalf of the board or state veterinarian.

History: Adopted effective XXX.
General Authority: NDCC 36-01-08
Law Implemented: NDCC 36-01-10

48.1-01-02-02. Vouchers for services. All vouchers for services performed by agents of the board performing animal health work of any kind, must be submitted within thirty days following the end of the month services were performed.

History: Adopted effective XXX.
General Authority: NDCC 36-01-08
Law Implemented: NDCC 36-01-10

CHAPTER 48.1-01-03 PENALTIES

Section
48.1-01-03-01 Penalties

48.1-01-03-01. Penalties.

1. The board may order any domestic animal or nontraditional livestock brought into this state, which is not in compliance, to be brought into compliance, returned to the state of origin, or in the alternative, be slaughtered or destroyed.
2. If, after a hearing, the board finds that a person has brought, kept, or received any domestic animal or nontraditional livestock in the state not in compliance with the rules, a civil penalty, not to exceed five thousand dollars per violation, may be assessed against that person.

3. Any person who knowingly violates any rule adopted by the board is guilty of an infraction, for which a maximum fine of one thousand dollars may be imposed against that person.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-28, 12.1-32-01.

CHAPTER 48.1-01-04 WAIVERS AND EXEMPTIONS

Section

48.1-01-04-01 Waivers and Exemptions

48.1-01-04-01. Waivers and exemptions.

1. The board may waive any rule of the board for reasonable cause.
2. An individual petitioning to receive a waiver of any rule of the board must apply to the board, stating specifically why there is a compelling need to have a rule waived and showing that the grant of waiver will not threaten or adversely affect any domestic or wild animal or threaten public health or safety.
3. The state veterinarian may authorize an exemption to importation requirements in this title based upon an epidemiological evaluation and risk assessment.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

CHAPTER 48.1-01-05 QUARANTINES

Section

48.1-01-05-01 State Veterinarian Quarantine Authority
48.1-01-05-02 Designation and Identification of Premises
48.1-01-05-03 Quarantines
48.1-01-05-04 Identification of Exposed and Infected Animals
48.1-01-05-05 Exception to Prohibition and Notice Requirements upon Sale or Gift of Animal Infected with or Exposed to Contagious or Infectious Disease.

48.1-01-05-01. State veterinarian quarantine authority. The board authorizes the state veterinarian to quarantine:

1. Any domestic animal or nontraditional livestock which is infected, or may be infected, with contagious or infectious disease or which has been exposed, or may be exposed, to contagious or infectious diseases.
2. Any city, civil township, county, or areas within a county in North Dakota and any enclosure, building, or any domestic animal or nontraditional livestock therein, which is infected or may be infected or exposed or may be exposed to any contagious or infectious disease.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-12; NDCC 36-01-06

48.1-01-05-02. Designation and identification of premises. The board may require identification and designation of premises where exposed or infected animals are or have been located. Premises shall be identified and designated by readily visible suitable placards as determined by the board. Placards shall not be removed unless the removal has been approved by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-12

48.1-01-05-03. Quarantines. Animals imported which are not in compliance with importation requirements must be quarantined until the disease status of the animal(s) can be determined and until all vaccination and test requirements can be verified.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-12

48.1-01-05-04. Identification of exposed or infected animals. The board may require individual identification of exposed or infected animals prior to relocating or movement of that animal. The method and type of identification shall be in a manner prescribed by the board or state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

48.1-01-05-05. Exception to prohibition and notice requirements upon sale or gift of animal infected with or exposed to contagious or infectious disease. The provisions of North Dakota Century Code section 36-14-01 do not apply to animals infected with or suspected of being exposed to any contagious or infectious disease provided that:

1. The disease is not subject to quarantine as indicated by the reportable disease list maintained by the board; and
2. The animals:
 - a. Are not reasonably known to be infected with contagious disease; or
 - b. Remain in slaughter channels.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

CHAPTER 48.1-01-06 VIRULENT PRODUCTS

Section

48.1-01-06-01 Sale of Virulent Products

48.1-01-06-02 Permit Requirements – Virulent Products

48.1-01-06-01. Sale of virulent products. All persons, except licensed veterinarians practicing in the state, are prohibited from distributing or selling any products containing any live germs, cultures, or viruses for the treatment or vaccination of any domestic animals or nontraditional livestock without a written permit by the state veterinarian.

1. Nontransferable permits will be issued to all qualified applicants, as determined by the board, and may be obtained only upon written application by the person selling the product through retail distribution channels.
2. A written application for a permit shall be provided in a form as approved by the state veterinarian.
3. The board may revoke a permit to sell virulent products for violation of North Dakota Century Code chapter 36-01, or any rules adopted pursuant to that chapter.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

48.1-01-06-02. Permit requirements - Virulent products. An applicant for a permit to sell or distribute virulent products shall:

1. Agree not to sell or distribute any of the following vaccines:

- a. Brucella vaccines.
 - b. Pseudorabies vaccines.
 - c. Rabies vaccines.
 - d. Anthrax vaccines.
 - e. Contagious ecthyma (live).
 - f. Erysipelas (live cultures).
 - g. Johne's Disease (paratuberculosis) vaccines.
 - h. Anaplasmosis vaccines.
 - i. Vaccines for foreign animal diseases.
 - j. Other vaccines as ordered by the board.
2. Complete four hours of training, approved by the state veterinarian, annually for the applicant and all employees pertaining to the use of virulent vaccines.
 3. Store live germs, cultures, or viruses offered for sale, or sold, in a dark place at a temperature of not more than forty-five degrees Fahrenheit [7.22 degrees Celsius] and not less than thirty-five degrees Fahrenheit [1.67 degrees Celsius] until such time as they are sold. Live germs, cultures, or viruses may not be sold after their expiration date. A working thermometer must be present in a refrigerated unit containing live germs, cultures, or viruses offered for sale.
 4. Offer for sale, products in their original containers only.
 5. Agree not to accept, for return, retail purchases of live germs, cultures, or viruses.
 6. When approved for and provided a permit, comply with subsections 1 through 5, with respect to all farm sales.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

CHAPTER 48.1-01-07
RENDERING PLANTS – COLLECTION OF DEAD ANIMALS

Section

48.1-01-07-01 Rendering Plants – Collection of Dead Animals

48.1-01-07-01. Rendering plants - Collection of dead animals. Dead animals must be picked up by rendering plants within twenty-four hours after death, between May first and November first.

History: Adopted effective XXX.

General Authority: NDCC 36-07-01

Law Implemented: NDCC 36-07-02; 36-14-19

ARTICLE 48.1-02

AUCTION MARKETS

Chapter
48.1-02-01 Auction Markets

CHAPTER 48.1-02-01 AUCTION MARKETS

Section	
48.1-02-01-01	Auction Markets - Definition
48.1-02-01-02	Testing and Inspection
48.1-02-01-03	Diseased Animals at Auction Markets
48.1-02-01-04	Pens
48.1-02-01-05	Cleaning and Disinfecting of Trucks, Trailers, and Other Conveyances Used for Hauling Diseased Animals at Auction Markets
48.1-02-01-06	Auction Market Facilities
48.1-02-01-07	Fees
48.1-02-01-08	Farmed Elk Auction
48.1-02-01-09	Nontraditional Livestock Category 2 and Category 3 Auction

48.1-02-01-01. Auction markets – Definition. Auction market means any licensed livestock market, public stockyard, and animal auction sale. Auction markets must comply with this chapter. A producer on that producer's property, selling animals, other than farmed elk, owned by that producer is exempt from this chapter.

History: Adopted effective XXX.

General Authority: NDCC 36-05-10

Law Implemented: NDCC 36-05-10

48.1-02-01-02. Testing and inspection. Auction market operators must employ a licensed accredited veterinarian as the veterinary inspector for the auction market for required inspection, testing, and vaccination. The veterinary inspector shall act as an authorized agent of the board to enforce inspection laws and regulations.

1. Animals rejected by the veterinary inspector must be consigned direct for slaughter to an inspected establishment. A report of sales must be furnished by sale management upon request of the state veterinarian.
2. The state veterinarian may order unfit animals to return to the farm of origin.

History: Adopted effective XXX.

General Authority: NDCC 36-05-10

Law Implemented: NDCC 36-05-10

48.1-02-01-03. Diseased animals at auction markets. Auction markets shall set aside paved pens for diseased animals delivered to the market. Diseased animals must be marked in a manner approved by the state veterinarian and sold directly to slaughter facilities. The official permit of the United States department of agriculture for movement of diseased animals must accompany shipment of diseased animals from market to slaughter.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-05-07

48.1-02-01-04. Pens. Auction markets must be maintained in sanitary condition.

1. Three-inch [7.62-centimeter] concrete floors are required for all hog pens and alleys and must be cleaned and disinfected periodically as may be prescribed by the board.
2. All cattle alleys and seventy-five percent of the total yard area used for cattle in auction markets shall be paved with concrete, so constructed as to ensure proper drainage and disinfection.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-05-07

48.1-02-01-05. Cleaning and disinfecting of trucks, trailers, and other conveyances used for hauling diseased animals to auction markets. Persons hauling diseased animals to auction markets shall clean and disinfect trucks by a method approved by the state veterinarian before leaving auction markets with apparently healthy animals.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

48.1-02-01-06. Auction market facilities. Licensed auction markets must provide and maintain adequate facilities that are safe, sanitary, and in good condition and that adequately allow brand inspectors and veterinary inspectors to perform their required duties.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-05-07, 36-05-10

48.1-02-01-07. Fees. Auction market operators may levy a charge on purchasers of animals for use of testing or vaccination facilities or labor furnished to assist the veterinary inspector. The rate of the charge shall be posted in a conspicuous place on the premises. The charge shall be kept separate from and not included in veterinary fees.

History: Adopted effective XXX.

General Authority: NDCC 36-05-11

Law Implemented: NDCC 36-05-11

48.1-02-01-08. Farmed elk auction. A farmed elk auction permit is required to conduct auctions where farmed elk are offered for sale or trade.

1. The application for an auction permit must be submitted to the board at least thirty days prior to the date of auction.
2. Once issued, the permit is valid for that date and an alternate date.
 - a. Information concerning reporting requirements, disease testing, certificates of veterinary inspection, and animal welfare must be clearly stated in the auction announcement.
 - b. All potential buyers and sellers shall register at the auction and provide their name, address, and phone number. An accredited veterinarian shall be available during the auction.
 - c. Animals unfit for sale as defined in North Dakota Century Code section 36-05-10.1 must receive veterinary care and may not be offered for sale.
 - d. Access to the auction ground must be controlled at all times. All animals must be checked in and out by auction personnel.
3. The auction sale permit holder shall notify the board within twenty-four hours of any unexplained diseases or deaths that occur in farmed elk while on the permit holder's premises.
4. The auction sale permit holder shall submit to the board records from the sale within thirty days after the sale. Any documents required by the board must be provided.

History: Adopted effective XXX.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-02

48.1-02-01-09. Nontraditional livestock category 2 and category 3 Auction

1. Sales of category 2 and category 3 nontraditional livestock, as defined in North Dakota Administrative Code 48.1-09-01-02, conducted through a process in which they are held out for sale to the public, through auction, bidding, or otherwise published or announced for sale, require a nontraditional livestock auction permit and veterinary inspection of animals. All nontraditional livestock are subject to all other regulations while in the state.
2. The application for an auction permit must be submitted to the board at least thirty days prior to the date of auction. Once issued, the permit is valid for that event only.
3. Immediately prior to the beginning of the auction of a nontraditional livestock animal, information concerning requirements for nontraditional livestock license, disease testing, and certificates of veterinary inspection, must be provided by sales management to potential buyers.
4. All potential buyers and sellers must register at the auction and provide nontraditional livestock license numbers, if applicable.
 - a. A ten-day grace period, in which to apply for a license, may be granted to purchasers of category 2 animals provided adequate facilities are available to house the animals.
 - b. Purchasers of category 3 animals must have a current nontraditional livestock license for that species in place prior to taking possession of category 3 animals.
5. The nontraditional livestock auction permit holder must ensure that an accredited veterinarian, licensed in the state, is available during the permitted nontraditional livestock auction sale.
 - a. The accredited veterinarian must inspect the animals prior to sale on the day of sale.
 - b. Nontraditional livestock unfit for sale, as determined by the veterinarian, shall not be accepted for sale or trade.
6. Auction sale operators must submit records on all animals consigned for the auction to the board as specified in the auction permit within ten days of the date of the auction.
7. Facilities and records may be inspected by the board or its agent during standard working hours. Any documents required by the board must be provided.

8. A nontraditional livestock private treaty sale, that does not meet the above criteria, is exempt from the requirements of this chapter. However, prior to a private treaty sale of nontraditional livestock, the seller shall notify the buyer if a North Dakota nontraditional license is required.
9. Private sales or exchanges on the auction grounds on the dates of auction are prohibited.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

ARTICLE 48.1-03

BRAND INSPECTION

Chapter
48.1-03-01 Brand Inspection

**CHAPTER 48.1-03-01
BRAND INSPECTION**

Section
48.1-03-01-01 Definitions
48.1-03-01-02 Feedlot Registration
48.1-03-01-03 Brand Inspection

48.1-03-01-01. Definitions. The terms used throughout this title have the same meaning as in North Dakota Century Code chapter 36-01 except:

1. "Association" means the North Dakota Stockmen's Association.
2. "Buying station" means a point where cattle, horses, or mules are gathered for sale and is also referred to as a weigh station or scale.

History: Adopted effective XXX.
General Authority: NDCC 36-01-08
Law Implemented: NDCC 36-01-08

48.1-03-01-02. Feedlot registration.

1. Any person who operates a dry lot cattle feeding operation within the confines of permanently fenced lots may make application to the chief brand inspector of the association for a registered feedlot number and permit. After the association has received application and a fee, an agent of the association shall, within thirty days, make investigation to determine that the following requirements are satisfied:
 - a. Operator's lots must be of permanently fenced dry lot status.
 - b. Operator must commonly practice feeding cattle to finish for slaughter.
2. Commercial feedlots, which custom feed cattle for other persons, and do not have ownership of the cattle, are not eligible for registered feedlot numbers and permits.
 - a. Producers intending to have cattle fed at a commercial lot may apply for a registered feedlot permit individually and the operators of a

commercial lot shall be responsible for submitting the necessary documentation on behalf of the producers.

- b. The association may issue a registration number and permit valid for ten years unless rescinded for cause.
3. All cattle placed in a registered feedlot shall be accompanied by a brand inspection certificate. Such certificate may be a market clearance, a local brand inspection certificate, or a recognized brand inspection certificate from another state.
 - a. Cattle purchased or acquired by a registered feedlot operator from a North Dakota producer shall be inspected before being mixed with other cattle and the producer shall pay inspection costs.
 - b. Cattle raised by a registered feedlot operator and placed in the operator's own feedlot shall be inspected at the time they are placed in the feedlot and the regular inspection fee shall be paid by the operator.
 - c. Cattle to be placed in a registered feedlot which come from outside the state, but which are not accompanied by a brand inspection certificate, shall be inspected without charge before being mixed with other cattle.
 4. The operator of a registered feedlot shall maintain certain cattle inventory records. The chief brand inspector shall prescribe a permit form for this purpose. The form must show number of cattle in the lot, number sold, date and place where cattle were sold, number of cattle remaining in the lot, number of replacement cattle placed in the lot, and such other information as may be necessary, including death losses.
 - a. Cattle shipped from a registered feedlot directly to market shall not be subject to brand inspection or payment of inspection fees at the market. These cattle must be shipped on a chief brand inspector permit form. This form shall be made in triplicate:
 - (1) One copy shall be delivered to the brand inspector at the market along with shipment;
 - (2) One copy shall be sent to the chief brand inspector along with the fees not later than ten days after the end of each quarter (quarters being March, June, September, December) for those cattle shipped during the previous three months; and,
 - (3) One copy shall be retained by the operator.

- b. In the event the above permit form fails to accompany shipment of cattle to market, cattle shall be subject to inspection and regular fees shall be charged for the service.
 - c. The operator of a registered feedlot shall pay an annual assessment of twenty-five dollars plus fifty cents per head on each head shipped on the above permit form. Operators will be billed the twenty-five dollar portion of the annual assessment by the chief brand inspector in December for the annual assessment of the following year.
5. Cattle sold from a registered feedlot, but which are not sold for slaughter, must be inspected and the seller shall bear the cost of inspection at the regular fee.
6. Registered feedlots shall be subject to inspection at any reasonable time at the discretion of the chief brand inspector, and the operator shall show cattle inventory records and inspection certificates to cover all cattle in the operator's feedlot.
7. The chief brand inspector may, for good cause, suspend or revoke a registration.

History: Adopted effective XXX.

General Authority: NDCC 36-01-30

Law Implemented: NDCC 36-01-30

48.1-03-01-03. Brand inspection.

1. When cattle, horses, or mules are offered for sale at any brand inspection point, proof of ownership must be established by the shipper of the cattle, horses, or mules, either by a recorded brand, bill of sale, livestock market clearance, local inspection certificate, or an affidavit of ownership.
2. If any animal inspected bears the recorded brand of the shipper or seller and also bears a recorded brand or brands other than the recorded brand of the shipper or seller, then the shipper or seller may be required, at the discretion of the brand inspector, to establish ownership of such animal by bills of sale, market clearance, local inspection certificate, or any other satisfactory evidence of ownership.
3. No claim for feed, pasture, or gathering shall be submitted at market. All such claims must be referred to and approved for payment from proceeds of sale by the association, unless payment is authorized in writing by the owner of the brand carried by such livestock.

4. Sales agency, packing plant, and buying stations where inspection is conducted must furnish necessary help, without charge, to assist the brand inspectors in handling cattle, horses, or mules to be inspected for brands.
5. All cattle, horses, or mules entering an inspection point shall be placed in pens assigned to individual sellers and shall be kept separate from all other cattle, horses, or mules until inspected by the brand inspector and released for sale or shipment.
6. No cattle, horses, or mules shall be inspected when loaded in trucks or after dark or by artificial light, unless approved by the chief brand inspector. The chief brand inspector may grant approval to premises which meet artificial light specifications and may extend or remove such approval.
7. The association shall provide a sufficient and competent force of brand inspectors at inspection points to conduct the brand inspection in an efficient and timely manner.
8. Brand inspectors may not inspect their own livestock.
9. Meat processing facility inspections:
 - a. The association shall, upon a recommendation by the chief brand inspector, make an inspection of any butcher shop, buying station, locker plant, or custom meat cutting and processing establishment where cattle are slaughtered or processed for the owner for a fee.
 - b. Brand inspectors, when directed to do so by the chief brand inspector, may go upon the premises of any such butcher shop, buying station, locker plant, or custom meat cutting establishment, for the purpose of making physical inspection on the premises as to the ownership or identity of animals or their carcasses.
10. Brand inspection fees and expenses are as follows:
 - a. A permanent inspection permit may be obtained from the association, for horses and mules only, by payment of a twenty-five dollar inspection fee.
 - b. A fee of one dollar and fifty cents per head on all cattle, horses, or mules subject to brand inspection at points where such inspection is maintained shall be paid by:
 - (1) The owner of the cattle, horses, or mules, or

- (2) The commission firm, sales agency, buying station operator, or packing-plant company when sold by a commission firm, sales agency, or when purchased by a buying station operator or packing plant. Upon a sale, the commission firm, sales agency, buying station operator, or packing plant company shall:
 - (a) Collect and withhold from the proceeds of such sale the inspection fee, and
 - (b) Pay the association upon demand the entire amounts collected without any deductions.
 - c. Whenever a brand inspector is required to travel to points other than the inspector's official stations to perform local brand inspection, the shipper, owner, or consignor shall pay the inspector mileage at the same rate per mile [1.61 kilometers] paid state officials in addition to the regular brand inspection fee.
11. The following auction markets outside the state are designated official brand inspection markets for North Dakota origin cattle, horses, and mules:

Mobridge livestock auction, Mobridge, South Dakota; Lemmon livestock market, inc., Lemmon, South Dakota; Sisseton livestock sale co., Sisseton, South Dakota; Britton livestock sale co., Britton, South Dakota; hub city livestock sale co., Aberdeen, South Dakota; Aberdeen livestock sales, Aberdeen, South Dakota; Herreid livestock sale co., Herreid, South Dakota; Glendive livestock auction, Glendive, Montana; Sidney livestock market center, Sidney, Montana.

If any of the above markets, or other markets designated by the board, where the association provides brand inspection closes for a period of three months or longer, the market must file a written request and follow the same criteria as listed for new requests for brand inspection services.

- a. The request must be from a market within thirty-five miles of the state border, unless granted an exemption by the board.
- b. The number of potential inspections must be at a level that is feasible for the association to hire personnel to perform the inspection services.
- c. The auction markets must file a bond with the association in an amount to assure that any shortage of income from inspections will cover all expenses incurred in performing the services.

- d. The auctions markets must agree to abide by all North Dakota livestock inspection laws and rules. Failure to do so may result in immediate suspension or revocation of brand inspection services.

History: Adopted effective XXX.

General Authority: NDCC 4.1-72-01

Law Implemented: NDCC 36-05-10, 4.1-72-01. 4.1-73-23, 4.1-74-01

ARTICLE 48.1-04

BISON

Chapter
48.1-04-01 Bison

Section
48.1-04-01-01 Importation Requirements. Certificate of Veterinary Inspection. Identification. Exemptions
48.1-04-01-02 Importation Disease Testing and Vaccination Requirements
48.1-04-01-03 Disease Control
48.1-04-01-04 Removal or Damaging of Official Identification or Brands

CHAPTER 48.1-04-01 BISON

48.1-04-01-01. Importation requirements. Certificate of veterinary inspection. Identification. Exemptions.

1. Bison imported into the state must be accompanied by an official certificate of veterinary inspection except:
 - a. Bison originating directly from a producer's premises, not diverted en route, and consigned to an auction market approved by the board;
 - b. Bison consigned to a state or federally inspected slaughtering establishment;
 - c. Bison granted an exception by the board, if in the determination of the state veterinarian the animals are free of contagious or infectious diseases.
 - d. Bison leaving the state for exhibition or competition with a valid certificate of veterinary inspection may return to the state with the same certificate of veterinary inspection if the animal has not been out of the state for more than thirty days; and,
 - e. Other bison as otherwise provided for by these rules.
2. Certificate of veterinary inspection for bison must include an importation permit number issued by the state veterinarian before entering the state.
3. The state veterinarian may deny a request for an importation permit number if the state veterinarian has information that bison:

- a. Have not met the disease testing, vaccination, or identification requirements set forth in North Dakota Century Code title 36 or this title, or as otherwise required by the state veterinarian;
 - b. Have not met any pre-entry quarantine conditions imposed by law;
 - c. Have been exposed to, may have been exposed to, is infected with, or may be infected with any contagious or infectious disease;
 - d. Is or may originate from an area or premises under quarantine or other form of official or regulatory action relating to contagious or infectious disease; or
 - e. May be a threat to the health and well-being of the human or animal population of the state, or both.
4. Bison entering the state must be officially identified by a method approved by the state veterinarian.
 5. Bison from foreign countries must be permanently, officially identified with a method prescribed by the state veterinarian and an electronic identification compatible with the federal animal identification plan.
 6. The state veterinarian may require additional disease testing, treatment, vaccination, or identification if the state veterinarian has reason to believe that other health risks are present.
 7. No bison that is infected, or recently exposed to any contagious or infectious disease, shall be imported.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08; 36-01-12; 36-14-04.1

48.1-04-01-02. Importation disease testing and vaccination requirements

1. Brucellosis.

- a. Bison over eighteen months of age must have a negative brucellosis test within thirty days prior to entry into the state. The following may be exempt from the brucellosis test requirement:
 - (1) Steers,
 - (2) Spayed females, and,

- (3) Bison originating from brucellosis-free states or areas that do not require North Dakota origin bison to be tested prior to entry, as approved by the board.

2. Scabies.

- a. Bison originating from states where, in the determination of the board, scabies treatment is necessary must be treated with a method approved by the board:

- (1) Two dippings, ten to fourteen days apart.

- (2) In lieu of dipping, bison may be treated with an approved avermectin administered by a licensed accredited veterinarian.

3. Trichomonas Foetus.

- a. Bulls over twenty-four months of age and all non-virgin bulls over twelve months of age must have three consecutive, weekly, negative Trichomoniasis foetus culture tests or one negative PCR test prior to importation.

- (1) Regulatory testing shall be performed in a laboratory approved by the state veterinarian.

- (2) No breeding is to occur between the time of the tests and the time a bull is sold, loaned or leased.

- b. A certificate of veterinary inspection for bulls covered under this rule shall bear one of the following statements:

“Trichomonas foetus has not been diagnosed in the herd of origin.”

or

“The bull(s) represented on this Certificate of Veterinary Inspection have three consecutive negative Trichomonas foetus culture tests which were at least a week apart or one negative PCR test within sixty days prior to entry and there has been no female contact since the first qualifying test.”

- c. The following may be exempt from Trichomonas foetus testing:

- (1) Virgin bulls aged twenty-four months of age or less. A signed statement from the owner or manager stating that bulls have

had no potential breeding contact with females must be listed on certificate of veterinary inspection.

- (2) Bulls imported into the state for immediate slaughter only or those consigned directly to a licensed slaughter establishment or to a licensed livestock market and then directly to a licensed slaughter establishment.
- (3) Bulls imported into the state and held in confinement (including exhibition and/or rodeo purposes), based upon a risk assessment by the state veterinarian.
- (4) Bulls imported as part of a state veterinarian approved seasonal grazing operation without change of ownership, based upon a risk assessment by the state veterinarian.
- (5) Bulls used in semen collection operations, based upon a risk assessment by the state veterinarian.

4. Tuberculosis.

a. Bison entering the state must be accompanied by documentation that each animal was tested for tuberculosis within thirty days prior to entry into the state, and that the results of the test were negative for tuberculosis.

- (1) Bison, sixty days of age or older, that originate from any area, where in the determination of the board, tuberculosis may exist, must:
 - (a) Be negative to an official test for tuberculosis within thirty days prior to entering the state, or
 - (b) Originate from a tuberculosis accredited free herd (date of last test and accredited herd number listed on certificate of veterinary inspection).

b. The following may be exempt from the tuberculosis test requirement:

- (1) Nursing calves accompanying negative tested dams.
- (2) Bison originating from tuberculosis-free states or areas that do not require North Dakota origin bison to be tested prior to entry, as approved by the board.
- (3) Steers and spayed females that are:

- (a) Officially identified prior to entry;
- (b) Listed by official identification individually on a certificate of veterinary inspection; and
- (c) Have undergone an epidemiological risk assessment and determined to be low risk by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08, 36-01-12

Law Implemented: NDCC 36-01-08, 36-01-12, 36-14-04.1

48.1-04-01-03. Disease control.

1. Anthrax.
 - a. Bison located on farms where anthrax has been diagnosed shall be vaccinated. Bison shall be quarantined for thirty days after the death of the last animal or thirty days following vaccination, whichever occurs last.
 - b. Sale of hides removed from bison infected with anthrax is prohibited.
2. Brucellosis.
 - a. The recommended brucellosis eradication uniform methods and rules as they appear in publication of USDA-APHIS-VS are hereby adopted and constitute a rule of the board, unless otherwise ordered by the board.
 - b. Condemnation of infected bison.
 - (1) The state veterinarian shall determine when an animal is infected with brucellosis, and if infected, shall condemn the animal.
 - (2) Bison which are condemned due to brucellosis must be marked in accordance with a method prescribed by the state veterinarian.
 - (3) Animals must be slaughtered within thirty days following condemnation.
 - c. Brucellosis vaccination of calves.

- (1) Female bison animals may be vaccinated from four through twelve months (one hundred twenty through three hundred sixty-five days) of age with a vaccine approved by the state veterinarian.
 - (2) Vaccinated animals must be marked in accordance with a method approved by the state veterinarian.
 - (3) The veterinarian must submit reports of vaccination, on the appropriate form provided by USDA-APHIS-VS, to the board within thirty days.
- d. Sale of bison out of brucellosis-infected herds. Herds of bison infected with brucellosis shall be quarantined, with the quarantine prohibiting sale of all intact bulls and females except to licensed, monitored feedlots or for slaughter under written permit. Such bison shall be held separate and apart. The state veterinarian may grant an exception by official permit as provided in this section.
3. Tuberculosis.
- a. Uniform methods and rules - Tuberculosis. The current uniform methods and rules on bison tuberculosis eradication as they appear in publication of USDA-APHIS-VS are hereby adopted and constitute a rule of the board, unless otherwise ordered by the board.
 - b. Condemnation of infected bison.
 - (1) The state veterinarian shall determine when an animal is infected with tuberculosis, and if infected, shall condemn the animal.
 - (2) All bison that are determined to be infected with tuberculosis shall be marked in accordance with a method prescribed by the state veterinarian.
 - (3) All animals must be slaughtered within thirty days following condemnation.
 - c. Reactors to tuberculosis must be accompanied by the proper official permit and are to be slaughtered in slaughter establishments under the supervision of the federal government or in another facility approved by the state veterinarian.

48.1-04-01-04. Removal or damaging of official identification or brands. Official identification or brands shall not be removed or tampered with without approval by the state veterinarian.

History: Adopted effective XXX.
General Authority: NDCC 36-01-08
Law Implemented: NDCC 36-01-08

ARTICLE 48.1-05

CATTLE

Chapter
48.1-05-01 Cattle

Section
48.1-05-01-01 Importation Requirements. Certificate of Veterinary Inspection. Identification. Exemptions
48.1-05-01-02 Importation Disease Testing and Vaccination Requirements
48.1-05-01-03 Disease Control
48.1-05-01-04 Removal or Damaging of Official Identification or Brands

CHAPTER 48.1-05-01 CATTLE

48.1-05-01-01. Importation requirements. Certificate of veterinary inspection. Identification. Exemptions.

1. Cattle imported into the state must be accompanied by an official certificate of veterinary inspection except:
 - a. Cattle originating directly from a producer's premises, not diverted en route, and consigned to an auction market approved by the board;
 - b. Cattle consigned to a state or federally inspected slaughtering establishment;
 - c. Cattle granted an exception by the board, if in the determination of the state veterinarian the animals are free of contagious or infectious diseases.
 - d. Cattle leaving the state for exhibition or competition with a valid certificate of veterinary inspection may return to the state with the same certificate of veterinary inspection if the animal has not been out of the state for more than thirty days, and,
 - e. Other cattle as otherwise provided for by these rules.
2. Certificate of veterinary inspection for cattle must include an importation permit number issued by the state veterinarian before entering the state.
3. The state veterinarian may deny a request for an importation permit number if the state veterinarian has information that cattle:

- a. Have not met the disease testing, vaccination, or identification requirements set forth in North Dakota Century Code title 36 or this title, or as otherwise required by the state veterinarian;
 - b. Has not met any pre-entry quarantine conditions imposed by law;
 - c. Has been exposed to, may have been exposed to, is infected with, or may be infected with any contagious or infectious disease;
 - d. Is or may originate from an area or premises under quarantine or other form of official or regulatory action relating to contagious or infectious disease; or
 - e. May be a threat to the health and well-being of the human or animal population of the state, or both.
4. Cattle entering the state must be officially identified by a method approved by the state veterinarian.
 5. Cattle from foreign countries must be permanently officially identified with a method prescribed by the state veterinarian and an electronic identification compatible with the federal animal identification plan.
 6. The state veterinarian may require additional disease testing, treatment, vaccination, or identification if the state veterinarian has reason to believe that other health risks are present.
 7. No cattle infected, or recently exposed to any contagious or infectious disease, shall be imported.
 8. Calves, under four months of age, not accompanying dams, may not be resold within sixty days of importation. Purchasers must take possession of imported calves at the premises of the seller.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12, 36-14-04.1

48.1-05-01-02. Importation disease testing and vaccination requirements.

1. Brucellosis.
 - a. Female cattle over twelve months of age. No female cattle over twelve months (three hundred sixty-five days) of age may be

imported unless officially calfhood vaccinated against brucellosis. Female cattle imported for exhibition purposes are exempt from this requirement.

- b. Test eligible cattle, as determined by the board, must have a negative brucellosis test within thirty days prior to entry into North Dakota and must comply with uniform methods and rules in control of brucellosis as published by USDA-APHIS-VS. A valid test for brucellosis must be a blood test conducted by a state or federal laboratory or by a veterinarian approved in the state of origin.
- c. Exemption. The board may exempt the following cattle:
 - (1) Steers,
 - (2) Spayed females, and,
 - (3) Cattle affected by drought conditions when:
 - (a) Drought conditions render pasture and feed supplies inadequate for North Dakota producers to maintain their breeding herds;
 - (b) It is necessary that North Dakota cattle producers secure out-of-state grazing or feeding facilities for their breeding herds; and
 - (c) The cattle are owned by North Dakota cattle producers with the intent to return the cattle to the North Dakota producers' premises upon completion of the grazing or feeding period.

2. Scabies.

- a. Cattle originating from states where, in the determination of the board, scabies treatment is necessary must be treated with a method approved by the board:
 - (1) Two dippings, ten to fourteen days apart.
 - (2) In lieu of dipping, cattle may be treated with an approved avermectin administered by a licensed accredited veterinarian.
- b. Scabies affected or exposed cattle must be quarantined and treated with an approved avermectin.

3. Trichomonas Foetus.

a. Bulls over twenty-four months of age and all non-virgin bulls over twelve months of age must have three consecutive, weekly, negative Trichomoniasis foetus culture tests or one negative PCR test prior to importation.

(1) Regulatory testing shall be performed in a laboratory approved by the state veterinarian.

(2) No breeding is to occur between the time of the tests and the time a bull is sold, loaned or leased.

b. A certificate of veterinary inspection for bulls covered under this rule shall bear one of the following statements:

“Trichomonas foetus has not been diagnosed in the herd of origin.”

or

“The bull(s) represented on this Certificate of Veterinary Inspection have three consecutive negative Trichomonas foetus culture tests which were at least a week apart or one negative PCR test within sixty days prior to entry and there has been no female contact since the first qualifying test.”

c. No nonvirgin and nonpregnant female cattle may be imported for breeding or grazing purposes into the state.

d. The following may be exempt from Trichomonas foetus testing:

(1) Virgin bulls aged twenty-four months of age or less. A signed statement from the owner or manager stating that bulls have had no potential breeding contact with females must be listed on certificate of veterinary inspection.

(2) Bulls imported into the state for immediate slaughter only or those consigned directly to a licensed slaughter establishment or to a licensed livestock market and then directly to a licensed slaughter establishment.

(3) Bulls imported into the state and held in confinement (including exhibition and/or rodeo purposes), based upon a risk assessment by the state veterinarian.

- (4) Bulls imported as part of a state veterinarian approved seasonal grazing operation without change of ownership, based upon a risk assessment by the state veterinarian.
- (5) Nonvirgin and nonpregnant female cattle to be used in confined dairy operations, based upon a risk assessment by the state veterinarian.
- (6) Nonvirgin and nonpregnant female cattle, each accompanied by its own offspring and prior to rebreeding.
- (7) Cattle used in embryo transplant or semen collection operations, based upon a risk assessment by the state veterinarian.

4. Tuberculosis.

- a. Dairy breed cattle sixty days of age or older, other than steers and spayed heifers, must be negative to an official test for tuberculosis within thirty days prior to entering the state.
- b. United States born cattle used for rodeo or timed events must have a negative bovine tuberculosis test within the last twelve months prior to importation into the state.
- c. Cattle of Mexican origin (M-branded or MX-branded) entering the state, must be accompanied with proof of two negative bovine tuberculosis tests by USDA Accredited Veterinarians with the last test within sixty days prior to importation into the state.
 - (1) Cattle of Mexican origin need a negative whole herd(s) tuberculosis test on the birth herd of origin.
 - (2) Cattle of Mexican origin require 484 electronic identification tags for identification.
- d. Cattle entering the state that originate from any modified accredited state, or any other area where in the determination of the board tuberculosis may exist, must be accompanied by documentation that each animal was tested for tuberculosis within thirty days prior to entry into the state, and that the results of the test were negative for tuberculosis. The following may be exempt from the tuberculosis test requirement, but must still be officially identified:
 - (1) Steers;

- (2) Spayed females;
- (3) Cattle originating from a tuberculosis accredited-free herd;
- (4) Cattle originating from a closed herd which have been whole herd tested negative for tuberculosis within twelve months prior to importation;
- (5) Nursing calves, accompanying a negative tested dam.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08, 36-01-12

Law Implemented: NDCC 36-01-08, 36-01-12, 36-14-04.1, 36-14-01

48.1-05-01-03. Disease control.

1. Anthrax.
 - a. Cattle susceptible to anthrax located on farms where anthrax has been diagnosed shall be vaccinated. Animals shall be quarantined for thirty days after the death of the last animal or thirty days following vaccination, whichever occurs last.
 - b. Sale of hides removed from cattle infected with anthrax is prohibited.
2. Brucellosis.
 - a. The recommended brucellosis eradication uniform methods and rules as they appear in publication of USDA-APHIS-VS are hereby adopted and constitute a rule of the board, unless otherwise ordered by the board.
 - b. Condemnation of infected cattle.
 - (1) The state veterinarian shall determine when an animal is infected with brucellosis, and if infected, shall condemn the animal.
 - (2) Cattle which are condemned due to brucellosis must be marked in accordance with a method prescribed by the state veterinarian.
 - (3) Animals must be slaughtered within thirty days following condemnation.

- c. Brucellosis vaccination of calves.
 - (1) Female bovine animals may be vaccinated from four through twelve months (one hundred twenty through three hundred sixty-five days) of age with a vaccine approved by the state veterinarian.
 - (2) Vaccinated animals must be marked in accordance with a method approved by the state veterinarian.
 - (3) The veterinarian must submit reports of vaccination on the appropriate form provided by USDA-APHIS-VS, to the board within thirty days.
- d. Sale of cattle out of brucellosis-infected herds. Herds of cattle infected with brucellosis shall be quarantined, with the quarantine prohibiting sale of all intact bulls and females, except to licensed, monitored feedlots or for immediate slaughter, under written permit. Such cattle shall be held separate and apart. The state veterinarian may grant an exception to the quarantine by official permit based upon an epidemiological risk assessment.
- e. Collection of milk or cream samples. Collection of milk and cream samples for conducting the brucellosis ring test is required. A producer of cream or milk shall furnish samples of the cream or milk to an agent of the board and, upon request, shall allow board agents to enter the premises and collect samples.

3. Tuberculosis.

- a. Uniform methods and rules - Tuberculosis. The current uniform methods and rules on bovine tuberculosis eradication as they appear in publication of USDA-APHIS-VS are hereby adopted and constitute a rule of the board, unless otherwise ordered by the board.
- b. Condemnation of infected cattle.
 - (1) The state veterinarian shall determine when an animal is infected with tuberculosis, and if infected, shall condemn the animal.
 - (2) Cattle that are determined to be infected with tuberculosis shall be marked in accordance with a method prescribed by the state veterinarian.

- (3) Animals must be slaughtered within thirty days following condemnation.
- c. Reactors to tuberculosis must be accompanied by the proper official permit and are to be slaughtered in slaughter establishments under the supervision of the federal government or in another facility approved by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

48.1-05-01-04. Removal or damaging of official identification or brands.

Official identification or brands shall not be removed or tampered with without approval by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

ARTICLE 48.1-06

EQUINE

Chapter

48.1-06-01 Equine

Section

48.1-06-01 Importation Requirements. Certificate of Veterinary Inspection. Identification. Exemptions

48.1-06-02 Importation Disease Testing Requirements

48.1-06-03 Disease Control

48.1-06-04 Removal or Damaging of Official Identification or Brands

CHAPTER 48.1-06-01

EQUINE

48.1-06-01. Importation requirements. Certificate of veterinary inspection. Identification. Exemptions.

1. Equine species imported into the state, must be accompanied by an official certificate of veterinary inspection except:
 - a. Equine species consigned to a state or federally inspected slaughter establishment;
 - b. Other equine species as otherwise provided for by these rules; and,
 - c. Equine species granted an exception by the board.
 - d. Equine species leaving the state for exhibition or competition with a valid certificate of veterinary inspection may return to the state with the same certificate of veterinary inspection if the animal has not been out of the state for more than thirty days.
2. Certificate of veterinary inspection for equine species must include an importation permit number issued by the state veterinarian before entering the state.
3. The state veterinarian may deny a request for an importation permit number if the state veterinarian has information that an equine:
 - a. Has not met the disease testing, vaccination, or identification requirements set forth in North Dakota Century Code title 36 or this title, or as otherwise required by the state veterinarian;

- b. Has not met any pre-entry quarantine conditions imposed by law;
 - c. Has been exposed to, may have been exposed to, is infected with, or may be infected with any contagious or infectious disease;
 - d. Is or may originate from an area or premises under quarantine or other form of official or regulatory action relating to contagious or infectious disease; or
 - e. May be a threat to the health and well-being of the human or animal population of the state, or both.
4. The state veterinarian may require additional disease testing, treatment, vaccination, or identification if the state veterinarian has reason to believe that other health risks are present.
 5. No equine species that is infected, or recently exposed to any infectious or contagious disease, shall be imported.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08, 36-14-04.1

Law Implemented: NDCC 36-01-08, 36-01-12

48.1-06-02. Importation Disease Testing Requirements.

1. Equine infectious anemia.
 - a. Equine species require negative tests for equine infectious anemia within twelve months prior to date of importation, unless originating from states exempted from test requirements by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48.1-06-03. Disease control.

1. Anthrax.
 - a. Equine species susceptible to anthrax located on farms where anthrax has been diagnosed shall be vaccinated. Equine species shall be quarantined for thirty days after the death of the last animal or thirty days following vaccination, whichever occurs last.

- b. Sale of hides removed from equine species infected with anthrax is prohibited.
2. Equine infectious anemia.
- a. Equine species testing and confirmed positive for equine infectious anemia must be:
 - (1) Positively and individually identified in accordance with a permanent marking method prescribed by the state veterinarian;
 - (2) Accompanied by an official permit; and,
 - (3) Held separate and apart from all equine species.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48.1-04-01-45. Removal or damaging of official identification or brands.

Official identification or brands shall not be removed or tampered with without approval by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

ARTICLE 48.1-07

FARMED ELK

Chapter

- 48.1-07-01 Definitions – General Requirements
- 48.1-07-02 Importation Requirements
- 48.1-07-03 Importation Disease Testing Requirements
- 48.1-07-04 Disease Control

CHAPTER 48.1-07-01

DEFINITIONS – GENERAL REQUIREMENTS

Section

- 48.1-07-01-01 Definitions
- 48.1-07-01-02 Farmed Elk Premises Description
- 48.1-07-01-03 Holding and Handling Facilities
- 48.1-07-01-04 Quarantine Facility
- 48.1-07-01-05 Fencing Requirements
- 48.1-07-01-06 Welfare of Animals
- 48.1-07-01-07 Identification
- 48.1-07-01-08 Farmed Elk Reporting
- 48.1-07-01-09 Bill of Sale and Transportation
- 48.1-07-01-10 Release or Abandonment
- 48.1-07-01-11 Escaped Farmed Elk
- 48.1-07-01-12 Inspection by Board Personnel

48.1-07-01-01. Definitions. The terms used throughout this title have the same meaning as in North Dakota Century Code chapter 36-01. Additionally:

1. "Herd" means two or more elk, or a herd of elk commingled with other hoof stock maintained on common ground, or two or more herds of elk and other hoof stock under common ownership or supervision that are geographically separated, but can have an interchange or movement without regard to health status.
2. "Trace herd" means a herd in which an animal affected by chronic wasting disease has resided up to sixty months before its death, or any herd that has received animals from an affected herd within sixty months prior to the death of the affected animal.
3. "Zone 1" means that area bordered by a line that begins at the junction of the Montana border and Missouri River, runs east along the Missouri River to highway 49, south to highway 21, west to highway 22, to the Slope-Bowman County line, and west to Montana.

4. "Zone 2" means that area bordered by a line that begins at the Minnesota state line on highway 2 and runs west to Towner and north along the Souris River to the Canadian border.

History: Adopted effective XXX.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-02

48.1-07-01-02. Farmed elk premises description. An owner, before acquiring or possessing farmed elk on such owner's premises, shall provide to the board a description and a sketch or map of the premises and facilities.

1. The sketch or map must include, at a minimum, the proposed exterior boundary, location of the holding and handling facilities, location of the quarantine area, and the proposed location of all gates. The board may require additional information.
2. An owner may not acquire or possess farmed elk on such owner's premises and facility until an agent of the board has inspected and approved the facility.

History: Adopted effective XXX.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-05

48.1-07-01-03. Holding and handling facilities. Farmed elk operators shall, at all times, have access to permanent or portable holding and handling facilities that enable proper handling, marketing, and individual identification of all farmed elk on the premises.

History: Adopted effective XXX.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-05

48.1-07-01-04. Quarantine facility.

1. Farmed elk premises must have an approved quarantine facility within its boundary or submit an action plan to the state veterinarian that guarantees access to an approved quarantine facility within the state.
2. Should the state veterinarian impose a quarantine, the farmed elk owner shall provide an on-site quarantine facility or make arrangements at the owner's expense to transport the animals to the approved quarantine facility named in the quarantine action plan.
3. The quarantine facility must meet standards prescribed by the state veterinarian concerning isolation, separate feed and water, escape security,

and the humane holding and care of any quarantined elk for extended periods of time.

History: Adopted effective XXX.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-02, 36-25-05

48.1-07-01-05. Fencing requirements.

1. A farmed elk owner shall comply with the following fencing standards:
 - a. Conventional perimeter fences must be at least twelve and one-half gauge and must be:
 - (1) At least eight feet [2.44 meters] high, if construction was completed on or after July 1, 2016.
 - (2) At least seven feet [2.13 meters] high, if construction was completed on or before June 30, 2016.
 - b. The fence must be a mesh of a size to prevent escape.
 - c. Any supplemental wires must be at least twelve and one-half gauge and spaced no more than six inches [152.40 millimeters] apart.
 - d. Posts must be of sufficient strength to keep farmed elk securely contained. The posts of the perimeter fence must extend to the upper limits of the height requirement and be spaced no more than twenty-four feet [7.32 meters] apart.
 - e. Gates in the perimeter fence must be secured.
2. Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.

History: Adopted effective XXX.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-02, 36-25-05

48.1-07-01-06. Welfare of animals. A farmed elk operator may not display or house any elk in such a manner as to endanger the health and safety of the public or the elk, as determined by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-02

48.1-07-01-07. Identification.

1. Farmed elk must be individually identified as prescribed by the state veterinarian. The form of identification must be permanent and unique to each animal. The permanent identification shall be an official tag or other form approved by the state veterinarian.
2. When loss of an animal identification is discovered, the animal must be identified with approved identification as soon as reasonably possible.
3. Identification assigned to an individual farmed elk may not be transferred to any other animal.
4. Newborn farmed elk must be individually identified prior to removal of the animal from the farmed elk premises or within twelve months of birth, whichever comes first.

History: Adopted effective XXX.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-08

48.1-07-01-08. Farmed elk reporting.

1. An owner of farmed elk shall submit to the board an annual farmed elk inventory report by March first of each year.
2. An owner shall record inventory information on the forms provided by the board and such forms must be filled out completely and accurately.
3. An owner must report all purchases, sales, or other animal transfers, escapes, recaptures, births, deaths, or diseased farmed elk on the inventory report form.
4. Manifests and bills of sale must be submitted to the board within seven days of the occurrence.

History: Adopted effective XXX.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-02

48.1-07-01-09. Bill of sale and transportation.

1. Farmed elk to be transferred, bought, or sold must have an itemized bill of sale, certificate of veterinary inspection, or manifest at transfer of ownership that must include individual official identification, species, age, sex, number

of animals, buyer and seller and their respective addresses, date of sale, and farmed elk facility numbers. All manifests and bills of sale must be submitted to the board within fourteen days of the occurrence.

2. Farmed elk transported within the state, which have been harvested on a private elk farm, must be accompanied by a bill of sale if there is a change of ownership.
3. Farmed elk may be transported from out of state through the state only if:
 - a. Animals proceed directly through the state and the owner or transporter does not unload the animals; and
 - b. Animals are not sold, bartered, traded, or otherwise transferred while in the state. Transfer does not include moving animals to another transport vehicle.

History: Adopted effective XXX.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-02, 36-25-08, 36-25-10

48.1-07-01-10. Release or abandonment. A person may not release or abandon any farmed elk without prior written authorization from the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-02

48.1-07-01-11. Escaped farmed elk.

1. The owner of farmed elk, or the owner's agent, must report an escape to the board within one business day of discovery.
2. The owner shall cause any farmed elk to be recaptured or destroyed within ten days of the animal escape, except when public safety or the health of the domestic or wild population is at risk, in which case the animal may be disposed of immediately.
 - a. Upon request, the state veterinarian may grant a ten-day extension.
 - b. The state veterinarian may authorize an agent to seize, capture, or destroy farmed elk that have escaped the control of the owner or owner's agent.
3. The owner, or the owner's agent, shall notify the board within one business day of the capture or death of an escaped animal.

4. The board or its designated agent may inspect any recaptured animal before it is returned to the elk farm.

History: Adopted effective XXX.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-05

48.1-07-01-12. Inspection by board personnel. A farmed elk owner shall allow inspection of records, holding facilities, and farmed elk by an agent of the board during normal working hours. The owner may accompany the person conducting the inspection. The inspection shall be scheduled.

History: Adopted effective XXX.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-09

CHAPTER 48.1-07-02 IMPORTATION REQUIREMENTS

Section

48.1-07-02-01 Importation Requirements

48.1-07-02-02 Genetic Purity Requirements for Interstate and Intrastate
Movement

48.1-07-02-01. Importation requirements. Farmed elk may be imported into the state only after the owner of the farmed elk:

1. Obtains a certificate of veterinary inspection. The certificate of veterinary inspection must include specific disease test results, vaccinations, and health statements required by this chapter.
2. Obtains an importation permit number from the office of the state veterinarian. The state veterinarian may deny a request for an importation permit number if the state veterinarian has information that a farmed elk:
 - a. Has not met the disease testing, vaccination, or identification requirements set forth in North Dakota Century Code title 36 or this title, or as otherwise required by the state veterinarian;
 - b. Has not met any pre-entry quarantine conditions imposed by law;
 - c. Has been exposed to, may have been exposed to, is infected with, or may be infected with any contagious or infectious disease;

- d. Is or may originate from an area or premises under quarantine or other form of official or regulatory action relating to contagious or infectious disease; or
 - e. May be a threat to the health and well-being of the human or animal population of the state, or both.
3. Submits to the office of the state veterinarian the genetic purity test results in compliance with 48-1-07-02-02. The genetic purity test results must be included with the certificate of veterinary inspection;
 4. Submits to the office of the state veterinarian a chronic wasting disease risk assessment form in compliance with subsection 2 of 48.1-07-03-01, unless the state veterinarian waives such requirement under subsection 2 of 48.1-07-03-01; and
 5. Completes and submits satisfactory proof of additional disease testing or vaccinations as may be required from the office of the state veterinarian if the state veterinarian has reason to believe other diseases, parasites, or other health risks are present.

History: Adopted effective XXX.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-14-04.1, 36-25-02

48.1-07-02-02. Genetic purity requirements for interstate and intrastate movement. A person may not import farmed elk into zone 1 or zone 2 from points outside the state or move farmed elk into zone 1 or zone 2 from points inside the state unless they are genetically pure. An importation permit from the office of the state veterinarian may be required for such movement.

1. Genetic testing for purity is required for all farmed elk before such animals may enter zone 1 or zone 2.
2. A person may not transport, attempt to transport, accept, or receive farmed elk into zone 1 or zone 2 until the person making application for the permit furnishes sufficient proof to the state veterinarian's office that the elk are genetically pure.
3. Farmed elk registered as genetically pure by a farmed elk association recognized by the board may be exempt from genetic testing requirements.

History: Adopted effective XXX.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-02

CHAPTER 48.1-07-03
IMPORTATION DISEASE TESTING REQUIREMENTS

Section

48.1-07-03-01 Importation Disease Testing Requirements.

48.1-07-03-01. Importation disease testing requirements.

1. Brucellosis.
 - a. Sexually intact farmed elk six months of age and older must test negative for brucellosis by two different official tests prescribed by the state veterinarian, administered within thirty days prior to importation into the state. The following exemptions may apply:
 - (1) Farmed elk originating from certified brucellosis-free cervid herds may be exempt from testing requirements.
 - (2) Farmed elk originating from brucellosis-monitored cervid herds, must test negative for brucellosis by two different official tests within ninety days prior to importation into the state.
 - b. Additional testing may be required at the discretion of the state veterinarian or in accordance with the uniform methods and rules for the control of brucellosis in cervidae as published by USDA-APHIS-VS.
2. Chronic wasting disease requirements:
 - a. Farmed elk must pass a satisfactory risk assessment for chronic wasting disease, conducted by the office of the state veterinarian. The office of the state veterinarian will notify an applicant submitting a chronic wasting disease risk assessment form of the decision within ten days of the form submission. Persons seeking an importation permit for these species must ship the animals within thirty days of approval from the office of the state veterinarian. After thirty days, a new risk assessment form application must be submitted and approved prior to shipment.
 - b. The office of the state veterinarian may waive the requirement for a risk assessment if:
 - (1) The risks to be assessed are minimal and the person applying for the importation permit has met all other statutory and rule requirements; or

- (2) The herd of origin has been under surveillance for chronic wasting disease for at least sixty months. The surveillance must meet the standards prescribed by the state veterinarian.
 - c. The following statement must be verified on the certificate of veterinary inspection for farmed elk by the herd veterinarian:

“These animals and the herd they originate from have no history of emaciation, depression, excessive salivation or thirst, or neurological disease. In the event of these symptoms, appropriate diagnostic measures were taken to rule out a transmissible spongiform encephalopathy. These animals have not been exposed to an elk or deer diagnosed positive for a transmissible spongiform encephalopathy.”
 - d. No farmed elk may be imported from a herd where chronic wasting disease has been diagnosed or a herd that has had chronic wasting disease traced to it unless that herd has undergone sixty months of surveillance after the last case of or exposure to chronic wasting disease. The surveillance must meet the standards prescribed by the state veterinarian.
3. Paratuberculosis (Johne’s disease). The following statement, signed by an accredited veterinarian in the state or province of origin, must appear on the certificate of veterinary inspection:

“To the best of my knowledge, animals listed herein are not infected with paratuberculosis (Johne’s disease) and have not been exposed to animals infected with paratuberculosis.”
4. Tuberculosis.
 - a. Minimum specific disease test results and health statements that must be included on a certificate of veterinary inspection include:
 - (1) Tuberculosis requirements for states with tuberculosis-modified accredited cervid status:
 - (a) Farmed elk that are moved directly to slaughter at an approved slaughtering establishment do not require tuberculosis testing.
 - (b) Farmed elk from a herd with a current accredited-free cervid status for tuberculosis may be moved to any

approved elk facility provided they meet the following requirements:

- 1) They are accompanied by a certificate stating that the accredited herd completed the testing necessary for accredited status with negative results within thirty-six months prior to the movement.
 - 2) Farmed elk, except animals nursing negative tested dams, originating in a state or zone lacking bovine accredited-free status must test negative to an official test for bovine tuberculosis within ninety days of movement or consignment.
- (c) Farmed elk from a farmed elk tuberculosis-qualified herd may be moved to any approved elk facility provided they meet the following requirements:
- 1) They are accompanied by a certificate stating that all animals in the movement, except animals nursing negative tested dams, were negative to an official test for bovine tuberculosis conducted within six months prior to the movement.
 - 2) Farmed elk, except animals nursing negative tested dams, originating in a state or zone lacking bovine accredited-free status must test negative to an official test for bovine tuberculosis within ninety days of movement or consignment.
- (d) Farmed elk from a farmed elk tuberculosis-monitored herd may be moved to any approved elk facility provided they are accompanied by a certificate stating that all animals in the movement, except animals nursing negative tested dams, were negative to an official test for bovine tuberculosis conducted within ninety days prior to the movement.
- (e) Farmed elk from herds of unknown cervid tuberculosis status may be moved to any approved elk facility provided they meet the following requirements:

- 1) They are accompanied by a certificate stating that all animals in the movement, except animals nursing negative tested dams, were negative to two official tests for bovine tuberculosis. The required test must be conducted not less than ninety days apart and with the second test conducted within ninety days of the movement.
 - 2) Farmed elk, except animals nursing negative tested dams, in a consignment that is being moved from a herd located in a state or zone lacking accredited-free status for bovine tuberculosis must be from a herd that has had a negative official test for bovine tuberculosis within twelve months prior to the movement. All farmed elk in the movement, except animals nursing negative tested dams, must be negative to a second official test for bovine tuberculosis conducted within ninety days prior to the movement unless the herd of origin herd test was conducted within ninety days prior to the movement.
2. Tuberculosis requirements for states without tuberculosis-modified accredited cervid status may be subject to additional importation requirements at the discretion of the state veterinarian.

History: Adopted effective XXX.

General Authority: 36-01-08, 36-25-02

Law Implemented: 36-01-08, 36-01-12, 36-25-02

CHAPTER 48.1-07-04 DISEASE CONTROL

Section

48.1-07-04-01 Disease Control

48.1-07-04-02 Removal or Damaging of Official Identification or Marks

48.1-07-04-01. Disease control.

1. Anthrax.

- a. Farmed elk susceptible to anthrax located on farms where anthrax has been diagnosed shall be vaccinated. Farmed elk shall be

quarantined for thirty days after the death of the last animal or thirty days following vaccination, whichever occurs last.

- b. Sale of hides removed from farmed elk infected with anthrax is prohibited.

2. Brucellosis.

- a. The recommended brucellosis eradication uniform methods and rules as they appear in publication of the USDA-APHIS-VS are hereby adopted and constitute a rule of the board, unless otherwise ordered by the board.

- b. Condemnation of infected farmed elk.

- (1) The state veterinarian shall determine when an animal is infected with brucellosis, and if infected, shall condemn the animal.

- (2) Farmed elk which are condemned due to brucellosis must be marked in accordance with a method prescribed by the state veterinarian.

- (3) Animals must be slaughtered within thirty days following condemnation.

- c. Brucellosis vaccination of calves.

- (1) Female farmed elk may be vaccinated from four through twelve months (one hundred twenty through three hundred sixty-five days) of age with a vaccine approved by the state veterinarian.

- (2) Vaccinated animals must be marked in accordance with a method approved by the state veterinarian.

- (3) The veterinarian must submit reports of vaccination on the appropriate form provided by USDA-APHIS-VS, to the board within thirty days.

- d. Sale of farmed elk out of brucellosis-infected herds. Herds of farmed elk infected with brucellosis shall be quarantined, with the quarantine prohibiting sale of all intact bulls and females, except to licensed, monitored feedlots or for slaughter, under written permit. Such farmed elk shall be held separate and apart. The state veterinarian

may grant an exception to the quarantine by official permit based upon an epidemiological risk assessment.

3. Chronic Wasting Disease.

- a. The owner of any farmed elk twelve months of age or older which die for any reason must submit the appropriate sample to an approved laboratory for chronic wasting disease surveillance as soon as practicable. Official identification must accompany the sample to the laboratory.
- b. A chronic wasting disease diagnosis will be based on postmortem sample testing confirmed by the national veterinary services laboratory.
- c. The state veterinarian may grant exemptions to this surveillance.
- d. Herd disposition upon diagnosis with chronic wasting disease.
 - (1) A herd containing farmed elk diagnosed with chronic wasting disease, or that has had chronic wasting disease traced back to the herd, shall be quarantined until the herd is depopulated or until a herd plan is established.
 - (2) If depopulation is not practicable, the owner and the state veterinarian shall develop a herd plan according to the following:
 - (a) If the herd displays no evidence of disease transmission within the herd as determined by an epidemiological investigation by the state veterinarian or a validated test, the herd plan shall include provisions for:
 - 1) Herd inspection by board agents;
 - 2) Herd inventory with annual verification;
 - 3) Herd surveillance (mandatory death reporting and chronic wasting disease testing for sixty months from the last case or exposure);
 - 4) Separation of high-risk animals (high-risk animals are pen mates of an affected animal for one year prior to the death of the affected animal

and all animals related to the affected animal);
and

- 5) All high-risk animals shall be quarantined for sixty months from the last case or exposure or euthanized and tested for chronic wasting disease.
- (b) If the herd displays evidence of disease transmission within the herd as determined by an epidemiological investigation by the state veterinarian or a validated test, the herd plan shall include provisions for:
- 1) Herd inspection by board agents;
 - 2) Herd surveillance (mandatory death reporting and chronic wasting disease testing for sixty months from the last case or exposure);
 - 3) Separation of high-risk animals;
 - 4) High-risk animals shall be quarantined for sixty months from the last case or exposure; and
 - 5) The entire herd shall be quarantined for sixty months from the last case or exposure.
- (c) If the herd is a trace herd as determined by an epidemiological investigation by the state veterinarian or a validated test, the herd plan shall include provisions for:
- 1) Herd inspection by board agent;
 - 2) Herd inventory with annual verification;
 - 3) Herd surveillance (mandatory death reporting and chronic wasting disease testing for sixty months from the last case or exposure); and
 - 4) Separation of high-risk animals and quarantine for sixty months from the last exposure or death of high-risk animals and testing for chronic wasting disease.

4. Tuberculosis.

- a. Uniform methods and rules - Tuberculosis. The current uniform methods and rules on cervid tuberculosis eradication as they appear in publication of USDA-APHIS-VS are hereby adopted and constitute a rule of the board unless otherwise ordered by the board.
- b. Marking and slaughter of condemned farmed elk.
 - (1) The state veterinarian shall determine when an animal is infected with tuberculosis, and if infected, shall condemn the animal.
 - (2) Farmed elk that are determined to be infected with tuberculosis shall be marked in accordance with a method prescribed by the state veterinarian.
 - (3) Animals must be slaughtered within thirty days following condemnation.
- c. Reactors to tuberculosis must be accompanied by the proper official permit and are to be slaughtered in slaughter establishments under the supervision of the federal government or in another facility approved by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08, 36-01-12, 36-25-02

Law Implemented: NDCC 36-01-08, 36-01-12, 36-25-02

48.1-07-04-02. Removal or damaging of official identification or marks. Official identification or marks shall not be removed or tampered with without approval by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08, 36-25-02

Law Implemented: NDCC 36-01-08, 36-25-02

ARTICLE 48.1-08

GOATS

Chapter
48.1-08-01 Goats

Section
48.1-08-01-01 Definitions
48.1-08-01-02 Importation Requirements. Certificate of Veterinary Inspection.
Identification. Exemptions
48.1-08-01-03 Importation Disease Testing Requirements
48.1-08-01-04 Disease Control
48.1-08-01-05 Removal or Damaging of Official Identification or Marks

CHAPTER 48.1-08-01 GOATS

48.1-08-01-01. Definitions. Definitions contained in 9 code of federal regulations 79.1 are adopted by the board and apply to this chapter, unless otherwise defined or ordered by the board.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12, 9 CFR 79.1, 9 CFR 161

48.1-08-01-02. Importation requirements. Certificate of veterinary inspection. Identification. Exemptions.

1. Goats imported into the state must be accompanied by an official certificate of veterinary inspection and importation permit number except:
 - a. Meat breed goats originating directly from a producer's premises, not diverted en route, and consigned to an auction market approved by the board;
 - b. Goats consigned to a state or federally inspected slaughtering establishment;
 - c. Goats granted an exception by the board, if in the opinion of the state veterinarian the animals are free of contagious or infectious diseases.
 - d. Goats leaving the state for exhibition or competition with a valid certificate of veterinary inspection may return to the state with the

same certificate of veterinary inspection if the goat has not been out of the state for more than thirty days.

- e. Other goats as otherwise provided for by these rules.
2. Certificate of veterinary inspection for goats must include an importation permit number issued by the state veterinarian before entering the state.
 3. The state veterinarian may deny a request for an importation permit number if the state veterinarian has information that goats:
 - a. Have not met the disease testing, vaccination, or identification requirements set forth in North Dakota Century Code title 36 or this title, or as otherwise required by the state veterinarian;
 - b. Have not met any pre-entry quarantine conditions imposed by law;
 - c. Have been exposed to, may have been exposed to, is infected with, or may be infected with any contagious or infectious disease;
 - d. Are from or may originate from an area or premises under quarantine or other form of official or regulatory action relating to contagious or infectious disease; or
 - e. May be a threat to the health and well-being of the human or animal population of the state, or both.
 4. Goats entering the state must be officially identified with an official scrapie tag or by another method approved by the state veterinarian.
 5. Goats from foreign countries must be permanently officially identified with a method prescribed by the state veterinarian and an electronic identification compatible with the federal animal identification plan.
 6. The state veterinarian may require additional disease testing, treatment, vaccination, or identification if the state veterinarian has reason to believe that other health risks are present.
 7. No goats infected, or recently exposed to any contagious or infectious disease, shall be imported into the state.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12, 36-14-04.1

48.1-08-01-03. Importation disease testing requirements.

1. Brucellosis.
 - a. Dairy breed goats over six months of age must have a valid negative brucellosis test within thirty days prior to entry into the state.
 - b. A valid test for brucellosis is a blood test conducted by a state or federal laboratory or by a veterinarian approved in the state of origin.
2. Scrapie.
 - a. The certificate of veterinary inspection must contain a written statement, signed by the owner of the goat, stating that:

"To the best of my knowledge, the goat or goats listed on this certificate originate from a herd that has not been diagnosed as a scrapie-infected, source, or exposed flock in the past sixty months."
3. Tuberculosis.
 - a. Goats sixty days of age or older must be negative to an official test for tuberculosis within thirty days prior to entering into the state. The following may be exempt from tuberculosis testing:
 - (1) Meat breed goats that do not originate from an area where in the opinion of the board tuberculosis may exist:
 - (2) Castrated males and spayed females that do not originate from an area where in the opinion of the board tuberculosis may exist: and,
 - (3) Nursing goat kids that accompany a negative tested dam.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08, 36-01-12

Law Implemented: NDCC 36-01-08, 36-01-12, 36-14-04.1

48.1-08-01-04. Disease control.

1. Anthrax.
 - a. Goats susceptible to anthrax located on farms where anthrax has been diagnosed shall be vaccinated. Animals shall be quarantined for thirty days after the death of the last animal or thirty days following vaccination, whichever occurs last.

- b. Sale of hides removed from animals infected with anthrax is prohibited.

2. Brucellosis.

- a. The recommended brucellosis eradication uniform methods and rules as they appear in publication of USDA-APHIS-VS are hereby adopted and constitute a rule of the board, unless otherwise ordered by the board.
- b. Condemnation of infected goats.
 - (1) The state veterinarian shall determine when an animal is infected with brucellosis, and if infected, shall condemn the animal.
 - (2) Goats which are condemned due to brucellosis must be marked in accordance with a method prescribed by the state veterinarian.
 - (3) Animals must be slaughtered within thirty days following condemnation.
- c. Sale of goats out of brucellosis-infected herds. Herds of goats infected with brucellosis shall be quarantined, with the quarantine prohibiting sale of all intact males and females, except to licensed, monitored feedlots or for slaughter, under written permit. Such goats shall be held separate and apart. The state veterinarian may grant an exception to the quarantine by official permit based upon an epidemiological risk assessment.

3. Tuberculosis.

- a. Uniform methods and rules - Tuberculosis. The current uniform methods and rules on goat tuberculosis eradication as they appear in publication of USDA-APHIS-VS are hereby adopted and constitute a rule of the board, unless otherwise ordered by the board.
- b. Slaughter of condemned goats.
 - (1) The state veterinarian shall determine when an animal is infected with tuberculosis, and if infected, shall condemn the animal.

- (2) Goats that are determined to be infected with tuberculosis shall be marked in accordance with a method prescribed by the state veterinarian.
 - (3) Animals must be slaughtered within thirty days following condemnation.
 - c. Reactors to tuberculosis must be accompanied by the proper official permit and are to be slaughtered in slaughter establishments under the supervision of the federal government or in another facility approved by the state veterinarian.
4. Scrapie.
 - a. Identification.
 - (1) The owner of a herd or the owner's agent shall officially identify all animals upon change of ownership to the herd of birth or the herd of origin if the herd of birth cannot be determined. Goats are required to be officially identified except:
 - (a) Slaughter goats (goats in slaughter channels) less than eighteen months of age. If a sexually intact goat is sold at an unrestricted sale (any sale that is not a slaughter or feeding for slaughter sale), it must be identified.
 - (b) Wether goats less than eighteen months of age.
 - (c) Animals shipped directly to an approved slaughter facility or an approved market when all the animals in a section of a truck are from the same premises of origin and are accompanied by an owner's statement.
 - (d) Animals moved for grazing or similar management reasons whenever the animals are moved from a premises owned or leased by the owner of the animals to another premises owned or leased by the owner of the animals.
 - (2) No animal that is required to be individually identified or that originates from any area where in the determination of the board scrapie may exist may be sold, transported, received for transportation, or offered for sale or transportation in intrastate commerce unless each animal is identified in accordance with this section.

- (3) No person may remove or tamper with any means of identification required to be on animals pursuant to this section while the animals are in intrastate commerce, and, at the time of slaughter, animal identification must be maintained throughout post-mortem inspection.
- (4) Goats which are scrapie-suspect, scrapie-positive, scrapie-exposed, and high-risk animals, including all low-risk exposed animals, genetically susceptible exposed animals, genetically less susceptible exposed animals, and genetically resistant exposed goats must be identified as prescribed by the state veterinarian in consultation with USDA-APHIS-VS.
 - (a) Tag application on these classes of goats shall be by, or under the supervision of, a USDA-APHIS-VS or the board or an accredited veterinarian.
 - (b) All forms of identification on these classes of goats, shall be recorded on an official USDA-APHIS-VS form or equivalent and forwarded to the designated scrapie epidemiologist, the state veterinarian, and USDA-APHIS-VS.

b. Reporting and investigation.

- (1) Upon request by the board, the owner of a herd or the owner's agent shall have an accredited veterinarian collect and submit tissues from animals reported in accordance with section 48.1-08-01-04 to a laboratory designated by a USDA-APHIS-VS or the board.
- (2). Investigation. The board, an accredited veterinarian approved to conduct scrapie program activities, or an authorized USDA-APHIS-VS representative shall:
 - (a) Investigate animals reported as scrapie suspect animals within seven days of notification.
 - (b) Designate a herd's status, within fifteen days of notification that the herd contains a scrapie-positive animal, based on an investigation by state or federal animal health authorities.
 - (c) Restrict the movement of newly designated scrapie-infected and source herds within seven days after they are designated.

- (d) Modify infected and source herd movement restrictions only after completion of a herd plan, and after agreement by the owner to comply with a sixty month post-exposure management and monitoring plan.
- (e) Conduct an epidemiologic investigation of source and infected herds that includes the designation of high-risk and exposed animals and that identifies animals to be traced.
- (f) Conduct tracebacks of scrapie-positive animals and traceouts of high-risk and exposed animals and report any out-of-state traces to the appropriate state within forty-five days of receipt of notification of a scrapie-positive animal.
- (g) Conduct tracebacks based on slaughter sampling within fifteen days of receipt of notification of a scrapie-positive animal at slaughter.

c. Disposition of herds.

- (1) Infected herd. In the event a herd is determined to be a scrapie-infected herd, the herd must be quarantined. The owner has the option of:
 - (a) Depopulating the herd; or
 - (b) Signing an agreement with the state-federal scrapie program administrators agreeing, to comply with requirements of title 9, code of federal regulations, part 79.2, until the time the herd is no longer an infected herd.
- (2) Source herd. In the event a herd is determined to be a scrapie source herd, the herd must be quarantined. The owner has the option of:
 - (a) Depopulating the herd;
 - (b) Signing an agreement with the state-federal scrapie program administrators agreeing to comply with the requirements of title 9, code of federal regulations, part 79.2, until the herd is no longer a source herd, or

- (c) Implementing a herd plan that meets board approval.
- (3) Exposed herd. Upon designation by the board as an exposed herd, the herd must be quarantined until the owner implements a herd plan that meets the state veterinarian's approval. In the event a herd is determined to be a scrapie exposed herd, the owner has the option of:
 - (a) Depopulating the herd; or
 - (b) Signing an agreement with the state-federal scrapie program administrators agreeing to comply with requirements of title 9, code of federal regulations, part 79.2, until the time the herd is no longer an exposed herd.
- d. Owner reporting requirements.

The owner of a herd or the owner's agent shall immediately report to the board, USDA-APHIS-VS representative, or an accredited veterinarian any suspect animal. Such animal must not be removed from the herd without written permission by the state veterinarian.
- e. Herd records disclosure.
 - (1) The owner of a herd or the owner's agent shall allow breed associations and registries, livestock markets, and packers to disclose records to the board, to be used in an epidemiological investigation of source herds, infected herds, and exposed animals.
 - (2) The owner of a herd enrolled in the voluntary scrapie herd certification program described in title 9, code of federal regulations, part 54, or the owner's agent, selling or otherwise disposing of breeding stock shall make animals in the herd and records required to be kept under paragraph (a)(2)(iv) of title 9, code of federal regulations, part 79.2, available for inspection by USDA-APHIS-VS representatives or the board, given reasonable prior notice.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-12, 9 CFR 79.2, 9 CFR 54

48.1-08-01-05. Removal or damaging of official identification or marks. Official identification or marks shall not be removed or tampered with without approval by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

ARTICLE 48.1-09

NONTRADITIONAL LIVESTOCK

Chapter

- 48.1-09-01 Definitions – General Requirements
- 48.1-09-02 Importation Requirements
- 48.1-09-03 Importation Disease Testing Requirements for Nontraditional Livestock Category 2 Species
- 48.1-09-04 Movement Requirements
- 48.1-09-05 Disease Control
- 48.1-09-06 Category 3 Species

CHAPTER 48.1-09-01

DEFINITIONS – GENERAL REQUIREMENTS

Section

- 48.1-09-01-01 Definitions
- 48.1-09-01-02 Categories of Nontraditional Livestock
- 48.1-09-01-03 License Requirements for Nontraditional Livestock Category 2 and Category 3 Species.
- 48.1-09-01-04 Holding and Handling Facilities
- 48.1-09-01-05 Quarantine Facility
- 48.1-09-01-06 Fencing Requirements
- 48.1-09-01-07 Identification
- 48.1-09-01-08 Escaped Nontraditional Livestock
- 48.1-09-01-09 Zoos

48.1-09-01-01. Definitions. For purposes of this article:

1. "Confinement" means any structure or other means intended to keep an animal within bounds or restrict its movement.
2. "Environmentally dangerous animal" means animals that are known to cause exceptionally serious depredation to the environment.
3. "Herd" means any group of livestock maintained on common ground, or two or more groups of livestock under common ownership or supervision that are geographically separated from other herds, but can have an interchange or movement without regard to health status, as determined by the state veterinarian.
4. "Hybrid" means an animal produced by interbreeding different species or subspecies. If a hybrid is produced from animals of different nontraditional livestock categories, the produced hybrid animal is classified the highest of

the different nontraditional livestock categories of the different species or subspecies regardless of the hybrid ratio.

5. "Importation permit number" means authorization obtained from the board for the importation of animals into the state.
6. "Inherently dangerous animal" means any animal that is intrinsically dangerous by nature and poses life-threatening risks.
7. "License" means a document obtained from the board and issued to a person for the maintenance of a category 2 or category 3 species in the state.
8. "Maintain" means to own, possess, control, restrain, or keep in captivity.
9. "Nontraditional livestock" means any nondomestic species held in confinement or that is physically altered to limit movement and facilitate capture. Nontraditional livestock includes ova, semen, eggs, or embryos of such livestock.
10. "Nontraditional livestock auction permit" means a document that may be issued by the board for organized auctions or sales of category 2 or category 3 nontraditional livestock.
11. "Nonvenomous injurious reptile" means a reptile that is normally considered a nonvenomous or nonpoisonous species where found in its native habitat and that can cause serious bodily injury or death upon a human being.
12. "Protected species" means wild varieties of geese, brant, swans, ducks, plovers, snipes, woodcocks, grouse, sage hens, pheasants, Hungarian partridges, quails, partridges, cranes, rails, coots, wild turkeys, mourning doves, crows, white-tailed deer, mule deer, moose, elk, bighorn sheep, mountain goats, antelope (pronghorn), mink, muskrats, weasels, wolverines, otters, martens, fishers, kit or swift foxes, beavers, raccoons, badgers, wolves, coyotes, bobcats, lynx, mountain lions, black bears, red or gray foxes, and tree squirrels.
13. "Species category list" is a listing of species previously reviewed and currently categorized by the board.
14. "Venomous reptile" means a reptile that is normally considered a venomous or poisonous species where found in its native habitat and that can cause serious bodily injury or death upon a human being, regardless of whether an individual animal has been de-venomized.

15. "Wildlife" means any member of the animal kingdom, including any mammal, fish, bird, (including any migratory, non-migratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof. Wildlife does not include domestic animals or birds or animals held in private ownership.
16. "Zone 1" is that area bordered by a line that begins at the junction of the Montana border and Missouri River, runs east along the Missouri River to highway 49, south to highway 21, west to highway 22 to the Slope-Bowman county line, and west to Montana.
17. "Zone 2" is that area bordered by a line that begins at the Minnesota state line on highway 2, runs west to Towner and north along the Souris River to the Canadian border.
18. "Zoo" means an organization with a class C exhibitor's license which follows United States department of agriculture regulations and is inspected by USDA-APHIS.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12, 36-01-08.4

48.1-09-01-02. Categories of nontraditional livestock.

1. Nontraditional livestock category 1 species:
 - a. Category 1 species of nontraditional livestock are those species generally considered domestic, or other species that are not inherently dangerous, that do not pose a health risk to humans, domestic animals, or wild animals, and do not pose a hazard to the environment, as determined by the board.
 - b. Category 1 species of nontraditional livestock includes turkeys, geese, and ducks morphologically distinguishable from wild turkeys, geese, ducks, pigeons, rabbits, ratites, chinchilla, Guinea fowl, ranch foxes, ranch mink, peafowl, all pheasants, quail, chukar, hedgehog, degus and other species as ordered by the board.
 - c. Category 1 species of nontraditional livestock do not require a nontraditional livestock license, but owners must otherwise comply with the rules in this title.
2. Nontraditional livestock category 2 species:

- a. Category 2 species of nontraditional livestock are certain protected species or those species that may pose health risks to humans or animals or may be environmentally hazardous, as determined by the board.
 - b. Category 2 species of nontraditional livestock includes the following species and their hybrids, all nondomestic ungulates, including all deer (cervidae) and pronghorn, zebras, nondomestic cats not listed in category 3, waterfowl, shorebirds, upland game birds not listed in category 1, crows, wolverines, otters, bats, martens, fishers, kit or swift foxes, badgers, coyotes, mink, red and gray fox, muskrats, beavers, weasels, opossums, prairie dogs, and other ground squirrels, other species as ordered by the board and the following varieties of sheep: black Hawaiian, corsican, painted desert, multi horn hair, New Mexico dall, Texas dall and desert sand.
3. Nontraditional livestock category 3 species:
- a. Category 3 species of nontraditional livestock are those species that pose special concerns, including species which are inherently dangerous or environmentally hazardous.
 - b. Category 3 species of nontraditional livestock includes the following species and their hybrids:
 - (1) All wild species of the family suidae, except swine considered domestic in the state by the board.
 - (2) Big cats, including mountain lion, jaguar, leopard, lion, tiger, and cheetah.
 - (3) Bears.
 - (4) Wolves.
 - (5) Venomous reptiles and nonvenomous injurious reptiles.
 - (6) Primates.
 - (7) Nondomestic sheep and nondomestic goats not listed in nontraditional livestock category 2.
 - (8) Other species as ordered by the board.

4. Exempt animals. Unless the state veterinarian determines it is necessary based on disease incidence information or human health or safety concerns, the following are exempt from the importation permit and certificate of veterinary inspection requirement:
 - a. Arachnids.
 - b. Amphibians.
 - c. Invertebrates.
 - d. Nonvenomous non-injurious reptiles.
 - e. Tropical freshwater and saltwater fish.
 - f. Gerbils.
 - g. Guinea pigs.
 - h. Hamsters.
 - i. Mice.
 - j. Rats.
 - k. Sugar gliders.

5. Prohibited animals. The board may prohibit, by policy or rule, ownership or possession of any animal deemed to be a significant threat to human or animal health in the state.
 - a. Skunks and raccoons may not be imported into the state for any purpose.
 - (1) If the state veterinarian determines that a skunk or raccoon is being kept in captivity in violation of North Dakota Century Code section 36-01-08.4, the state veterinarian may serve upon the owner or keeper of such skunk or raccoon a notice of intent to confiscate the animal.
 - (2) The owner or keeper of the animal may request a hearing within ten days of receipt of the notice. Such a hearing, if requested, will be conducted by an administrative law judge, who will make a recommended decision to the board.

- (3) If the owner or keeper of the animal does not request a hearing within the prescribed time period, the state veterinarian may confiscate and place the animal at a licensed zoo, if feasible, or have it humanely destroyed.
 - (4) The state veterinarian may obtain the assistance of agents and employees of other state agencies or local law enforcement officials in carrying out this chapter and North Dakota Century Code section 36-01-08.4.
6. Non-traditional livestock not otherwise referred to in this section or century code must be reviewed by the board for determination of importation requirements and licensure requirements prior to importation.
7. Reclassification of any species is contingent upon scientific information indicating the risks posed by these species to native wildlife populations and domestic animals and must be reviewed by the board.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12, 36-01-08.4

48.1-09-01-03. License requirements for nontraditional livestock category 2 and category 3 species.

1. The owner must obtain a license from the board prior to acquiring animals classified as nontraditional livestock category 2 and category 3 species. Fees must be paid under North Dakota Century Code section 36-01-08.1 prior to issuance of a license.
2. An owner, before acquiring or possessing category 2 or category 3 nontraditional livestock on such owner's premises, shall provide to the board a description and a sketch or map of the premises and facilities.
 - a. The sketch or map must include, at a minimum, the proposed exterior boundary, location of the holding and handling facilities, the quarantine area, and the proposed location of all gates at the time of application for a nontraditional livestock license. The board may require additional information.
 - b. An owner may not acquire or possess category 2 or category 3 nontraditional livestock on such owner's premises and facilities until the board has inspected and approved the facility and issued the license.

3. Upon initial application, inspection of premises and facilities to meet board guidelines will be conducted by an individual approved by the board. Subsequent inspections will be conducted as deemed necessary by the board.
4. An owner of nontraditional livestock must allow inspection of inventory and health records, holding facilities, and licensed nontraditional livestock by the board during the term of the license and during normal working hours. The licensee or the licensee's agent must accompany the person conducting the inspection.
5. Category 2 and category 3 species may not be maintained, released, imported, transported, sold, bartered, or traded within the state except as authorized.
6. Licenses expire on January thirty-first of each year, and failure to renew a nontraditional livestock license within ninety days requires the owner to dispose of livestock as ordered by the board.
7. Inventory reports are due on January thirty-first of each year. When an annual inventory report is received, the board may evaluate the existing holding facility to determine if it is adequate to contain the number and type of nontraditional livestock for which applied and the purpose for which they will be held.
 - a. Annual inventory reports must be recorded on the forms provided by the board and must be filled out completely and accurately.
 - b. Total purchases, sales, deaths, releases or other animal transfers, and births must be reported on the annual inventory reports.
 - c. Any livestock transferred, bought, or sold must include an itemized bill of sale, a certificate of veterinary inspection, or a manifest at transfer of ownership that must include individual identification, if applicable, species, age, sex, number of animals, buyer and seller and their respective addresses, date of sale, and available nontraditional livestock license numbers. All manifests and bills of sale must be submitted to the board within two weeks of the occurrence.
 - d. Prior to sale of nontraditional livestock, the seller shall notify the buyer if a North Dakota nontraditional license is required.
8. No owner of category 2 or category 3 nontraditional livestock may, without prior written approval from the board, release or abandon livestock. Game bird releases must be stipulated in the license application.

9. Upon expiration or revocation of a license, all formerly licensed nontraditional livestock in possession must be disposed of by the licensee as ordered by the board.
 - a. No formerly licensed nontraditional livestock may be abandoned, released, or removed from the holding facility without prior written approval of the board.
 - b. All formerly licensed nontraditional livestock remaining at the holding facility, upon a reasonable period after expiration or revocation of the license, may be disposed of by the board.
10. The board may revoke any license or deny any license application and may dispose of any nontraditional livestock imported or transported for failing to comply with these rules or with conditions placed on the license at the time of issuance. The board may revoke any license or deny any license application if the applicant, or agent, falsified information on the license application or on the certificate of veterinary inspection, or falsified or failed to keep or submit records as required by this chapter. The revocation of a license or denial of a license application must comply with North Dakota Century Code chapter 28-32.
11. Any animal determined by the board to pose a significant threat to the state's wildlife resources, domestic animals, or human health must be held in quarantine at the owner's expense until disposition is determined by the board or the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12, 36-01-08.1

48.1-09-01-04. Holding and handling facilities.

1. A license or permit may not be granted by the board until it is satisfied that the provisions for housing and caring for such nontraditional livestock and for protecting the public are proper and adequate and in accordance with the standards prescribed by the board.
2. The board may examine all lands and buildings licensed as game bird and animal farms, deer farms, or fur farms to determine whether all nontraditional livestock held on licensed farms are treated in a humane manner and confined under sanitary conditions with proper and adequate housing, care, and food.

3. Category 2 or category 3 nontraditional livestock operators must have holding and handling facilities that enable handling, marketing, and individual identification of all nontraditional livestock on the premises. A permanent or portable handling facility must be accessible to the nontraditional livestock farm at all times. If the handling facility is adjacent to the perimeter, additional fencing may be required.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48.1-09-01-05. Quarantine facility.

1. Category 2 and category 3 nontraditional livestock premises must have an approved quarantine facility within its exterior boundary or submit an action plan to the board that guarantees access to an approved quarantine facility within the state.
2. Should the state veterinarian impose a quarantine, the nontraditional livestock owner shall provide an on-site quarantine facility or make arrangements at the owner's expense to transport the animals to the approved quarantine facility named in the quarantine action plan.
3. The quarantine facility must meet standards prescribed by the state veterinarian concerning isolation, separate feed and water, escape security, and the humane holding and care of any quarantined nontraditional livestock for extended periods of time.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48.1-09-01-06. Fencing requirements.

1. Owners of all categories of nontraditional livestock must comply with fencing or enclosure standards that will assure containment.
2. Unless otherwise specified, perimeter fences for cervids, nondomestic sheep and goats, and nondomestic hybrid sheep and goats must follow the height requirements in this section. The bottom of the fence must be at or below ground level. The fence must be a mesh of a size to prevent escape and not spaced more than six inches apart.
 - a. Electric fencing materials may be used on perimeter fences, only as a supplement to conventional fencing materials.

- b. All gates in the perimeter fence must be locked and there must not be more than six inches below or between gates.
 - c. Posts must be of sufficient strength to keep nontraditional livestock securely contained. The posts must extend to the upper limits of the height requirement and be spaced no more than twenty-four feet apart.
 - d. Each fawning or lambing pen must not exceed one hundred sixty acres.
 - e. The minimum standards for perimeter fences are as follows:
 - (1) A four-foot fence for small cervid species, including muntjac.
 - (2) A four-foot fence made of twelve-gauge or heavier woven wire, or other material of similar strength for black Hawaiian, corsican, painted desert, multi horn hair, Texas dall, New Mexico dall and desert sand sheep.
 - (3) A six-foot fence for fallow deer.
 - (4) An eight-foot fence for white-tailed deer, mule deer, red deer, category 3 nondomestic sheep and category 3 nondomestic goats.
3. Animals may be subject to additional fencing requirements at the discretion of the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48.1-09-01-07. Identification.

- 1. Category 2 and category 3 nontraditional livestock maintained within North Dakota or transferred to any nontraditional livestock premises within the state of North Dakota must be identified as prescribed by the board.
- 2. Category 2 or category 3 hooved nontraditional livestock not distinguishable from wild species must be individually identified with a visual tag approved by the board and must be marked within twelve months of birth, and prior to removal of the animal from the nontraditional livestock premises.
- 3. An owner of category 2 or category 3 nontraditional livestock must record the number and other information as specified and approved by the board.

4. Change of animal identification must be reported on the annual inventory report.
5. Identification assigned to an individual nontraditional livestock animal may not be transferred to any other animal.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12, 36-01-08.2

48.1-09-01-08. Escaped nontraditional livestock.

1. Category 2 or category 3 nontraditional livestock escapes must be reported to the board within one working day of discovery.
2. An owner of category 2 or category 3 nontraditional livestock must notify the board within one working day of the capture or death of an escaped category 2 or category 3 animal.
3. An owner of category 2 or category 3 nontraditional livestock must recapture or destroy the escaped category 2 or category 3 animal within four days, except where public safety or the health of the domestic or wild population is at risk, in which case the animal may be disposed of immediately. An extension may be granted at the discretion of the state veterinarian.
4. The board may authorize an agent to seize, capture, or destroy category 2 or category 3 nontraditional livestock that have escaped and are outside the control of the producer.
 - a. A reasonable fee will be assessed to the owner to seize, capture, or destroy the animal.
 - b. The owner must reimburse costs, not to exceed fifty dollars per animal, to the responding agent.
5. The board may inspect any recaptured animal before it is commingled with other animals.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12, 36-01-12.2

48.1-09-01-09. Zoos. Licensed zoos, research facilities, education facilities, and class B brokers, as defined by the United States department of agriculture, dealing with a licensed zoo, must comply with requirements established for nontraditional livestock.

Zoos accredited by the American zoo and aquarium association importing exotic animals shall coordinate directly with the state veterinarian's office.

1. Exemptions to specific testing may be allowed by the state veterinarian for endangered or highly valuable animals in instances where risk of harm or death due to drug immobilization or physical restraint outweighs the likelihood that the animal harbors the disease in question.
2. The state veterinarian shall determine any testing needed. Zoos must conduct testing that is deemed appropriate by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

CHAPTER 48.1-09-02 IMPORTATION REQUIREMENTS

Section

48.1-09-02-01 Importation Requirements

48.1-09-02-01. Importation requirements. Nontraditional livestock may be imported into North Dakota only after the owner of the nontraditional livestock:

1. Obtains a certificate of veterinary inspection. The certificate of veterinary inspection must include specific disease test results, vaccinations, and health statements required by this chapter.
2. Obtains an importation permit number from the office of the state veterinarian. The state veterinarian may deny a request for an importation permit number if the state veterinarian has information that an animal:
 - a. Has not met the disease testing, vaccination, or identification requirements set forth in North Dakota Century Code title 36 or this title, or as otherwise required by the state veterinarian;
 - b. Has not met any pre-entry quarantine conditions imposed by law;
 - c. Has been exposed to, may have been exposed to, is infected with, or may be infected with any contagious or infectious disease;
 - d. Is or may originate from an area or premises under quarantine or other form of official or regulatory action relating to contagious or infectious disease; or

- e. May be a threat to the health and well-being of the human or animal population of the state, or both.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12, 36-01-34, 36-14-11

**CHAPTER 48.1-09-03
IMPORTATION DISEASE TESTING REQUIREMENTS FOR NONTRADITIONAL
LIVESTOCK CATEGORY 2 SPECIES**

Section

48.1-09-03-01 Importation Disease Testing Requirements for Nontraditional Livestock Category 2 Species

48.1-09-03-01. Importation disease testing requirements for nontraditional livestock category 2 species.

- 1. Brucellosis.
 - a. Reindeer (rangifer):
 - (1) For certified brucellosis-free cervid herds, no movement testing is required.
 - (2) For brucellosis-monitored cervid herds, all sexually intact animals six months of age or older must test negative for brucellosis by four different official tests as specified by the state veterinarian within ninety days prior to importation.
 - b. All other cervidae:
 - (1) For certified brucellosis-free cervid herds, no movement testing is required.
 - (2) For brucellosis-monitored cervid herds, all sexually intact animals six months of age or older must test negative for brucellosis by two different official tests within ninety days prior to importation.
 - (3) For herds with unknown status, all sexually intact animals six months of age or older must test negative for brucellosis by two different official brucellosis tests within thirty days prior to importation.
 - c. Category 2 nondomestic sheep must:

- (1) Test negative for *Brucella ovis* by an official test approved by the state veterinarian within thirty days prior to importation.
 - (2) Test negative for *Brucella abortus* by two different official tests approved by the state veterinarian within thirty days prior to importation.
 - d. For all other species, testing requirements will be determined on a species-by-species basis by the state veterinarian.
2. Chronic wasting disease requirements for white-tailed deer, mule deer, moose, red deer and other species determined to be susceptible to chronic wasting disease:
- a. Animals must pass a satisfactory risk assessment for chronic wasting disease, conducted by the state veterinarian's office. The state veterinarian's office will notify an applicant submitting a chronic wasting disease risk assessment form of the decision within ten days of the form submission. Persons seeking an importation permit for these species must ship the animals within thirty days of state veterinarian office approval. After thirty days, a new risk assessment form application must be submitted and approved prior to shipment.
 - b. The following statement must be verified on the certificate of veterinary inspection by the herd veterinarian:

"These animals and the herd they originate from have no history of emaciation, depression, excessive salivation or thirst, or neurological disease. In the event of these symptoms, appropriate diagnostic measures were taken to rule out a transmissible spongiform encephalopathy. These animals have not been exposed to an elk or deer diagnosed positive for a transmissible spongiform encephalopathy."
 - c. No animals may be imported from a herd where chronic wasting disease has been diagnosed or a herd that has had chronic wasting disease traced to it unless that herd has undergone sixty months of surveillance after the last case of chronic wasting disease. The surveillance must meet the standards set by the state veterinarian.
 - d. The office of the state veterinarian may waive the requirement for a risk assessment if the herd of origin has been under surveillance for chronic wasting disease for at least sixty months. The surveillance must meet the standards prescribed by the state veterinarian.

3. Equine infectious anemia. Equidae must have a negative serologic test for equine infectious anemia approved by the state veterinarian within twelve months prior to importation into North Dakota.
4. Johne's disease: For all ruminants, the following statement must be included on the certificate of veterinary inspection, signed by a licensed, accredited veterinarian in the state or province of origin:

"To the best of my knowledge, animals listed herein are not infected with paratuberculosis (Johne's disease) and have not been exposed to animals infected with paratuberculosis."

5. Rabies: With respect to captive-bred animals of the order carnivora, vaccination is required for species for which there is an United States Department of Agriculture-approved vaccine. For species for which there is no United States Department of Agriculture-approved vaccination, the following statement must be included on the certificate of veterinary inspection:

"The animals on the premises of origin have been free from symptoms of rabies for the past 12 months."

Carnivores taken from the wild in other states may not enter the state if rabies has been diagnosed in the past twelve months in the same species in the state of origin. The animals may not come from an area that is quarantined for rabies, unless approved by the North Dakota state veterinarian.

6. Scrapie: Nondomestic sheep must be free of any signs of scrapie as determined by an accredited veterinarian. The certificate of veterinary inspection for sheep must contain a written statement signed by the consignor stating that:

"To the best of my knowledge, the sheep listed on this certificate originate from a flock that has not been diagnosed as a scrapie-infected, source, or exposed flock in the past sixth months."

7. Tuberculosis.
 - a. Tuberculosis requirements for states with tuberculosis-modified accredited cervid status:
 - (1) Cervids that are moved directly to slaughter at an approved slaughtering establishment do not require tuberculosis testing.

- (2) Cervids from a herd with a current accredited-free cervid status for tuberculosis may be moved to any licensed nontraditional livestock facility provided they meet the following requirements:
 - (a) They are accompanied by a certificate stating that the accredited herd completed the testing necessary for accredited status with negative results within thirty-six months prior to the movement.
 - (b) Cervids, except animals nursing negative tested dams, originating in a state or zone lacking bovine accredited-free status must test negative to an official test for bovine tuberculosis within ninety days of movement or consignment.
- (3) Cervids from a cervid tuberculosis-qualified herd may be moved to any licensed nontraditional livestock facility provided they meet the following requirements:
 - (a) They are accompanied by a certificate stating that all animals in the movement, except animals nursing negative tested dams, were negative to an official test for bovine tuberculosis conducted within six months prior to the movement.
 - (b) Cervids, except animals nursing negative tested dams, originating in a state or zone lacking bovine accredited-free status must test negative to an official test for bovine tuberculosis within ninety days of movement or consignment.
- (4) Cervids from a cervid tuberculosis-monitored herd may be moved to any licensed nontraditional livestock facility provided they are accompanied by a certificate stating that all animals in the movement, except animals nursing negative tested dams, were negative to an official test for bovine tuberculosis conducted within ninety days prior to the movement.
- (5) Cervids from herds of unknown cervid tuberculosis status may be moved to any licensed nontraditional livestock facility provided they meet the following requirements:
 - (a) They are accompanied by a certificate stating that all animals in the movement, except animals nursing

negative tested dams, were negative to two official tests for bovine tuberculosis. The required tests must be conducted not less than ninety days apart, with the second test conducted within ninety days of the movement.

(b) Cervids, except animals nursing negative tested dams, in a consignment that is being moved from a herd located in a state or zone lacking accredited-free status for bovine tuberculosis must be from a herd that has had a negative official test for bovine tuberculosis within twelve months prior to the movement. All farmed cervids in the movement, except animals nursing negative tested dams, must be negative to a second official test for bovine tuberculosis conducted within ninety days prior to the movement unless the herd of origin herd test was conducted within ninety days prior to the movement.

- b. Tuberculosis requirements for states without tuberculosis-modified accredited cervid status may be subject to additional importation requirements at the discretion of the state veterinarian.
- c. Category 2 nondomestic sheep must test negative for tuberculosis within thirty days prior to importation.
- d. Tuberculosis requirements for all other species will be determined on a species-by-species basis by the state veterinarian.

8. Diseases of birds:

a. Pullorum and fowl typhoid (galliformes):

- (1) Galliformes, including prairie chicken, quail, pheasants, chukar, gray (Hungarian) partridge, and wild turkey over five months of age, imported for breeding purposes, must be test negative for pullorum-typhoid disease within thirty days prior to entry or originate from qualified flocks, unless originating from a disease free area as determined by the state veterinarian.
- (2) Poultry under five months of age and hatching eggs imported or offered for sale in the state must originate from qualified flocks.

- (3) In lieu of pullorum and fowl typhoid testing of other galliformes, the following statement, signed by the veterinarian and the owner (or owner's agent), may be included on the certificate of veterinary inspection:

"To my knowledge, birds listed herein are not infected with pullorum or fowl typhoid and have not been exposed to birds infected with pullorum or fowl typhoid during the past twelve months."

- (b) Exotic Newcastle disease (viscerotropic, velogenic viruses) psittacosis (Psittacines). The following statement, which applies to all psittacine birds entering the state, must be included on the certificate of veterinary inspection and be signed by the veterinarian and the owner (or owner's agent):

"To my knowledge, birds listed herein are not infected with exotic Newcastle disease or psittacosis and have not been exposed to birds known to be infected with exotic Newcastle disease or psittacosis within the past thirty days."

- (c) Mycoplasmosis. Wild turkeys, including eggs and hatchlings of the species *meleagris gallopavo*, unless going directly to slaughter, must:

- (1) Originate from a producer who is participating in the mycoplasmosis control phase of the national poultry improvement plan; or
- (2) The birds must have been tested serologically negative for *mycoplasma gallisepticum* and *M. synoviae* within the past thirty days.

- (d) Avian Influenza. The following statement, which applies to birds entering the state, must be included on the certificate of veterinary inspection and be signed by the veterinarian and the owner (or owner's agent):

"To my knowledge, birds listed herein are not infected with avian influenza and have not been exposed to birds known to be infected with avian influenza."

9. Additional disease testing may be required by the board prior to importation or sale if there is reason to believe other diseases, parasites, or health risks are present.

History: Adopted effective XXX.
General Authority: NDCC 36-01-08
Law Implemented: NDCC 36-01-08, 36-01-12

CHAPTER 48.1-09-04 MOVEMENT REQUIREMENTS

Section
48.1-09-04-01 Intrastate Movement Requirements

48.1-09-04-01. Intrastate movement requirements.

1. Red deer and red deer hybrids shall not be imported into or allowed in zone 1 or zone 2.
2. Board approval must be obtained to possess nondomestic sheep and hybrids or nondomestic goats and hybrids south and west of the Missouri River.

History: Adopted effective XXX.
General Authority: NDCC 36-01-08
Law Implemented: NDCC 36-01-08, 36-01-12

CHAPTER 48.1-09-05 DISEASE CONTROL

Section
48.1-09-05-01 Disease Control
48.1-09-05-02 Removal or Damaging of Official Identification Tags or Markings.

48.1-09-05-01. Disease control.

1. Anthrax.
 - a. Nontraditional livestock susceptible to anthrax located on farms where anthrax has been diagnosed shall be vaccinated. Nontraditional livestock shall be quarantined for thirty days after the death of the last animal or thirty days following vaccination, whichever occurs last.
 - b. Sale of hides removed from nontraditional livestock infected with anthrax is prohibited.
2. Brucellosis.
 - a. The recommended brucellosis eradication uniform methods and rules as they appear in publication of the USDA-APHIS-VS are

hereby adopted and constitute a rule of the board, unless otherwise ordered by the board.

- b. Condemnation of infected animals.
 - (1) The state veterinarian shall determine when an animal is infected with brucellosis, and if infected, shall condemn the animal.
 - (2) Nontraditional livestock which are condemned due to brucellosis must be marked in accordance with a method prescribed by the state veterinarian.
 - (3) Animals must be slaughtered within thirty days following condemnation.
 - c. Sale of nontraditional livestock out of brucellosis-infected herds. Herds of animals infected with brucellosis shall be quarantined, with the quarantine prohibiting sale of all intact bulls and females, except to licensed, monitored feedlots or for slaughter, under written permit. Such animals shall be held separate and apart. The state veterinarian may grant an exception by official permit as provided in this section.
3. Chronic wasting disease.
- a. The owner of any white-tailed deer, mule deer, moose, or other susceptible species twelve months of age and older which die for any reason must submit the appropriate sample to an approved laboratory for chronic wasting disease surveillance as soon as practicable. Official identification must accompany the sample to the laboratory.
 - b. A chronic wasting disease diagnosis will be based on postmortem sample testing confirmed by the national veterinary services laboratory.
 - c. Other species may be subject to this requirement as determined by the state veterinarian.
 - d. The state veterinarian may grant exemptions to this surveillance.
 - e. Herd disposition upon diagnosis with chronic wasting disease.
 - (1) A herd containing animals diagnosed with chronic wasting disease, or that has had chronic wasting disease traced back

to the herd, shall be quarantined until the herd is depopulated or until a herd plan is established.

- (2) If depopulation is not practicable, the owner and the state veterinarian shall develop a herd plan according to the following:
 - (a) If the herd displays no evidence of disease transmission within the herd as determined by an epidemiological investigation by the state veterinarian or a validated test, the herd plan shall include provisions for:
 - 1) Herd inspection by board agents;
 - 2) Herd inventory with annual verification;
 - 3) Herd surveillance (mandatory death reporting and chronic wasting disease testing for sixty months from the last case or exposure);
 - 4) Separation of high-risk animals (high-risk animals are pen mates of an affected animal for twelve months prior to the death of the affected animal and all animals related to the affected animal); and
 - 5) High-risk animals shall be quarantined for sixty months from the last case or exposure or euthanized and tested for chronic wasting disease.
 - (b) If the herd displays evidence of disease transmission within the herd as determined by an epidemiological investigation by the state veterinarian or a validated test, the herd plan shall include provisions for:
 - 1) Herd inspection by board agents;
 - 2) Herd surveillance (mandatory death reporting and chronic wasting disease testing for sixty months from the last case or exposure);
 - 3) Separation of high-risk animals;

- 4) High-risk animals shall be quarantined for sixty months from the last case or exposure; and
 - 5) The entire herd shall be quarantined for sixty months from the last case or exposure.
 - (c) If the herd is a trace herd as determined by an epidemiological investigation by the state veterinarian or a validated test, the herd plan shall include provisions for:
 - 1) Herd inspection by board agent;
 - 2) Herd inventory with annual verification;
 - 3) Herd surveillance (mandatory death reporting and chronic wasting disease testing for sixty months from the last case or exposure); and
 - 4) Separation of high-risk animals and quarantine for sixty months from the last exposure or death of high-risk animals and testing for chronic wasting disease.
4. Tuberculosis.
 - a. Uniform methods and rules - Tuberculosis. The current uniform methods and rules on cervid tuberculosis eradication as they appear in publication of USDA-APHIS-VS are hereby adopted and constitute a rule of the board unless otherwise ordered by the board.
 - b. Condemnation of infected animals.
 - (1) The state veterinarian shall determine when an animal is infected with tuberculosis, and if infected, shall condemn the animal.
 - (2) Animals that are determined to be infected with tuberculosis shall be marked in accordance with a method prescribed by the state veterinarian.
 - (3) Animals must be slaughtered within thirty days following condemnation.
 - c. Reactors to tuberculosis must be accompanied by the proper official permit and are to be slaughtered in slaughter establishments under the supervision of the federal government or in another facility approved by the state veterinarian.

History: Adopted effective XXX.
General Authority: NDCC 36-01-08
Law Implemented: NDCC 36-01-08, 36-01-12

48.1-09-05-02. Removal or damaging of official identification tags or markings. Official identification or reactor tags or markings shall not be removed or tampered with without approval by the state veterinarian.

History: Adopted effective XXX.
General Authority: NDCC 36-01-08
Law Implemented: NDCC 36-01-08

CHAPTER 48.1-09-06 CATEGORY 3 SPECIES

Section
48.1-09-06-01 Housing, Handling, Health and Importation Requirements

48.1-09-06-01. Housing, handling, health and importation requirements.

1. Suidae including wild species of the family suidae (hogs and pigs), except swine considered domestic in the state by the board.
 - a. Importation requirements for wild species of the family suidae (hogs and pigs), except swine considered domestic in the state by the board.
 - (1) Certificate of veterinary inspection and importation permit number from the board.
 - (2) Negative pseudorabies serologic test approved by the state veterinarian within thirty days prior to entry into the state.
 - (3) Negative brucellosis test within thirty days of importation.
 - b. Housing requirements (perimeter fence aboveground) and confinement or holding area:
 - (1) Perimeter fence at least six feet tall must be present.
 - (2) Twelve-gauge or stronger mesh is required and must be no greater than three inches by four inches.

- (3) Four inch diameter treated posts or two inch steel pipe must be no more than eight feet apart. Posts must be set three feet deep.
- (4) Fence must be attached on the inside.
- (5) Two electric wires must be six inches inside the fence.
 - (a) The first wire must be six to eight inches above the ground.
 - (b) The second wire must be eight to twelve inches above the first wire.
 - (c) Generator backup is required.
 - (d) Snow that could affect the integrity of the fence must be removed before animals are allowed into the enclosure.
 - (e) Electric fence must be maintained in working order and be kept clear of foliage and debris.
- (6) If a wooden structure is used, posts must be no more than eight feet apart with a gap no more than four inches between planks, except if young pigs are present, the fencing gaps must be no more than two inches.
- (7) In the confinement area, an underground fence must be constructed with concrete or imperviable surface comparable to concrete that meets the following requirements:
 - (a) Same strength as perimeter fence.
 - (b) Buried two feet below ground.
 - (c) Three feet angled forty-five degrees toward interior of enclosure.
 - (d) Four to six inches aboveground overlapped and attached to aboveground fence to monitor and ensure proper connection.

c. Gates in confinement area must meet the following requirements:

- (1) A gate at least six feet tall must be present.

- (2) Any gaps must be less than four inches between the gate and ground, except if young pigs are present, the fencing gaps must be no more than two inches.
 - (3) An electric wire must span across the gate. The electric fence must be constructed of twelve-gauge wire and consist of a minimum of a two joules charge.
 - (4) An underground fence must span the gate opening and must anchor the gating to the ground with a two-inch steel pipe or equivalent.
2. Large felids and felid hybrids, including mountain lions, jaguars, leopards, lions, tigers, and cheetahs:
- a. Large felids that are in the presence of persons other than the owner, handler, or immediate family must be under the direct control and supervision of the owner or handler at all times.
 - b. Importation for large felids requires a certificate of veterinary inspection and importation permit number from the board.
 - c. Housing requirements for large felids:
 - (1) Maintained in enclosures utilizing thick laminated safety glass, bars, or sturdy wire or in large outdoor exhibits employing barriers to separate animals and the public.
 - (2) A cage for a single animal must measure at least twenty feet wide by fifteen feet deep.
 - (3) Cages must be fifty percent larger per additional animal.
 - (4) Enclosures must have smaller shift facilities to permit safe cleaning, cage repair, or other separations. Shift cages must measure at least eight feet by eight feet.
 - (5) Enclosures must be made of steel chain link fencing of at least twelve-gauge strength, or material of adequate strength as approved by the state veterinarian, fastened to a cement floor. If a dirt floor is used, an underfencing must extend at least forty-two inches into the pen. The underfencing must be covered with adequate layers of dirt, gravel, or other substrate and any holes checked and refilled on a regular basis.

(6) A guard rail or natural barrier must be in place that is at least three feet in height, providing a minimum of a four-foot distance between the enclosure and people in areas where people, other than the owner or handler, have access to the enclosure.

(7) A perimeter fence at least eight feet high and at least four feet from the primary enclosure must be in place to keep animals and persons out of the enclosure and to act as a secondary security measure should an animal escape.

d. Additional housing requirements for very large pantherids (lions and tigers):

(1) Outdoor cages must have vertical walls at least sixteen feet high, or thirteen feet high with a minimum three-foot overhang, or be provided with tops at least ten feet high.

(2) Raised shelves or ledges for sleeping and resting and large logs for claw sharpening.

e. Additional housing requirements for cheetahs:

(1) Cages must have vertical walls at least eight feet high.

f. Additional housing requirements for other large felids (leopards, jaguars, and mountain lions (pumas or cougars):

(1) Elevated ledges or perches for sleeping and resting.

(2) Wood logs or other such materials for claw sharpening.

(3) Enclosures housing leopards and jaguars, whether indoors or outdoors must have secure tops.

(4) An outdoor cage housing mountain lions must be at least eight feet high with an additional overhang of fencing angling into the pen at least three feet or six feet high with a ceiling.

3. Bears.

a. Bears, which are in the presence of persons other than the owner, handler, or immediate family, must be under the direct control and supervision of the owner or handler at all times.

- b. Importation requirements for all bears are a certificate of veterinary inspection and importation permit number from the board.
- c. Housing requirements for bears:
 - (1) Outdoor enclosures employing barriers, thick laminated safety glass, or bars. When used, dry moats must be at least twelve feet wide and twelve feet deep.
 - (2) A dry resting and social area, pool, and den.
 - (3) The use of electric wires or other means to discourage fence climbing.
 - (4) In addition to the primary enclosure:
 - (a) Den space for a single bear must measure at least six feet in width and depth and be at least five feet in height.
 - (b) Visual barriers, such as logs or boulders, added to enclosures housing more than one animal.
 - (c) Adequate shade provided to simultaneously accommodate all individuals housed within the enclosure.
 - (d) Smaller shift facilities to permit safe cleaning, cage repair, or other separations. Shift cages must be at least eight feet by eight feet.
 - (5) Fences for all species must be fastened to a cement floor, or if a dirt floor is used, underfencing with a strength equal to the primary fencing must extend at least forty-two inches into the pen.
 - (6) The underfencing must be covered with a minimum of two feet of dirt, gravel, or other substrate and any holes checked and refilled on a regular basis.
- d. Additional housing requirements for polar bears, brown bears, and grizzly bears:
 - (1) If vertical walls are used as a primary barrier, they must be at least twelve feet high.

- (2) Adjoining facilities to permit safe cleaning and additional separation.
 - (3) The dry resting and social area for one or two adult bears must measure at least four hundred square feet with an additional forty square feet provided for each additional bear.
 - (4) Fencing must be a minimum of four-gauge steel chain link or equivalent.
 - e. Additional housing requirements for American black bears, Asiatic black bears, sloth bears, spectacled bear, and sun bears:
 - (1) Three hundred square feet of dry resting and social area must be provided for one or two animals and be increased by fifty percent for each additional animal.
 - (2) Fencing must be minimum of nine-gauge steel chain link or equivalent.
 - (3) Fencing height must be a minimum of ten feet with a top or twelve feet with an additional three-foot overhang.
4. Wolves and wolf hybrids.
 - a. Any wolf that is in the presence of persons other than the owner, handler, or immediate family must be under the direct control and supervision of the owner or handler at all times.
 - b. Importation requirements for wolves:
 - (1) A certificate of veterinary inspection and importation permit number from the board.
 - (2) A statement on the certificate of veterinary inspection that the animal has not been exposed to rabies.
 - (3) The animal cannot be imported from an area that is quarantined for rabies, unless approved by the state veterinarian.
 - c. Outdoor housing or holding facility requirements for wolves:
 - (1) Minimum floor space per animal must be two hundred square feet and floor space must be increased by one hundred square feet for each additional animal. The enclosure must be

at least eight feet high with an additional overhang of fencing angling into the pen or six feet high with a ceiling.

- (2) The enclosure must be made of steel chain link fencing of at least twelve-gauge strength, or fencing of adequate strength as approved by the state veterinarian, fastened to a cement floor. If a dirt floor is used, underfencing must extend at least forty-two inches into the pen. The underfencing must be covered with adequate layers of dirt, gravel, or other substrate and any holes checked and refilled on a regular basis.
- (3) Gates must have locks to prevent unauthorized entry of individuals.
- (4) Shade and shelter from elements and inclement weather must be provided.
- (5) A perimeter fence meeting the requirements of title 9, code of federal regulations, sections 3.75, 3.77, and 3.78, must be required if the animal is kept within the city limits or other populated areas as determined by the state veterinarian.

5. Venomous reptiles and nonvenomous injurious reptiles.

- a. A license to possess a venomous reptile will only be issued if the applicant seeking the nontraditional livestock license demonstrates an educational purpose for and the ability to appropriately house, feed, care for, handle, and, if necessary, dispose of the reptile. An educational purpose includes, research and displays at schools, institutions of higher education, wildlife preserves, zoos, and other bona fide educational displays approved by the state veterinarian.
- b. A license to possess a nonvenomous injurious reptile will only be issued if the applicant seeking the nontraditional livestock license demonstrates the ability to appropriately house, feed, care for, handle, and, if necessary, dispose of the reptile.
- c. The permittee must provide documentation to the state veterinarian of the permittee's experience with these types of animals and the permittee's ability to safely maintain and control the animals.
- d. Importation for venomous reptiles or nonvenomous injurious reptiles requires a certificate of veterinary inspection and importation permit from the board.

- e. Premises where venomous reptiles are kept on display to the public must be posted with a notice clearly and conspicuously posted to provide the location of the nearest, most readily available source of appropriate antivenin and a written plan of action in the event of a venomous reptile bite.
 - (1) This plan of action must receive the written approval of a local medical facility, and a copy of the plan of action and the approval of the medical facility must be provided to the board.
 - (2) The person possessing the venomous reptile must arrange for appropriate antivenin to be readily available through a local hospital, the name, address, and telephone number of which must be affixed to the enclosure.
- f. Written animal escape emergency procedures must be clearly and conspicuously posted in the building housing venomous reptiles or nonvenomous injurious reptiles and must be supplied to the board at the time the permit application is initially submitted.
- g. Written notice of the presence on the premises of venomous or nonvenomous injurious reptiles must be provided to the local police, firefighters, and emergency medical personnel, including an identification of the animals possessed and the location of the animals within the premises.
- h. If a venomous or nonvenomous injurious reptile is transported or removed from its primary enclosure for feeding or in order to clean the enclosure, the reptile must be kept in a fully enclosed container with a secure and locked lid which has air holes or other means of ventilation.
- i. Snake hooks must be present for caring for venomous snakes.
- j. The permittee must telephonically notify the board of any reptile bite on humans or escapes of any reptiles within twenty-four hours and provide a written report of the incident to the board within seven days.
- k. Housing requirements for venomous reptiles:
 - (1) An enclosure or container containing venomous reptiles must be clearly labeled as "Venomous" and be labeled with the common and scientific name of the species as well as the number of animals contained inside.

- (2) Venomous reptiles in captivity must be kept in a cage or in a safety glass enclosure sufficiently strong, and in the case of a cage, of small enough mesh to prevent the animal's escape and with double walls sufficient to prevent penetration of fangs to the outside. All enclosures and access to them must be locked.
- I. Housing requirements for nonvenomous injurious reptiles:
 - (1) An enclosure or container containing nonvenomous injurious reptiles must be clearly labeled with safety concerns and be labeled with the common and scientific name of the species as well as the number of animals contained inside.
 - (2) Nonvenomous injurious reptiles in captivity must be kept in a cage or in a safety glass enclosure sufficiently strong, and in the case of a cage, of small enough mesh to prevent the animal's escape. All enclosures and access to them must be locked.
6. Primates:
 - a. Any primate that is in the presence of persons other than the owner, handler, or immediate family must be under the direct control and supervision of the owner or handler at all times.
 - b. Importation for primates requires a certificate of veterinary inspection and an importation permit number issued by the board containing the following:
 - (1) Negative tuberculosis test within thirty days of importation into the state, with mammalian tuberculin used in testing.
 - (2) Negative hepatitis A test.
 - (3) Fecal sample tested negative for parasites, shigella, and salmonella.
 - (4) Statement that a primate has not shown signs of or been exposed to infectious disease in the last one hundred eighty days.
 - c. Requirements for maintaining a primate after importation:
 - (1) Negative tuberculosis test prior to renewal of license.

- (2) Negative tuberculosis test within thirty days of change of ownership.
 - d. General housing requirements for primates:
 - (1) Primate housing must comply with title 9, code of federal regulations, section 3.75.
 - (2) Primates must have a dedicated primary enclosure area, such as a room or cage-type enclosure, separate from other living areas of human occupants.
 - e. Space requirements for primates:
 - (1) Indoor primate enclosures must be at least two square feet per pound of adult body weight per animal. This figure must be increased by fifty percent for each additional animal. The height of the primate primary enclosure area must be at least four times taller than the animal's body length.
 - (2) Primates kept outdoors must have a dedicated enclosure with a perimeter fence. The enclosure must include a roof, shelter from the elements, fence, and a lock on the enclosure. The dimensions of the outdoor enclosure must be at least as large as required for the indoor enclosure.
- 7. Nondomestic sheep and hybrids and nondomestic goats:
 - a. Import requirements for category 3 nondomestic sheep and nondomestic goats in addition to those listed in section 48.1-09-02-01:
 - (1) A certificate of veterinary inspection and importation permit number from the board.
 - (2) Official identification approved by the state veterinarian.
 - (3) Negative tuberculosis test within thirty days.
 - (4) Negative test for *Brucella ovis* by an official test approved by the state veterinarian within thirty days prior to importation.
 - (5) Negative test for *Brucella abortus* by two different official tests approved by the state veterinarian within thirty days prior to importation.

- (7) Animals must be free of any signs of scrapie as determined by an accredited veterinarian. The certificate of veterinary inspection must contain a written statement, signed by the consignor, stating that:

“To the best of my knowledge, the sheep listed on this certificate originate from a flock that has not been diagnosed as a scrapie infected, source, or exposed flock in the past sixty months.”

- (8) Special permission must be obtained from the board to possess nondomestic sheep and hybrids and nondomestic goats and hybrids south and west of the Missouri River.

- b. Fencing requirements for category 3 nondomestic sheep and nondomestic goats:

- (1) Fencing must be at least eight feet high and made of twelve-gauge or heavier woven wire, or other material of similar strength.
- (2) The bottom of the fence must be at or below ground level.
- (3) Gates in the perimeter fence must be locked and there must not be more than six inches below or between gates.
- (4) A handling and holding facility, adequate to handle nondomestic sheep or goats, or both, must be in place.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12, 36-01-31

ARTICLE 48.1-10

POULTRY

Chapter
48.1-10-01 Poultry

Section
48.1-10-01-01 Importation Requirements. Certificate of Veterinary Inspection.
Identification. Exemptions.
48.1-10-01-02 Poultry Exhibition
48.1-10-01-03 Importation Disease Testing Requirements
48-1-10-01-04 Removal or Damaging of Official Identification or Bands

48.1-10-01-01. Importation requirements. Certificate of veterinary inspection. Identification. Exemptions.

1. Poultry imported into the state, must be accompanied by an official certificate of veterinary inspection except:
 - a. Poultry consigned to a state or federally inspected slaughtering establishment.
 - b. Poultry granted an exception by the board, if in the determination of the state veterinarian the animals are free of contagious or infectious diseases.
 - c. Poultry leaving the state for exhibition or competition with a valid certificate of veterinary inspection may return to the state with the same certificate of veterinary inspection if the animal has not been out of the state for more than thirty days.
 - d. Other poultry as otherwise provided for by these rules.
2. Certificate of veterinary inspection for poultry must include an importation permit number issued by the state veterinarian before entering the state.
3. The state veterinarian may deny a request for an importation permit number if the state veterinarian has information that poultry:
 - a. Has not met the disease testing, vaccination, and identification requirements set forth in North Dakota Century Code title 36 or this title, or as otherwise required by the state veterinarian;
 - b. Has not met any pre-entry quarantine conditions imposed by law;

- c. Has been exposed to, may have been exposed to, is infected with, or may be infected with any contagious or infectious disease;
 - d. Is or may originate from an area or premises under quarantine or other form of official or regulatory action relating to contagious or infectious disease; or
 - e. May be a threat to the health and well-being of the human or animal population of the state, or both.
- 4. Shipping containers of poultry must contain the official form or certificate.
- 5. In lieu of testing, the following statements, which apply to all poultry entering the state, must be included on the certificate of veterinary inspection and be signed by the accredited veterinarian and the owner or the owner's representative:
 - a. Pullorum and fowl typhoid (galliformes):

"To my knowledge, birds listed herein are not infected with pullorum or fowl typhoid and have not been exposed to birds infected with pullorum or fowl typhoid during the past twelve months."
 - b. Exotic newcastle disease (viscerotropic, velogenic viruses):

"To my knowledge, birds listed herein are not infected with exotic newcastle disease or psittacosis and have not been exposed to birds known to be infected with exotic Newcastle disease or psittacosis within the past thirty days."
 - c. Avian influenza:

"To my knowledge, birds listed herein are not infected with avian influenza and have not been exposed to birds known to be infected with avian influenza."
- 6. No avian species or avian products originating from areas under quarantine for exotic newcastle disease or avian influenza may be imported, unless approved by the state veterinarian based upon epidemiological evaluation and risk assessment.
- 7. The state veterinarian may require additional disease testing, treatment, vaccination, or identification if the state veterinarian has reason to believe that other health risks are present.

8. No poultry that is infected, or recently exposed to any contagious or infectious disease, shall be imported into the state.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12, 36-14-04.1

48.1-10-01-02. Poultry exhibition.

1. Entries in live domestic bird or wild fowl exhibitions shall be accompanied by a declaration or certification from the exhibitor containing the name and address of the owner or exhibitor, and the breed, species, and identification band number of the bird.
2. Diseased birds shall be properly segregated and disposed of in a manner prescribed by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

48.1-10-01-03. Importation disease testing requirements.

1. Pullorum-typhoid disease.
 - a. Poultry over five months of age, imported for breeding purposes, must be test negative for pullorum-typhoid disease within thirty days prior to entry into the state or originate from qualified flocks, unless originating from a disease free area as determined by the state veterinarian.
 - b. Poultry under five months of age and hatching eggs imported or offered for sale in the state must originate from qualified flocks.
 - c. Pullorum-typhoid testing must be a method prescribed by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48.1-10-01-03. Removal or damaging of official identification or bands. Official identification or bands shall not be removed or tampered with without approval by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08
Law Implemented: NDCC 36-01-08

ARTICLE 48.1-11

SHEEP

Chapter
48.1-11-01 Sheep

Section
48.1-11-01-01 Definitions
48.1-11-01-02 Importation Requirements. Certificate of Veterinary Inspection.
Identification. Exemptions
48.1-11-01-03 Importation Disease Testing Requirements
48.1-11-01-04 Disease Control
48.1-11-01-05 Removal or Damaging of Official Identification or Marks

CHAPTER 48.1-11-01 SHEEP

48.1-11-01-01. Definitions. Definitions contained in 9 code of federal regulations 79.1 are adopted by the board and apply to this chapter, unless otherwise defined or ordered by the board.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12, 9 CFR 79.1, 9 CFR 161

48.1-11-01-02. Importation requirements. Certificate of veterinary inspection. Identification. Exemptions.

1. Sheep imported into the state must be accompanied by an official certificate of veterinary inspection and an importation permit number except:
 - a. Sheep originating directly from a producer's premises, not diverted en route, and consigned to an auction market approved by the board.
 - b. Sheep consigned to a state or federally inspected slaughtering establishment.
 - c. Sheep granted an exception by the board, if in the opinion of the state veterinarian the animals are free of contagious or infectious diseases.
 - d. Sheep leaving the state for exhibition or competition with a valid certificate of veterinary inspection may return to the state with the same certificate of veterinary inspection if the animal has not been out of the state for more than thirty days.

- e. Other sheep as otherwise provided for by these rules.
2. Certificate of veterinary inspection for sheep must include an importation permit number issued by the state veterinarian before entering the state.
3. The state veterinarian may deny a request for an importation permit number if the state veterinarian has information that sheep:
 - a. Have not met the disease testing, vaccination, and identification requirements set forth in North Dakota Century Code title 36 or this title, or as otherwise required by the state veterinarian;
 - b. Have not met any pre-entry quarantine conditions imposed by law;
 - c. Have been exposed to, may have been exposed to, is infected with, or may be infected with any contagious or infectious disease;
 - d. Are from or may originate from an area or premises under quarantine or other form of official or regulatory action relating to contagious or infectious disease; or
 - e. May be a threat to the health and well-being of the human or animal population of the state, or both.
4. Sheep entering the state must be officially identified by an official scrapie tag or by another method approved by the state veterinarian.
5. Sheep from foreign countries must be permanently officially identified with a method prescribed by the state veterinarian and an electronic identification compatible with the federal animal identification plan.
6. The state veterinarian may require additional disease testing, treatment, vaccination, or identification if the state veterinarian has reason to believe that other health risks are present.
7. No sheep infected, or recently exposed to any contagious or infectious disease, shall be imported into the state.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12, 36-14-04.1

48.1-11-01-03. Importation disease testing requirements.

1. *Brucella ovis*.

- a. Breeding rams six months of age or older imported into the state must have tested negative for brucella ovis within thirty days prior to entry; or,
 - b. The flock of origin must have a negative brucella ovis status. To qualify a flock as a negative brucella ovis status flock, two negative tests for brucella ovis must have been administered, forty-five to sixty days apart, during the same year, to all rams one year of age or older, and thereafter a yearly negative test must have been administered to all rams in the flock one year of age or older.
 - c. The state veterinarian may authorize the importation of registered breeding sheep and exempt them from the initial import requirements of this subsection. Registered breeding sheep imported by this authorization must be held under quarantine and isolated from other sheep until they have met the requirements of this subsection.
 - d. Animals testing positive on a post-entry test will be euthanized and no indemnity shall be paid to the owner or the animals may be immediately returned to the state of origin.
 - e. All tests for brucella ovis administered pursuant to this section must be tests officially recognized or otherwise approved by the state veterinarian.
2. Scrapie.
- a. Sheep imported into the state must be determined to not be genetically susceptible as verified by two blood tests drawn under the supervision of an accredited veterinarian; or
 - b. The certificate of veterinary inspection must contain a written statement, signed by the owner of the sheep, stating that:

"To the best of my knowledge, the sheep listed on this certificate originate from a flock that has not been diagnosed as a scrapie-infected, source, or exposed flock in the past sixty months."

History: Adopted effective XXX

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12, 36-14-04.1

48.1-11-01-04. Disease control.

1. Anthrax.
 - a. Sheep susceptible to anthrax located on farms where anthrax has been diagnosed shall be vaccinated. Animals shall be quarantined for thirty days after the death of the last animal or thirty days following vaccination, whichever occurs last.
 - b. Sale of hides removed from animals infected with anthrax is prohibited.
2. Brucella ovis.
 - a. Flocks may be tested to obtain brucella ovis negative flock status.
 - b. To qualify a flock as a negative brucella ovis status flock, two negative tests for brucella ovis must have been administered, forty-five to sixty days apart, during the same year, to all rams one year of age or older, and thereafter a yearly negative test must have been administered to all rams in the flock one year of age or older.
3. Scrapie.
 - a. Identification.
 - (1) The owner of a flock or the owner's agent shall officially identify all animals upon change of ownership to the flock of birth or the flock of origin, if the flock of birth cannot be determined. Sheep are required to be officially identified except:
 - (a) Slaughter sheep (sheep in slaughter channels) less than eighteen months of age. If a sexually intact sheep is sold at an unrestricted sale (any sale that is not a slaughter or feeding for slaughter sale), it must be identified.
 - (b) Wether sheep less than 18 months of age.
 - (c) Animals shipped directly to an approved slaughter facility or an approved auction market, when all the animals in a section of a truck are from the same premises of origin and are accompanied by an owner's statement.
 - (d) Animals moved for grazing or similar management reasons whenever the animals are moved from a

premises owned or leased by the owner of the animals to another premises owned or leased by the owner of the animals.

- (2) No animal that is required to be individually identified or that originates from any area where, in the determination of the board, scrapie may exist may be sold, transported, received for transportation, or offered for sale or transportation in intrastate commerce unless each animal is identified in accordance with this section.
- (3) No person may remove or tamper with any means of identification required to be on animals pursuant to this section while the animals are in intrastate commerce, and, at the time of slaughter, animal identification must be maintained throughout post-mortem inspection.
- (4) Sheep which are scrapie-suspect, scrapie-positive, scrapie-exposed, and high-risk animals, including all low-risk exposed animals, genetically susceptible exposed animals, genetically less susceptible exposed animals, and genetically resistant exposed sheep must be identified as prescribed by the state veterinarian in consultation with USDA-APHIS-VS.
 - (a) Tag application on these classes of sheep shall be by, or under the supervision of, a USDA-APHIS-VS or the board or an accredited veterinarian.
 - (b) All forms of identification on these classes of goats, shall be recorded on an official USDA-APHIS-VS form or equivalent and forwarded to the designated scrapie epidemiologist, the state veterinarian, and USDA-APHIS-VS.

b. Reporting and investigation.

- (1) Upon request by the board, the owner of a flock or the owner's agent shall have an accredited veterinarian collect and submit tissues from animals reported in accordance with section 48.1-11-01-04 to a laboratory designated by an USDA-APHIS-VS or the board.
- (2) Investigation. The board, an accredited veterinarian approved to conduct scrapie program activities, or an authorized USDA-APHIS-VS representative shall:

- (a) Investigate animals reported as scrapie suspect animals within seven days of notification.
 - (b) Designate a flock's status, within fifteen days of notification that the flock contains a scrapie-positive animal, based on an investigation by state or federal animal health authorities.
 - (c) Restrict the movement of newly designated scrapie-infected and source flocks within seven days after they are designated.
 - (d) Modify infected and source flock movement restrictions only after completion of a flock plan, and after agreement by the owner to comply with a sixty month post-exposure management and monitoring plan.
 - (e) Conduct an epidemiologic investigation of source and infected flocks, that includes the designation of high-risk and exposed animals, and that identifies animals to be traced.
 - (f) Conduct tracebacks of scrapie-positive animals and traceouts of high-risk and exposed animals and report any out-of-state traces to the appropriate state within forty-five days of receipt of notification of a scrapie-positive animal.
 - (g) Conduct tracebacks based on slaughter sampling within fifteen days of receipt of notification of a scrapie-positive animal at slaughter.
- d. Disposition of flocks.
- (1) Infected flock. In the event a flock is determined to be a scrapie-infected flock, the flock must be quarantined. The owner has the option of:
 - (a) Depopulating the flock; or
 - (b) Signing an agreement with the state-federal scrapie program administrators and agreeing to comply with requirements of title 9, code of federal regulations, part 79.2, until the time the flock is no longer an infected flock.

- (2) Source flock. In the event a flock is determined to be a scrapie source flock, the flock must be quarantined. The owner has the option of:
 - (a) Depopulating the flock;
 - (b) Signing an agreement with the state-federal scrapie program administrators agreeing to comply with the requirements of title 9, code of federal regulations, part 79.2, until the flock is no longer a source flock; or
 - (c) Implementing a flock plan that meets board approval.
- (3) Exposed flock. Upon designation by the board as an exposed flock, the flock must be quarantined until the owner implements a flock plan that meets the state veterinarian's approval. In the event a flock is determined to be a scrapie exposed flock, the owner has the option of:
 - (a) Depopulating the flock; or
 - (b) Signing an agreement with the state-federal scrapie program administrators agreeing to comply with requirements of title 9, code of federal regulations, part 79.2, until the time the flock is no longer an exposed flock.

e. Owner reporting requirements.

The owner of a flock or the owner's agent shall immediately report to the board, USDA-APHIS-VS representative, or an accredited veterinarian any suspect animal. Such animal must not be removed from the flock without written permission by the state veterinarian.

f. Flock records disclosure.

- (1) The owner of a flock or the owner's agent shall allow breed associations and registries, auction markets, and packers to disclose records to the board, to be used in an epidemiological investigation of source flocks, infected flocks, and exposed animals.
- (2) The owner of a flock enrolled in the voluntary scrapie flock certification program described in title 9, code of federal regulations, part 54, or the owner's agent, selling or otherwise disposing of breeding stock shall make animals in the flock

and records required to be kept under paragraph (a)(2)(iv) of title 9, code of federal regulations, part 79.2, available for inspection by USDA-APHIS-VS representatives or the board, given reasonable prior notice.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-12; 9 CFR 79.2, 9 CFR 54

48.1-11-01-05. Removal or damaging of official identification or marks. Official identification or marks shall not be removed or tampered with without approval by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

ARTICLE 48.1-12

SWINE

Chapter
48.1-12-01 Swine

Section
48.1-12-01-01 Definitions
48.1-12-01-02 Importation Requirements. Certificate of Veterinary Inspection.
Identification. Exemptions
48.1-12-01-03 Importation Disease Testing Requirements
48.1-12-01-04 Disease Control
48.1-12-01-05 Removal or Damaging of Official Identification or Marks

CHAPTER 48.1-12-01 SWINE

48.1-12-01-01. Definitions. The terms used throughout this title have the same meaning as in North Dakota Century Code chapter 36-01. Additionally:

1. "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.
2. "Feeder swine" means swine being fed or intended to be fed for weight-gaining purposes and eventual slaughter.
3. "Slaughter swine" means swine which are consigned to a slaughter market or consigned directly to slaughter regardless of age, breed or sex.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

48.1-12-01-02. Importation requirements. Certificate of veterinary inspection. Identification. Exemptions.

1. Swine imported into the state, must be accompanied by a certificate of veterinary inspection except:
 - a. Swine originating directly from a producer's premises, not diverted en route, and consigned to an auction market approved by the board.

- b. Swine consigned to a state or federally inspected slaughtering establishment.
 - c. Swine granted an exception by the board, if in the determination of the state veterinarian the animals are free of contagious or infectious diseases.
 - d. Swine leaving the state for exhibition or competition with a valid certificate of veterinary inspection may return to the state with the same certificate of veterinary inspection if the animal has not been out of the state for more than thirty days.
 - e. Other swine as otherwise provided for by these rules.
2. Certificate of veterinary inspection must include an importation permit number issued by the state veterinarian before entering the state.
3. The state veterinarian may deny a request for an importation permit number if the state veterinarian has information that swine:
 - a. Have not met the disease testing, vaccination, or identification requirements set forth in North Dakota Century Code title 36 or this title, or as otherwise required by the state veterinarian;
 - b. Have not met any pre-entry quarantine conditions imposed by law;
 - c. Have been exposed to, may have been exposed to, is infected with, or may be infected with any contagious or infectious disease;
 - d. Is or may originate from an area or premises under quarantine or other form of official or regulatory action relating to contagious or infectious disease; or
 - e. May be a threat to the health and well-being of the human or animal population of the state, or both.
4. Swine imported into the state must be identified and marked in a manner prescribed by the state veterinarian.
5. The state veterinarian may require additional disease testing, treatment, vaccination, or identification if the state veterinarian has reason to believe that other health risks are present.
6. No swine that is infected, or recently exposed to any contagious or infectious disease, shall be imported.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12, 36-14-04.1

48.1-12-01-03. Importation disease testing requirements.

1. Brucellosis.
 - a. Breeding swine over six months of age must have had a negative brucellosis test within thirty days prior to entry into the state unless they are imported from a validated herd or a validated state.
2. Pseudorabies.
 - a. Imported swine must test negative for pseudorabies within thirty days prior to entry into the state or comply with one of the following:
 - (1) Be from a stage V or stage IV state or area, as designated by the USDA-APHIS-VS;
 - (2) Be from a qualified pseudorabies negative herd; or
 - (3) Be from a feeder swine pseudorabies monitored herd as designated by USDA-APHIS-VS.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12, 36-14-04.1

48.1-12-01-04. Disease control.

1. Pseudorabies.
 - a. USDA-APHIS-VS establishes criteria for recognizing pseudorabies (PRV) low state or area prevalence areas.
 - b. A pseudorabies vaccination for all swine is prohibited unless approved in writing by the state veterinarian.
 - c. Breeding and feeder swine of unknown status must be quarantined until the swine pseudorabies status is determined by isolation and a pseudorabies test is conducted at the owner's expense, as well as a retest conducted in thirty to sixty days, at the owner's expense, or such swine must be shipped directly to slaughter.
 - d. A pseudorabies infected swine herd, as determined by a test approved by the board, must be quarantined and isolated from other

susceptible animals on the farm, or other premises where the infected herd is located.

- e. Reactor animals must be slaughtered. Then, the infected herd must be retested and receive two negative tests, the tests at least thirty days apart, with the first test occurring not sooner than thirty days after the last reactor animal is removed from the herd. Nursing piglets are not required to be tested.
- f. As an alternative to a retest, the entire infected herd may be sent directly to slaughter.
- g. The quarantine will be lifted only after the retests required pursuant to this subsection have occurred, or the entire infected herd has been shipped directly to slaughter. Before the quarantine is lifted, the premises of the infected herd must be cleaned and disinfected in a manner prescribed by the state veterinarian, or other agent of the board.
- h. Slaughter sows and boars must receive pseudorabies testing at the first point of sale in the state, if necessary under a mandatory pseudorabies testing program instituted by the board.
- i. Disposal of carcasses of swine infected with or testing positive for pseudorabies must be by a method prescribed by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08, 36-01-12

48.1-12-01-05. Removal or damaging of official identification or marks. Official identification or marks shall not be removed or tampered with without authorization by the state veterinarian.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

ARTICLE 48.1-13

OTHER ANIMALS

Chapter

48.1-13-01 Dogs, Cats, and Ferrets

48.1-13-02 Other Animals

CHAPTER 48.1-13-01 DOGS, CATS, AND FERRETS

Section

48.1-13-01-01 Importation Requirements. Certificate of Veterinary Inspection. Identification. Exemptions.

48.1-13-01-01. Importation requirements. Certificate of veterinary inspection. Identification. Exemptions.

1. Any dog, cat, or ferret imported into the state for a period of over thirty days must be accompanied by a certificate of veterinary inspection.
2. Any dog, cat, or ferret over three months of age imported into the state must have a certification of a current rabies vaccination;
 - a. When any dog, cat, or ferret over three months of age is imported from an area that is quarantined for rabies, a certifying statement is required from an accredited veterinarian that the dog, cat, or ferret has not been exposed to rabies.
 - b. No person may import any dog, cat, or ferret less than three months of age from an area under quarantine for rabies.
3. It is not a violation of this section to bring a dog, cat, or ferret from a bordering state into the state for the purpose of obtaining any vaccination or other health care from a licensed veterinarian or to an animal shelter for veterinary care.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08, 36-01-12

Law Implemented: NDCC 36-01-08, 36-01-12, 36-14-04.1

CHAPTER 48.1-13-02 OTHER ANIMALS

Section

48.1-13-02-01 Other Animals

48.1-13-02-01. Other animals. Importers of animals not included in the preceding sections, including domesticated wild animals, game animals, game birds and eggs of game birds, imported into the state, may require a certificate of veterinary inspection and obtain an importation permit number from the state veterinarian.

1. The state veterinarian may require disease detection tests or inspections upon any such animals and birds and eggs prior to importation into the state and may deny importation if the results of such tests or inspections are other than negative.

History: Adopted effective XXX.

General Authority: NDCC 36-01-08, 36-01-12

Law Implemented: NDCC 36-01-08, 36-01-12, 36-14-04.1