

General Authority: NDCC 36-01-08

Law Implemented: NDCC 4.1-27-10

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 must be paved with concrete, so constructed as to ensure proper drainage and disinfection.

History: Effective July 1, 2016.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 4.1-27-10

48.1-02-01-05. Cleaning and disinfection 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.

History: Effective July 1, 2016.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

48.1-02-01-06. Auction market facilities.

Licensed auction markets shall 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: Effective July 1, 2016.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 4.1-27-10, 4.1-27-14

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 must be posted in a conspicuous place on the premises. The charge must be kept separate from and not included in veterinary fees.

History: Effective July 1, 2016.

General Authority: NDCC 4.1-27-16

Law Implemented: NDCC 4.1-27-16

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 permitholder's premises.
 4. The auction sale permitholder 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: Effective July 1, 2016.

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 section 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 shall 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 shall have a current nontraditional livestock license for that species in place prior to taking possession of category 3 animals.
5. The nontraditional livestock auction permitholder shall ensure that an accredited veterinarian, licensed in the state, is available during the permitted nontraditional livestock auction sale.
 - a. The accredited veterinarian shall inspect the animals prior to sale on the day of sale.
 - b. Nontraditional livestock unfit for sale, as determined by the veterinarian, may not be accepted for sale or trade.
6. Auction sale operators shall 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.
10. The board of animal health may deny a nontraditional livestock auction permit to individuals who have failed to comply with health and recordkeeping sale requirements.

History: Effective July 1, 2016; amended effective July 1, 2024.

General Authority: NDCC 36-01-08

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