

LIVESTOCK

CHAPTER 318

H. B. No. 171

(Gackle, Burke, Weber, Jones, Matheny, Rivinius)

QUARANTINING OF DOMESTIC ANIMALS

AN ACT

To amend and reenact section 36-01-12 of the North Dakota Century Code, relating to quarantining of domestic animals, areas, and premises in relation to contagious and infectious diseases.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 36-01-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-01-12. Powers of Board Over Contagious and Infectious Diseases.) The state livestock sanitary board may take such steps as it may deem necessary to control, suppress, and eradicate any and all contagious and infectious diseases among any of the domestic animals of this state. For this purpose, the board may quarantine any domestic animal which is infected, or may be infected, with any such disease or which has been exposed, or may be exposed, to infection, cause any animal so infected to be killed, regulate or prohibit the arrival in or departure from this state of any such exposed or infected animal, and at the cost of the owner thereof, it may detain any domestic animal found to be in violation of any such regulation or prohibition. The board may also quarantine any city, town, civil township or county or areas within a county in this state and any inclosure, building or any domestic animal therein which is or may be infected or exposed or may be exposed to any contagious or infectious disease.

Approved March 5, 1969.

CHAPTER 319

H. B. No. 361

(K. Johnson, Davis, Connolly, Dawson)

INSPECTION OF LIVESTOCK IN
TRANSIT

AN ACT

To amend and reenact section 36-01-18 of the North Dakota Century Code, relating to inspection of livestock in transit and providing a penalty.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 36-01-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-01-18. Inspection of Livestock in Transit—Execution of Orders of Board by Peace Officers—Powers of Officers—Penalty.) Authorized representatives of the state livestock sanitary board, for purposes of inspecting livestock in transit for health or ownership identification, may stop vehicles, except passenger vehicles, transporting livestock on public highways of this state. When signaled by such representative to stop, the operator of any such vehicle shall stop the same and cause to be shown any health or identification forms which are required to be carried in transportation of livestock, and to permit such inspector to make an inspection of the livestock being transported if deemed by the inspector to be necessary. Failure to stop when so directed constitutes a misdemeanor. Any vehicle used for such purposes shall be clearly identified in letters not smaller than three inches and is authorized to use a stop signal.

The state livestock sanitary board may call any sheriff, deputy sheriff, or constable to execute its orders, and such officers shall obey the orders of said board. Any peace officer may arrest and take before any county justice of the county any person found violating any of the provisions of this chapter, and such officers shall notify the state's attorney immediately of such arrest, and the state's attorney shall prosecute the person so offending.

Approved March 29, 1969.

CHAPTER 320

H. B. No. 243
(Dawson, K. Johnson)

LIVESTOCK DEALER LICENSES

AN ACT

To amend and reenact sections 36-04-03 and 36-04-05 of the North Dakota Century Code, relating to licensure of corporate officers acting for corporate livestock dealer licensees, and to the filing of surety bonds by livestock dealers and agents, and providing an effective date.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 36-04-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-04-03. Dealer's License Required—Agent Licensed—Liability of Owner for Agent's Acts.) All dealers shall be licensed as provided in this chapter. No agent shall act for any such dealer unless the dealer is licensed and has designated such agent to act in his behalf and has notified the dairy department of such appointment in his application for a license or in a separate written instrument and requested the dairy department to issue to such agent an agent's license. Every officer of a corporation, association, or partnership, acting for the corporation, association or partnership in dealing in livestock, must be licensed as an agent of the corporation, association, or partnership. A dealer shall be accountable and responsible for all the acts of his agent.

Section 2. Amendment.) Section 36-04-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-04-05. Dealer to File Bond with Dairy Department—Additional Bond May Be Required.) Each applicant for a license under the provisions of this chapter shall file with this application a bond issued by an approved surety company. The dairy department shall be named as the obligee in each such bond but the bond shall be held for the purpose of protecting and for the benefit of any person selling livestock, wool, or poultry, as the case may be, to the licensed dealer or his agent. Such bond

shall be conditioned for:

1. The faithful performance by the dealer of his duties as such;
2. The compliance by the dealer with all of the provisions of this Code relating to the purchase of livestock, wool, or poultry, as the case may be;
3. The full and complete payment to the seller for all livestock, wool, or poultry purchased by the dealer; and
4. The full protection of any person who deals with such dealer.

Each such bond shall cover the entire license period of the dealer and be approved as to amount, form, and sufficiency by the dairy department. The dairy department may demand an additional bond for either the principal or agent whenever in its judgment the volume of business of the principal or of any agent named by the principal warrants such demand.

In lieu of the bond required of dealers and their agents under the provisions of this section, the applicant may file with the dairy department the dealer's bond filed by him with the United States Department of Agriculture and in effect pursuant to the provisions of the Packers and Stockyards Act, 1921 (7 U.S.C. 181), naming the dairy commissioner as the trustee of such bond. Bonds from out-of-state applicants may be in favor of a trustee who shall be a financially responsible, disinterested person satisfactory to the dairy commissioner. The minimum amount of such bond shall be ten thousand dollars, unless the dairy department shall determine that the amount of such bond is insufficient in any instance, in which event the dairy department shall require the reasonable amount of the bond required to protect the public interest. A designation of the agents of such dealer to be covered by such bond shall be filed with such bond.

Section 3. Effective Date.) The effective date of this Act shall be January 1, 1970.

Approved March 14, 1969.

CHAPTER 321

H. B. No. 355

(Connolly, Opedahl, Davis, Dawson)
(Rundle, Reimers, K. Johnson, Rivinius)

FEES FOR LIVESTOCK INSPECTION

AN ACT

To amend and reenact section 36-05-10 of the North Dakota Century Code, relating to the fees for inspection of livestock.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 36-05-10 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

36-05-10. Inspection of Livestock—Fees and Regulations Governing.) When an animal enters a livestock auction market and before it is offered for sale, it shall be inspected for health by a veterinarian licensed in this state and approved by the livestock sanitary board and in the case of cattle for brands by a trained brand inspector, acting under rules promulgated by the North Dakota stockmen's association and the livestock sanitary board. Veterinary inspection shall include all livestock, whether it is to be moved interstate or intrastate. The veterinary inspector shall be recommended by the livestock auction agency and approved by the state livestock sanitary board. Such veterinarian shall be a local veterinarian or a veterinarian of the vicinity, unless there is no such veterinarian available. If the livestock agency fails to recommend such a veterinarian within a reasonable time, the board may in ten days' notice to such agency appoint a veterinarian. The services and duties of the veterinary inspector shall be under the supervision of the state livestock sanitary board and said inspector shall be relieved of his services by the board when he fails to perform such services and duties as required of him by the livestock sanitary board. This section shall not apply to veterinarians who were approved by the livestock sanitary board prior to the amendment and reenactment of this section. Fees for such inspection shall be paid to the veterinarian by the auction market company and shall be in an amount agreed upon by the auction market company and the veterinarian.

Approved March 29, 1969.

S. B. No. 251
(Morgan, Roen)

MEAT INSPECTION

AN ACT

To provide for the post-mortem and ante-mortem inspection of all cattle, sheep, swine, goats, horses, mules, or equines which are to be slaughtered for human food; for the inspection of slaughterhouses and meatpacking plants; to amend and reenact section 19-02.0-21 of the North Dakota Century Code, relating to inspections; providing a penalty; and to repeal chapter 36-23 and section 19-02-10 of the North Dakota Century Code, relating to meat inspection and the sale of meat; and providing an appropriation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Ante-Mortem Inspection.) Except as otherwise provided by this Act, the state livestock sanitary board shall provide, by rule or regulation, for the ante-mortem inspection of all cattle, sheep, swine, goats, horses, mules, or other equines which are to be slaughtered for human food at any slaughtering establishment in this state. The inspection shall be performed by licensed veterinarians or other trained personnel of the board, and shall determine if the animal under inspection is disease free, and otherwise fit for human food. If the animal is found to be disease free and otherwise fit for human food, the inspecting veterinarian shall allow the slaughter of such animal.

Section 2. Post-Mortem Inspection.) Except as otherwise provided by this Act, the state livestock sanitary board shall provide, by rule or regulation, for the post-mortem inspection of the carcasses or the parts thereof of all cattle, sheep, swine, goats, horses, mules, or other equines which are slaughtered for human food at any slaughtering establishment in this state. The inspection service shall be performed by licensed veterinarians or other trained personnel of the board, and shall determine if the carcass or the parts thereof are wholesome, clean, healthful, and otherwise fit for use as human food, and not misbranded as defined by section 19-02.1-10 or adulterated as defined by section 19-02.1-09; and, the carcasses and parts thereof that are so determined shall be inspected and marked, stamped, or tagged by the inspector as "N. Dak. inspected and

passed". The carcasses or the parts thereof that are found to be unwholesome, unclean, unhealthful, or otherwise unfit for human food, or misbranded as defined by section 19-02.1-10 or adulterated as defined by section 19-02.1-09 shall be marked, stamped, or tagged by the inspector as "N. Dak. inspected and condemned" and shall be subject to disposition in accordance with rules and regulations issued by the board. Inspection marks, stamps, and tags shall be prescribed by the board, and shall include thereon an identification number of the establishment assigned by the board.

Section 3. Exceptions.) The provisions of this Act shall not apply to require inspection and examination of animals, carcasses or the parts thereof where:

1. Such animals, carcasses or the parts thereof are inspected under the terms of the Federal Meat Inspection Act, 21 U.S.C. sections 71-91, 34 Stat. 1260-65, as amended.
2. The slaughtering is performed by any person of an animal of his own raising, and the carcass or parts thereof are for the exclusive use of himself and the members of his household and his nonpaying guests and employees.
3. The slaughtering is performed by any person as a custom service for the owner of the animal, and the carcass or the parts thereof are for the exclusive use of such owner and the members of his household and his nonpaying guests and employees, regardless of whether or not such custom service slaughterer is engaged in selling inspected carcasses or the parts thereof, meat or meat food products at wholesale or retail in or on the same plant or premises where such custom service slaughtering is performed.

Section 4. Inspection of Slaughterhouses and Meatpacking Plants—Penalty.) The state veterinarian or his duly authorized agent shall have free access at all reasonable hours to any slaughterhouse within this state where animals are slaughtered for human food, or any plant or premises within this state where the carcass or the parts thereof are canned, salted, packed, smoked, cured, rendered, or otherwise prepared or processed for human food, except where such plants or premises are inspected under the provisions of the Federal

Meat Inspection Act, 21 U.S.C. sections 71-91, 34 Stat. 1260-65, as amended. Inspections of each such plant or premises within the state shall be made at least once every three months, and shall determine if the facilities of such plant or premises are clean, sanitary, and not contaminated with filth, and that the carcass or the parts thereof, or meat or meat food products processed or prepared by such plant or premises are not unwholesome, unclean, unhealthful, or otherwise unfit for human food, or misbranded as defined by section 19-02.1-10 or adulterated as defined by section 19-02.1-09. Any carcass or the parts thereof or meat or meat food products determined to be prepared or processed under conditions whereby they are rendered unsanitary, or contaminated with filth or that are unwholesome, unclean, unhealthful or otherwise unfit for human food, or misbranded as defined by section 19-02.1-10 or adulterated as defined by section 19-02.1-09, may be seized by the state veterinarian or his duly authorized agent in accordance with rules and regulations issued by the board.

Any person allowing the slaughter, preparation or processing of animals, carcasses or the parts thereof, or meat or meat food products under such conditions whereby they are rendered unsanitary, or contaminated with filth, or that are unwholesome, unclean, unhealthful, or otherwise unfit for human food, or misbranded as defined by section 19-02.1-10 or adulterated as defined by section 19-02.1-09; any person who forges, counterfeits, simulates, or falsely represents any mark, stamp, tag, label, or other identification device prescribed by the board under this Act; any person who refuses to permit the taking of a sample of a carcass or the parts thereof, or meat or meat food products from his plant or premises, or refuses to permit the inspection or reinspection authorized by this Act, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment.

Section 5. Reinspections.) After a first inspection, the inspector, when he deems it advisable, may reinspect the carcass and parts thereof to determine whether the same may have become unwholesome, adulterated, or misbranded. If any carcass or the parts thereof, upon a reinspection, are found to be unwholesome, adulterated, or misbranded they shall be destroyed in accordance with rules and regulations issued by the board.

Section 6. Sale of Unapproved Meat Prohibited.) Any person who shall slaughter any animal in this state for the purpose of selling the carcass or the parts thereof for human food, or sell, offer for sale, or have in his possession with intent to sell such carcass or the parts thereof for human food in this state, unless the same shall have been first inspected or reinspected and approved as provided by this Act or the Federal Meat Inspection Act, 21 U.S.C. sections 71-91, 34 Stat. 1260-65, as amended, shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment.

Section 7. Administrative Agencies Practice Act to Apply to This Act.) Except as otherwise provided in this Act, chapter 28-32 of the North Dakota Century Code shall apply to this Act.

Section 8. Short Title.) This Act shall be known and may be cited as the North Dakota Meat Inspection Act.

Section 9. Amendment.) Section 19-02.1-21 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-02.1-21. Inspections—Examinations.) The state laboratories director or his duly authorized agent shall have free access at all reasonable hours to any factory, warehouse, or establishment in which foods, drugs, devices, or cosmetics are manufactured, processed, packed, or held for introduction into commerce, or to enter any vehicle being used to transport or hold such foods, drugs, devices, or cosmetics in commerce, for the purpose:

1. Of inspecting such factory, warehouse, establishment, or vehicle to determine if any of the provisions of this chapter are being violated;
2. To secure samples or specimens of any food, drug, device, or cosmetic after paying or offering to pay for such sample. It shall be the duty of the state laboratories director to make or cause to be made examinations of samples secured under the provisions of this section to determine whether or not any provision of this chapter is being violated.

Provided that inspections of slaughterhouses, meatpacking and meat processing plants where cattle, swine, sheep, goats, horses, or other equines are slaughtered for human food or where the carcass or the parts thereof, meat, or meat food products are salted, canned, packed, smoked, cured, rendered, or otherwise processed or prepared for human food, shall not be performed under this Act if such slaughterhouses, meatpacking or meat processing plants are inspected under the provisions of the North Dakota Meat Inspection Act, or the Federal Meat Inspection Act, 21 U.S.C. sections 71-91, 34 Stat. 1260-65, as amended.

Section 10. Repeal.) Chapter 36-23 and section 19-02-10 of the North Dakota Century Code are hereby repealed.

Section 11. Appropriation.) There is hereby appropriated the sum of \$120,000.00, or so much thereof as may be necessary, to the livestock sanitary board for the purpose of carrying out meat inspection and related activities pursuant to the North Dakota Meat Inspection Act for the biennium beginning July 1, 1969, and ending June 30, 1971, \$60,000.00 of which shall be appropriated from the general fund of the state treasury, and \$60,000.00 of which shall be federal matching funds. The appropriation shall be effective on or after the date that matching federal funds become available for purposes of this Act.

Approved March 26, 1969.