

# MINNESOTA RULES 2011

1309

## CHAPTER 1720 BOARD OF ANIMAL HEALTH MISCELLANEOUS

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- 1720.0150 [Renumbered 1719.2000, subpart 1]
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- 1720.0200 [Renumbered 1719.2200, subpart 2]
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- 1720.0230 [Renumbered 1719.3100]
- 1720.0240 [Renumbered 1719.3250, subpart 1]
- 1720.0250 [Renumbered 1719.3250, subpart 2]
- 1720.0260 [Renumbered 1719.3250, subpart 3]
- 1720.0270 [Renumbered 1719.3250, subpart 4]

**1720.0280** [Repealed, 17 SR 1357]

**1720.0290** [Repealed, 17 SR 1357]

**1720.0300** [Repealed, 17 SR 1357]

**1720.0310** [Repealed, 17 SR 1357]

#### CLEANING AND DISINFECTING OF VEHICLES

##### **1720.0320 CLEANING AND DISINFECTION OF VEHICLES USED AS CARRIERS.**

Vehicles used as carriers for livestock which are affected with or suspected of being affected with a contagious, infectious, or communicable disease shall be cleaned and disinfected before use for transportation of other livestock.

**Statutory Authority:** *MS s 35.15*

##### **1720.0330 PROCEDURES FOR CLEANING AND DISINFECTION.**

The vehicles shall first be thoroughly cleaned by the removal of all litter, manure, and refuse. Provision shall be made for the disposition of all manure, litter, and refuse removed from the vehicles into an area where other livestock cannot come in contact with it. The floors, interior walls, and chassis of the vehicles shall then be disinfected with a disinfectant approved by the USDA.

**Statutory Authority:** *MS s 35.15*

**1720.0340** [Renumbered 1719.0200, subpart 2]

**1720.0350** [Renumbered 1719.0500, subpart 2]

**1720.0360** [Renumbered 1719.0800]

**1720.0370** [Renumbered 1719.0300, subpart 2]

**1720.0380** [Renumbered 1719.2200, subpart 3]

**1720.0390** [Renumbered 1719.2200, subpart 5]

**1720.0400** [Renumbered 1719.2200, subpart 6]

**1720.0410** [Renumbered 1719.2400, subpart 3]

**1720.0420** [Renumbered 1719.2200, subpart 4]

**1720.0430** [Renumbered 1719.2800, subpart 2]

**1720.0440** [Renumbered 1719.0300, subpart 3]

**1720.0450** [Renumbered 1719.2500, subpart 1]

**1720.0460** [Renumbered 1719.2500, subpart 3]

**1720.0470** [Renumbered 1719.2500, subpart 2]

**1720.0480** [Renumbered 1719.2900, subpart 1]

**1720.0490** [Renumbered 1719.2600]

**1720.0500** [Renumbered 1719.2700]

**1720.0510** [Renumbered 1719.2800, subpart 1]

**1720.0520** [Renumbered 1719.2900, subpart 2]

**1720.0530** [Renumbered 1719.3000]

**1720.0540** [Repealed, 17 SR 1357]

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**1720.0550** [Repealed, 17 SR 1357]

**1720.0560** [Repealed, 17 SR 1357]

**1720.0570** [Repealed, 17 SR 1357]

**1720.0580** [Repealed, 28 SR 1578]

**SALE AND DISTRIBUTION OF BIOLOGICAL PRODUCTS AND ANTIGENS**

**1720.0581 RESTRICTIONS ON BIOLOGICAL PRODUCTS.**

A. The following products may only be sold or distributed to veterinarians or to pharmacists or companies who may only sell them to veterinarians:

- (1) rabies vaccine;
- (2) Brucella abortus vaccine; and
- (3) other biological products that are determined by the board to be too dangerous for lay use.

B. The following products require a written prescription from a veterinarian to be sold or distributed for lay use:

- (1) anthrax vaccine;
- (2) modified live vaccines for any species of animal that is commonly maintained in the home of the owner whether or not the particular animal is so housed; and
- (3) other biological products that are restricted by the board for use in a disease control program.

**Statutory Authority:** *MS s 35.03*

**History:** *28 SR 1578*

**1720.0590 ANTIGENS.**

No person, persons, pharmacists, companies, or corporations located within or without the state of Minnesota, engaged in the manufacture, wholesale or retail sale, or distribution of antigens and all other biological products used in the detection and diagnosis of communicable, infectious diseases of domestic animals shall sell or distribute these products to any person or persons located within the state of Minnesota except to veterinarians licensed to practice in Minnesota and to pharmacists, companies, and corporations engaged in the retail sale of such products, who shall not sell to persons other than licensed veterinarians.

**Statutory Authority:** *MS s 35.03*

**1720.0600 PRESCRIPTIONS.**

Prescriptions shall not be written by veterinarians for Brucella abortus vaccine, rabies vaccine, antigens, and all other biological products used in the detection and diagnosis of communicable, infectious diseases of livestock, or other biological products that are determined by the board to be too dangerous for lay use.

**Statutory Authority:** *MS s 35.03*

**History:** *26 SR 1159; 26 SR 1199; 28 SR 1528*

**1720.0610 RETENTION OF PRESCRIPTION COPIES.**

A copy of all written prescriptions shall be maintained on file by the issuing veterinarian for a period of two years.

**Statutory Authority:** *MS s 35.03*

**1720.0620 SALE OR DISTRIBUTION OF BIOLOGICAL PRODUCTS AND ANTIGENS.**

No person, persons, pharmacists, companies, or corporations shall sell or distribute in Minnesota biological products containing the active or infective agent of any communicable, infectious disease of livestock, or antigens used in the detection and diagnosis of communicable, infectious diseases of domestic animals unless such products are licensed by the United States Department of Agriculture and are in the original unopened container of the manufacturer.

**Statutory Authority:** *MS s 35.03*

**History:** *L 2001 1Sp2 s 156*

**1720.0630 STORAGE.**

Biological products or antigens shall at all times be maintained in storage in accordance with the recommendations of the manufacturer.

**Statutory Authority:** *MS s 35.03*

**History:** *28 SR 1578*

**1720.0640 SALE, DISTRIBUTION, AND USE OF POULTRY BIOLOGICALS AND ANTIGENS.**

With the exceptions of parts 1720.0620 and 1720.0630 the provisions of these rules shall not apply to biological products and antigens manufactured and sold exclusively for use in poultry; provided, the Board of Animal Health may impose restrictions on the sale, distribution, and use of poultry biologicals and antigens if deemed necessary to protect the health of livestock and poultry in Minnesota.

**Statutory Authority:** *MS s 35.03*

**LICENSING INSTITUTIONS TO PROCURE IMPOUNDED ANIMALS****1720.0650 AUTHORITY.**

Pursuant to Minnesota Statutes 1949, sections 35.71 and 15.042, the Board of Animal Health hereby amends the following rules.

**Statutory Authority:** *MS s 35.71*

**1720.0660 DEFINITIONS.**

Subpart 1. **Scope.** When used in these rules, the following words shall have the meaning subjoined to them.

Subp. 2. **Board.** The "board" shall mean the Board of Animal Health.

Subp. 3. **Establishment.** "Establishment" shall mean any pound, yard, or building, or combination thereof maintained or operated by or for a municipality or other governmental unit for the impounding, care, or disposal of animals seized by lawful authority.

Subp. 4. **Institution.** "Institution" shall mean any school or college of agriculture, veterinary medicine, medicine, pharmacy, dentistry, or other educational or scientific organization properly concerned with the investigation of or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of disease or abnormal conditions of human beings or animals.

Subp. 5. **Persons entitled to claim or redeem animals.** "Persons entitled to claim or redeem animals" shall mean the owner of such animal or the owner's agent, or any other person permitted by municipal ordinance or the rules or regulations of the establishment to purchase or otherwise secure ownership of such animals within the period of time designated in subpart 8.

Subp. 6. **Requisitioned animal.** "Requisitioned animal" shall mean any unredeemed animal obtained by an institution from an establishment by requisition.

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Subp. 7. **Supervisor.** "Supervisor" shall mean the pound master or person in charge of any establishment.

Subp. 8. **Unredeemed animal.** "Unredeemed animal" shall be any animal seized by public authority impounded in an establishment as defined in subpart 3 for not less than five days or such other minimum period of time as may be specified by municipal ordinance, and which has not been claimed or redeemed by the owner of such animal or by any other person entitled to claim or redeem such animal.

**Statutory Authority:** *MS s 35.71*

**History:** *17 SR 1279*

**1720.0670 LICENSES.**

Any institution desiring authority to requisition unredeemed animals may apply to the board on a form furnished by the board for a license. The application shall include: name and address of the institution; activities conducted by the institution; the purpose to which the animals will be put; name of the person who will be responsible for the procurement, care, and disposal of the animals, and carrying out the rules of the board pertaining thereto; the number and species of requisitioned animals which will be maintained at any one time by the institution.

**Statutory Authority:** *MS s 35.71*

**1720.0680 INVESTIGATION.**

Upon receipt of a proper application accompanied by a fee of \$50 the board shall cause an investigation to be made by a qualified representative of the board. If it is determined that the institution is equipped with facilities and personnel in compliance with parts 1720.0690 to 1720.0730, and that the public interest will be served thereby, the board may issue a license authorizing such institution to requisition animals from any establishment.

**Statutory Authority:** *MS s 35.71*

**1720.0690 INSTITUTIONS.**

All licensed institutions shall comply with the provisions of parts 1720.0690 to 1720.0730 in the handling, care, and disposal of all requisitioned animals.

**Statutory Authority:** *MS s 35.71*

**1720.0700 FACILITIES.**

Facilities shall be provided as follows: a kennel room which can be maintained in a sanitary condition and which shall be provided with an impervious floor with adequate drainage, adequate light, adequate ventilation, window and door screens in good condition, cages in sufficient number so a separate cage can be provided for each animal and the cages of such size that each animal may stand and lie in a normal position, and adequate space for the exercise of the animals. If separate runways or exercise yards are provided, they shall be equipped with impervious floor and shall be so constructed that they may be maintained in a sanitary condition at all times.

**Statutory Authority:** *MS s 35.71*

**1720.0710 PERSONNEL.**

Personnel shall be provided as follows: a qualified person in charge with authority who shall be responsible for the care, transportation, handling, and disposal of animals procured under these rules and for the proper maintenance of the premises where animals are confined; personnel in addition to the person in charge sufficient to ensure humane and proper care, handling, and transportation of all animals and to maintain the premises where animals are confined and vehicles in which they are transported in a clean and sanitary condition.

**Statutory Authority:** *MS s 35.71*

**1720.0720 RECORDS.**

The institution shall keep complete records of all animals procured under requisition which shall be available for inspection by an authorized representative of the board at any time. They shall include: description of animal; the date and place where the animal was procured, and requisition number; condition of the animal on arrival at institution; cage number or other identification; final disposition of the animal.

**Statutory Authority:** *MS s 35.71*

**1720.0730 TRANSPORTATION OF ANIMALS.**

Animals shall be transported from the establishment to the institution at the expense of the institution in vehicles maintained for that purpose and properly equipped. The number of animals transported at one time shall not exceed the number which can ride comfortably, and provision shall be made to prevent injuries from fighting or overcrowding during transportation.

**Statutory Authority:** *MS s 35.71*

**1720.0740 REQUISITIONS.**

Every licensed institution may issue requisitions for animals to any establishment as defined in part 1720.0660, subpart 3. The requisition shall be executed in triplicate on forms furnished by the board. The original shall be furnished the establishment, one copy shall be mailed to the board, and one copy retained by the institution. The requisition shall include: name and address of the institution; name and address of the establishment; number, species, size, and sex of animals desired; date of issue.

**Statutory Authority:** *MS s 35.71*

**1720.0750 DUTIES OF ESTABLISHMENTS.**

Whenever a request is submitted to a supervisor of an establishment, it shall be the supervisor's duty to make available to the institution the number of animals of the species, size, and sex specified in the requisition, from the unredeemed animals. If the number of such animals specified by the requisition is not available, the supervisor shall immediately make available all such unredeemed animals as are then in the establishment. The supervisor shall then withhold from destruction all unredeemed animals of the species, size, and sex specified by the requisition until the number of such animals is sufficient to complete the requisition. Any time unredeemed animals of the species, size, and sex specified in the requisition become available, even though the number of such animals is not sufficient to fill the requisition, the supervisor may notify the institution issuing the requisition of the availability of such unredeemed animals by collect telegram; and as soon as sufficient unredeemed animals of the species, size, and sex are available to fill the requisition, the supervisor shall immediately so notify the institution issuing the requisition. Upon receipt of any such notice, the institution shall accept the available animals and provide for their transportation to the institution.

**Statutory Authority:** *MS s 35.71*

**History:** *17 SR 1279*

**1720.0760 COMPENSATION FOR HOLDING ANIMALS BEYOND TIME OF NOTICE.**

The institution shall compensate the establishment for the actual expense for holding such animals beyond the time of notice to such institution of their availability, until they have been obtained by the institution.

**Statutory Authority:** *MS s 35.71*

**1720.0770 CANCELLATION OF REQUISITION.**

If at any time after a requisition has been issued to an establishment and before notice of the availability of the animals requisitioned has been made to the institution, the institution

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may cancel all or any unfilled part of the requisition by notice of such action by registered mail or telegram.

**Statutory Authority:** *MS s 35.71*

## 1720.0780 RECEIPTS.

Whenever unredeemed animals are received by an institution which has requisitioned the same, the institution shall furnish the supervisor of the establishment a receipt therefor. Receipts shall be issued in triplicate and shall be countersigned by the supervisor of the establishment. A copy shall be mailed immediately to the board by the institution and one copy retained by the institution. The receipt shall show the number of animals obtained, the date when they were delivered to the agent of the institution by the supervisor, and the signature of the person to whom they were delivered.

**Statutory Authority:** *MS s 35.71*

## 1720.0790 DELIVERY OF UNCLAIMED ANIMAL TO ORIGINAL OWNER.

No animals secured by an institution on requisition as herein provided shall be sold or given into the possession of any other person after being delivered by the establishment. All such animals shall be immediately transported to the institution and there maintained on the premises covered by the license during the life of the animal; provided that nothing herein shall prohibit an institution from delivering an unclaimed animal to the original owner thereof if the owner shall furnish proof of ownership satisfactory to the institution and the state Board of Animal Health, and pays actual expense maintaining the animal by the institution from the time it is received from the establishment until delivered to the previous owner.

**Statutory Authority:** *MS s 35.71*

**History:** *17 SR 1279*

## 1720.0800 HUMANE TREATMENT OF ANIMALS.

All animals maintained by licensed institutions shall be handled, transported, and disposed of in a humane manner.

**Statutory Authority:** *MS s 35.71*

## 1720.0810 SUSPENSION AND CANCELLATION OF LICENSE.

Any violation of Laws of Minnesota 1949, chapter 195, or these rules shall be cause for cancellation of any license issued under these rules. Upon receipt of evidence of such violation, the executive secretary of the board shall immediately suspend the license of the institution violating the law or rules and shall notify the institution when the next meeting of the board will be held. The board shall then grant a hearing to the institution to show cause why the permit shall not be canceled. If after such hearing the board decides the license shall be canceled, such action shall be final.

**Statutory Authority:** *MS s 35.71*

**History:** *13 SR 2859*

1720.0820 [Repealed, 17 SR 1272]

1720.0830 [Repealed, 17 SR 1272]

1720.0840 [Repealed, 17 SR 1272]

1720.0850 [Repealed, 17 SR 1272]

**FEEDING OF GARBAGE TO LIVESTOCK AND POULTRY**

## 1720.0860 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1720.0860 to 1720.1010.

Subp. 2. **Board.** "Board" means the Board of Animal Health.



Subp. 2a. **Exempt material.** "Exempt material" is any refuse not derived in whole or in part from the meat of any animal or from refuse of any character that has been associated with that material. Exempt materials are excluded from the requirements for garbage treatment in part 1720.0930.

Subp. 3. **Feeding premises.** "Feeding premises" means the premises on which garbage or exempt material is fed to livestock and poultry.

Subp. 4. **Garbage.** "Garbage" means refuse matter, animal and vegetable, and includes all waste material, by-products of a kitchen, restaurant, or slaughter house, and refuse accumulation of animal, fruit, or vegetable matter, liquid or solid, but does not include:

A. vegetable waste or by-products resulting from the manufacture or processing of canned or frozen vegetables;

B. refuse matter determined by the board to be an exempt material; or

C. feed or feed ingredients regulated under Minnesota Statutes, chapter 25, even if the feed or feed ingredient is in whole or in part derived from materials otherwise regulated under parts 1720.0860 to 1720.1010 if the manufacturing process for these products eliminates potential harm to animals or humans.

Subp. 5. **Garbage truck.** "Garbage truck" means a conveyance used to haul garbage or exempt material from points of origin to feeding premises.

Subp. 6. **Person.** "Person" means an individual, firm, partnership, company, or corporation, including the state of Minnesota, its public institutions and agencies, and all political subdivisions of the state.

**Statutory Authority:** *MS s 35.73; 35.74; 35.75; 35.751; 35.76; 35.77; 35.78; 35.79; 35.80*

**History:** *18 SR 1189*

#### 1720.0870 EXCLUSION.

Parts 1720.0860 to 1720.1010 do not apply to a person who feeds animals and poultry which the person owns, only garbage obtained from the person's own private household.

**Statutory Authority:** *MS s 35.73; 35.74; 35.75; 35.751; 35.76; 35.77; 35.78; 35.79; 35.80*

**History:** *17 SR 1279; 18 SR 1189*

#### 1720.0880 LICENSES.

No person shall operate a feeding premise or a garbage truck unless the person has first obtained a permit from the board to do so.

**Statutory Authority:** *MS s 35.73; 35.74; 35.75; 35.751; 35.76; 35.77; 35.78; 35.79; 35.80*

**History:** *17 SR 1279; 18 SR 1189*

#### 1720.0890 PROVISIONS FOR ANNUAL LICENSE.

An annual license valid until June 30 following date of issuance, unless previously revoked, may be issued for operating a feeding premises and garbage trucks when the following provisions have been complied with: an application properly executed on a form furnished by the board shall be filed with the board; and the premises and garbage trucks designated in the application shall be inspected by a representative of the board, and a report of such inspection indicating that parts 1720.0910 to 1720.0940 have been complied with shall be filed with the board.

**Statutory Authority:** *MS s 35.79*

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### 1720.0900 REFUSAL TO GRANT OR REVOCATION OF LICENSE.

The board may refuse to grant or may revoke the license when the applicant or permit holder has violated the laws of the state or the rules of the board pertaining to the control and elimination of infectious, communicable diseases of livestock or poultry.

**Statutory Authority:** *MS s 35.79*

### 1720.0910 MAINTENANCE OF FEEDING PREMISES.

The feeding premises shall be maintained in a reasonably sanitary condition. No refuse shall be permitted to accumulate. All refuse shall be disposed of in such a way that the refuse shall not be a source of infection to the livestock and poultry on the premises.

**Statutory Authority:** *MS s 35.79*

### 1720.0920 COLLECTED GARBAGE.

Until such time as the collected garbage has been properly heated, it shall be handled in such a way that no livestock or poultry shall be permitted to contact it or have access to it.

**Statutory Authority:** *MS s 35.79*

### 1720.0930 GARBAGE TREATMENT.

No person may feed garbage to livestock or poultry until the garbage has been thoroughly heated to at least 212 degrees Fahrenheit for a continuous period of at least 30 minutes unless it is treated in some manner that is approved in writing by the board as being equally effective for the protection of public health and the control of livestock diseases. No person may knowingly permit livestock or poultry owned or controlled by that person to have access to garbage that has not been heated or otherwise treated pursuant to this part.

**Statutory Authority:** *MS s 35.73; 35.74; 35.75; 35.751; 35.76; 35.77; 35.78; 35.79; 35.80*

**History:** *18 SR 1189*

### 1720.0940 WAGON BED OR TANK ON GARBAGE TRUCK.

The wagon bed or tank on a garbage truck must be watertight and constructed so that no drippings or seepage from the garbage can escape. The top of the wagon bed or tank must be covered at all times by means of a tarpaulin or similar cover except during the time the garbage is being loaded or unloaded or the garbage truck is not in use. The wagon bed or tank must be cleaned as often as necessary to maintain the wagon bed or tank in a reasonably sanitary condition.

**Statutory Authority:** *MS s 35.73; 35.74; 35.75; 35.751; 35.76; 35.77; 35.78; 35.79; 35.80*

**History:** *18 SR 1189*

### 1720.0950 QUARANTINES.

Feeding premises on which garbage is fed to livestock or poultry must be under quarantine, and all livestock and poultry on the premises to which garbage is being fed must be covered by the quarantine.

**Statutory Authority:** *MS s 35.73; 35.74; 35.75; 35.751; 35.76; 35.77; 35.78; 35.79; 35.80*

**History:** *18 SR 1189*

**1720.0960 PERMIT FOR REMOVAL OF LIVESTOCK OR POULTRY.**

No garbage-fed livestock or poultry may be removed from a feeding premise without first obtaining a permit from the board to do so.

**Statutory Authority:** *MS s 35.73; 35.74; 35.75; 35.751; 35.76; 35.77; 35.78; 35.79; 35.80*

**History:** *18 SR 1189*

**1720.0970 PERMIT FOR IMMEDIATE SLAUGHTER.**

Permits may be issued for immediate slaughter only by the board or its agent. Live-stock or poultry for immediate slaughter shall be consigned to a point where the federal or state government maintains ante mortem and post mortem inspection.

**Statutory Authority:** *MS s 35.73; 35.74; 35.75; 35.751; 35.76; 35.77; 35.78; 35.79; 35.80*

**History:** *18 SR 1189*

**1720.0980** [Repealed, 18 SR 1189]

**1720.0990** [Repealed, 18 SR 1189]

**1720.1000 SPECIAL PERMITS.**

Special permits may be issued by the board for the removal of garbage-fed livestock and poultry for purposes other than immediate slaughter when consigned directly to a feeder or breeder by application to the board. The application must state:

A. the name and address of the veterinarian who will be employed at owner expense to inspect all garbage-fed livestock and poultry on the feeding premises, with the inspection to be made within 24 hours prior to the date of the removal of the livestock and poultry;

B. the number and kind of livestock and poultry for which the permit is requested;

C. the name and address of the consignee; and

D. the location of the premises by section, township, and county to which live-stock and poultry will be moved and the reason for requesting the permit.

**Statutory Authority:** *MS s 35.73; 35.74; 35.75; 35.751; 35.76; 35.77; 35.78; 35.79; 35.80*

**History:** *18 SR 1189*

**1720.1010 QUARANTINE ON PREMISES OF FEEDER OR BREEDER.**

Livestock and poultry moved from a quarantined feeding premise for purposes other than immediate slaughter must be quarantined by the board on the premises of the feeder or breeder until they are moved from the premises under permit issued by the board for immediate slaughter, or the quarantine may be released after 21 days if the livestock are examined by a qualified veterinarian and found to be free from symptoms of any serious communicable disease.

**Statutory Authority:** *MS s 35.73; 35.74; 35.75; 35.751; 35.76; 35.77; 35.78; 35.79; 35.80*

**History:** *18 SR 1189*

**1720.1020** [Repealed, 18 SR 1189]

**ISOLATION AND QUARANTINE OF LIVESTOCK AND POULTRY FOR INFECTIOUS AND DANGEROUS COMMUNICABLE DISEASES****1720.1030 ISOLATION AND QUARANTINE.**

All livestock and poultry affected with or which shows symptoms of or has been exposed to a disease determined by the board to be dangerous, infectious, communicable

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disease shall be quarantined and isolated from all other unexposed livestock or poultry until the board, its executive officer, or agent shall release the quarantine.

**Statutory Authority:** *MS s 35.03*

## 1720.1040 ENTRY INTO ENCLOSURES.

No person except the owner, attendants, or medical advisers shall enter any enclosures where any livestock or poultry quarantined and isolated are being kept.

**Statutory Authority:** *MS s 35.03*

### OFFICIAL IDENTIFICATION TAGS AND BRANDS

## 1720.1050 DEFINITION.

For the purposes of parts 1720.1055 to 1720.1070, "official identification tag" means a metal identification ear tag conforming to the nine-character alphanumeric National Uniform Eartagging System, contained in chapter 1, part I, paragraph M, of the Brucellosis Eradication Uniform Methods and Rules, May 1, 1982 edition, issued by the United States Department of Agriculture. It provides unique identification for each individual animal.

**Statutory Authority:** *MS s 35.03*

## 1720.1055 SALE AND APPLICATION.

Official identification tags may be sold only to veterinarians accredited under Code of Federal Regulations, title 9, section 160.1(d.), and may be applied only by or under the direct supervision of an accredited veterinarian. This requirement does not apply to official identification tags issued to artificial insemination technicians, identified as 41XAA through 41XZZ, or issued to the Dairy Herd Improvement Association, identified as 41WAA through 41WZZ.

**Statutory Authority:** *MS s 35.03*

## 1720.1060 OTHER TAGS PROHIBITED.

Every person applying ear tags to cattle for purposes of compliance with rules of the Board of Animal Health shall use official identification tags.

**Statutory Authority:** *MS s 35.03*

## 1720.1065 ANIMALS WITH EXISTING TAGS.

When an animal is already identified by an official identification tag, that tag number must be recorded for official records and another official identification tag may not be applied, except when the owner of an animal already identified by an official identification tag wants the animal identified by an official vaccination identification tag at the time of the animal's vaccination against brucellosis.

**Statutory Authority:** *MS s 35.03*

## 1720.1070 REMOVAL PROHIBITED; EXCEPTION.

No person may remove official identification tags, market cattle testing tags, or leg bands, or efface brands approved and registered by the Board of Animal Health under Minnesota Statutes, section 35.822, except that market cattle testing tags may be removed by a veterinarian securing a blood sample for a brucellosis test.

**Statutory Authority:** *MS s 35.03*

### MOVEMENT OF LIVESTOCK FROM SLAUGHTERING ESTABLISHMENTS TO POINTS IN MINNESOTA

## 1720.1080 PERMITS TO REMOVE LIVESTOCK UNDER QUARANTINE.

No cattle, sheep, or swine shall be removed from slaughtering establishments or the yards immediately contiguous thereto and operated by such slaughtering establishment as

holding, sorting, or weighing pens, to other points in Minnesota except that under extenuating circumstances and upon application by the owner of the livestock, the executive secretary of the board may issue permits to allow removal of livestock under quarantine.

**Statutory Authority:** *MS s 35.03*

**History:** *13 SR 2859*

#### MAINTENANCE, OPERATION, AND INSPECTION OF KENNELS AND DEALERS

##### 1720.1330 DEFINITIONS.

Subpart 1. **Scope.** The following words and terms are defined as follows where used in parts 1720.1330 to 1720.1578.

Subp. 2. **Board.** "Board" means the Minnesota Board of Animal Health.

Subp. 2a. **Dealer.** "Dealer" has the meaning given in Minnesota Statutes, section 347.31, subdivision 4.

Subp. 3. [Repealed, 13 SR 2859]

Subp. 4. **Duly authorized agent.** "Duly authorized agent" means an agent of the board, any sheriff or deputy sheriff, or police officer, or humane agent registered with the board and appointed pursuant to Minnesota Statutes, section 343.01.

Subp. 4a. **Humane agent.** "Humane agent" means a person appointed as an agent under Minnesota Statutes, section 343.01.

Subp. 5. **Institution.** "Institution" has the meaning given in Minnesota Statutes, section 347.31, subdivision 5.

Subp. 5a. **Kennel.** "Kennel" has the meaning given in Minnesota Statutes, section 347.31, subdivision 2.

Subp. 6. **Person.** "Person" means any individual, firm, partnership, or corporation.

Subp. 7. **Premises.** "Premises" has the meaning given in Minnesota Statutes, section 347.31, subdivision 3.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

1720.1340 [Repealed, 13 SR 2859]

1720.1350 [Repealed, 13 SR 2859]

1720.1360 [Repealed, 13 SR 2859]

1720.1370 [Repealed, 13 SR 2859]

1720.1380 [Repealed, 13 SR 2859]

##### 1720.1390 MAINTENANCE OF PREMISES.

Housing facilities must be structurally sound and maintained in good repair. Indoor housing facilities must be adequately ventilated and have ample light, either natural or artificial.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

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**1720.1400 DOGS AND CATS KEPT OUTSIDE.**

Dogs and cats kept outside must be provided with access to shelter to protect them from the sun, wind, rain, and snow together with adequate bedding when the temperature falls below 50 degrees Fahrenheit.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1410 DOGS AND CATS CONFINED BY CHAINS.**

If dogs or cats are confined by chains, the chains must be so attached that they cannot become entangled with the chains of other animals or any other objects. Chains must be of a size commonly used for the size of dog or cat involved and must be attached to the dog or cat by means of a well-fitted collar. Chains must be at least three times the length of the dog or cat as measured from the tip of its nose to the base of its tail.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1420 ENCLOSURES.**

Enclosures must be of sufficient size to allow each dog or cat to turn about fully and to stand, sit, and lie in a comfortable normal position. The enclosure must be constructed so as to prevent injury to the dog or cat.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1430 TEMPERATURE FOR INDOOR HOUSING FACILITIES.**

The temperature for indoor housing facilities must not be allowed to fall below 50 degrees Fahrenheit for dogs and cats not acclimated to lower temperatures.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1440 DISPOSAL FACILITIES.**

Disposal facilities must be provided to minimize vermin infestation, odors, and disease hazards.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1450 ADEQUATE STORAGE AND REFRIGERATION.**

Adequate storage and refrigeration must be provided to protect food supplies against contamination and deterioration.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1460 CLEAN AND SANITARY CONDITION.**

The premises, cages, enclosures, and all housing facilities must be cleaned and disinfected as often as it is necessary to maintain a clean and sanitary condition.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1470 [Repealed, 13 SR 2859]**

**1720.1480 FEEDING OF DOGS AND CATS.**

Dogs and cats must be fed at least once a day with clean, wholesome food sufficient to meet the normal daily nutritive requirements for the dog's or cat's age, size, and condition.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1490 WATER.**

Clean potable water must be made available to all dogs and cats at least twice daily for periods of not less than one hour.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1500 FEEDING AND WATERING RECEPTACLES.**

All feeding and watering receptacles must be kept clean and sanitary.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1510 HOUSING IN SAME PRIMARY ENCLOSURE.**

Dogs or cats housed in the same primary enclosure must be maintained in a compatible group. Puppies or kittens must not be housed in the same primary enclosure with adult dogs or cats other than their dam.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1520 DOGS OR CATS WITH VICIOUS DISPOSITIONS.**

Any dog or cat exhibiting a vicious disposition must be housed separately.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1530 FEMALES IN ESTRUS.**

Females in estrus must not be confined in the same enclosure with males except for breeding purposes. Dogs or cats used for breeding must be of compatible size and only one male and one female may be confined in a primary enclosure for breeding.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1535 HUMANE TREATMENT.**

All dogs and cats must be treated humanely while in the premises.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1537 TRANSPORTATION OF DOGS AND CATS.**

Dogs and cats must be transported in vehicles equipped with ample cargo space and enclosures. The number of dogs or cats transported at one time must not exceed the number that can ride comfortably. Vehicles must be adequately equipped to provide sufficient ventilation and still protect the dogs or cats from the elements, injurious drafts, and exhaust fumes.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1538 CARGO SPACE FOR DOGS AND CATS.**

The dog and cat cargo space must be constructed and arranged to prevent injuries from fighting and allow for compatible grouping in terms of age, breed, size, and disposition. Separate enclosures must be provided for females in estrus. Dogs or cats must not be placed in enclosures over other animals unless the upper enclosure is constructed to prevent excreta from entering the lower enclosures. All crates, compartments, transport cages, and cargo space must be cleaned and disinfected between uses.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1540 MINIMIZING DISSEMINATION OF DISEASE.**

Dogs or cats affected with any clinical evidence of infectious, contagious, or communicable disease must be separated from other dogs or cats.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1542 VETERINARY CARE.**

Kennels and dealers shall establish and maintain a program of disease control and prevention, euthanasia, and adequate veterinary care under the supervision of a doctor of veterinary medicine.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1545 HEALTH OF DOGS AND CATS AT TIME OF RELEASE.**

The following conditions make a dog or cat unfit for sale or release, other than to the previous owner:

- A. obvious signs of infectious disease;
- B. obvious signs of nutritional deficiencies;
- C. obvious signs of severe parasitism;
- D. fractures;
- E. blindness; and
- F. serious congenital abnormalities.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1546 DOGS AND CATS UNFIT FOR SALE OR RELEASE.**

Dogs or cats determined to be unfit for sale or release as described in part 1720.1545 must be isolated and treated by a licensed veterinarian or euthanized in a humane manner. If treatment for the conditions in part 1720.1545 brings about a satisfactory recovery to a normal state of health, the animals are fit for release or sale.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

**1720.1550 CONTROL OF PESTS.**

The kennel or dealer shall establish and maintain an effective program for the control of insects, ectoparasites, rodents, and other pests.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*



## 1720.1555 IDENTIFICATION OF DOGS AND CATS IN KENNELS.

Each dog and cat must be identified with a numbered tag affixed to the neck by the means of a collar.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

## 1720.1560 RECORDS.

A licensed kennel or dealer shall maintain the following records:

A. the name and address of the person from whom a dog or cat three months of age or over was received and, in the case of a dealer, the person's driver's license number or social security number;

B. the identification of each dog or cat confined to the premises as described in part 1720.1555;

C. description of the dog or cat by approximate age, breed, and sex;

D. the name and address of the person to whom a dog or cat three months of age or over was transferred; and

E. the history of disease conditions diagnosed by a veterinarian or diagnostic laboratory on animals housed on the premises.

Records required by this part must be preserved for a minimum of two years and available to duly authorized agents upon demand at any reasonable time.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

## 1720.1570 INSPECTIONS.

Periodic inspections must be made in cooperation with the United States Department of Agriculture, pursuant to Minnesota Statutes, section 347.35.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

## 1720.1575 INVESTIGATION OF COMPLAINTS.

Complaints must be referred to local enforcement authorities. If the complainant is not satisfied with the results obtained and the complainant wants an investigation by the board, the complainant must send to the board a written and signed complaint and a deposit of \$100. Upon investigation, if the complaint is warranted, the deposit must be returned and the board shall take action as provided in Minnesota Statutes, section 347.38. If the complaint is deemed unfounded by the board investigator, the deposit must go into the general fund. Duly authorized agents are exempt from the \$100 deposit for investigation of a complaint.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

## 1720.1576 EXPENSES OF INVESTIGATION.

A person who violates Minnesota Statutes, section 346.55 or sections 347.31 to 347.40, is liable for at least the amount of the expenses of the investigation. Expenses of investigation may be recovered by a court action in the county where the violation occurred.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859*

## 1720.1578 COST RECOVERY.

Money from license fees, fines, penalties, or deposits under Minnesota Statutes, section 346.55 or sections 347.31 to 347.40, goes into the general fund and must be accounted for

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by the commissioner of management and budget to the board to enable a showing that costs of inspection and enforcement of Minnesota Statutes, sections 346.55 and 347.31 to 347.40, have been recovered.

**Statutory Authority:** *MS s 35.03; 347.35*

**History:** *13 SR 2859; L 2003 c 112 art 2 s 50; L 2009 c 101 art 2 s 109*

1720.1580 [Repealed, 13 SR 2859]

1720.1590 [Repealed, 13 SR 2859]

1720.1600 [Repealed, 13 SR 2859]

1720.1610 [Repealed, 13 SR 2859]

1720.1620 [Repealed, 13 SR 2859]

1720.1630 [Repealed, 13 SR 2859]

1720.1640 [Repealed, 13 SR 2859]

1720.1650 [Repealed, 13 SR 2859]

1720.1660 [Repealed, 13 SR 2859]

1720.1670 [Repealed, 13 SR 2859]

#### SLAUGHTER CATTLE AND SLAUGHTER SWINE IDENTIFICATION

##### 1720.1680 SLAUGHTER CATTLE IDENTIFICATION.

It shall be the duty of every livestock trucker, livestock dealer, livestock market operator, and slaughtering establishment subject to or maintaining meat inspection, to identify upon receipt unless previously identified by backtag, all bovine breeding animals two years of age and over originating from herds in this state and received for sale or shipment to a slaughtering establishment. Such identification unless otherwise authorized by the Board of Animal Health shall consist of an official backtag issued by the Board of Animal Health, or Veterinary Services, APHIS, USDA, and shall be affixed to such animals at a point approximately four inches behind the shoulder and four inches below the top line.

**Statutory Authority:** *MS s 35.03*

##### 1720.1690 REPORTS.

Every person required to identify animals in accordance with these rules shall file reports on forms prescribed by the board, including thereon the backtag number and date of application; the name, address, and county of residence of the person who owned or controlled the herd from which such animals originated; and whether the animal was of beef or dairy type. Whenever animals are identified, a report shall be filed with the board at the end of each 14-day period covering all animals identified during such a period.

**Statutory Authority:** *MS s 35.03*

##### 1720.1700 EXCLUSION FROM IDENTIFICATION REQUIREMENT.

The requirements in parts 1720.1680 and 1720.1690 shall not apply to livestock truckers with respect to animals delivered directly to a livestock market agreeing to accept responsibility for backtag identification if at the time of delivery the market is furnished with information identifying the herd of origin.

**Statutory Authority:** *MS s 35.03*

##### 1720.1710 SLAUGHTER SWINE IDENTIFICATION.

Subpart 1. **Agent transporting swine.** It shall be the legal obligation of each agent transporting sows, boars, and stags from a producer to a livestock dealer, livestock market, stockyards, commission company, other concentration point, or slaughter establishment

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subject to or maintaining meat inspection to supply the receiving agent or agency with the name and address of the producer so the sows, boars, and stags can be identified to the herd of origin.

Subp. 2. **Agent or agency receiving swine.** It shall be the legal obligation of the agent or agency -- livestock dealer, livestock market operator, stockyard operator, commission company, buying station, operator of any concentration point at which the herd of origin of individual sows, boars, and stags would be lost, or slaughtering establishment subject to or maintaining meat inspection -- receiving sows, boars, and stags from a transporting agent to identify the sows, boars, and stags, unless so previously identified, with a tattoo or other identification authorized by the board. Failure of the first agent or agency receiving the sows, boars, and stags to properly identify the sows, boars, and stags does not relieve other agents or agencies receiving the sows, boars, and stags from the responsibilities of identification of the sows, boars, and stags to the herd of origin.

**Statutory Authority:** *MS s 35.03*

### **1720.1720 IDENTIFICATION CODE.**

Tattoos or other identification shall be applied as directed by the board, using a code approved by the board which will identify the herd of origin of the sows, boars, and stags.

**Statutory Authority:** *MS s 35.03*

### **1720.1730 RECORD OF IDENTIFICATION.**

Every agent or agency identifying sows, boars, and stags shall maintain a record of the identification used, date of application, name, and address of the producer of all sows, boars, and stags identified for at least 120 days. These records shall be made available to the board at any time.

**Statutory Authority:** *MS s 35.03*

### **1720.1740 VIOLATION.**

Each agent or agency failing to comply with the provisions of these rules is in violation of Minnesota Statutes, section 35.70.

**Statutory Authority:** *MS s 35.03*