

CHAPTER 36

POULTRY BREEDING AND INSPECTION

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**36.01 POULTRY BREEDING BOARD CREATED.** For the purpose of fostering the development of the poultry industry of the state, particularly through the improvement of breed type and productiveness of poultry flocks and through the control and eradication of infectious and communicable diseases, and for the further purpose of affording protection to buyers of poultry breeding stock by providing and indicating dependable sources from which poultry may be purchased, there is hereby created a body to be known as the Minnesota poultry improvement board, which shall be constituted as follows: the commissioner of agriculture, dairy, and food, the chief of the poultry division of the college of agriculture, University of Minnesota, the secretary and executive officer of the state live stock sanitary board, and two other members, who shall be competent and experienced poultrymen, who shall also be owners and operators of commercial poultry hatcheries, to be appointed by the governor, each for a term of three years and until his successor qualifies.

[1931 c. 408 s. 1] (5460-7)

**36.02 BOARD TO SERVE WITHOUT COMPENSATION.** The members of the Minnesota poultry improvement board shall serve without compensation, but the expenses of each, necessarily incurred in the discharge of his duties, shall be paid by the state. The board shall hold quarterly meetings at the seat of government on the first Tuesday after the first Monday in January, April, July, and October. Officers shall be elected at the April meeting. Special meetings may be held upon the call of the president of the board. Three members shall constitute a quorum.

[1931 c. 408 s. 2] (5460-8)

**36.03 POWERS AND DUTIES.** The Minnesota poultry improvement board shall have power to employ a secretary and executive officer, not a member of the board, for a term of one year and until his successor qualifies, who shall be a competent and experienced poultryman. The board may also employ, and dismiss at will, such other persons as are necessary to carry out the provisions of sections 36.01 to 36.09, fix all salaries and provide for expenses generally not inconsistent with law. The board is further authorized and directed to formulate and adopt plans whereby owners of poultry breeding flocks may, upon application, have their flocks culled, inspected, and supervised, to the end that these flocks may be accredited and certified for standard type and egg production; and likewise, poultry hatcheries may be accredited and certified as hatching and selling stock produced only from accredited and certified flocks. The board is further authorized to make, publish, and enforce rules and regulations to these ends, not inconsistent with law, and to define, prescribe, and authorize the use of uniform terminology to apply to varying degrees of accreditation and certification. The board is further authorized to adopt the "standard breeding plan" of accreditation and certification sponsored by the United States department of agriculture, or any other plan sponsored by that department, and to cooperate with that department in matters of poultry improvement. The board is further authorized to prescribe and collect fees for inspection and supervision, and to prescribe and furnish labels, leg bands, and certificates of accreditation and certification and such other supplies as may be necessary, and to prescribe and collect fees for the same. The board is further authorized to do

such other things as it may deem needful and expedient to improve poultry breeding and practices and to give effect to sections 36.01 to 36.09.

[1931 c. 408 s. 3] (5460-9)

**36.04 ADVERTISING.** Owners of accredited and certified poultry breeding flocks and hatcheries shall have the right to use the terminology prescribed by the poultry improvement board in their literature and advertising and on shipping labels; provided, that the board may, by regulation, require the submission of all or any part of such literature and advertising matter to it for review and approval before publication or issuance.

[1931 c. 408 s. 4] (5460-10)

**36.05 DISPOSAL OF FEES.** All fees collected under sections 36.01 to 36.09 shall be deposited in the state treasury and shall be placed in a special fund, to be known as the "poultry improvement board fund," available for and from which expense of the board in carrying out the provisions of sections 36.01 to 36.09 shall be paid.

[1931 c. 408 s. 5] (5460-11)

**36.06 STATE LIVE STOCK SANITARY BOARD TO CONTROL POULTRY DISEASE ERADICATION.** The state live stock sanitary board shall cooperate with the Minnesota poultry improvement board in all ways consistent with law; provided, that the live stock sanitary board shall have exclusive jurisdiction and control over all matters pertaining to poultry diseases and the control and eradication thereof. The live stock sanitary board is hereby authorized to formulate, adopt, and enforce rules and regulations whereby owners of poultry breeding flocks may, upon agreement with the board, have such flocks examined, tested, and officially designated as tested, approved, or accredited free from bacillary white diarrhea, tuberculosis, or other communicable infectious diseases when and as approved methods for official testing for such other diseases may be adopted by the board; provided, there are necessary personnel and available funds appropriated for the use of the board in making such tests and inspections. In order to distinguish eradication of specific diseases, the abbreviation for the disease shall be prefixed to the words "tested," "approved" or "accredited," as "T.B. tested," "T.B. approved" and "T.B. accredited" for tuberculosis, and "B.W.D. tested," "B.W.D. approved," and "B.W.D. accredited" for bacillary white diarrhea.

[1931 c. 408 s. 6] (5460-12)

**36.07 PRODUCTS TO BE LABELED.** All poultry and poultry products shipped under the authority of sections 36.01 to 36.09 shall be uniformly labeled with designs prescribed and furnished by the Minnesota poultry improvement board; provided, that all labeling for testing, approval, and accreditation as to disease shall first be approved by the state live stock sanitary board.

[1931 c. 408 s. 7] (5460-13)

**36.08 CERTAIN ADVERTISING PROHIBITED.** No person, firm, association, partnership, or corporation shall use in literature, advertising material or on shipping labels, or otherwise, the words "tested," "approved," "accredited" or "certified" in conjunction with either the word "state" or the word "Minnesota," or both, as related to a poultry hatchery or a poultry breeding flock, except under the authority of sections 36.01 to 36.09.

[1931 c. 408 s. 8] (5460-14)

**36.09 MAY CANCEL CERTIFICATES.** In his discretion, the secretary and executive officer of the Minnesota poultry improvement board may cancel any certificate of accreditation or certification issued under the authority of his board, and likewise the secretary and executive officer of the state live stock sanitary board may cancel any certificate of testing, approval, or accreditation issued under the authority of his board, for violation of sections 36.01 to 36.09, or any rule or regulation adopted thereunder; and any person, firm, association, partnership, or corporation who shall violate any provision of sections 36.01 to 36.09, or any regulation adopted thereunder, shall be guilty of a misdemeanor.

[1931 c. 408 s. 9] (5460-15)

**36.095 LICENSING OF BABY CHICK AUCTIONS.** Subdivision 1. **Permit required for sale of baby chicks.** That before any baby chicks are offered for sale at any auction or auction barn or community sale, except public sales conducted by farmers selling baby chicks hatched on their own farms, a permit shall be ob-

tained for the conduct of such auction from the Minnesota poultry improvement board.

**Subd. 2. Application for permit.** Any person who desires to offer baby chicks for sale at auction, as defined in subdivision one hereof, shall apply for a permit so to do to the Minnesota poultry improvement board, on a form which shall be prescribed by said board. The application shall be signed by the person who proposes to conduct such sale, together with the person who owns the property in or on which such sale is to be conducted, if the person who proposes to conduct such sale does not own such property. The application shall designate the date of the proposed sale, the number and breeds of chicks which are to be offered for sale and the name and post office address of the person or persons by whom such chicks were hatched. The application shall be accompanied by a fee in the sum of \$15.00 for each and every day or fraction thereof during which or on which it is proposed to sell such baby chicks. The Minnesota poultry improvement board is hereby authorized in its discretion to grant or deny the permit requested in such application; and, as a prerequisite to the granting of such permit, may require the applicant to submit information or evidence, in such form as the said board may specify, as to the condition of health of the baby chicks so to be offered for sale, including information or evidence as to the health of the parent flocks that produced the eggs from which such chicks were hatched.

**Subd. 3. Crates of chicks to be labeled.** Before any such chicks are offered for sale or sold, each box, crate or other container in which it is intended to deliver said chicks to purchaser shall be plainly labeled with the name of the breed, date hatched, the number of chicks within the container, the name and post office address of the person or persons by whom hatched, the place where hatched and, if determination of the sex of said chicks is represented to have been made at the time of sale, the said label shall state the minimum guaranty of pullets or cockerels, as the case may be.

**Subd. 4. List of number and kind of chicks sold.** Within three days after the sale shall have been held, as herein provided, the person who conducted the sale shall send a statement to the Minnesota poultry improvement board giving a complete list of the number and kinds of baby chicks sold at such sale, together with a copy of the representations and guaranties made in relation thereto, if any such were made by the person who conducted such sale; and the person conducting such sale shall be held to have had full knowledge of such representations and guaranties and shall be as fully responsible and liable for any such representations and guaranties as is the person who set forth such representations and guaranties, as provided in subdivision 2.

**Subd. 5. Rules and regulations.** The Minnesota poultry improvement board is hereby authorized to make such rules and regulations, not inconsistent with law, as may be necessary to administer the provisions of this section.

**Subd. 6. Baby chick defined.** The term "baby chick" as used in this section means any domestic fowl under the age of six weeks. The term "person" includes all firms and corporations. The term "person conducting the sale" shall not be construed to mean the auctioneer, unless the auctioneer is the owner or holds himself forth as the owner of the property to be sold.

**Subd. 7. Violation a misdemeanor.** Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$100, and any person who shall violate any of the provisions of this section two or more times shall be deemed guilty of a gross misdemeanor for each of such subsequent offenses.

[1945 c. 141]

**36.10 QUARANTINE MAINTAINED.** The state live stock sanitary board is hereby authorized and empowered to establish and maintain, at the owner's expense, a quarantine of any or all domestic animals or poultry, or both, imported into the state when, in its judgment, such quarantine is necessary to protect the health of the domestic animals or poultry of the state. The quarantine shall be established by the adoption of a resolution declaring the quarantine and specifying the terms, conditions, scope, and application thereof, and the publication of such resolution, as provided for the publication of rules and regulations promulgated by such board.

[1933 c. 33 s. 1] (5460-17)

**36.11 MAY NOT BREAK QUARANTINE.** Upon the establishment of the quarantine, it shall be unlawful for the owner or the person having the custody or control of the animals or poultry subject to the quarantine to remove them, or any of them, from the premises where they first come to rest within the state after the interstate shipment or transportation is completed, until released by authority of the state live stock sanitary board.

[1933 c. 33 s. 2] (5460-18)

**36.12 DEFINITION.** The word "person," as used in sections 36.10 and 36.11, means any person, firm, or corporation.

[1933 c. 33 s. 4] (5460-20)

**36.13 POULTRY FLOCK INSPECTORS.** For the purposes of sections 36.13 to 36.22, any person who, for compensation or without compensation, shall cull poultry flocks, other than those belonging to himself, for production or for standard of perfection or merit; and any person who shall, for compensation or without compensation, engage in or purport to be engaged in the culling of poultry, or holds himself out as a culler of poultry, and who, at the same time, is engaged in the purchasing of or bartering for poultry, either for himself or as the agent of another, shall be deemed to be a poultry flock inspector.

[1935 c. 226 s. 1; Ex. 1936 c. 91 s. 1] (5887-61)

**36.14 MUST BE LICENSED.** No person shall act or hold himself out as a poultry flock inspector, as defined and limited in sections 36.13 to 36.22, unless he shall be licensed to act as such by the Minnesota poultry improvement board.

[1935 c. 226 s. 2; Ex. 1936 c. 91 s. 2] (5887-62)

**36.15 QUALIFICATIONS.** Licenses to act as a poultry flock inspector shall be issued by the Minnesota poultry improvement board to such reputable persons as shall apply therefor, pay the prescribed fee, and comply with the conditions herein specified:

- (1) 21 years or more of age;
- (2) a citizen of the United States;
- (3) of good moral character;
- (4) shall have passed an examination given by the board;
- (5) shall have paid a fee of \$5.00.

[1935 c. 226 s. 3] (5887-63)

**36.16 APPLICATIONS; LICENSES; FEES.** Any person desiring a license as a poultry flock inspector shall file his application to take an examination therefor, together with his license fee of \$5.00, with the Minnesota poultry improvement board, on such application form as the board shall prescribe.

[1935 c. 226 s. 4] (5887-64)

**36.17 EXAMINATIONS.** The Minnesota poultry improvement board shall conduct examinations for poultry flock inspectors at least twice a year, and at such other times as it deems necessary and advisable. These examinations shall be in such form as the board shall determine.

[1935 c. 226 s. 5] (5887-65)

**36.18 LICENSES REVOKED.** The Minnesota poultry improvement board shall have the authority to revoke a license, after hearing and for cause and upon ten days' written notice of hearing, served, either personally or by registered mail, upon the licensee.

[1935 c. 226 s. 6] (5887-66)

**36.19 RENEWALS.** Every such license shall be renewed on or before December 31st of each year, and such renewal shall cost \$5.00. If such license is not renewed on or before such date, a penalty of \$2.00 shall attach, and if not renewed within three months from such date, the holder of such license may be compelled by the Minnesota poultry improvement board to take another examination before his license is renewed.

[1935 c. 226 s. 7] (5887-67)

**36.20 FEES TO GENERAL REVENUE FUND.** The fees provided for in sections 36.13 to 36.22 shall be deposited in the general revenue fund.

[1935 c. 226 s. 8] (5887-68)

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**36.21 RULES.** The Minnesota poultry improvement board shall have the authority to make reasonable rules and regulations to enforce the provisions of sections 36.13 to 36.22.

[1935 c. 226 s. 9] (5887-69)

**36.22 APPLICATION.** The provisions of sections 36.13 to 36.22 shall not apply to any one culling his own poultry flocks, or to approved poultry extension specialists or county agricultural agents or home demonstration agents.

[1935 c. 226 s. 11] (5887-71)

**36.23 AID TO POULTRY ASSOCIATIONS.** The county board of any county is hereby authorized to appropriate annually moneys from the county treasury, not otherwise appropriated, in a sum not exceeding \$100.00, to aid any poultry association organized and existing in the county; provided, the poultry association holds at least one annual poultry exhibit and pays premiums thereat in at least the amount of the appropriation.

[1929 c. 256 s. 1] (738-17½)

**36.24 VIOLATIONS; PENALTIES.** Subdivision 1. Any person removing any animal or any poultry while subject to quarantine, as provided in sections 36.10 and 36.11, in violation of the provisions thereof, shall be guilty of a misdemeanor.

Subdivision 2. Any person acting as a poultry flock inspector, within the meaning of sections 36.13 to 36.22, without a license therefor, shall be guilty of a misdemeanor; and it shall be the duty of the county attorney of each county to prosecute all violations thereof within his county.

[1933 c. 33 s. 3; 1935 c. 226 s. 10] (5460-19, 5887-70)