

**ARTICLE 7-03.2
DAIRY DIVISION**

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**CHAPTER 7-03.2-01
DEFINITIONS**

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| Section | |
| 7-03.2-01-01 | Definitions |

7-03.2-01-01. Definitions.

As used in this article, unless the context requires otherwise:

1. "Commissioner" means the North Dakota agriculture commissioner or the North Dakota agriculture commissioner's designee or representative.
2. "Environmental protection agency" means the United States environmental protection agency.
3. "Food and drug administration" means the United States food and drug administration.
4. "State department of health" means the North Dakota state department of health.
5. "Tester" means a person who analyzes milk for components, quality, microbiological or drug residues for the purposes of determining the value or grade of the milk.

History: Effective October 1, 2009; amended effective XXXXXXXX.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-50

**CHAPTER 7-03.2-02
LICENSE TO HAUL, SAMPLE, AND TEST**

| | |
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| 7-03.2-02-02 | Relicensing |
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7-03.2-02-01. New licenses.

All samplers, milk haulers, and testers must have a license from the commissioner. All applicants for a sampler and testers license must successfully complete an examination conducted by a certified individual employed by the commissioner or the state department of health, or other individual approved by the commissioner. Milk haulers must also comply with the requirements of chapter 7-03.2-13.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-22, 4.1-25-26

7-03.2-02-02. Relicensing.

To be relicensed, samplers, milk haulers, and testers must hold a current license and take any examinations or retraining the commissioner requires.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-22, 4.1-25-35

7-03.2-02-03. Training.

All licensed samplers and milk haulers must attend a training session at least once every two years. ~~The request for training is the responsibility of the sampler or milk hauler.~~ Training must be provided by the commissioner.

History: Effective October 1, 2009; amended effective XXXXXXXX.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-22, 4.1-25-35

**CHAPTER 7-03.2-03
REQUIREMENTS FOR SAMPLING AND TESTING**

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7-03.2-03-01. General requirements.

All tests performed by testers must conform with the requirements in the standard methods. The results of such tests must be retained for one year and must be available to the commissioner upon request.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-26, 4.1-25-34

7-03.2-03-02. Laboratories.

All laboratories used for sampling and testing milk and milk products must meet all of the requirements for grade A laboratories in the pasteurized milk ordinance. All manufacturing grade laboratories used for sampling and testing milk and milk products must meet all regulations imposed by the United States department of agriculture. On a case-by-case basis and only for good cause, the commissioner may waive the requirements of this section if the commissioner imposes substitute requirements that are substantially equivalent to those required above.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-26

7-03.2-03-03. Universal sampling.

A universal sample must be collected every time milk is picked up at the farm. This sample must be aseptically collected and may be used for all tests required by the commissioner. Before a sample is collected, the milk in the tank from which the sample is to be taken must be agitated to ensure that the sample is representative of the tank's contents.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-26

7-03.2-03-04. Sample reporting - Records.

1. The results of all raw milk testing done for regulatory purposes by industry laboratories must be reported to the commissioner weekly. When a test shows the presence of adulterants, the commissioner must be informed immediately.

2. Records on sampling, testing, or grading of milk or cream created to comply with article 7-03.2 and North Dakota Century Code chapter 4.1-25 to establish producer pay levels must be retained and available to the commissioner for twelve months. These records must include the following:
 - a. Producer identification number.
 - b. Date of sampling, testing, or grading.
 - c. Type of sampling, testing, or grading procedure used.
 - d. Results of sampling, testing, or grading.
 - e. Name of licensed tester, grader, or sampler conducting the procedure.
3. When the commissioner is investigating a complaint, the plant must give the commissioner access to all quality records that the commissioner requests.

History: Effective October 1, 2009; amended effective July 1, 2019.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-26, 4.1-25-34

7-03.2-03-05. Butterfat and protein composite sampling.

A composite sample used to test butterfat and protein must consist of a minimum of twenty milliliters made up of a representative sample from each delivery of milk or cream to the plant. A minimum of ten milliliters of milk from each delivery must be included in the composite sample. The composite sample must be maintained at a temperature of thirty-two to forty degrees Fahrenheit [0 to 4.4 degrees Celsius]. A composite sample may not be retained for more than fifteen days and must be tested within three days after the last addition. A chemical preservative must be added to maintain the integrity of the sample. Approval for the type and concentration of the preservative must be given by the commissioner upon request. If a composite testing program is being used for butterfat or protein determination, a minimum of two deliveries is required. A log is required on all composite samples maintained and available to the commissioner for twelve months. This log must list all of the following:

1. Date of the test.
2. Pickup weight of milk.
3. Producer's identification.
4. Protein or butterfat, or both, result for that composite sample.
5. Name of licensed tester performing the test.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-26

7-03.2-03-06. Farm tank calibration disputes.

When a dispute exists between the buyer and seller of raw milk as to the amount of milk being removed from farm bulk milk tanks, the buyer or seller may contact the commissioner who may review the matter and supply a recommended resolution to the buyer and seller.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-26

7-03.2-03-07. Sampling equipment.

All sampling equipment must comply with requirements in the standard methods. Certified thermometers must be used to take samples. Certified thermometers must be accurate within two degrees Fahrenheit [~~0.55~~ 1 degree Celsius]. Their accuracy must be checked once during a six-month period ~~at a calibration temperature of forty-two to forty-five degrees Fahrenheit [5.5 degrees to 7.22 degrees Celsius].~~ The thermometer must be calibrated by a certified mercury actuated thermometer. Certification must be obtained at a certified laboratory by a trained analyst approved by the commissioner. The analyst must maintain a log of the results of each thermometer certified. The log must contain the same information recorded on the thermometer and must show the certification history of all thermometers for which the analyst is responsible for one year. The following must be listed on certified thermometers:

1. Initials of the person calibrating the thermometer.
2. The date of calibration.
3. The date the calibration expires.
4. The thermometer owner's name or the thermometer number.

History: Effective October 1, 2009; amended effective XXXXXXXX.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-26

7-03.2-03-08. Farm samplers.

Individuals licensed to sample milk at farms shall follow the procedures in the North Dakota milk hauler and sampler manual, issued by the commissioner.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-26

7-03.2-03-09. Plant samplers.

1. Plant storage tanks used for storing raw milk without sampling cocks must be sampled using the procedures described in the North Dakota milk hauler and sampler manual, issued by the commissioner.
2. Samples taken from plant storage tanks with sampling cocks must use the following procedures:
 - a. Rinse the area around the sample cock with warm water and clean if needed.
 - b. Wash and dry hands.
 - c. Sanitize sample cock with an approved sanitizer or equivalent, using a minimum contact time of sixty seconds.
 - d. Purge sample cock by discarding enough milk to remove any excess chlorine solution.
 - e. Label two sample containers with the following information:
 - (1) Plant name.
 - (2) Date.
 - (3) Time.

- (4) Temperature.
 - (5) Sampler name or initials.
 - (6) Tank or silo identification.
 - (7) The sample container to be used for the temperature control must also have "T.C." noted on it.
- f. Aseptically remove the top of the bag or cap cover of the sample container marked "T.C." Fill the sample container three-quarters full, close, and place immediately in a refrigerated sample case with a water-ice mixture capable of keeping the sample at a temperature of thirty-two through forty degrees Fahrenheit [0 through 4.4 degrees Celsius].
 - g. Using the certified thermometer, obtain the temperature of the milk in the sample container marked "T.C." Write this temperature on both sample containers.
 - h. Aseptically remove the top of the bag or cap of the second sample container and obtain a sample. Fill the sample container three-quarters full. Close and place immediately in the refrigerated sample case.
 - i. Rinse off all excess milk from the sample cock and storage tank or silo.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-26

7-03.2-03-10. Finished product sampling procedures.

- 1. All finished product that is to be sampled or tested for regulatory purposes must be collected by the commissioner. Samples must be collected randomly and the older code date must be selected before a more recent code date.
- 2. Finished product chosen for sampling must be stored in a refrigerated sample container that maintains the samples at thirty-two to forty degrees Fahrenheit [0 to 4.4 degrees Celsius]. A temperature control sample must be selected for each area or cooler where finished milk product is stored. The temperature control must be opened and a temperature obtained using a certified thermometer. The temperature control must be closed and sealed to prevent leakage during transport. Samples must be taken at the plant of origin.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-26

7-03.2-03-11. Adulterants.

1. Drug testing.

- a. Raw milk. Prior to processing, the processor must test all bulk milk pickup tankers for the presence of beta lactam drug residues and for other residues as determined necessary by the commissioner. Test methods will be those approved by the association of official analytical chemists or the food and drug administration. A positive test on the commingled sample requires confirmation testing for drug residues of all individual producer samples making up the bulk pickup tanker. Bulk milk tankers testing positive must be reported to the commissioner immediately. This report must include the tests used, volume of milk contaminated, how the milk was disposed of, and which producer

caused the positive residue. All milk sample residue results must be recorded and retained for examination by the commissioner for twelve months.

- b. Bulk load rejected. If a bulk load of milk tests positive for a drug residue, the processor shall reject the entire bulk load. The rejected bulk load may not be used for human food.
 - c. Processor's loss - investigation. If a processor sustains a monetary loss because a bulk load of milk is rejected, the processor may file a complaint with the commissioner. The commissioner may investigate the complaint and may issue a report on the amount of monetary loss suffered by the processor and on the responsibility for the rejected load and for the processor's monetary loss.
 - d. Followup testing. If a bulk load of milk tests positive for drug residue, the processor shall immediately notify the commissioner and suspend further pick up of milk from the producer whose milk contaminated the bulk load until followup tests of that producer's milk test negative for drug residues. The dairy processor must perform these followup tests.
 - e. Testing bulk loads. In addition to performing routine beta lactam tests, a processor shall randomly test bulk milk deliveries for other drug residues as required by the commissioner. The drug testing program shall include milk from each producer in at least four separate months during any consecutive six-month period.
 - f. Finished product. All finished milk products must be free of antibiotics. Raw milk contaminated with antibiotics may not be used in processing finished milk products. All manufacturing grade finished milk products must be tested as determined by the commissioner. These products include fluid and cultured products, butter, cheese, and other products so designated by the commissioner.
2. **Drug residue and other substances.** A person may not sell or offer for sale milk that contains drug residues or other chemical substances in amounts above the tolerances set in the food and drug administration's Memorandum of Information No. M-I-28-9, dated February 9, 2018, and in title 21, Code of Federal Regulations, parts 530 and 556. These levels are merely guidelines. Milk with drug residues or other chemical substances below these tolerances is not necessarily unadulterated or otherwise acceptable milk, and selling or offering to sell such milk may be subject to penalty and other regulatory action by the commissioner.
- a. When a producer has shipped milk that tests positive for residue, the producer's farm license must be suspended until a sample of the producer's milk tests negative.
 - b. When a producer has shipped milk that tests positive for residue three times in a twelve-month period, the producer's farm license may be revoked if the commissioner's investigation warrants such action.
 - c. The commissioner will complete a followup inspection when a producer's milk tests positive for residue.
3. **Pesticides.** Milk containing any pesticides or chemical contamination exceeding food and drug administration or environmental protection agency standards for safe food may not be offered for sale.
4. **Added water.** Milk may not contain added water. Any packaged milk that tests under .530 degrees Horvet using the cryoscope thermistor test may not be offered for sale. Raw milk producer supply milk that tests under .530 on three of last five official samples, shall have their permit suspended until the milk tests are acceptable for added water content. Once an acceptable sample is received, the producer will receive a temporary permit. A full permit will be given once no more than 2 of the last five official samples are acceptable for added water.

History: Effective October 1, 2009; amended effective July 1, 2019; amended effective XXXXXXX.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-02, 4.1-25-26, 4.1-25-35, 4.1-25-36, 4.1-25-37

**CHAPTER 7-03.2-04
LICENSING PROCEDURES FOR DAIRY FARMS**

Section

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03.2-04-03 Denial of Licensure and Appeal

7-03.2-04-04 Temporary Facilities' License for Selling Raw Milk

7-03.2-04-05 Grade A Farms - Loss of Status - Inspection - Access

7-03.2-04-01. General requirements for licensing dairy farms.

1. All dairy farms wishing to sell milk must apply for a farm license. No farm may sell milk without a license.
2. Application for a license must be filed with the commissioner. Soon after receiving the application the commissioner shall inspect the farm and its facilities and premises.
3. A set of plans containing information on the dairy farm, milking facility, and milking equipment must be submitted to the commissioner for new dairy farms and prior to major changes in existing facilities. The plans must be provided by the dairy producer and approved by the commissioner prior to licensure and prior to starting any construction.
4. A facility inspection must be conducted and a water sample taken as a licensing requirement. Satisfactory results from both these items will result in the posting of an inspection sheet, which certifies that the facility can sell milk in North Dakota.
5. The inspection sheet must be prominently posted in the milkhouse and is part of the record in all administrative proceedings involving compliance with North Dakota Century Code chapter 4.1-25 and rules enacted under it.
6. The commissioner will license dairy farms either as:
 - a. Grade A, which is a farm that is licensed to meet production practices required by North Dakota Century Code section 4.1-25-30; or
 - b. Manufacturing grade, which is a farm that is licensed to meet production requirements required by North Dakota Century Code section 4.1-25-28.
7. Licensure continues unless suspended or revoked and is not transferable.
8. A dairy farm temporarily not in use during a normally scheduled inspection is required to be relicensed prior to starting raw milk production.
9. All licensed farms will be assigned a producer number by the commissioner. This number must be used by the producer, bulk hauler, and plant when communicating with the dairy commissioner.

History: Effective October 1, 2009; amended effective XXXXXXXX.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-28, 4.1-25-30, 4.1-25-33

7-03.2-04-02. Special requirements for licensing dairy farms.

1. **Grade A milk farm.** To be licensed as a grade A milk farm, the farm must satisfy the following:
 - a. The farm must score a ninety or above during the initial inspection, without any equipment cleaning, major drug labeling, major drug storage, or milk cooling violations.

- b. The water supply must meet the requirements of the North Dakota board of water well contractors and state department of health, or the water supply must be approved for municipal or rural water use by the state department of health.
- c. Wells must be at least ten feet [3.01 meters] from hydrants unless the hydrant is frost-free style and with an approved atmospheric vacuum breaker or the hose connection threads are cut off.
- d. The farm bulk tank must be empty at the time of licensing.
- e. The hoseport must be installed in an exterior milkhouse wall.
- f. Neither light fixtures nor vents may be placed over bulk tanks.
- g. Light must be provided to properly inspect the interior of bulk tanks.
- h. Livestock or fowl may not have access to truck approach (driveway) or loading area.
- i. Hot water heater capacity must be adequate to properly clean equipment.
- j. There must be adequate backflow preventors upstream from tube, plate coolers and heat exchangers to protect the milkhouse and water supply. Backflow preventors are also required downstream of tubeplate coolers, and heat exchangers unless there is a physical break downstream. The physical break must be at least two times the diameter of the discharge line.
- k. Properly mounted and installed 36A or N36 vacuum relief valves or a properly installed low pressure cut off switch downstream from a shut off valve, are required on power washers and booster pumps.
- l. All equipment must meet applicable 3A standards and practices.

- 2. **Manufacturing grade milk farm.** Manufacturing grade milk farms must meet all rules of the United States department of agriculture.

History: Effective October 1, 2009; amended effective July 1, 2019.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-28, 4.1-25-50

7-03.2-04-03. Denial of license and appeal.

- 1. Should the inspection determine that deficiencies exist, causing a score below a ninety without any equipment cleaning, major drug labeling, major drug storage, or milk cooling violations, the farm may not be licensed.
- 2. The producer shall correct deficiencies before requesting a reinspection.
- 3. A producer denied a license may appeal that decision to the commissioner within thirty days of the denial, by requesting, in writing, a hearing. The commissioner shall convene a hearing as soon as possible.

History: Effective October 1, 2009; amended effective July 1, 2019.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-02

7-03.2-04-04. Temporary facilities' license for selling raw milk.

1. Application must be made to the commissioner to license temporary facilities for dairy shows, fairs, etc.
2. Temporary facilities must comply with all construction requirements in article 7-03.2 and in North Dakota Century Code chapter 4.1-25 for farm facilities offering raw milk for sale. Lactating dairy animals must never be housed with fowl, swine, or other potential carriers of milk-borne illnesses.
3. An onsite facility inspection must be conducted by the commissioner prior to milk sales. If a temporary permit is issued, the permit will be the commissioner's inspection sheet, which the licensee must post in a place at the licensed facility to be readily viewed by the public. The permit duration will be set by the commissioner.
4. All milk offered for sale from facilities with temporary permits must be screened by the licensee for inhibitory substances by use of the Delvo P or other tests accepted by the commissioner. The person administering the test must be a licensed tester.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-30

7-03.2-04-05. Grade A farms - Loss of status - Inspection - Access.

1. If a grade A farm has three repeat violations that concern the same inspection item, or if the farm scores seventy-five or below in an inspection, it will be downgraded to manufacturing grade status. The commissioner shall notify the milk plant, the milk hauler, and the producer of the status change.
2. A grade A farm in violation of equipment cleaning, drugs, temperature, and other requirements established to protect the public from serious health risks will be reinspected not before three days but before twenty-one days.
3. If a grade A dairy farm is downgraded three times in any two-year period for any reason, the farm must remain downgraded for up to ninety days as determined by the commissioner. For a farm to regain a grade A license, a reinstatement inspection is required.
4. If access to a grade A farm is denied to persons seeking to undertake an inspection, federal check rating, an interstate milk survey, or any state inspection, then the farm will be immediately downgraded to manufacturing grade status and will lose its grade A status.

History: Effective October 1, 2009; amended effective July 1, 2019.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-24, 4.1-25-30

CHAPTER 7-03.2-05 MANUFACTURING FARM REGULATIONS

Section

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| 7-03.2-05-10 | Milking Procedures |
| 7-03.2-05-11 | Farm Inspection Procedures and Enforcement |

7-03.2-05-01. Herd health.

Milk offered for sale must be obtained from healthy cows.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-28, 4.1-25-36

7-03.2-05-02. Quality standards.

1. Milk offered for sale must meet United States department of agriculture regulations.
2. The commissioner will place a producer's raw milk under warning when:
 - a. Two of the last four bacteria counts exceed 500,000 cells/ml. No sooner than three days, nor more than twenty-one days, after the commissioner issues the warning, another milk sample must be taken and tested. If the result is more than 500,000 cells/ml, the producer's milk must be excluded from the market. To regain access to the market the farm must pass an inspection by the commissioner, during which the bulk milk tank must be empty, and the farm's milk must be sampled and tested under and must meet conditions set by the commissioner. If the result of this test is 500,000 cells/ml or less, a temporary permit will be issued. If a temporary permit is issued, three milk samples must be taken within twenty-one days after the permit is issued. No more than two samples may be taken within any seven-day period. If the bacteria count of all three samples is 500,000 cells/ml or less, the producer will again have full status for manufacturing grade milk.
 - b. Two out of the last four monthly somatic cell counts exceed 750,000 cells/ml. No sooner than three days, nor more than twenty-one days, after the commissioner issues the warning another milk sample must be taken and tested. If the result is more than 750,000 cells/ml, the producer's milk must be excluded from the market. To regain access to the market the farm's milk must be sampled and tested and must meet conditions set by the commissioner. If the result of this test is 750,000 cells/ml or less, a temporary permit will be issued. If a temporary permit is issued, three milk samples must be taken within twenty-one days after the permit is issued. No more than two samples may be taken within any seven-day period. If the somatic count of all three samples is 750,000 cells/ml or less, the producer will again have full status for manufacturing grade milk.
3. A farm license will be suspended if the farm scores below eighty on three consecutive farm inspections. The commissioner will reinstate a license when conditions leading to the

suspension have been corrected by evidence of either test results or a satisfactory farm inspection.

4. The volume of milk in the bulk tank after the first milking must be sufficient to ensure adequate agitation of the milk. Failure to produce adequate volumes on the first milking may result in suspension of a farm's license to sell raw milk.

History: Effective October 1, 2009; amended effective July 1, 2019.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-28, 4.1-25-36, 4.1-25-37

7-03.2-05-03. Water supply.

1. The farm's water supply must be properly located, protected, and operated and must be an ample supply and safe for cleaning utensils and equipment. Rural farm water supplies approved by the state department of health are acceptable. Wells constructed in compliance with state board of water well contractors and tested every three years by an approved laboratory and found to be satisfactory are acceptable. Other water supplies approved by the commissioner and tested annually and found to be satisfactory are acceptable. All water sources must be tested following repairs or other disruptions to the water system and must be found satisfactory. All new water supplies to dairy farms must comply with either the state department of health requirements for rural water or the state board of water well contractors requirements for well construction.
2. Handwashing facilities with soap, individual sanitary towels, and hot and cold water under pressure must be provided.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-30

7-03.2-05-04. Milk truck approach - Hoseport slab - Port opening.

The milk truck approach to the milk loading area must prevent excess mud and allow easy access to the milkroom. Farm animals must not have free access to the milk loading area. The hoseport slab and milk loading area must be kept clean. The hoseport slab must be constructed of concrete or other impervious material and centered under the port opening through which milk is transferred from the bulk tank to the milk truck. The hoseport slab must be sufficiently large to protect the milk hose from contamination. The port opening must be closed when not in use.

History: Effective October 1, 2009; amended effective July 1, 2019.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-30

7-03.2-05-05. Waste.

All toilet wastes on the farm and all milkhouse and milkroom wastes must be disposed of in a manner that will not pollute the soil surface, contaminate any water supply, or be exposed to insects.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-30

7-03.2-05-06. Federal requirements.

Farms selling manufacturing grade milk must comply with United States department of agriculture rules governing such facilities.

History: Effective October 1, 2009.
General Authority: NDCC 4.1-25-50
Law Implemented: NDCC 4.1-25-30

7-03.2-05-07. Pesticides and medicines.

Only pesticides approved for use in the milkroom with an environmental protection agency number may be stored in the milkroom and when used must be used in accordance with label instructions. Automatic pesticide dispensers are allowed if properly installed and used with approved pesticides. Antibiotics and other medicines may be stored in the milkroom if stored in a manner that ensures that neither the milk supply nor milk contact equipment is contaminated.

History: Effective October 1, 2009.
General Authority: NDCC 4.1-25-50
Law Implemented: NDCC 4.1-25-30

7-03.2-05-08. Bulk milk - Tank - Conversion table - Temperature.

The bulk milk tank must be equipped with an approved milk measuring device. A conversion table to determine pounds [kilograms] must be in the milkroom. Milk above forty-five degrees Fahrenheit [7.22 degrees Celsius] must not be offered for sale or transported off the farm.

History: Effective October 1, 2009.
General Authority: NDCC 4.1-25-50
Law Implemented: NDCC 4.1-25-30

7-03.2-05-09. Premises cleanliness.

The farm must be kept clean. Manure must be removed daily from the milking parlor or stored in a way that prevents access by cows. Stacked or piled manure and manure packs in housing facilities must be spread prior to fly season each year. The yard or loafing area must be of ample size to prevent overcrowding, must be drained to prevent standing water pools, and must be kept clean.

History: Effective October 1, 2009.
General Authority: NDCC 4.1-25-50
Law Implemented: NDCC 4.1-25-30

7-03.2-05-10. Milking procedures.

All milking procedures must comply with United States department of agriculture regulations.

History: Effective October 1, 2009.
General Authority: NDCC 4.1-25-50
Law Implemented: NDCC 4.1-25-30

7-03.2-05-11. Farm inspection procedures and enforcement.

1. Farms under warning for cleaning violations, major drug violations, or cooling equipment problems will be inspected within twenty-one days.
2. Items for which the commissioner has established a compliance deadline are exempted from further action until the deadline has expired.

History: Effective October 1, 2009.
General Authority: NDCC 4.1-25-50
Law Implemented: NDCC 4.1-25-30, 4.1-25-50

**CHAPTER 7-03.2-06
CHANGING THE MILK BUYER**

Section

7-03.2-06-01 Transfer Procedures

7-03.2-06-01. Transfer procedures.

1. A dairy producer who wants to contract with a new milk buyer shall apply to the commissioner for authority to do so. The application must be on forms provided by the commissioner.
2. Upon receipt of an application, the commissioner shall examine the applicant's inspection and milk quality records. If the records indicate that the applicant meets minimum milk quality standards and is under no suspension or suspension warning, the commissioner shall immediately approve the application and mail a copy to the applicant and the buyers involved. Should the applicant's records leave doubt about whether minimum standards are met, the commissioner shall immediately order a milk sample be taken or an inspection of the dairy facility, or both, to determine compliance. If the inspection and milk quality tests conclude that the applicant meets minimum standards, the commissioner shall immediately approve the transfer. The transfer takes effect on the date the commissioner approves it or on another date the commissioner sets.
3. The commissioner shall approve or disapprove an application in writing, within seven days. Additional time may be taken if the commissioner requires a farm inspection or testing a milk sample.
4. Upon the applicant's written request, which must be submitted within thirty days of the denial of a transfer request, the commissioner shall promptly convene a hearing to determine whether the denial was proper.
5. If an applicant wishes to retain the applicant's current milk buyer before the approved transfer date, the applicant may ask the commissioner to rescind the transfer. The applicant must notify the buyers involved that the transfer was rescinded.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-50

**CHAPTER 7-03.2-07
MILK AND MILK PRODUCTS STANDARDS**

Section

- 7-03.2-07-01 Chemical, Physical, Bacteriological, and Temperature Standards
- 7-03.2-07-02 Enforcement Procedures

7-03.2-07-01. Chemical, physical, bacteriological, and temperature standards.

All milk and milk products must meet the chemical, physical, bacteriological, and temperature standards established by the United States department of agriculture regulations and by the pasteurized milk ordinance.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-29, 4.1-25-30

7-03.2-07-02. Enforcement procedures.

1. Whenever three of the last five consecutive bacteria, temperature, or coliform counts exceed the standards of the pasteurized milk ordinance or United States department of agriculture regulations, the commissioner will suspend the license of the plant processing the product.
2. Whenever any phosphatase test is positive, the commissioner shall conduct an investigation to determine the cause and the product in question may not be offered for sale until the cause is determined and eliminated.
3. Whenever any drug or pesticide test results in a level exceeding the limits established by the food and drug administration or environmental protection agency, the product in question must be removed from the market and the commissioner shall conduct an investigation to determine the cause. The milk product in question may not be offered for sale until the cause is determined and eliminated.
4. ~~Raw milk cheese may not be processed or sold in North Dakota. All milk to be used for cheese processing must be heat treated or pasteurized. The heat treatment must be at least one hundred forty seven degrees Fahrenheit [63.89 degrees Celsius] for twenty one seconds, or at least one hundred fifty three degrees Fahrenheit [67.22 degrees Celsius] for fifteen seconds. Cheeses processed or sold in North Dakota must meet definitions and standards of identity found in 21 CFR Part 133 Cheeses and Related Cheese Products.~~

History: Effective October 1, 2009; amended effective XXXXXXX.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-29, 4.1-25-30, 4.1-25-52

CHAPTER 7-03.2-08
COMPOSITION STANDARDS FOR MILK PRODUCTS

Section

7-03.2-08-01 Composition Standards for Milk Products

7-03.2-08-01. Composition standards for milk products.

All pasteurized milk ordinance-defined milk and milk products must satisfy the composition standards set by the pasteurized milk ordinance and food bearing standardized food names must comply with the Code of Federal Regulations standard.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-29, 4.1-25-30

CHAPTER 7-03.2-09 FROZEN DESSERTS

Section

| | |
|--------------|--|
| 7-03.2-09-01 | Frozen Desserts - Manufacturers and Processors Regulations |
| 7-03.2-09-02 | Microbiological Requirements for Ice Cream, Ice Milk, Ice Cream Mix, and Frozen Yogurt |
| 7-03.2-09-03 | Resampling |

7-03.2-09-01. Frozen desserts - Manufacturers and processors regulations.

1. For the purposes of this chapter, frozen desserts include ice cream, ice milk, sherbet, soft serve, frozen yogurt, and any frozen dessert or ice cream mix containing dairy products.
2. A license from the commissioner is required for any frozen dessert processor that packages, freezes, or adds flavors to ice cream mix. Establishments ~~taking the product directly from the mix freezer and delivering it~~ selling or delivering directly to the ultimate consumer are exempt from licensing.
3. All frozen dessert processors must be inspected once every three months by the commissioner.
4. All new equipment used by frozen dessert processors must comply with 3A standards or other standards acceptable to the commissioner. Modifications of plant processes for manufacturing frozen desserts must be submitted to the commissioner for approval prior to installation or construction.
5. All raw milk and dairy ingredients used in processing frozen desserts must be pasteurized and must originate from plants approved by the United States department of agriculture, the food and drug administration, or the commissioner.
6. Sanitary requirements, at a minimum, must meet United States department of agriculture regulations for manufacturing frozen desserts.
7. Four samples within a six-month period must be collected by the commissioner from each frozen dessert processor.
8. Samples must be handled in accordance with the standard methods. Samples must be tested at laboratories approved by the commissioner.

History: Effective October 1, 2009; amended effective XXXXXXX.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-02, 4.1-25-29, 4.1-25-30

7-03.2-09-02. Microbiological requirements for ice cream, ice milk, ice cream mix, and frozen yogurt.

1. The United States department of agriculture regulations that set microbiological requirements for frozen desserts apply to ice cream, ice milk, ice cream mix, and frozen yogurt.
2. All milk, when delivered to a plant to be used in making ice cream, ice milk, ice cream mix, or frozen yogurt, must have a temperature of forty-five degrees Fahrenheit [7.22 degrees Celsius] or lower. If the delivered milk is from a single producer, it must not exceed five hundred thousand per milliliter standard plate count. If the delivered milk is commingled, it must not exceed one million per milliliter standard plate count.
3. All cream delivered to a plant to be used in making ice cream, ice milk, ice cream mix, or frozen yogurt must have a temperature of forty-five degrees Fahrenheit [7.22 degrees Celsius]

or lower. All delivered cream must not exceed eight hundred thousand per milliliter standard plate count.

4. All dry dairy ingredients to be used in making ice cream, ice milk, ice cream mix, or frozen yogurt must meet the manufacturing standards set by United States department of agriculture regulations.
5. All ice cream, ice milk, ice cream mix, and frozen yogurt products must meet the following phosphatase and coliform requirements:
 - a. Phosphatase. The phenol value of a product may be no greater than the minimum specified for the product as determined by the phosphatase test in the standard methods, or other tests approved by the commissioner.
 - b. Coliform.
 - (1) In plain ice cream, ice milk, ice cream mix, and frozen yogurt products, the coliform may not exceed ten per milliliter. Further, these products must not exceed ~~twenty thousand~~ fifty thousand per milliliter standard plate count.
 - (2) In flavored ice cream, ice milk, ice cream mix, and yogurt products, the coliform may not be more than twenty per milliliter. Further, these products must not exceed ~~twenty thousand~~ fifty thousand per milliliter standard plate count.

History: Effective October 1, 2009; amended effective XXXXXXX.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-29, 4.1-25-30, 4.1-25-50

7-03.2-09-03. Resampling.

When a sample exceeds the microbiological requirements, the licensed operator must be notified in writing. When two samples out of four consecutive samples of the same flavor are not in compliance, a warning must be sent. ~~The next batch produced of that flavor shall be sampled. After which, an additional sample must be taken in not less than three days or more than twenty one days from the notification. An inspection must be made at this time to determine sanitary conditions.~~ When three out of five consecutive samples of the same flavor are not in compliance, sale of ~~the~~ that flavored product must be stopped until the test results are in compliance.

History: Effective October 1, 2009; amended effective July 1, 2019; amended effective XXXXXXX.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-29, 4.1-25-30, 4.1-25-44

**CHAPTER 7-03.2-10
INSPECTION REQUIREMENTS FOR DAIRY
MANUFACTURING AND PROCESSING PLANTS**

Section
7-03.2-10-01 Premises

7-03.2-10-01. Premises.

Dairy processing plants must comply with United States department of agriculture regulations for approved dairy plants and regulations for grades of dairy products and with appendix H of the pasteurized milk ordinance.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-24

CHAPTER 7-03.2-11
INSPECTION CRITERIA FOR GRADE A PLANTS

Section

7-03.2-11-01 Inspection Criteria

7-03.2-11-01. Inspection criteria.

All grade A milk must be processed according to the requirements of the pasteurized milk ordinance.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-30

CHAPTER 7-03.2-12
TRANSPORTATION OF MILK AND CREAM FOR MANUFACTURING, PROCESSING, OR
BOTTLING PURPOSES

| | |
|--------------|--|
| Section | |
| 7-03.2-12-01 | Licensing |
| 7-03.2-12-02 | Equipment and Vehicles |
| 7-03.2-12-03 | Raw Milk Pickup |
| 7-03.2-12-04 | Pup Trailers - Two-Compartment Tankers |
| 7-03.2-12-05 | Washing Trucks |
| 7-03.2-12-06 | Topping Off - Emptying Farm Bulk Tank |

7-03.2-12-01. Licensing.

All persons owning or operating a truck or other vehicle involved in transporting milk and cream for manufacturing purposes must be licensed by the commissioner.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-02, 4.1-25-22, 4.1-25-35

7-03.2-12-02. Equipment and vehicles.

The maximum amount of time between pickup of milk on the farm is ninety-six hours. All equipment used to transport milk or cream must conform to 3A standards, or other standards acceptable to the commissioner. Equipment not meeting 3A standards and not otherwise having the commissioner's approval must be sealed or tagged by the commissioner and may not be used for storing and transporting milk and milk products. Vehicles used for transporting milk or milk products may not be used for transporting other products, unless approved by the commissioner.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-35

7-03.2-12-03. Raw milk pickup.

1. Raw milk picked up on the farm must be stored in containers meeting all the following requirements:
 - a. Comply with 3A standards, or other standards approved by the commissioner.
 - b. Able to agitate to obtain a universal sample.
 - c. Able to hold milk at a temperature between thirty-two to forty-five degrees Fahrenheit [0 to 7.22 degrees Celsius].
2. Only raw milk stored on the farm in bulk tanks approved by the commissioner may be picked up. Milk stored in containers not complying with this section may not be added to milk stored in a container meeting the requirements of this section.
3. Filter bowls or open bowl strainers with fiber filters must comply with 3A standards. Only approved in-line filtering devices may be used to transfer milk from a farm bulk tank to a farm bulk truck. These devices must be stored in a sanitary manner.
4. During transfer of all milk or milk products from farm bulk trucks or tankers, a filter is required for any air inlet vent when the transfer occurs out-of-doors or in an area not completely enclosed.

5. Transfer of milk and milk products between trucks or tankers must be made from valve to valve with adequate filter protection for air inlet vent.
6. Only milk stored at forty-five degrees Fahrenheit [7.22 degrees Celsius] or below may be picked up at the farm.
7. Milk may only be picked up from farms that have posted a valid license issued by the commissioner.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-50

7-03.2-12-04. Pup trailers - Two-compartment tankers.

When pup trailers are used in hauling milk and milk products, the connecting pipeline between the main tanker and pup trailer must be kept free of milk or milk products during transport. Any milk retained in the connecting pipeline must be disposed of and not transferred to plant storage silos or tanks. These connecting pipelines or hoses must be cleaned and sanitized between each use. Two-compartment tankers must carry the same grade product in each compartment unless all the milk is used for the lowest grade.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-35

7-03.2-12-05. Washing trucks.

1.
 - a. All tankers and farm bulk trucks used for transporting raw milk from the farm to the plant must be washed and sanitized at the end of each day's use. A record of this cleaning must be kept and may consist of a mechanical recording chart, a wash log, or any other approved methods consistent with the requirements of appendix B, milk sampling hauling, and transportation of the pasteurized milk ordinance.
 - b. All items such as valves and milk pumps that cannot be cleaned in place must be manually cleaned and sanitized at the end of each day's use.
 - c. All milk transported in tankers or farm bulk trucks that are washed out of state and do not have the required seal and wash tag must be diverted to nongrade A uses.
2. If milk is held in tankers or farm bulk trucks overnight, the milk may not exceed forty-five degrees Fahrenheit [7.22 degrees Celsius].

History: Effective October 1, 2009; amended effective July 1, 2019.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-35

7-03.2-12-06. Topping off - Emptying farm bulk tank.

Milk haulers must completely empty a farm bulk tank at every pickup. If this is not possible, the milk remaining in the farm bulk tank must be picked up before the next milking, unless the farm bulk tank is equipped with seven-day temperature-recording device that complies with appendix H, IV, temperature-recording devices used in storage tanks of the pasteurized milk ordinance. The tank must be emptied, cleaned, and sanitized at least every seventy-two hours.

History: Effective October 1, 2009; amended effective July 1, 2019.

General Authority: NDCC 4.1-25-50

CHAPTER 7-03.2-13 MILK HAULERS LICENSING

| | |
|--------------|----------------------|
| Section | |
| 7-03.2-13-01 | License Requirements |
| 7-03.2-13-02 | Training [Repealed] |
| 7-03.2-13-03 | Violations |

7-03.2-13-01. License requirements.

All owners of tankers and farm bulk trucks must be licensed by the commissioner as milk haulers. The following items must be complied with to obtain a license:

1. The outside of vehicles hauling milk must be identified with the owner's name, address, and identification number. This information must be in letters of such height making them easy to read from a distance of one hundred feet.
2. Vehicles hauling milk must comply with 3A standards for unrefrigerated tanks storing milk and milk products.
3. The license must be renewed annually.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-02, 4.1-25-22, 4.1-25-35

7-03.2-13-02. Training.

Repealed effective July 1, 2019.

7-03.2-13-03. Violations.

The milk hauler is responsible for the acts of any employee who violates the requirements of this article.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-35

CHAPTER 7-03.2-14
TRANSPORTATION OF PROCESSED AND MANUFACTURED PRODUCTS

Section

| | |
|--------------|----------------------|
| 7-03.2-14-01 | License |
| 7-03.2-14-02 | Vehicle Requirements |
| 7-03.2-14-03 | Outdated Products |

7-03.2-14-01. License.

All persons who transport processed and manufactured dairy products from the processing plant for retail sale or sale directly to the consumer must be licensed by the commissioner.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-02

7-03.2-14-02. Vehicle requirements.

All vehicles used to transport dairy products must comply with the following:

1. A temperature of forty-five degrees Fahrenheit [7.22 degrees Celsius] or lower must be maintained in the storage area of the vehicle.
2. All milk and milk products, except frozen desserts, must be maintained at forty-five degrees Fahrenheit [7.22 degrees Celsius] or lower. Ultrapasteurized and aseptically processed dairy products are exempt from this requirement.
3. Frozen desserts must be properly cooled to maintain solid form and texture.
4. The interior of the storage area must be cleaned daily and be free from insects and rodents.
5. An approved thermometer must be mounted in the storage area of all vehicles.

History: Effective October 1, 2009; amended effective April 1, 2013.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-50

7-03.2-14-03. Outdated products.

Dairy products that have exceeded their code date for retail sale may not be transported from the processing plant if offered for sale.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-50

**CHAPTER 7-03.2-15
BUTTERFAT TEST**

Section

7-03.2-15-01 Butterfat Test Fee

7-03.2-15-01. Butterfat test fee.

A fee of ten dollars for each party involved in the dispute must be charged for an official butterfat test.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-43

CHAPTER 7-03.2-16
LABELING MILK AND MILK PRODUCTS FOR RETAIL SALE AND OUT-OF-STATE
BUTTER

Section

| | |
|--------------|-------------------------------|
| 7-03.2-16-01 | Federal Labeling Requirements |
| 7-03.2-16-02 | Cheese Labeling |
| 7-03.2-16-03 | Sodium Labeling |
| 7-03.2-16-04 | Frozen Desserts |
| 7-03.2-16-05 | Out-of-State Butter |

7-03.2-16-01. Federal labeling requirements.

All milk and milk products must comply with the labeling and nomenclature requirements of title 21, Code of Federal Regulations, parts 131, 133, and 135, and section 343(q)(r) of title 21, United States Code.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-41, 4.1-25-50

7-03.2-16-02. Cheese labeling.

1. Bulk cheese must be legibly marked with:
 - a. The name of the product.
 - b. Date of manufacture.
 - c. Vat number.
 - d. The manufacturer's officially designated code number or name and address.
 - e. A statement whether the product is pasteurized or heat-treated, or intended for further processing.
 - f. Other information as required by United States department of agriculture regulations and by 21 United States Code 343(q)(r).
2. Each consumer-sized container must be marked with:
 - a. Name and address of the manufacturer or United States department of agriculture code.
 - b. Name of packer or distributor.
 - c. Net weight of the contents.
 - d. Name of the product.
 - e. Date of manufacture.
 - f. Date of packing.
 - g. Other information as required by title 21, Code of Federal Regulations, part 133.
3. In lieu of the requirements of subsection 2 where it is not practical to label consumer-sized packages consistent with the requirements in subsection 2, a record of processing dates, product names, vat numbers, and plant code of the original bulk cheese must be kept on file

at the particular establishment for one year and made available to the commissioner upon request.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-41, 4.1-25-50

7-03.2-16-03. Sodium labeling.

Sodium labeling must comply with 21 United States Code 343(q)(r).

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-41, 4.1-25-50

7-03.2-16-04. Frozen desserts.

All frozen dessert labels must include:

1. Name of product.
2. Name of plant that processed the product.
3. Address of processor.
4. Size or volume of container.
5. Whether the product is naturally or artificially flavored.
6. List of ingredients in descending order.
7. Other pertinent information as required by United States department of agriculture regulations and 21 United States Code 343(q)(r).

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-41, 4.1-25-50

7-03.2-16-05. Out-of-state butter.

All butter coming into North Dakota must be from United States department of agriculture-listed plants.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-50

**CHAPTER 7-03.2-17
GOAT AND SHEEP MILK PRODUCTION AND PROCESSING**

Section
7-03.2-17-01 Requirements

7-03.2-17-01. Requirements.

1. All grade A goat and sheep milk must be produced according to the pasteurized milk ordinance.
2. Processing goat and sheep milk must meet the United States department of agriculture's manufacturing rules if the milk is to be sold as manufacturing grade milk, ~~but if it is to be sold as grade A milk then it must meet the pasteurized milk ordinance.~~ products.
3. ~~All raw goat and sheep milk must be pasteurized or heat treated before being used in cheese or other food products intended for human consumption. All goat or sheep milk products and cheeses must be properly identified as to type of the product and ingredients, and all heat-treated cheeses must be aged at least six months before being offered for human consumption. Cheeses made with goat or sheep milk must meet the standards of identity as specified in 21 CFR Part 133 Cheese and Cheese Products.~~
4. The commissioner may modify the requirements of this section if the commissioner finds that the health, safety, and welfare of the general public, as well as the quality of the product, will not be compromised.

History: Effective October 1, 2009; amended effective July 1, 2019; amended effective XXXXXXXX.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-30

**CHAPTER 7-03.2-18
DISTRIBUTORS OF MILK AND MILK PRODUCTS**

Section

| | |
|--------------|-------------------------------|
| 7-03.2-18-01 | Licensing Requirements |
| 7-03.2-18-02 | Origin of Grade A Products |
| 7-03.2-18-03 | Compliance With Federal Rules |

7-03.2-18-01. Licensing requirements.

Any person wanting to be a distributor of milk and milk products must be licensed by the commissioner. Before issuing a license, the commissioner must inspect the applicant's facilities and equipment.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-02, 4.1-25-50

7-03.2-18-02. Origin of grade A products.

A distributor may distribute grade A milk and milk products provided that they are produced by a facility approved and listed as an interstate milk shipper by the interstate milk shippers association.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-02, 4.1-25-50

7-03.2-18-03. Compliance with federal rules.

A distributor must comply with the pasteurized milk ordinance.

History: Effective October 1, 2009.

General Authority: NDCC 4.1-25-50

Law Implemented: NDCC 4.1-25-02, 4.1-25-50

**ARTICLE 7-11
EGG REGULATIONS**

Chapter
7-11-01 Farm Flock Egg Handling Requirements

**CHAPTER 7-11-01
FARM FLOCK EGG HANDLING REQUIREMENTS**

Section
7-11-01-01 Definitions
7-11-01-02 Licenses
7-11-01-03 Labeling and Sales Requirements
7-11-01-04 Candling
7-11-01-05 Egg Handling
7-11-01-06 Egg Cleaning
7-11-01-07 General Requirements
7-11-01-08 Consumer Grades

7-11-01-01. Definitions.

1. "Check" means any crack in the exterior shell of an egg. Sometimes called cracked eggs.
2. "Department" means the department of agriculture.
3. "Destination" means the point other than the place of origin where eggs are offered for sale.
4. "Dirties" means eggs that have an unbroken shell with adhering dirt or other foreign material.
5. "Egg inspector" means an employee of the state of North Dakota authorized by the commissioner of agriculture, responsible for performing inspections pursuant to these rules.
6. "Leaker" means an egg that has a crack or break in the shell and shell membranes to the extent the egg contents are exposed or are exuding or free to exude through the shell.
7. "Small commercial flock" means a flock of up to three thousand laying hens.
8. "Washed eggs" means eggs which are washed and candled but are not graded to size. Grade B tolerances for checks will be allowed on these eggs.

History: Effective January 1, 1993; amended effective July 1, 2019.

General Authority: NDCC 4.1-19-06

Law Implemented: NDCC 4.1-19-06

7-11-01-02. Licenses - Application for licenses.

Application for licenses must be made on forms provided by the commissioner of agriculture.

1. **Egg dealer's license.** Every person who wants access to commercial egg markets, engaged in the business of producing eggs shall first apply to and obtain from the department of agriculture an egg dealer's license. Licenses must be issued by the department upon receipt of proper application after inspection and approval of premises and equipment by an egg inspector pursuant to the rules of this article.
2. **Candler license.** ~~Every person who candles and grades eggs must be licensed. Candler or egg grader licenses must be issued after the candler or grader shows competence in grading and candling eggs as determined by the department of agriculture. [Repealed effective XXXXXX]~~

Egg dealer and candler-grader licenses are not transferable. New egg dealers or candler-graders must possess a license. License fees are ten dollars annually and must be renewed by June first of each year.

History: Effective January 1, 1993; amended effective July 1, 2019; XXXXXXXX.

General Authority: NDCC 4.1-19-06

Law Implemented: NDCC 4.1-19-06

7-11-01-03. Labeling and sales requirements.

1. **Farm flock egg handling requirements.** The farm flock egg handling requirements for egg production is a voluntary program.
2. **Temperature.** All eggs held or offered for sale must be stored in refrigerated compartments. The temperature cannot exceed forty-five degrees Fahrenheit [7.22 degrees Celsius]. This also includes temporary storage.
3. **Cartons.** Farm flock eggs offered for sale must be identified with the producer's name and address. Either blank cartons can be used or a carton with the individual farm name can be made up. Federal regulations also required the following label on all shell eggs.

SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria: keeps eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly.

4. **Expiration dates.** All case lots of eggs must have a placard bearing the expiration date and producer's name. The expiration date cannot exceed twenty three days from the date of washing and sanitizing. **Pack dates.** All cartons must display the day they were packed. Optionally, if the package contains "Use before" or "Best before" dates, those dates may not exceed 45 days, including the date of pack.

History: Effective January 1, 1993; amended effective July 1, 2019; XXXXXXXX.

General Authority: NDCC 4.1-19-06

Law Implemented: NDCC 4.1-19-06

7-11-01-04. Candling.

All eggs being offered for sale must be candled. The equipment must be of a design allowed by the department of agriculture. Hand candling is permissible.

History: Effective January 1, 1993.

General Authority: NDCC 4.1-19-06

Law Implemented: NDCC 4.1-19-06

7-11-01-05. Egg handling.

Eggs being stored before sale must be kept in an area away from objectionable odors. The storage area must be capable of maintaining a temperature of between thirty-three and forty-five degrees Fahrenheit [.55 and 7.22 degrees Celsius].

Egg packing materials must be cleaned and well constructed. Only clean, sound, dry flats and cartons must be used. Any carton or flat that is reused must be made of washable material and shall be sanitized before being reused.

Transportation of all eggs to the point of sale must be done in a covered container.

History: Effective January 1, 1993; amended effective July 1, 2019.

General Authority: NDCC 4.1-19-06

Law Implemented: NDCC 4.1-19-06

7-11-01-06. Egg cleaning.

Eggs must be washed either manually or with the aid of automatic cleaning equipment. The entire shell of all eggs ~~must be~~ should not be submerged. After washing the egg, it must be treated with a sanitizing solution and allowed to dry before packing. Clean potable water must be used in the egg-cleaning and sanitizing process. When manually washing eggs, a wash vat can be used with the detergent. Eggs should not be allowed to soak in water. The strength of the sanitizing spray should be no less than 50 ppm nor more than 200 ppm of available chlorine or its equivalent Sanitizers Other sanitizers formulated in compliance with 21 Code of Federal Regulations, section 178.1010 are acceptable for use in sanitizing shell eggs provided the sanitizers are registered with the federal environmental protection agency and labeled for use on shell eggs.

History: Effective January 1, 1993; amended effective July 1, 2019; XXXXXXXX.

General Authority: NDCC 4.1-19-06

Law Implemented: NDCC 4.1-19-06

7-11-01-07. General requirements.

1. Farms selling eggs to retailers or other business establishments will need an annual water sample, if supplied by well water.
2. Inspections of farm shell egg producers must be annually unless the commissioner of agriculture determines more inspections are necessary.
3. Failure to comply with farm shell rules may result in revocation of a permit.
4. Farm shell egg producers have the right to appeal or request a hearing to reinstate an egg producer permit. The appeal process must be started within fifteen business days after permit suspension.
5. Farm shell egg producers and custom processors, custom hatcheries, and any other persons not directly buying or selling live poultry are exempt from North Dakota Century Code section 4.1-19-04.
6. Training for egg candling and grading will be provided by the department of agriculture.
7. Buildings housing egg grading and packing equipment must meet the following requirements:
 - a. Be of sound construction to prevent the entrance or harborage of vermin.
 - b. Be kept clean during grading and packing operations.
 - c. Be kept sanitary to prevent contamination of eggs during handling.
8. North Dakota shell egg production guidelines must be the same as the standards that govern the United States department of agriculture shell egg program.
9. The North Dakota department of agriculture may inspect out-of-state eggs at the retail level to assure compliance with North Dakota shell egg regulations.

History: Effective January 1, 1993; Amended effective XXXXXXXX.

General Authority: NDCC 4.1-19-06

Law Implemented: NDCC 4.1-19-06

7-11-01-08. Consumer grades.

1. **North Dakota consumer Grade AA at origin.** Grade AA eggs at origin must consist of eggs which are at least eighty-seven percent AA quality. The thirteen percent below AA quality may

be in any combination of A or B quality. Not more than five percent checks are permitted. Not more than one-half of one percent leakers, dirties, or loss due to blood or meat spots in any combination are permitted except the loss may not exceed three-tenths of one percent. Other types of loss are not permitted. Grade AA eggs at destination may not exceed seven percent checks.

2. **North Dakota consumer Grade A at origin.** Grade A eggs at origin must consist of eggs which are at least eighty-seven percent A quality or better. Within the thirteen percent which may be below A quality, not more than one percent may be B quality due to blood spots or serious yolk defects. Grade A eggs must have no more than five percent checks. Not more than one-half of one percent may be leakers, dirties, or loss due to blood or meat spots in any combination, except that the loss may not exceed three-tenths of one percent. Other types of loss are not permitted. Grade A eggs at destination may not exceed seven percent checks.
3. **North Dakota consumer Grade B at origin.** Grade B eggs at origin must consist of eggs which are ninety percent B quality or better. Within the maximum tolerance of ten percent which may be below B quality, not more than ten percent may be checks. Not more than one-half of one percent may be leakers, dirties, or loss due to blood or meat spots in any combination, except that the loss shall not exceed three-tenths of one percent. Other types of loss are not permitted. Grade B eggs at destination cannot exceed quality factors set at the place of origin.

History: Effective January 1, 1993; amended effective July 1, 2019.

General Authority: NDCC 4.1-19-06

Law Implemented: NDCC 4.1-19-06

Article 7-17
PET FOOD AND SPECIALTY PET FOOD

| | |
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CHAPTER 7-17-01
DEFINITIONS

| | |
|------------|-------------|
| Section | |
| 7-17-01-01 | Definitions |

7-17-01-01. Definitions.

As used in this article, unless the context requires otherwise, means:

1. "All life stages" means gestation/lactation, growth, and adult maintenance life stages for dogs, cats, and other mammals or adult (including breeding animals) and juvenile life stages for non-mammalian species.
2. "Daily Food" means a specialty pet food product, other than a treat, food mixer or food supplement, for specialty pet species with no recognized nutritional authority.
23. "Family" means a group of products, which are nutritionally adequate for any or all life stages based on their nutritional similarity to a lead product, which has been successfully test-fed according to an association of American feed control officials feeding protocol.
4. "Familiar Household Unit" means a typical feeding unit in volume or count (e.g., can, measuring cup, treat, or piece).
5. "Food Mixer" means a pet or specialty pet food product that is intended to top, accompany, or contribute to a complete diet but is not generally intended to be a complete diet.

6. "Food Supplement" means a pet or specialty pet food product that is intended to supply specific nutrient(s) or other food components but is not a complete diet.
37. "Immediate container" means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food or specialty pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers.
- 4.8. "Ingredient statement" means a collective and contiguous listing on the label of the ingredients of which the pet food or specialty pet food is composed.
9. "Pet Nutrition Facts" means a graphic box located on the label containing nutritional information for a pet food product
510. "Principal display panel" means the part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.
11. "Specialty Pet Nutrition Facts" means a graphic box located on the label containing nutritional information for a specialty pet food product.
12. "Veterinary Diet" means a pet or specialty pet food product that is intended to be used under veterinary supervision only.

History: Effective July 1, 2020; Amended effective XXXXXXX

General Authority: NDCC 4.1-41-20

Law Implemented: NDCC 4.1-41-05

**CHAPTER 7-17-02
LABEL FORMAT AND LABELING**

Section

7-17-02-01 Label Format and Labeling

7-17-02-01. Label format and labeling.

1. Pet food and specialty pet food must be labeled with the following information:
 - a. Product name and brand name, if any, on the principal display panel;
 - b. ~~A statement specifying the species name of pet or specialty pet for which the food is intended, conspicuously designated on the principal display panel;~~
 - b. A Statement specifying the intended use of the product as specified in Chapter 7-17-12
 - c. Quantity statement as defined in (section reference of the rules), by weight (pounds and ounces, and metric), liquid measure (quarts, pints, and fluid ounces, and metric) or by count, on the principal display panel;
 - d. ~~Guaranteed analysis;~~
 - d. Pet Nutrition Facts or Specialty Pet Nutrition Facts as specified in Chapter 7-17-13
 - e. Ingredient statement as specified in Chapter 7-17-05;
 - f. ~~A statement of nutritional adequacy or purpose if required;~~
 - gf. Feeding directions if required as specified in Chapter 7-17-08; and
 - h. ~~A statement of calorie content; and~~
 - ig. Name and address of the manufacturer or distributor as specified in Chapter 7-17-11.
2. When a pet food or specialty pet food enclosed in an outer container or wrapper is intended for retail sale, all required label information must appear on the outer container or wrapper.
3. A vignette, graphic, or pictorial representation on a pet food or specialty pet food label may not misrepresent the contents of the package.
4. The use of the word "proven" in connection with a label claim for a pet food or specialty pet food is not permitted unless the claim is substantiated by scientific or other empirical evidence.
5. No statement may appear upon the label or labeling of a pet food or specialty pet food which makes false or misleading comparisons between that product and any other product.

6. A personal or commercial endorsement is permitted on a pet food or specialty pet food label provided the endorsement is not false or misleading.
7. A statement on a pet food or specialty pet food label stating "improved", "new", or similar designation must be substantiated and limited to six months production.
8. A statement on a pet food or specialty pet food label stating preference or comparative attribute claims must be substantiated and limited to one year production, after which the claim must be removed or resubstantiated.

History: Effective July 1, 2020; Amended effective XXXXXXXX.

General Authority: NDCC 4.1-41-20

Law Implemented: NDCC 4.1-41-05

**CHAPTER 7-17-03
BRAND AND PRODUCT NAMES**

Section
7-17-03-01 Brand and Product Names

7-17-03-01. Brand and product names.

1. The names of the ingredient(s) used in the brand or product name or elsewhere on the product label shall appear in order of predominance by weight in the product. Names of flavors due to their varying intensity can be in any order.
2. The words "one hundred percent" or "all", or words of similar designation may not be used in the brand or product name of a pet food or specialty pet food if the product contains more than one ingredient, not including decharacterizing agents, or trace amounts of preservatives and condiments.
3. An ingredient or combination of ingredients may form part of a product name of a pet food or specialty pet food when:
 - a. The ingredient constitutes at least ninety-five percent of the total weight of the product. Water sufficient for processing may be excluded when calculating the percentage; however, the ingredients must constitute at least seventy percent of the total product weight.
 - b. When any ingredient constitutes at least twenty-five percent of the weight of the product, provided:
 - (1) Water sufficient for processing may be excluded when calculating the percentage. However, the ingredient must constitute at least ten percent of the total product weight;
 - (2) A descriptor is used with the ingredient name. This descriptor must imply other ingredients are included in the product formula; and
 - (3) The descriptor must be in the same size, style, and color print as the ingredient name.
 - c. When a combination of ingredients that are included in the product name in accordance with this section meets all of the following:
 - (1) Each ingredient constitutes at least three percent of the product weight, excluding water sufficient for processing; and
 - (2) ~~The names of the ingredients appear in the order of their respective predominance by weight in the product; and~~
 - (3) (2) All such ingredient names appear on the label in the same size, style, and color print.
 - d. When the name of any ingredient appears in the product name of a pet food, specialty pet food, or elsewhere on the product label and includes a descriptor such as "with" or similar designation, the named ingredient must constitute at

least three percent of the product weight exclusive of water sufficient for processing. If the names of more than one ingredient are shown, they must appear in their respective order of predominance by weight in the product. The three percent minimum level may not apply to claims for nutrients, such as vitamins, minerals, and fatty acids, as well as condiments. The word "with" or similar designation, and named ingredients must be in the same size, style, color, and case print, and be of no greater size than:

| Panel Size | Max "With Claim" Type Size |
|-------------------------------|----------------------------|
| ≤5 in. ² | 1/8 in. |
| >5 to ≤25 in. ² | 1/4 in. |
| >25 to ≤100 in. ² | 3/8 in. |
| >100 to ≤400 in. ² | 1/2 in. |
| >400 in. ² | 1 in. |

- e. A flavor designation may be included as part of the product name or elsewhere on the label of a pet food or specialty pet food when the flavor designation meets all of the following:
 - (1) The flavor designation:
 - (a) Conforms to the name of the ingredient as listed in the ingredient statement; or
 - (b) Is identified by the source of the flavor in the ingredient statement; and
 - (2) The word "flavor" is printed in the same size type and with an equal degree of conspicuousness as the name of the flavor designation; and
 - (3) Substantiation of the flavor designation, the flavor claim, or the ingredient source is provided upon request.
- ~~f. The product name of the pet food or specialty pet food may not be derived from one or more ingredients unless all ingredients are included in the name, except as specified by this rule, provided that the name of an ingredient or combination of ingredients may be used as a part of the product name if:~~
 - ~~(1) The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or is present in amounts that have a material bearing upon the price of the product or upon acceptance of the product by the purchaser thereof; or~~
 - ~~(2) It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients.~~
- ~~g-f.~~ Contractions or coined names referring to ingredients may not be used in the brand name of a pet food or specialty pet food unless it is in compliance with this rule.

- g. Unless a pet food and specialty pet food is identified on the principal display panel as a stew, gravy, sauce, broth, aspic, juice, milk replacer, or other such name, the maximum moisture declared on a pet food or specialty pet food label shall not exceed 78.00% or the natural moisture content of the ingredients, whichever is higher.

History: Effective July 1, 2020; Amended effective XXXXXXXX.

General Authority: NDCC 4.1-41-20

Law Implemented: NDCC 4.1-41-05

**CHAPTER 7-17-04
EXPRESSION OF GUARANTEES**

Section
7-17-04-01 Expression of Guarantees

7-17-04-01. Expression of guarantees.

4. The "guaranteed analysis" must be listed in the following order and format unless otherwise specified in these rules:
 - a. A pet food or specialty pet food label must list the following required guarantees:
 - (1) Minimum percentage of crude protein;
 - (2) Minimum percentage of crude fat;
 - (3) Maximum percentage of crude fat, if required;
 - (4) Maximum percentage of crude fiber;
 - (5) Maximum percentage of moisture; and
 - (6) Additional guarantees shall follow moisture.
 - b. When ash is listed in the guaranteed analysis on a pet food or specialty pet food label, it must be guaranteed as a maximum percentage and must immediately follow moisture.
 - c. When listed on the label of a dog or cat food product, guarantees for dietary starch and sugars must be stated as maximum percentages. Neither guarantee must be listed without the other. The guarantee for dietary starch must follow ash, if also listed; or moisture, if ash is not listed. The guarantee for sugars must follow dietary starch.
 - d. A dog or cat food label must list other required or voluntary guarantees in the same order and units of the nutrients in the association of American feed control officials dog or cat food nutrient profiles. Guarantees for substances not listed in the association of American feed control officials dog or cat food nutrient profiles, or not otherwise provided for in these regulations, must immediately follow the listing of the recognized nutrients and must be accompanied by an asterisk referring to the disclaimer "not recognized as an essential nutrient by the association of American feed control officials dog or cat food nutrient profiles". The disclaimer must appear immediately after the last such guarantee in the same size type as the guarantees.
 - e. A specialty pet food label must list other required or voluntary guarantees in the same order and units of the nutrients in an association of American feed control officials recognized nutrient profile for the specific species; however, if no species-specific association of American feed control officials recognized nutrient profile is available, the order and units must follow the same order and units of nutrients in the association of American feed control officials cat food nutrient profile. Guarantees for substances not listed in an association of American feed control officials recognized nutrient profile for the specific species of animal must immediately follow the listing of recognized nutrients and must be

accompanied by an asterisk referring to the disclaimer "not recognized as an essential nutrient by the [with the blank filled in by listing the specific association of American feed control officials recognized nutrient profile]. This disclaimer must appear immediately after the last such guarantee in the same sized type as the guarantees. Such a disclaimer may not be required unless an association of American feed control officials recognized nutrient profile is available for the specific species of specialty pet.

2. The sliding scale method of expressing a guaranteed analysis on a pet food or specialty pet food label, for example "minimum crude protein 15-18 percent" is prohibited.
3. The label of a pet food or a specialty pet food that is formulated as and represented to be a mineral supplement must include:
 - a. Minimum guarantees for all minerals from sources declared in the ingredient statement and established by an association of American feed control officials recognized nutrient profile, expressed as the element in units specified in the nutrient profile;
 - b. Minimum guarantees for all minerals from sources declared in the ingredient statement expressed as the element in units specified in the association of American feed control officials cat food nutrient profiles when no species-specific nutrient profile has been recognized by association of American feed control officials;
 - c. Mineral guarantees required by these rules may be expressed in milligrams per unit (e.g., tablets, capsules, granules, or liquids) consistent with those employed in the quantity statement and directions for use; and
 - d. A weight equivalent (e.g., one fluid ounce equals twenty eight grams) for liquid products.
4. The label of the pet food or a specialty pet food which is formulated as and represented to be a vitamin supplement must include:
 - a. Minimum guarantees for all vitamins from sources declared in the ingredient statement and established by an association of American feed control officials recognized nutrient profile, expressed in units specified in the nutrient profile;
 - b. Minimum guarantees for all vitamins from sources declared in the ingredient statement expressed in units specified in the association of American feed control officials cat food nutrient profiles when no species-specific nutrient profile has been recognized by association of American feed control officials;
 - c. Vitamin guarantees required by these rules may be expressed in approved units (e.g., IU, mg, g) per unit (e.g., tablets, capsules, granules, or liquids) consistent with those employed in the quantity statement and directions for use; and
 - d. A weight equivalent (e.g., one fluid ounce equals twenty eight grams) for liquid products.
5. When the label of a pet food or specialty pet food includes a comparison of the nutrient content of the food with levels established by an association of American feed control officials recognized nutrient profile, such as a table of comparison, a percentage, or any

other designation referring to an individual nutrient or all of the nutrient levels, the following apply:

- a. ~~The product must meet the association of American feed control officials recognized nutrient profile;~~
 - b. ~~The statement of comparison must be preceded by a statement that the product meets the association of American feed control officials recognized profile. However, this statement is not required provided that the nutritional adequacy statement as required by these rules appears elsewhere on the product label;~~
 - c. ~~The statement of comparison of the nutrient content must constitute a guarantee, but need not be repeated in the guaranteed analysis; and~~
 - d. ~~The statement of comparison may appear on the label separate and apart from the guaranteed analysis.~~
6. ~~The maximum moisture declared on a pet food or specialty pet food label may not exceed seventy eight percent or the natural moisture content of the ingredients, whichever is higher. However, pet food and specialty pet food such as those consisting principally of stew, gravy, sauce, broth, aspic, juice, or a milk replacer, and which are so labeled, may contain moisture in excess of seventy eight percent.~~
7. ~~Guarantees for crude protein, crude fat, and crude fiber are not required when the pet food or specialty pet food is intended for purposes other than to furnish these substances or they are of minor significance relative to the primary purpose of the product, such as a mineral or vitamin supplement.~~
8. ~~Guarantees for microorganisms and enzymes must be stated in the format as stipulated in model regulation 4g and 4h (check North Dakota Century Code). Repealed effective XXXXXX.~~

History: Effective July 1, 2020.

General Authority: NDCC 4.1-41-20

Law Implemented: NDCC 4.1-41-05

CHAPTER 7-17-05 INGREDIENTS

Section
7-17-05-01 Ingredients

7-17-05-01. Ingredients.

1. Each ingredient of a pet food or specialty pet food must be listed in the ingredient statement as follows:
 - a. The names of all ingredients in the ingredient statement must be shown in letters or type of the same size, style, and color, except where the defined name of the ingredient includes genus and species (e.g., microorganisms) which may be shown in italics;
 - b. The ingredients must be listed in descending order by their predominance by weight in nonquantitative terms except if the ingredient is a vitamin and/or mineral premix, the premix may be declared in order of predominance by the name "vitamins" or "minerals," as appropriate, followed by a parenthetical listing of all the vitamins and/or minerals in the premix, each in their order of predominance by weight as listed on the ingredient statement of the premix label;
 - c. Ingredients must be listed and identified by the name ~~and definition~~ established in the by-a Association of American feed eControl eOfficials (AAFCO) and
 - d. Any ingredient for which no name and definition have been so established must be identified by the common or usual name of the ingredient.
 - e. Any ingredient suitable for use in pet food or specialty pet food for which there is a codified standard of identity in Title 9 or 21 of the Code of Federal Regulations shall be declared in accordance with the applicable regulation, which includes the name of the standardized food followed by a parenthetical listing of its ingredients, if necessary, as provided in the regulation;
 - f. The ingredients "meat," "poultry," "poultry by-products," or "meat byproducts" must be qualified to designate the animal from which ~~the meat or meat byproducts~~ the ingredients are derived unless the meat or meat by-products are derived from cattle, swine, sheep, goats, or any combination thereof. or the poultry or poultry meal are derived from chickens, turkeys, ducks, geese, guineas, ratites, or squabs, or any combination thereof. For example, ingredients derived from deer shall be listed as "venison" or "venison byproducts;" For example, ingredients derived from horses must be listed as "horsemeat" or "horsemeat byproducts".
 - g. For ingredients consisting of fish, "fish meal," or "fish by-products," the name of the ingredient may include "fish" without further specification of the type of the fish or if it bears a name descriptive of its kind (e.g., "ocean whitefish" or by using the acceptable market name(s) or common name (but not any vernacular or slang names) of the individual fish species in the ingredient as established by the FDA Seafood List), it must correspond thereto; and

- h. For purposes of ingredient labeling of pet food or specialty pet food, the ingredient "sugar" shall refer to sucrose, which is obtained from sugar cane or sugar beets in accordance with the provisions in Title 21 of the Code of Federal Regulations. For all other labeling purposes outside the ingredient list, the term "sugar" shall be synonymous with "sugars" as defined in the Official Feed Terms.
32. Brand or trade names may not be used in the ingredient statement.
 3. Reference to quality or grade of an ingredient shall not appear in the ingredient statement.
 4. The term "organic" if properly used as specified by the USDA National Organic Program (7 CFR Part 205), is allowed.
 45. A reference to the quality, nature, form, or other attribute of an ingredient must be allowed when the reference meets all of the following: in the ingredient statement when that attribute imparts a distinctive characteristic to the pet food or specialty pet food.
 6. Any reference to the percentage of an ingredient or combination of ingredients, by symbol or word, in the brand or product name or elsewhere on a pet food or specialty pet food label, shall be based in relation to the total weight of all ingredients in the product.
 - a. ~~The designation is not false or misleading;~~
 - b. ~~The ingredient imparts a distinctive characteristic to the pet food or specialty pet food because it possesses that attribute; and~~
 - c. ~~A reference to quality or grade of the ingredient does not appear in the ingredient statement.~~
 - a. The names of the ingredient(s) shall appear in order of predominance by weight in the product, provided that names of flavors due to their varying intensity can be in any order.
 - b. Where water sufficient for processing is excluded from the declared percentage, the exclusion of water shall be indicated in words juxtaposed to, the same style and color print, and at least one-half the print size of the stated percentage (e.g., "95% beef exclusive of water" or "95 percent chicken and liver exclusive of water").

History: Effective July 1, 2020; Amended effective XXXXXXXX.

General Authority: NDCC 4.1-41-20

Law Implemented: NDCC 4.1-41-05

CHAPTER 7-17-07 NUTRITIONAL ADEQUACY FEEDING

Section
7-17-07-01 Nutritional Adequacy

7-17-07-01. Nutritional adequacy.

1. — The label of a pet food or specialty pet food that is intended for all life stages and sizes of the pet or specialty pet may include an unqualified claim, directly or indirectly, such as "complete and balanced", "perfect", or "scientific" if at least one of the following apply:
 - a. — The product meets the nutrient requirements for all life stages and sizes established by an association of American feed control officials recognized nutrient profile;
 - b. — The product meets the criteria for all life stages as substantiated by completion of the appropriate association of American feed control officials recognized animal feeding protocol; or
 - c. — The product is a member of a product family that is nutritionally similar to a lead product that contains a combination of ingredients that has been fed to a normal animal as the sole source of nourishment in accordance with the testing procedures established by association of American feed control officials for all life stages, provided that:
 - (1) — The nutritional similarity of the family product can be substantiated according to the procedures for establishing pet food product families developed by association of American feed control officials;
 - (2) — The family product meets the criteria for all life stages; and
 - (3) — Under circumstances of reasonable doubt, the state control official may require the manufacturer to perform additional testing of the family product in order to substantiate the claim of nutritional adequacy.
2. — The label of a pet food or specialty pet food that is intended for a limited purpose, such as the size of dog or a specific life stage, but not for all sizes and life stages, may include a qualified claim such as "complete and balanced", "perfect", or "scientific" when the product and claim meet all of the following:
 - a. — The claim is qualified with a statement of the limited purpose or specific life stage for which the product is intended or suitable, for example, "complete and balanced for puppies or kittens". The claim and the required qualification must be juxtaposed on the same label panel and in the same size, style, and color print; and
 - b. — The product must meet at least one of the following:
 - (1) — The nutrient requirements for the limited purpose or specific life stage established by an association of American feed control officials recognized nutrient profile;

- (2) ~~The criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate association of American feed control officials recognized animal feeding protocol; or~~
 - (3) ~~The requirements of a product family that is nutritionally similar to a lead product that contains a combination of ingredients which, when fed for such limited purpose, will satisfy the nutrient requirements for such limited purpose and has had its capabilities in this regard demonstrated by adequate testing, and provided that:

 - (a) ~~The nutritional similarity of the family product can be substantiated according to the procedures for establishing pet food product families developed by association of American feed control officials;~~
 - (b) ~~The family product meets the criteria for such limited purpose; and~~
 - (c) ~~Under circumstances of reasonable doubt, the state control official may require the manufacturer to perform additional testing for the family product to substantiate the claim of nutritional adequacy.~~~~
3. ~~Dog and cat food labels must include a statement of nutritional adequacy or purpose of the product except when the dog or cat food is clearly and conspicuously identified on the principal display panel as a "snack", "treat", or "supplement". The statement must consist of one of the following:~~
- a. ~~A claim that the dog or cat food meets the requirements of one or more of the recognized categories of nutritional adequacy: gestation and lactation, growth, maintenance, and all life stages. The claim must be stated verbatim as one of the following:

 - (1) ~~"(Product name) is formulated to meet the nutritional levels established by the association of American feed control officials dog or cat food nutrient profiles for (stage of life, or the words "all life stages"). For a dog food, when the blank includes the words "growth" or "all life stages", one of the following phrases also must be added verbatim to the end of the claim:

 - (a) ~~"including growth of large size dogs (seventy pound or more as an adult)" if the product has been formulated to meet the levels of nutrients specifically reference in the dog food nutrient profiles as being applicable to large size growing dogs; or~~
 - (b) ~~"except for growth of large size dogs (seventy pounds or more as an adult)" if the product has not been formulated to meet the levels of nutrients specifically referenced in the dog food nutrient profiles as being applicable to large size growing dogs; or~~~~
 - (2) ~~"Animal feeding tests using association of American feed control officials procedures substantiate that (product name) provides complete and balanced nutrition for (life stage).~~~~

- (3) — ~~"(Product name) provides complete and balanced nutrition for (life stage) and is comparable in nutritional adequacy to a product that has been substantiated using association of American feed control officials feeding tests."~~
- b. — ~~A nutritional or dietary claim for purposes other than those listed in this rule if the claim is scientifically substantiated;~~
- c. — ~~The statement: "This product is intended for intermittent or supplemental feeding only", if a product does not meet the requirements of this rule or any other special nutritional or dietary need and is suitable only for limited or intermittent or supplementary feeding.~~
- 4. — ~~A product intended for use by, or under the supervision or direction of a veterinarian must make a statement in accordance with this rule.~~
- 5. — ~~A signed affidavit attesting that the product meets the requirements of this rule must be submitted to the state control official upon request.~~
- 6. — ~~If the nutrient content of a product does not meet those nutrient requirements established by an association of American feed control officials recognized nutrient profile, or if no requirement has been established by an association of American feed control officials recognized nutritional authority for the life stage of the intended species, the claimed nutritional adequacy or purpose of the product must be scientifically substantiated.~~
- 7. — ~~The following association of American feed control officials recognized nutritional authority, nutrient profile, and animal feeding protocol must be acceptable as the basis for a claim of nutritional adequacy:~~
 - a. — ~~As an association of American feed control officials recognized nutrient profile for nutritional authority:~~
 - (1) — ~~For dogs, the association of American feed control officials dog food nutrient profiles.~~
 - (2) — ~~For cats, the association of American feed control officials cat food nutrient profiles.~~
 - (3) — ~~For specialty pets, the nutrient recommendations approved by the committee on animal nutrition of the national research council of the national academy of sciences, provided that this nutrient recommendation is recognized only for the specific specialty pet for which the profile is intended.~~
 - b. — ~~As an association of American feed control officials recognized animal feeding protocol, the association of American feed control officials dog and cat food feeding protocols. Repealed effective XXXXXX.~~

History: Effective July 1, 2020.

General Authority: NDCC 4.1-41-20

Law Implemented: NDCC 4.1-41-05

CHAPTER 7-17-09 CALORIE CONTENT DESCRIPTIVE

Section
7-17-09-01 Statements of Calorie Content

7-17-09-01. Statements of calorie content.

1. The label of a dog or cat feed, including snacks, treats, and supplements, must bear a statement of calorie content and meet all of the following:
 - a. The statement must be separate and distinct from the "guaranteed analysis" and appear under the heading "calorie content";
 - b. The statement must be measured in terms of metabolizable energy on an "as fed" basis and must be expressed both as "kilocalories per kilogram" of product, and as kilocalories per familiar household measure (e.g. cups or cans) or unit of product; and
 - c. The calorie content is determined by one of the following methods:
 - (1) By calculation using the following "modified atwater" formula:
$$ME(\text{kcal/kg}) = 10[(3.5 \times CP) + (8.5 \times CF) + (3.5 \times NFE)],$$
 where:
 1. ME = metabolizable energy;
 2. CP = percent crude protein as fed;
 3. CF = percent crude fat as fed;
 4. NFE = percent nitrogen free extract as fed; and
 5. The percentages of CP and CF are the average values of these components in the product as determined by sound scientific methods, such as, scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product.
 6. The NFE is calculated as the difference between one hundred and the sum of CP, CF, and the percentages of crude fiber, moisture, and ash determined in the same manner as CP and CF; or
 - (2) In accordance with a testing procedure established by association of American feed control officials.
 - d. An affidavit must be provided upon the request of the state control official substantiating that the calorie content was determined by:
 - (1) Paragraph 1 of subdivision c in which case the summary data used in the calculation must be included in the affidavit.
 - (2) Paragraph 2 of subdivision c in which case the summary data used in the determination of calorie content must accompany the affidavit.
 - e. The calorie content statement must appear as one of the following:

- (1) ~~The heading "calorie content" on the label or other labeling must be followed parenthetically by the word "calculated" when the calorie content is determined accordance with paragraph 1 of subdivision c; or~~
 - (2) ~~The heading "calorie content" on the label or other labeling must be followed parenthetically by the word "fed" when the calorie content is determined in accordance with paragraph 2 of subdivision c.~~
2. ~~Comparative claims may not be false, misleading, or given undue emphasis and must be based on the same methodology for the products compared. Repealed effective XXXXXXX.~~

History: Effective July 1, 2020.

General Authority: NDCC 4.1-41-20

Law Implemented: NDCC 4.1-41-05

**CHAPTER 7-17-10
TERMS MANUFACTURER**

Section
7-17-10-01

Descriptive Terms

7-17-10-01. Descriptive Terms

1. Calorie terms:

a. "Light":

- (1) A dog food product that bears on its label the terms "light", "lite", "low calorie", or words of similar designation must:
 - (a) Contain no more than three thousand one hundred kcal ME/kg for products containing less than twenty percent moisture, no more than two thousand five hundred kcal ME/kg for products containing twenty percent or more but less than sixty-five percent moisture, and no more than nine hundred kcal ME/kg for products containing sixty-five percent or more moisture; and
 - ~~(b)~~ Include on the label a calorie content statement:
 - ~~{1}~~ In accordance with the format provided in chapter 7-17-00; and
 - ~~{2}~~ That states no more than three thousand one hundred kcal ME/kg for products containing less than twenty percent moisture, no more than two thousand five hundred kcal ME/kg for products containing twenty percent or more but less than sixty-five percent, and no more than nine hundred kcal ME/kg for products containing sixty-five percent or more moisture; and
 - ~~(c)~~(b) Include on the label feeding directions that reflect a reduction in calorie intake consistent with the intended use.
- (2) A cat food product that bears on its label the terms "light", "lite", "low calorie", or words of similar designation must:
 - (a) Contain no more than three thousand two hundred fifty kcal ME/kg for products containing less than twenty percent moisture, no more than two thousand six hundred fifty kcal ME/kg for products containing twenty percent or more but less than sixty-five percent moisture, and no more than nine hundred fifty kcal ME/kg for products containing sixty-five percent or more moisture; and
 - ~~(b)~~ Include on the label a calorie content statement:
 - ~~{1}~~ In accordance with the format provided in chapter 7-17-00; and

~~[2] — That states no more than three thousand two hundred fifty kcal ME/kg for products containing less than twenty percent moisture, no more than two thousand six hundred fifty kcal ME/kg for products containing twenty percent or more but less than sixty-five percent moisture, and no more than nine hundred fifty kcal ME/kg for products containing sixty-five percent or more moisture; and~~

~~(e)(b)~~ Include on the label feeding directions that reflect a reduction in calorie intake consistent with the intended use.

b. "Less" or "reduced calories":

(1) A dog or cat food product that bears on its label a claim of "less calories", "reduced calories", or words of similar designation, must include on the label:

(a) The name of the product of comparison and the percentage of calorie reduction expressed on an equal weight basis explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the label on which the term appears;

(b) The comparative statement printed in type of the same color and style and at least one-half the type size used in the claim; and

~~(c) — A calorie content statement in accordance with the format provided in chapter 7-17-09; and~~

~~(d)(c)~~ Feeding directions that reflect a reduction in calories compared to feeding directions for the product of comparison.

(2) A comparison between products in different categories of moisture content is misleading.

2. Fat terms:

a. "Lean":

(1) A dog food product that bears on its label the terms "lean", "low fat", or words of similar designation shall:

(a) Contain no more than nine percent ~~crude~~-fat for products containing less than twenty percent moisture, no more than seven percent ~~crude~~-fat for products containing twenty percent or more but less than sixty-five percent moisture, and no more than four percent ~~crude~~-fat for products containing sixty-five percent or more moisture;

(b) Include on the product label in the nutrient guarantees ~~guaranteed analysis~~:

- [1] A maximum ~~crude~~ fat guarantee immediately following the minimum ~~crude~~ fat guarantee in addition to the mandatory guarantee specified in Chapter 7-17-13(1); and
 - [2] A maximum ~~crude~~ fat guarantee that is no more than nine percent ~~crude~~ fat for products containing less than twenty percent moisture, no more than seven percent ~~crude~~ fat for products containing twenty percent or more but less than sixty-five percent moisture, and no more than four percent ~~crude~~ fat for products containing sixty-five percent or more moisture.
- (2) A cat food product that bears on its label the terms "lean", "low fat", or words of similar designation must:
- (a) Contain a maximum percentage of ~~crude~~ fat which is no more than ten percent ~~crude~~ fat for products containing less than twenty percent moisture, no more than eight percent ~~crude~~ fat for products containing twenty percent or more but less than sixty-five percent moisture, and no more than five percent ~~crude~~ fat for products containing sixty-five percent or more moisture; and
 - (b) Include on the product label in the nutrient guarantees guaranteed analysis:
 - [1] A maximum ~~crude~~ fat guarantee immediately following the minimum ~~crude~~ fat guarantee in addition to the mandatory guarantee specified in Chapter 7-17-13(1); and
 - [2] A maximum percentage of ~~crude~~ fat that is no more than ten percent ~~crude~~ fat for products containing less than twenty percent moisture, no more than eight percent ~~crude~~ fat for products containing twenty percent or more but less than sixty-five percent moisture, and no more than five percent ~~crude~~ fat for products containing sixty-five percent or more moisture.
- b. "Less" or "reduced fat":
- (1) A dog or cat food product that bears on its label a claim of "less fat", "reduced fat", or words of similar designation, must include on the label:
 - (a) The name of the product of comparison and the percentage of fat reduction expressed on an equal weight basis explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the label on which the term appears;
 - (b) The comparative statement printed in type of the same color and style and least one-half the type size used in the claim; and
 - (c) A maximum ~~crude~~ fat guarantee in the guaranteed analysis immediately following the minimum ~~crude~~ fat guarantee in addition

to the mandatory ~~guaranteed analysis~~ information as specified in Chapter 7-17-13(1).

- (2) A comparison on the label between products in different categories of moisture content is misleading.

3. Carbohydrate terms:

- a. "Low" carbohydrate, dietary starch, and sugars claims. A claim of "low carbohydrates", "low dietary starch", "low sugars" alone or in combination is not allowed.

- b. "Less" or "reduced" carbohydrates, dietary starch, and sugars claims.

- (1) A dog or cat food product that makes such statements on the label must include on that label:

- (a) The name of the product of comparison and the percentage of reduction in total dietary starch plus sugars expressed on an equal weight basis explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the label on which the term appears; and
- (b) The comparative statement printed in type of the same color and style but not less than one-half the size used in the claim; and
- (c) Maximum guarantees for dietary starch and sugars as stated in Chapter 7-17-13(1).

- (2) A comparison between products in different categories of moisture content is misleading.

History: Effective XXXXXXXX.

General Authority: NDCC 4.1-41-20

Law Implemented: NDCC 4.1-41-05

**CHAPTER 7-17-11
DISTRIBUTOR**

Section
7-17-11-01 Manufacturer or Distributor; Name and Address

7-17-11-01. Manufacturer or Distributor; Name and Address

1. The label of a pet food or specialty pet food must specify the name and address of the manufacturer or distributor. The statement of the place of business must include the street address, city, state, and zip code. The street address may be omitted if the street address is shown in a readily accessible, widely published, and publicly available resource in a current city directory or telephone directory for the city listed on the label.

2. When a person manufactures, packs, or distributes a pet food or specialty pet food in a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such pet food or specialty pet food was manufactured or packaged or from where each package is to be distributed.

History: Effective July 1, 2020; Amended effective XXXXXXXX.

General Authority: NDCC 4.1-41-20

Law Implemented: NDCC 4.1-41-05

CHAPTER 7-17-12
INTENDED USE STATEMENT AND NUTRITIONAL ADEQUACY CLAIMS

Section

7-17-12-01

Intentional Use Statement and Nutritional Adequacy Claims

7-17-12-01. Intended Use Statement and Nutritional Adequacy Claims.

1. A statement identifying the intended use of a pet food or specialty pet food is required on the principal display panel of the label in accordance with the following:
 - a. The intended use of a pet food or specialty pet food must be stated as:
 - (1) "Complete Food" – for food products intended to be the complete diet for all life stages and sizes of a pet or specialty pet the statement must also include the intended species, example Complete Dog food;
 - (2) For food products intended to be the complete diet for a limited life stage or size of a pet or specialty pet, one of the two following statements must be used, "Complete Food for" or "Complete Food" the statement must also include the intended species and life stage, when applicable, example Complete Adult Dog food, Complete Food for Kittens;
 - (3) "Veterinary Diet" – for food products intended to be used under veterinary supervision only, the statement must also include the intended species, example Veterinary Diet for Dogs;
 - (4) "Treat" – for food products for pets or specialty pets, provided occasionally for enjoyment, training, entertainment, or other purposes, and not generally intended or represented to be a complete food or nutritional supplement, the statement must also include the intended species, example Cat Treats;
 - (5) "Food Supplement" – for food products for pets or specialty pets that are intended to supply specific nutrients or other food components but are not a complete diet, the statement must also include the intended species, example Dog Food Supplement;
 - (6) "Food Mixer" – for food products for pets or specialty pets that are intended to top, accompany, or contribute to a complete diet but are not generally intended or represented to be a complete diet; or
 - (7) "Daily Food" – for food products that are intended to be the daily diet for specialty pets where no recognized nutritional authority exists. A limited life stage may be indicated, the statement must also include the intended species, example Daily Bearded Dragon Food;
 - b. This intended use statement must:

- (1) Appear on the label principal display panel and must be repeated on the alternate principal display panel, if present;
 - (2) Be at least as large as the statement of net quantity, consistent with 16 CFR 500.21;
 - (3) Appear in the same color and style as the statement of net quantity and on the same background color as the statement of net quantity; and
 - (4) Be separated by at least a space equal to the height of the letter "N" used in the statement of net quantity from other printed label information on all sides.
2. The label of a pet food or specialty pet food which is intended for all life stages and sizes of the pet or specialty pet may make unqualified claims, directly or indirectly, such as "complete and balanced," "perfect," "scientific," or "100% nutritious" if at least one of the following apply:
- a. The product meets the nutrient requirements for all life stages and sizes established by an AAFCO-recognized nutrient profile; or
 - b. The product meets the criteria for all life stages as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol;
 - (1) Unqualified claims of nutritional adequacy that include large size dogs (greater than 70 lb. as an adult) can be substantiated by completing the appropriate protocols using large size dogs; or
 - (2) Can be substantiated by completing the appropriate protocols using dogs less than 70 lb. adult weight while containing no more calcium and phosphorus than the maximum limits for large size dogs listed in the AAFCO Dog Food Nutrient Profiles; or
 - c. The product is a member of a product family which is nutritionally similar to a lead product which contains a combination of ingredients that has been fed to a normal animal as the sole source of nourishment in accordance with the testing procedures established by AAFCO for all life stages, provided that:
 - (1) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO; and
 - (2) The family product meets the criteria for all life stages; and
 - (3) Under circumstances of reasonable doubt, the commissioner may require the manufacturer to perform additional testing of the family product in order to substantiate the claim of nutritional adequacy.
3. The label of a pet food or specialty pet food which is intended for a limited purpose (such as size of dog) or a specific life stage, but not for all life stages and sizes, may make qualified claims, directly or indirectly, such as "complete and balanced," "perfect," "scientific," or "100% nutritious" when the product and claim meet both of the following:

- a. The claim is qualified with a statement of the limited purpose or specific life stage for which the product is intended or suitable, for example, "complete and balanced for puppies (or kittens)." The claim and the required qualification must be juxtaposed on the same label panel and in the same size, style, and color print; and
- b. The product meets at least one of the following:
 - (1) The nutrient requirements for the limited purpose or specific life stage established by an AAFCO-recognized nutrient profile; or
 - (2) The criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol;
 - (aa) Qualified claims of nutritional adequacy that include large size dogs can be substantiated by completing the appropriate protocols using large size dogs; or
 - (bb) Can be substantiated by completing the appropriate protocols using dogs less than 70 lb. adult weight while containing no more calcium and phosphorus than the maximum limits for large size dogs listed in the AAFCO Dog Food Nutrient Profiles; or
 - (3) The requirements of a product family which is nutritionally similar to a lead product which contains a combination of ingredients which, when fed for such limited purpose, will satisfy the nutrient requirements for such limited purpose and has had its capabilities in this regard demonstrated by adequate testing, and provided that:
 - (aa) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO; and
 - (bb) The family product meets the criteria for such limited purpose; and
 - (cc) Under circumstances of reasonable doubt, the commissioner may require the manufacturer to perform additional testing for the family product to substantiate the claim of nutritional adequacy.
- 4. A product intended for use by, or under the supervision or direction of, a veterinarian must clearly indicate the nutritional adequacy of the product in accordance with Chapter 7-17-13 (1)(c)(6) or Chapter 7-17-13 (2)(b)(6) as would be required for any other pet food or specialty pet food.
- 5. A signed affidavit attesting that the product meets the requirements of Chapter 7-17-12 (2) or Chapter 7-17-12 (3)(b) must be submitted to the commissioner upon request.
- 6. If the nutrient content of a product does not meet those nutrient requirements established by an AAFCO-recognized nutrient profile, or if no requirement has

been established by an AAFCO-recognized nutritional authority for the life stage of the intended species, the claimed nutritional adequacy of the product must be scientifically substantiated.

7. The following AAFCO-recognized nutritional authority, nutrient profile, or animal feeding protocol must be acceptable as the basis for a claim of nutritional adequacy:
 - a. As an AAFCO-recognized nutrient profile or nutritional authority:
 - (1) For dogs, the AAFCO Dog Food Nutrient Profiles;
 - (2) For cats, the AAFCO Cat Food Nutrient Profiles;
 - (3) For specialty pets, the nutrient recommendations approved by the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences, provided that, this nutrient recommendation is recognized only for the specific specialty pet for which the profile is intended.
 - b. As an AAFCO-recognized animal feeding protocol, the AAFCO Dog and Cat Food Feeding Protocols.
8. When the label of a pet food or specialty pet food includes a comparison of the nutrient content of the food with levels established by an AAFCO-recognized nutrient profile such as a table of comparison, a percentage, or any other designation referring to an individual nutrient or all of the nutrient levels, the following apply:
 - a. The product must meet the AAFCO-recognized nutrient profile; and
 - b. The statement of comparison must be preceded by a statement that the product meets the AAFCO-recognized profile; however, the statement that the product meets the AAFCO-recognized nutrient profile is not required provided that the nutritional adequacy statement as per Chapter 7-17-12 (2)(a) or Chapter 7-17-12 (3)(b)(1) appears elsewhere on the product label; and
 - c. The statement of comparison of the nutrient content must constitute a guarantee and must be in the nutrient guarantees within the pet or specialty pet nutrition facts; and
 - d. The statement of comparison must appear on the label separate and apart from the nutrient guarantees within the pet or specialty pet nutrition facts.

History: Effective XXXXXXXX.

General Authority: NDCC 4.1-41-20

Law Implemented: NDCC 4.1-41-05

**CHAPTER 7-17-13
PET AND SPECIALTY PET NUTRITION FACTS**

Section
7-17-13-01 Pet and Specialty Pet Nutrition Facts

7-17-13-01. Pet and Specialty Pet Nutrition Facts.

1. **Pet Nutrition Facts** be displayed in a prominent place on the label of all pet foods (including treats, food supplements, veterinary diets, and food mixers), information shall be set off in a box by use of hairlines and be clearly visible under the heading “Pet Nutrition Facts” that is centered in the top row of the box. The box contains the following required elements with all text the same size and style in the following order:
 - a. The stated whole familiar household unit (e.g., can, measuring cup, treat, or piece), consistent with the feeding directions, and its weight in grams.
 - b. A statement of Calorie content, determined as specified in Chapter 7-17-14, must include the following:
 - (1). The Calorie content per familiar household unit.
 - (2). Below the Calorie content statement, the number of Calories contributed by Protein, Fat, and Carbohydrate shall be declared, in that order, after “From:”.
 - c. The nutrient guarantees shall appear under the headers “Nutrients” Each nutrient value and total grams per familiar household unit must be listed:
 - (1). A pet food label must list the following required guaranteed amounts:
 - aa. “Protein” is minimum percentage of crude protein;
 - bb. “Fat” is minimum percentage of crude fat;
 - cc. Maximum percentage of crude fat, if required;
 - dd. “Total Carbohydrate⁺” is maximum percentage equal to $[100 - (\text{Crude Protein} + \text{Crude Fat} + \text{Moisture} + \text{Ash})]$;
 - ee. “Dietary Fiber” is maximum percentage of total dietary fiber. The dietary fiber guarantee must be indented to reflect that it is a component of the total carbohydrate guarantee;
 - ff. “Moisture” is maximum percentage of moisture; and

- gg. Additional required or voluntary guarantees shall follow moisture or ash, if listed.
- (2). When "Ash" is listed, it shall be guaranteed as a maximum percentage and must immediately follow moisture.
- (3). When listed on the label of a dog or cat food product, guarantees for "Dietary Starch" and "Sugars" must be stated as maximum guaranteed amounts. Neither guaranteed amount shall be listed without the other. The guaranteed amount for dietary starch must follow dietary fiber. The guaranteed amount for sugars must follow dietary starch with the same indentation.
- (4). The "+calculated value" must appear immediately after the last guarantee.
- (5). Other additional required or voluntary guarantees shall appear in accordance with the following:
 - aa. Guarantees for nutrients are in the same order and units of the nutrients in the AAFCO Dog (or Cat) Food Nutrient Profiles following ash, if also listed, or moisture, if ash is not listed.
 - bb. Guarantees for substances not listed in the AAFCO Dog (or Cat) Food Nutrient Profiles, or not otherwise provided for in these Regulations, shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.
 - [1]. The disclaimer "+not recognized as an essential nutrient by the AAFCO Dog [or Cat] Food Nutrient Profiles" shall appear immediately after "+calculated value".
- (6). The statement of nutritional adequacy must follow the guarantees:
 - aa. A statement that the dog or cat food meets the requirements of one or more of the recognized categories of nutritional adequacy: gestation/lactation, growth, maintenance, and all life stages. It shall be stated verbatim as one of the following:
 - [1]. "(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog (or Cat) Food Nutrient Profiles for." This statement must also include the stage or stages of the pet's life, such as gestation/lactation, growth, maintenance, or the words "All Life Stages". For a dog food, when the words "Growth" or "All Life Stages," one of the following phrases must also be added verbatim to the end of the claim: "including

growth of large size dogs (70 lb. or more as an adult)", either "except for growth of large size dogs (70 lb. or more as an adult)"; or

[2]. "Animal feeding tests using AAFCO procedures substantiate that (Name of Product) provides complete and balanced nutrition for" This statement must include the stage or stages of the pet's life tested, such as, gestation/lactation, growth, maintenance, or the words "All Life Stages"; or

[3]. "(Name of Product) provides complete and balanced nutrition for." The statement must also include the stage or stages of the pet's life, such as gestation, lactation, growth, maintenance, or the words "All Life Stages" and end with "comparable in nutritional adequacy to a product which has been substantiated using AAFCO feeding tests."

bb. A nutritional or dietary statement for purposes other than those listed in Chapter 7-17-12 (2) or (3) if the statement is scientifically substantiated; or

cc. The statement: "This product is intended for intermittent or supplemental feeding only," if a product does not meet the requirements of Chapter 7-17-12 (2) or (3) or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

2. **Specialty Pet Nutrition Facts** must be displayed in a prominent place on the label of all specialty pet foods (including treats, food supplements, veterinary diets, and food mixers), information shall be set off in a box by use of hairlines and be clearly visible under the heading "Specialty Pet Nutrition Facts" that is centered in the top row of the box. The box contains the following required elements with all text the same size and style in the following order:

a. The stated whole familiar household unit (e.g., can, measuring cup, treat, or piece), consistent with the feeding directions, and its weight in grams.

b. The nutrient guarantees shall appear under the headers "Nutrients" Each nutrient value and total grams per familiar household unit must be listed:

(1). A specialty pet food label must list the following required guaranteed amounts.

aa. "Protein" is minimum percentage of crude protein;

- bb. "Fat" is minimum percentage of crude fat;
 - cc. "Total Carbohydrate[†]" is maximum percentage equal to $[100 - (\text{Crude Protein} + \text{Crude Fat} + \text{Moisture} + \text{Ash})]$;
 - dd. "Dietary Fiber" is maximum percentage of total dietary fiber. The dietary fiber guarantee must be indented to reflect that it is a component of the total carbohydrate guarantee on the line above; and
 - ee. "Moisture" is maximum percentage of moisture;
 - ff. Additional required or voluntary guarantees must follow moisture or ash, if listed.
- (2). When "Ash" is listed, it shall be guaranteed as a maximum percentage and must immediately follow moisture.
- (3). When listed on the label of a specialty pet food product, guarantees for "Dietary Starch" and "Sugars" must be stated as maximum guaranteed amounts. Neither guaranteed amount shall be listed without the other. The guaranteed amount for dietary starch must follow dietary fiber. The guaranteed amount for sugars must follow dietary starch with the same indentation.
- (4). The "†calculated value" must appear immediately after the last guarantee.
- (5). Other additional required or voluntary guarantees must appear in accordance with the following:
- aa. These guarantees must follow ash, if also listed, or moisture, if ash is not listed;
 - bb. Guarantees for nutrients are in the same order and units of the nutrients in an AAFCO-recognized nutrient profile for the intended animal species; however, if no species-specific AAFCO-recognized nutrient profile is available, the order and units must follow the same order and units of nutrients in the AAFCO Cat Food Nutrient Profile;
 - cc. For those specialty pet species with an AAFCO-recognized nutrient profile for the intended animal species, guarantees for substances not listed in that profile, or not otherwise provided for in these Regulations, must immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.

- [1]. The disclaimer “*not recognized as an essential nutrient by.” Statement must also include the specific AAFCO-recognized nutrient profile and must appear immediately after the last such guaranteed amounts.
 - [2]. No such disclaimer must appear unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet.
- (6). The statement of nutritional adequacy must follow the guarantees as one of the following:
- aa. For daily foods for those specialty pet species where no recognized nutritional authority exists, the statement: “This product is intended to be a daily food.”
 - bb. For all other specialty pet foods:
 - [1]. A statement substantiating that the specialty pet food meets the requirements for nutritional adequacy in Chapter 7-17-12 (2) or (3) by an AAFCO-recognized nutritional authority. It must be stated verbatim as the following: “(Name of product) is formulated to meet the nutritional levels established by.” Must also include the AAFCO-recognized authority, species and stage of specialty pets life.;
 - [2]. A nutritional or dietary claim for purposes other than those listed in Chapter 7-17-12 (2) or (3) if the claim is scientifically substantiated; or
 - [3]. The statement: “This product is intended for intermittent or supplemental feeding only,” if a product is suitable only for limited or intermittent or supplementary feeding.
3. The Pet Nutrition Facts or Specialty Pet Nutrition Facts box of a pet food or a specialty pet food which is formulated as and represented to be a food supplement must include all of the information required in Chapter 7-17-13 (1) or (2) except that guarantees must only be displayed on a per feeding unit (e.g., tablets, capsules, granules, or liquids) basis:
- a. For a food supplement that is intended to be a source of nutrients, guarantees must appear for all nutrients that the product is intended to provide under the headers “Nutrients”:

- (1). For nutrients with an established requirement by an AAFCO-recognized nutrient profile, minimum guarantees must be declared in the same order and units (i.e., g, mg, or IU) specified in the AAFCO-recognized nutrient profile for the intended species; or
 - (2). When no species-specific nutrient profile has been recognized by AAFCO, minimum guarantees must be declared in the same order and units (i.e., g, mg, or IU) specified in the AAFCO Cat Food Nutrient Profiles; and
 - (3). Guarantees for substances not listed in an AAFCO-recognized nutrient profile for the intended animal species, or not otherwise provided for in these Regulations, must immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.
 - aa. The disclaimer “*not recognized as an essential nutrient by.” Statement must also include the specific AAFCO-recognized nutrient profile and must appear immediately after the last such guaranteed amounts. No such disclaimer must appear unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet.
 - b. For a food supplement that is intended to supply microorganisms and/or enzymes, guarantees must be declared on a per feeding unit (e.g., tablets, capsules, granules, or liquids) basis. The enzyme activity unit meaning must follow the disclaimer within the box.
4. The sliding scale method of expressing a guaranteed amount on a pet food or specialty pet food label (for example, “Protein 15–18 percent Min”) is prohibited.
 5. Protein, fat, calculated total carbohydrate, or dietary fiber are not required when the pet food or specialty pet food is intended for purposes other than to furnish these substances or they are of minor significance relative to the primary purpose of the product, such as a mineral or vitamin supplement.
 6. For small packages with a total printable area of more than 12 square inches and less than or equal to 40 square inches, all information required in Chapter 17-7.1-05-01 1, 2, or 3 must be listed. This information does not have to be in a box and must appear in one place without other intervening material. The required information must:
 - a. Appear in the same order as required in this chapter;
 - b. Text must be the same size and style, except that the heading “Pet Nutrition Facts” or “Specialty Pet Nutrition Facts” must be bolded;
 - c. The text shall be sufficiently large so as to be conspicuous and must not be smaller than 1/16 inch;

- d. The guaranteed amount shall appear immediately after the amount “per familiar household unit” for each nutrient with the guaranteed amount enclosed in parentheses and all units clearly identified;
 - e. The following abbreviations may be used: Total Carbohydrate as “Carb⁺,” Dietary Fiber as “Fiber”.
7. For very small packages with a total printable area of less than or equal to 12 square inches, following limited information is required to appear on the label:
- a. This information must appear in one place without other intervening material;
 - b. Text must be the same size and style, except that the heading “Nutrition Facts” shall be bolded;
 - c. The text shall be sufficiently large so as to be conspicuous and must not be smaller than 1/16 inch;
 - d. For pet foods, only total calories are required and shall be stated as:
 - (1). “Cal (calc): [#]” when the Calorie content is calculated; or
 - (2). “Cal (fed): [#]” when the Calorie content is determined by testing.
 - e. Guaranteed amounts must be stated in weight per entire contents (e.g., grams per pouch). The following required guaranteed amounts stated as a maximum or minimum, as appropriate:
 - (1). “Protein” is crude protein;
 - (2). “Fat” is crude fat;
 - (3). “Carb” is calculated from $[100 - (\% \text{ Crude Protein} + \% \text{ Crude Fat} + \% \text{ Moisture} + \% \text{ Ash})]$;
 - (4). “Fiber” is total dietary fiber;
 - (5). “Moisture” is moisture; and
 - (6). Additional required or voluntary guarantees must follow moisture or ash, if listed, and must comply with the requirements for such guarantees in Chapter 7-17-13 (1)(c) or Chapter 7-17-13 (2)(b), as appropriate, except that they must be stated in weight per entire contents.

History: Effective XXXXXXXX.

General Authority: NDCC 4.1-41-20

Law Implemented: NDCC 4.1-41-05

CHAPTER 7-17-14
DETERMINATION OF CALORIE CONTENT FOR DOG AND CAT FOOD

Section

7-17-14-01

Determination of Calorie Content for Dog and Cat Food

7-17-14-01. Determination of Calorie Content for Dog and Cat Food

1. The statement must be determined in terms of metabolizable energy (ME) on an “as fed” moisture basis by one of the following methods then converted to Calories (kcal) per the familiar household unit (i.e., can, measuring cup, treat, or piece):
 - a. By calculation (indicated with a “+” in the Pet Nutrition Facts) using the “Modified Atwater” formula; or
 - b. In accordance with testing procedures determined by the association of American feed control officials (indicated as “(fed)” in the Pet Nutrition Facts).
2. An affidavit must be provided upon the request of the commissioner, substantiating that the Calorie content was determined by:
 - a. Calculation in which case the summary data used in the calculation must be included in the affidavit; or
 - b. Testing in which case the summary data used in the determination of Calorie content must accompany the affidavit.
3. The Calories from protein, fat, and carbohydrate as required in the Pet Nutrition Facts, then converted to Calories (kcal) per the familiar household unit (i.e., can, measuring cup, treat, or piece):
4. Comparative claims must not be false, misleading, or given undue emphasis and must be based on the same methodology for the products compared.

History: Effective XXXXXXXX.

General Authority: NDCC 4.1-41-20

Law Implemented: NDCC 4.1-41-05

ARTICLE 7-19
ENVIRONMENTAL IMPACT MITIGATION PROGRAM

Chapter
7-19-01 General Provisions

CHAPTER 7-19-01
GENERAL PROVISIONS

Section
7-19-01-01 Definitions
7-19-01-02 Implementation and Administration
7-19-01-03 Mitigation Plan and Payment
7-19-01-04 Agriculture Commissioner Notification to Legislative Management

7-19-01-01. Definitions.

For purposes of this chapter:

1. "Applicant" means a person that has filed on or after March 31, 2024, or is planning to file, an application for a proposed site, corridor, or route, pursuant to North Dakota Century Code chapter 49-22.
2. "Electric energy conversion facility" means as it is defined by North Dakota Century Code section 49-22-03.
3. "Electric transmission facility" means as it is defined by North Dakota Century Code section 49-22-03.
4. "Mitigation" means avoiding or minimizing adverse environmental impact or performing an action or activity to offset or otherwise compensate for adverse environmental impact by:
 - a. Planning and executing a mitigation plan; or
 - b. Payment to the agriculture commissioner for deposit into the environmental impact mitigation fund for expenditure in accordance with North Dakota Century Code section 4.1-01-21.1.
5. "Mitigation Plan" means a plan of mitigation measures including creating or restoring similar habitat or offsetting or otherwise compensating for habitat adversely affected by the construction or operation of an electric energy conversion or transmission facility.
6. "Offset" means to counterbalance residual adverse environmental impact to achieve a net neutral or beneficial outcome, generally conducted after reasonable efforts have been undertaken to avoid and minimize impact or when avoidance or minimization of impact is not feasible.
7. "Similar habitat" means a physical environment that has the same or about the same corresponding resources, vegetation, and biotic factors serving multiple species that are exhibited in the physical environment within the vicinity of or generally surrounding the

construction or operation of an electric energy conversion or transmission facility. These separate physical environments comprising similar habitat may resemble or somewhat differ from each other in general appearance, features, or other terrain characteristics.

History: Effective XXXXXXXX.

General Authority: NDCC 28-32-02, NDCC 4.1-01-21.1.4

Law Implemented: NDCC 28-32-02, NDCC 4.1-01-21.1.4

7-19-01-02. Implementation and Administration.

1. The agriculture commissioner is responsible for the implementation and administration of an environmental impact mitigation program and the environmental impact mitigation fund.
2. The environmental impact mitigation fund is a continuing appropriation contained within the state treasury. This fund consists of all moneys deposited in the fund by legislative appropriation or under North Dakota Century Code section 49-22-09.2.

History: Effective XXXXXXXX.

General Authority: NDCC 28-32-02, NDCC 4.1-01-21.1.4

Law Implemented: NDCC 4.1-01-21.1, NDCC 49-22-09.2

7-19-01-03. Mitigation Plan and Payment.

1. Before an application is filed to construct or operate an electric energy conversion or transmission facility, or very early in that application process, an applicant may notify and coordinate with the agriculture commissioner about identified adverse environmental impacts from the construction or operation of the facility. A notification may:
 - a. Propose to the agriculture commissioner a mitigation plan to create or restore similar habitat or to offset or otherwise compensate for identified adverse environmental impacts; or
 - b. Request the agriculture commissioner to develop a mitigation plan, including a cost estimate, to create or restore similar habitat or to offset or otherwise compensate for identified adverse environmental impacts .
2. Prior to the public service commission issuing the applicant a permit or certificate, the agriculture commissioner shall notify the public service commission, for its consideration, of the mitigation plan and mitigation efforts or of any payment to the agriculture commissioner for deposit into the environmental impact mitigation fund for expenditure in accordance with North Dakota Century Code section 4.1-01-21.1.
3. As part of the permit or certificate process, the applicant may not make an offset payment to any person, other than the agriculture commissioner, to create or restore similar habitat or to offset or otherwise compensate for the adverse environmental impact resulting from the construction or operation of an electric energy conversion or transmission facility.

History: Effective XXXXXXXX.

General Authority: NDCC 28-32-02, NDCC 4.1-01-21.1.4

Law Implemented: NDCC 4.1-01-21.1, NDCC 49-22-09.2

7-19-01-04. Agriculture Commissioner Notification to Legislative Management.

The agriculture commissioner shall provide a biennial report regarding the environmental impact mitigation fund to legislative management no later than December 31 of every even numbered year.

History: Effective XXXXXXXX.

General Authority: NDCC 28-32-02, NDCC 4.1-01-21.1.4

Law Implemented: NDCC 4.1-01-21.1, NDCC 49-22-09.2

**ARTICLE 7-20
HEMP PRODUCTS**

Chapter
7-20-01 General Provisions

**CHAPTER 7-20-01
GENERAL PROVISIONS**

Section
7-20-01-01 Definitions
7-20-01-02 Labelling
7-20-01-03 Packaging- General Requirements
7-20-01-04 Distribution and Retail Sale
7-20-01-05 Sample Collection and Testing

7-20-01-01. Definitions.

All terms have the same meaning as in North Dakota Century Code title 4.1 unless otherwise specified:

1. "Attractive to children" means manufactured in the shape of humans, cartoons, or animals; manufactured in a form that bears any reasonable resemblance to an existing product that is familiar to the public as a widely distributed or branded food product such that a product could be mistaken for the branded product, especially by children.
2. "COA" means certificate of analysis.
3. "Child-resistant" means packaging that is:
 - a. Designed or constructed to be significantly difficult for children under five (5) years of age to open and not difficult for normal adults to use properly as defined by 16 CFR § 1700.15 (1995) and 16 CFR § 1700.20 (1995);
 - b. Resealable to maintain its child-resistant effectiveness for multiple openings for any product intended for more than a single use or containing multiple servings.
4. "Container" means a sealed, hard- or soft-bodied receptacle in which usable cannabinoid hemp is placed.
5. "Cannabinoid Hemp" means any allowable hemp product that is:
 - a. Produced from hemp flower that does not have Generally Recognized As Safe (GRAS) status as defined by 21 CFR 170.30(c) and 170.3(f)
 - b. Has a level of Total THC that does not exceed 1.25 milligram per serving; and
 - c. Has a Total CBD: Total THC ratio greater than 15:1
6. "Quick Response Code" or "QR Code" means a two-dimensional barcode that encodes alphanumeric information such as a website URL.

History: Effective XXXXXXXX.

General Authority: NDCC 28-32-02, NDCC 4.1-18.1-01

Law Implemented: NDCC 28-32-02, NDCC 4.1-18.1-01

7-20-01-02. Labeling

Label information as required in North Dakota Century Code chapter 4.1-18.1 is to be placed as follows:

1. Product Labels must contain:
 - a. A list of all ingredients;
 - b. Any edible cannabinoid hemp product must identify all major allergens contained in the product in accordance with 21 U.S.C. § 321(qq) (April 23, 2021), including milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, and soybeans.
 - c. A recommended serving suggestion that is easily identifiable and reasonable for the product size.
 - d. A statement of net contents identifying the net weight or volume, expressed as follows:
 - (1) If a solid, in both ounces and grams or milligrams; or
 - (2) If a liquid or colloid, in both fluid ounces and milliliters;
 - e. For any edible cannabinoid hemp product, except tinctures, oils, raw hemp, and capsules:
 - (1) Identify the amount of advertised cannabinoids and THC contents expressed milligrams and, the number of servings per container; and
 - (2) Labeled with a nutritional fact panel in accordance with 21 C.F.R. part 101.9 (August 29, 2016); and
 - f. For tinctures, oils, and capsules, contain the size of one or more dosages, expressed in milliliters, number of drops, or number of capsules, along with the amount of advertised cannabinoids and THC, in milligrams, in each dosage identified.
 - g. For topical cannabinoid hemp products, the amount of advertised cannabinoids and THC expressed in milligrams contained in the product.
 - h. For hemp flower products, the concentration of advertised cannabinoids and Total THC expressed as a concentration on a dry weight basis.
 - i. The expiration date.
 - j. Consumer warnings that state:

- (1) "This product is not approved by the Food and Drug Administration to treat, cure, or prevent any disease."
- (2) "Keep out of reach of children."
- (3) "Consult your doctor before use if you have a medical condition or are taking medications, or if you are pregnant or lactating."
- (4) If the product has any detectable level of THC it must include: "This product may contain THC and users of this product may test positive for cannabinoids in a drug test. May cause drowsiness. Do not drive or operate heavy machinery after use."
- (5) "This product is not for minors."

2. Product labels cannot make any health claims.

History: Effective XXXXXXXX.

General Authority: NDCC 28-32-02, NDCC 4.1-18.1-01.1

Law Implemented: NDCC 28-32-02, NDCC 4.1-18.1-01.1

7-20-01-03. Packaging- General Requirements

All usable cannabinoid hemp products intended for distribution in containers that are:

1. Plain;
2. Unique to the hemp product so as not to be easily mistaken for popular non-intoxicating products.
3. Tamper-evident;
4. Child-resistant;
5. Suitable to contain products for human consumption;
6. Not attractive to children; and
7. Compliant with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq., without regard to provided exemptions.

History: Effective XXXXXXXX.

General Authority: NDCC 28-32-02, NDCC 4.1-18.1-01.1

Law Implemented: NDCC 28-32-02, NDCC 4.1-18.1-01.1

7-20-01-04. Distribution and Retail Sale of Cannabinoid Hemp.

Cannabinoid hemp products may only be distributed and sold in the state if the product meets the requirements of this chapter and has a COA that:

1. Is physically available in the retail location; or

2. Has a QR code that links to the COA on the product label; and
 - a. The hemp extract is the product of a batch tested by an independent testing laboratory;
 - b. The batch does not contain contaminants unsafe for human consumption; and
3. Retail locations may not:
 - a. Market, entice or encourage minors to purchase or use any hemp products;
 - b. When advertising for any hemp products retailers shall not make health claims;
 - c. Advertise with false, misleading, or deceptive statements about the hemp products.

History: Effective XXXXXXXX.

General Authority: NDCC 28-32-02, NDCC 4.1-18.1-01.1

Law Implemented: NDCC 28-32-02, NDCC 4.1-18.1-01.1

**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 <u>[Repealed]</u> |
| 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 paper or electronic 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" mean 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: Effective July 1, 2016; amended effective XXXXXXXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

**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.~~
Repealed effective XXXXXX.

History: Effective July 1, 2016.

General Authority: NDCC ~~36-01-08~~

Law Implemented: NDCC ~~12-1-32-01, 36-01-08, 36-01-28,~~

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 <u>[Repealed]</u> |
| 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 that 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.
3. Animals imported which are not in compliance with importation requirements may be quarantined until the disease status of the animals can be determined and until all vaccination and test requirements can be verified.

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

General Authority: NDCC 36-01-08

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

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 must be identified and designated by readily visible suitable placards as determined by the board. Placards may not be removed unless the removal has been approved by the state veterinarian.

History: Effective July 1, 2016.

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 animals can be determined and until all vaccination and test requirements can be verified. Repealed effective XXXXXX.~~

History: Effective July 1, 2016.

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 must be in a manner prescribed by the

board or state veterinarian.

History: Effective July 1, 2016.

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: Effective July 1, 2016.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

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 XXXXXXX.

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: Effective July 1, 2016.

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, within thirty days, shall 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 are 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 must 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 must 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 must 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, must 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~~ the final slaughter location are not 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 must be made in triplicate:
 - (1) One copy must be delivered to the brand inspector at the market along with shipment;
 - (2) One copy must be sent to the chief brand inspector along with the fees no 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 must be retained by the operator.
 - b. If the above permit form fails to accompany shipment of cattle to market, cattle are subject to inspection and regular fees must 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 bears the cost of inspection at the regular fee.
6. Registered feedlots are 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, for good cause, may suspend or revoke a registration.

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

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. A claim for feed, pasture, or gathering may not 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 must be placed in pens assigned to individual sellers and must 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 may 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, upon a recommendation by the chief brand inspector, shall 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 to 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 auction 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: Effective July 1, 2016; amended effective ~~XXXXXXX~~.

General Authority: NDCC 4.1-72-01

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

**ARTICLE 48.1-04
BISON**

Chapter
48.1-04-01 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~~

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. Bison imported on a nationally approved electronic certificate of veterinary inspection platform, not originating in an area classified as infected by contagious disease, as determined by the board or state veterinarian, may be exempt from the requirement for an importation permit number.
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.
 - a. Bison from Canada can be imported into the state with either a CAN tattoo in an ear or a CAN brand on the right hip, as the form of permanent identification. Bison that meet USDA electronic identification requirements may be exempt from tattoo or brand requirements.
 - b. Bison from other countries will be permanently identified as prescribed by the state veterinarian.
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. Any bison that is infected, or recently exposed to any contagious or infectious disease, may not be imported.

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

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. 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:
 - a. Steers;
 - b. Spayed females; and
 - c. 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. 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:
 - a. Two dippings, ten to fourteen days apart.
 - b. 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 nonvirgin 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 must 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 must 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 that 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."~~

~~e. 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. Repealed effective XXXXXXX.~~

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: Effective July 1, ~~2016~~; amended effective ~~XXXXXXX~~.

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 must be vaccinated. Bison must 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~~ eighteen months (one hundred twenty through ~~three hundred sixty five~~ five hundred forty seven 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 ~~state accredited~~ veterinarian shall 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 must 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 must 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 must 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.

History: Effective July 1, 2016; amended effective ~~XXXXXXX~~.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

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

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

History: Effective July 1, 2016; amended effective ~~XXXXXXX~~.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 33-01-08

**ARTICLE 48.1-05
CATTLE**

Chapter
48.1-05-01 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~~

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 Certificates of veterinary inspection for cattle must include an importation permit number issued by the state veterinarian before entering the state. Cattle imported on an approved electronic certificate of veterinary inspection platform, not originating in an area classified as infected with contagious disease by the board or state veterinarian, may be exempt from the requirement for an importation permit number.
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. Cattle infected, or recently exposed to any contagious or infectious disease, may not be imported.
8. Calves, under four months of age, not accompanying dams, may not be resold within sixty days of importation. Purchasers shall take possession of imported calves at the premises of the seller.

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

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.~~~~~~
- a. 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.
- b. 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.

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 nonvirgin 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 must 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 must 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 that 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 or importation restriction:
 - (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 tuberculosis test on the birth herd of origin.
 - (2) Cattle of Mexican origin require 484 electronic identification tags, or another USDA-approved electronic method that clearly indicates they are Mexican origin, 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; and
 - (5) Nursing calves accompanying negative-tested dams.

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

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

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

48.1-05-01-03. Disease control.

1. Anthrax.
 - a. Cattle susceptible to anthrax located on farms where anthrax has been diagnosed must 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 that 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 ~~state~~ state accredited veterinarian shall 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 must 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 must 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 must 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: Effective July 1, 2016; amended effective XXXXXXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

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

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

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

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

**ARTICLE 48.1-06
EQUINE**

Chapter
48.1-06-01 Equine

**CHAPTER 48.1-06-01
EQUINE**

Section

48.1-06-01-01 Importation Requirements - Certificate of Veterinary Inspection - Identification - Exemptions
48.1-06-01-02 Importation Disease Testing Requirements
48.1-06-01-03 Disease Control
48.1-06-01-04 Removal or Damaging of Official Identification ~~or Brands~~

48.1-06-01-01. 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;
 - c. Equine species granted an exception by the board; and
 - 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~~ do not require an importation permit number issued by the state veterinarian before entering the state unless a state or area has been identified with infectious disease or potential threat to animal or public health as determined by the board or state veterinarian.
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. An equine species that is infected, or recently exposed to any infectious or contagious disease, may not be imported.

History: ~~Effective July 1, 2016. Amended effective XXXXXXXX.~~

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

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

48.1-06-01-02. Importation disease testing requirements.

Equine infectious anemia. 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: Effective July 1, 2016.

General Authority: NDCC 36-01-08

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

48.1-06-01-03. Disease control.

1. Anthrax.
 - a. Equine species susceptible to anthrax located on farms where anthrax has been diagnosed must be vaccinated. Equine species must 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. Equine species testing and confirmed positive for equine infectious anemia must be:
 - a. ~~Positively and individually identified in accordance with a permanent marking method prescribed by the state veterinarian; Euthanized and the carcass disposed of in an approved manner;~~
 - b. ~~Accompanied by an official permit; and If not euthanized, the animal must be positively and individually identified in accordance with a permanent marking method prescribed by the state veterinarian; and~~
 - c. ~~Held separate and apart from all equine species. Maintained under permanent quarantine separate and apart from all equine species in a manner consistent with the current recommendations outlined in the USDA Equine Infectious Anemia uniform methods and rules.~~

History: ~~Effective July 1, 2016. Amended effective XXXXXXXX.~~

General Authority: NDCC 36-01-08

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

48.1-06-01-04. Removal or damaging of official identification ~~or brands.~~

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

History: Effective July 1, 2016. Amended effective XXXXXXXX.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

**ARTICLE 48.1-07
FARMED ELK**

Chapter

| | |
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**CHAPTER 48.1-07-01
DEFINITIONS - GENERAL REQUIREMENTS**

Section

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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 which 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 state highway 49, south to state highway 24, west to state 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 United States highway 2 and runs west to Towner and north along the Souris River to the Canadian border.~~
3. "Farmed Elk" mean mammals of the elk genus and species Cervus Candensis, formerly a subspecies of Cervus elephus. Red deer (Cervus elaphus) are not farmed elk.

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

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: Effective July 1, 2016.

General Authority: NDCC 36-25-02

Law Implemented: NDCC 36-25-05

48.1-07-01-03. Holding and handling facilities.

Farmed elk operators, at all times, shall 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: Effective July 1, 2016.

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 which guarantees access to an approved quarantine facility within the state.
2. If the state veterinarian imposes a quarantine, the farmed elk owner shall provide an onsite 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: Effective July 1, 2016.

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: Effective July 1, 2016.

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: Effective July 1, 2016.

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 with two forms of identification as prescribed by the state veterinarian. The form of identification must be permanent and unique to each animal. One form of ~~The~~ permanent identification must 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: Effective July 1, 2016; amended effective XXXXXXXX.

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 shall 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: Effective July 1, 2016.

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~~ seven 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: Effective July 1, 2016; amended effective XXXXXXXX.

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: Effective July 1, 2016.

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, shall 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: Effective July 1, 2016.

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 must be scheduled.

History: Effective July 1, 2016.

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 [Repealed]

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.
 - f. Is a Red Deer hybrid.
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; The certificate of veterinary inspection must include or be accompanied by an owner signed statement: "The elk on this certificate are not Red Deer hybrids."~~
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: Effective July 1, 2016; amended effective XXXXXXXX.

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 the farmed elk 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. Repealed effective XXXXXXXX.~~

History: ~~Effective July 1, 2016.~~

General Authority: ~~NDCC 36-25-02~~

Law Implemented: ~~NDCC 36-25-02~~

CHAPTER 48.1-07-03 IMPORTATION 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.
 - (3) Farmed elk originating from states recognized as "Free" under the USDA-APHIS brucellosis eradication program.
 - 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 that they meet the following requirements:

- [1] Farmed elk are accompanied by a certificate stating 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] Farmed elk are accompanied by a certificate stating 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 the farmed elk 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] Farmed elk are accompanied by a certificate stating 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.
- 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.

History: Effective July 1, 2016; amended effective ~~XXXXXXX~~.

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

Law Implemented: NDCC 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 must be vaccinated. Farmed elk must 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 that 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 state veterinarian shall 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 must 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 must 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. If any farmed elk twelve months of age or older die for any reason, the owner shall 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, must 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 must 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 must 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 must 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 must be quarantined for sixty months from the last case or exposure; and
 - [5] The entire herd must 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 must 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); 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,

e. Management of herds containing animals diagnosed with, exposed to, or potentially exposed to chronic wasting disease may be adjusted based upon epidemiological investigation and guidance in the United States Department of Agriculture Animal Plant Health Inspection Service Veterinary Services Chronic Wasting Disease Program Standards.

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 must 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: Effective July 1, 2016; amended effective XXXXXXXX.

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 may not be removed or tampered with without approval by the state veterinarian.

History: Effective July 1, 2016.

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

**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

48.1-08-01-01. Definitions.

Definitions contained in title 9, Code of Federal Regulations, part 79.1 are adopted by the board and apply to this chapter, unless otherwise defined or ordered by the board.

History: Effective July 1, 2016.

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; or
 - e. Other goats as otherwise provided for by these rules.
2. ~~Certificate~~ Certificates of veterinary inspection for goats must include an importation permit number issued by the state veterinarian before entering the state. Goats imported on an approved electronic certificate of veterinary inspection platform, not originating in an area classified as infected with contagious disease by the board or state veterinarian, may be exempt from the requirement for an importation permit number.
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. Goats infected, or recently exposed to any contagious or infectious disease, may not be imported into the state.

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

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. Repealed effective XXXXXXXX.~~
2. Scrapie. 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. ~~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:~~
 - a. ~~Meat breed goats that do not originate from an area where in the opinion of the board tuberculosis may exist;~~
 - b. ~~Gastrated males and spayed females that do not originate from an area where in the opinion of the board tuberculosis may exist; and~~
 - c. ~~Nursing goat kids that accompany a negative-tested dam. Repealed effective XXXXXXXX.~~

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

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

48.1-08-01-04. Disease control.

1. Anthrax.
 - a. Goats susceptible to anthrax located on farms where anthrax has been diagnosed must be vaccinated. Animals must 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 that 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 must 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 must 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 must 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 that are scrapie suspect, scrapie positive, scrapie exposed, and high risk animals, including all low risk exposed animals, genetically susceptible exposed animals, genetically loss susceptible exposed animals, and genetically resistant exposed goats must be identified as proscribed by the state veterinarian in consultation with USDA APHIS VS.~~
 - ~~(a) Tag application on these classes of goats must 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, must 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.~~
- (4) The recommended scrapie 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. 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 epidemiological 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. If 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. If 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 immediately shall report to the board, USDA-APHIS-VS representative, or an accredited veterinarian any suspect animal. Such animal may not be removed from the herd without written permission by the state veterinarian.~~

~~e. Herd records disclosure.~~

b. 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: Effective July 1, 2016; amended effective XXXXXXXX.

General Authority: NDCC 36-01-08

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

48.1-08-01-05. Removal or damaging of official identification or marks.

Official identification or marks may not be removed or tampered with without approval by the state veterinarian.

History: Effective July 1, 2016.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

**ARTICLE 48.1-09
NONTRADITIONAL LIVESTOCK**

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**CHAPTER 48.1-09-01
DEFINITIONS – GENERAL REQUIREMENTS**

| | |
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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 which 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 which 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 which 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 which can cause serious bodily injury or death upon a human being, regardless of whether an individual animal has been devenomized.
15. "Wildlife" means any member of the animal kingdom, including any mammal; fish; bird, including any migratory, nonmigratory, 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 state highway 49, south to state highway 21, west to state 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 United States highway 2, runs west to Towner and north along the Souris River to the Canadian border.~~
- ~~18.~~16. "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-VS.

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

General Authority: NDCC 36-01-08

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

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~~ 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 foxes, 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-horned 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 noninjurious reptiles.
 - e. Tropical freshwater and saltwater fish.
 - f. Gerbils.
 - g. Guinea pigs.
 - h. Hamsters.
 - i. Mice.
 - j. Rats.
 - k. Sugar gliders.
 - l. Ova, semen, eggs or embryos of non-traditional livestock.
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, must be conducted by an administrative law judge, who shall 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. Nontraditional 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: Effective July 1, 2016; amended effective XXXXXXXX.

General Authority: NDCC 36-01-08

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

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

- 1. The owner shall obtain a license from the board before 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 before 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 shall 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 shall 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, without prior written approval from the board, may 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: Effective July 1, 2016.

General Authority: NDCC 36-01-08

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

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: Effective July 1, 2016.

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. If the state veterinarian imposes a quarantine, the nontraditional livestock owner shall provide an onsite 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: Effective July 1, 2016.

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 shall 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 may 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-horned 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: Effective July 1, ~~2016~~, 2016; amended effective ~~XXXXXXX~~.

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 hoofed nontraditional livestock not distinguishable from wild species must be identified individually with a visual tag approved by the board and must be marked within twelve months of birth, and before removal of the animal from the nontraditional livestock premises.

3. An owner of category 2 or category 3 nontraditional livestock shall 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: Effective July 1, 2016.

General Authority: NDCC 36-01-08

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

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 shall 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 shall 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: Effective July 1, 2016.

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, shall 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: Effective July 1, 2016.

General Authority: NDCC 36-01-08

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

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.~~

a. Category 2 nondomestic sheep must test negative for Brucella ovis by an official test approved by the state veterinarian within thirty days prior to importation.

~~d. b.~~ 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 shall 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 shall 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 from which the animals originate 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 in which 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 the cervids meet the following requirements:
 - (a) The cervids 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 the cervids meet the following requirements:
 - (a) The cervids 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 the cervids 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 the cervids meet the following requirements:
 - (a) The cervids 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. c. 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, pheasant, chukar, gray (Hungarian) partridge, and wild turkey over five months of age, imported for breeding purposes, must 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: Effective July 1, 2016; amended effective XXXXXXXX.

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. Board approval must be obtained to possess nondomestic sheep and hybrids or nondomestic goats and hybrids south and west of the Missouri River.

1. ~~Red deer and red deer hybrids may 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: Effective July 1, 2016; amended effective XXXXXXX.

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 must be vaccinated. Nontraditional livestock must 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 that 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 must 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 must 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. If any white-tailed deer, mule deer, moose, or other susceptible species twelve months of age and older die for any reason, the owner shall 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 which has had chronic wasting disease traced back to the herd, must 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 must 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 must 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 must 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 must be quarantined for sixty months from the last case or exposure; and
 - [5] The entire herd must 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 must 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); 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.

f. Management of herds containing animals diagnosed with, exposed to, or potentially exposed to chronic wasting disease may be adjusted based upon epidemiological investigation and guidance in the United States Department of Agriculture Animal Plant Health Inspection Service Veterinary Services Chronic Wasting Disease Program Standards.

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 must 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: Effective July 1, 2016; amended effective XXXXXXXX.

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 may not be removed or tampered with without approval by the state veterinarian.

History: Effective July 1, 2016.

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) ~~for an~~ 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 pipes 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 which 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. 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 bears, 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 may 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 may 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 shall 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 shall 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 shall 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.
 - l. 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.~~
- ~~(6)~~(4) 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."

- ~~(7)~~(5) 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: Effective July 1, 2016; amended effective XXXXXXXX.

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

**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.
 - e. Poultry hatching eggs and hatchlings less than five days of age which originate from NPIP flocks certified as pullorum and fowl typhoid clean and AI clean may be imported on an electronic USDA VS Form 9-3 following approval of the hatchery by the state veterinarian.
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."
 - d. Avian Tuberculosis:

"To my knowledge, birds listed herein are not infected with avian tuberculosis and have not been exposed to birds infected with avian tuberculosis during the last twelve months."
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. Poultry that is infected, or recently exposed to any contagious or infectious disease, may not be imported into the state.

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

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 must 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 must be properly segregated and disposed of in a manner prescribed by the state veterinarian.

History: Effective July 1, 2016.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

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

Pullorum-typhoid disease.

1. Poultry over ~~five~~ four months of age, imported for breeding purposes, must 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.

2. Poultry under ~~five~~ four months of age and hatching eggs imported or offered for sale in the state must originate from qualified flocks.
3. Pullorum-typhoid testing must be a method prescribed by the National Poultry Improvement Plan and approved by the state veterinarian.

History: Effective July 1, 2016; amended effective ~~XXXXXXX~~.

General Authority: NDCC 36-01-08

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

48.1-10-01-04. Removal or damaging of official identification or bands.

Official identification or bands may not be removed or tampered with without approval by the state veterinarian.

History: Effective July 1, 2016.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

**ARTICLE 48.1-11
SHEEP**

Chapter
48.1-11-01 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

48.1-11-01-01. Definitions.

Definitions contained in title 9, Code of Federal Regulations, part 79.1 are adopted by the board and apply to this chapter, unless otherwise defined or ordered by the board.

History: Effective July 1, 2016.

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~~ Certificates of veterinary inspection for sheep must include an importation permit number issued by the state veterinarian before entering the state. Sheep imported on a nationally approved electronic certificate of veterinary inspection platform, not originating in an area classified as infected by contagious disease, as determined by the board or state veterinarian, may be exempt from the requirement of an importation permit number.
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. Sheep infected, or recently exposed to any contagious or infectious disease, may not be imported into the state.

History: Effective July 1, 2016; amended effective ~~XXXXXXX~~.

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~~ twelve months of age or older imported into the state must have tested negative for brucella ovis within thirty days prior to entry;
 - 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 must be euthanized and no indemnity is paid to the owner or the animals may be immediately returned to the state of origin; or
 - e. All tests for brucella ovis administered pursuant to this section must be tests officially recognized or otherwise approved by the state veterinarian.
 - f. Rams imported temporarily for exhibition and return to state of origin may be exempt from the test requirement.
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:~~
- e. ~~"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."~~ Repealed effective XXXXXXXX.

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

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 must 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 officially shall 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 eighteen 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) An 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 not 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) A person may not 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 postmortem inspection.

- (4) The recommended scrapie 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.

~~Sheep that 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 must 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, must 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 epidemiological 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.~~

~~e. 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. If 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.~~
- ~~d. 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.~~
- ~~e. 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: Effective July 1, 2016; amended effective XXXXXXXX.

General Authority: NDCC 36-01-08

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

48.1-11-01-05. Removal or damaging of official identification or marks.

Official identification or marks may not be removed or tampered with without approval by the state veterinarian.

History: Effective July 1, 2016.

General Authority: NDCC 36-01-08

Law Implemented: NDCC 36-01-08

**ARTICLE 48.1-12
SWINE**

Chapter
48.1-12-01 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

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 that are maintained for breeding purposes, including sows that 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 that 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 that are consigned to a slaughter market or consigned directly to slaughter regardless of age, breed, or sex.

History: Effective July 1, 2016.

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~~ Certificates of veterinary inspection must include an importation permit number issued by the state veterinarian before entering the state. Swine imported on an approved electronic certificate of veterinary inspection platform, not originating from an area classified as infected with contagious disease by the board or state veterinarian, may be exempt from the requirement for an importation permit number.
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 other health risks are present.
6. Swine that is infected, or recently exposed to any contagious or infectious disease, may not be imported.

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

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. 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. Imported swine must test negative for pseudorabies within thirty days prior to entry into the state or comply with one of the following:
 - a. Be from a stage V or stage IV state or area, as designated by the USDA-APHIS-VS;
 - b. Be from a qualified pseudorabies negative herd; or
 - c. Be from a feeder swine pseudorabies monitored herd as designated by USDA-APHIS-VS.
3. Transmissible Gastroenteritis (TGE). The veterinarian must declare the premises the swine are originating from has not had any signs or a diagnosis of Transmissible Gastroenteritis (TGE) in the last 60 days."
4. Porcine Epidemic Diarrhea virus (PEDv). The veterinarian must declare the premises the swine are originating from has not had any signs or a diagnosis of Porcine Epidemic Diarrhea virus

(PEDv) in the last 60 days."

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

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.

Pseudorabies.

1. USDA-APHIS-VS establishes criteria for recognizing pseudorabies low-state area or prevalence areas.
2. A pseudorabies vaccination for all swine is prohibited unless approved in writing by the state veterinarian.
3. 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.
4. 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.
5. 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.
6. As an alternative to a retest, the entire infected herd may be sent directly to slaughter.
7. 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.
8. 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.
9. Disposal of carcasses of swine infected with or testing positive for pseudorabies must be by a method prescribed by the state veterinarian.

History: Effective July 1, 2016.

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 may not be removed or tampered with without authorization by the state veterinarian.

History: Effective July 1, 2016.

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~~ twelve weeks 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~~ twelve weeks 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. A person may not import any dog, cat, or ferret less than ~~three months~~ twelve weeks 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: Effective July 1, 2016; amended effective XXXXXXXX.

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

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