



Rules of
Department of Agriculture
Division 30—Animal Health
Chapter 6—Livestock Markets

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**Title 2—DEPARTMENT OF
AGRICULTURE**

**Division 30—Animal Health
Chapter 6—Livestock Markets**

**2 CSR 30-6.010 Provisions for Registration
and Recordkeeping of Livestock Dealers**
(Moved to 2 CSR 30-7.010)

**2 CSR 30-6.015 Requirements and Respon-
sibilities of Market Licensees**

*PURPOSE: This rule defines the require-
ments and responsibilities of livestock market
owners and operators.*

*PUBLISHER'S NOTE: The secretary of state
has determined that the publication of the
entire text of the material which is incorpo-
rated by reference as a portion of this rule
would be unduly cumbersome or expensive.
This material as incorporated by reference in
this rule shall be maintained by the agency at
its headquarters and shall be made available
to the public for inspection and copying at no
more than the actual cost of reproduction.
This note applies only to the reference mate-
rial. The entire text of the rule is printed
here.*

(1) Terms defined in section 277.020, RSMo are incorporated by reference for use in this rule.

(2) As used in this chapter, unless the context clearly says otherwise, the following terms shall mean:

(A) Livestock—Cattle, swine, sheep, goats, poultry, ratite birds including but not limited to ostrich and emu, elk, equine, and exotic animals;

(B) Livestock market—A place of business or a place where livestock is concentrated for sale, exchange or trade at regular or irregular intervals, whether at auction or not. This definition exempts public farm sales, purebred livestock sales, or any sale, transfer, or exchange of livestock from one (1) person to another person for movement or transfer to another farm premises or directly to a licensed market;

(C) Livestock sale—The business of mediating for a commission or otherwise, the sale, purchase, or exchange transaction of livestock, whether or not at a livestock market. However, the term livestock sale shall not apply to order buyers, livestock dealers or other persons acting directly as a buying agent for any third party;

(D) Official identification—as defined by Title 9, *Code of Federal Regulations*, Part 71,

published annually in January, herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington, DC 20402-0001, phone: toll free (866) 512-1800, DC area (202) 512-1800, website: <http://bookstore.gpo.gov>, or any other means of individual identification approved by the state veterinarian. This rule does not incorporate any subsequent amendments or additions.

(E) Person—Individuals, partnerships, corporations and associations; and

(F) State veterinarian—The state veterinarian of the Missouri Department of Agriculture.

(3) Any person engaged in establishing or operating a livestock sale or market shall file with the state veterinarian an application and be granted a license to transact business prior to opening.

(4) An annual license fee of seventy-five dollars (\$75) must accompany all applications. This license shall entitle the applicant to conduct business for one (1) calendar year, January through December. The state veterinarian must receive all completed renewal applications and fees by December 1 for the next calendar year. All licensees defined in Chapter 277, RSMo shall publicly post the license issued by the state veterinarian at the place of business. The license shall be displayed for inspection by any person.

(5) All markets/sales licensed under the laws of Missouri must present to the department, no later than April 15 following the end of the year, their sales volumes for the preceding business year.

(6) Bonding Requirements. Every person subject to the provisions of Chapter 277, RSMo shall provide proof of a satisfactory bond in the amount specified by the USDA Packers and Stockyards Administration or the state veterinarian before receiving a license. In lieu of any bond, persons may substitute any instrument of financial security approved by the USDA Packers and Stockyards Administration. All surety coverage for licensees must be in accordance with 2 CSR 30-6.030.

(7) All licensees defined in Chapter 277, RSMo, must secure veterinary inspection of all livestock offered for sale at any livestock sale or market. A licensed, accredited veterinarian approved by the state veterinarian must inspect all livestock, perform all required testing of livestock for disease, identify individuals by official identification,

and forward required information (age, gender, breed, official eartag and backtag, owner contact information/ticket number) in an approved format to the state veterinarian. No person shall remove or tamper with, or cause the removal of or tampering with, an official eartag or backtag or other identification device required to move animals interstate, intrastate, or through a livestock market/sale. No person shall cause livestock to be removed from any livestock market/sale until that livestock has met all the requirements of Missouri or the state of destination, whichever applies.

(A) All assignments, replacements, and removals of veterinarians as market/sale veterinarians must have prior approval of the state veterinarian in accordance with section 277.100, RSMo.

(B) Upon approval of the state veterinarian, the market/sale veterinarian must sign a Market Veterinarian Agreement form MO 350-0488 provided by the Missouri Department of Agriculture. The licensee also must sign the form. The market/sale veterinarian shall keep one (1) copy of the agreement, the licensee one (1) copy and one (1) copy shall be forwarded to the state veterinarian's office.

(8) Facilities provided by the livestock market/sale for the market/sale veterinarian shall include—

(A) Office and laboratory area to allow ample work space and room for a work table, desk, chair, lamp, and one (1) file cabinet;

(B) Heat, light, and ventilation to properly perform required diagnostic tests;

(C) Livestock handling facilities with livestock collecting pens, runways, and a catching chute to confine and restrain animals for completion of required testing and/or official identification (eartag and backtag) requirements; and

(D) A laboratory area with a sink, hot and cold running water, and a floor of an impervious material which allows cleaning and disinfection. Electrical outlets must be available and convenient to enable the use of equipment such as centrifuges, branding irons, and electrical heaters.

(9) Failure of the licensee to aid the market/sale veterinarian in executing all laws and regulations governing the sale and movement of livestock may result in removal of the license to conduct sales.

(10) Structurally safe and sanitary conditions must be maintained on yards, pens, chutes, alleys, and other facilities and premises used in connection with livestock by the person(s)



in possession of the facilities and premises. These facilities are subject to inspection by USDA Veterinary Services or state Animal Health personnel.

(11) All licensees defined in Chapter 277, RSMo, must present upon request to a duly authorized representative of the Division of Animal Health records of any livestock sale or transaction. Failure to do so may result in the suspension or revocation of the market/sale license, a civil penalty of up to one thousand dollars (\$1,000) for each violation, or both.

(12) Violations at Markets/Sales. Failure either to comply with the laws of Missouri and the rules of the Missouri Department of Agriculture or to fulfill the requirements and responsibilities as specified in this rule can result in a suspension or revocation of the market/sale license, fines of up to one thousand dollars (\$1,000) per violation, or both.

AUTHORITY: section 277.160, RSMo 2000. Original rule filed June 15, 1990, effective Dec. 31, 1990. Emergency amendment filed June 5, 1992, effective June 15, 1992, expired Oct. 12, 1992. Amended: Filed March 3, 1992, effective Sept. 6, 1992. Amended: Filed Jan. 4, 1999, effective July 30, 1999. Amended: Filed June 12, 2009, effective Jan. 30, 2010.*

**Original authority: 277.160, RSMo 1989, amended 1993, 1995.*

2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian

PURPOSE: Under section 277.100, RSMo, this rule outlines the basic duties and responsibilities of the veterinarian under contract with a licensed livestock market/sale or sale to inspect all livestock offered for sale.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Assignment and Approval of Market/Sale Veterinarians.

(A) All assignments, replacements, and removals of licensed, accredited veterinarians as market/sale veterinarians must have prior approval of the state veterinarian.

(B) Upon approval of the state veterinarian, the market/sale veterinarian must sign a Market/Sale Veterinarian Agreement form MO 350-0488 provided by the Missouri Department of Agriculture. This form states the veterinary responsibilities at livestock markets/sales. The licensee must also sign the form. The market/sale veterinarian shall keep one (1) copy of the agreement, the licensee one (1) copy and one (1) copy shall be forwarded to the state veterinarian's office.

(C) Neglect of duty or misconduct by the market/sale veterinarian shall be cause for removal and replacement.

(D) Failure of the licensee to aid the market/sale veterinarian in executing all laws and rules governing the sale and movement of livestock may result in removal of the license to conduct sales.

(2) Duties and Responsibilities of the Market/Sale Veterinarian. The market/sale veterinarian shall—

(A) Collect required blood samples from all test-eligible animals consigned to the market/sale and submit those samples to the Cooperative State and Federal Veterinary Diagnostic Laboratory in Jefferson City for testing required by the Animal Health laws and rules pertaining to disease control;

(B) Inspect livestock markets/sales for cleanliness, good repair, and proper disinfection of certain areas possibly contaminated by diseased livestock;

(C) Inspect all livestock visually and, if necessary, perform further diagnostic procedures to determine the health status. No livestock shall be released from a licensed Missouri livestock market/sale by the market/sale veterinarian until the livestock have been officially identified, tested, and treated as required by Animal Health laws and rules pertaining to the movement of livestock. The market/sale veterinarian shall forward required information (age, gender, breed, official eartag and backtag, owner contact information/ticket number) in an approved format to the state veterinarian; and

(D) The market veterinarian is authorized to render judgement on any animal determined to be sick or suffering from a noninfectious or infectious disease upon admittance to the livestock market. The animal(s) will be—

1. Returned to the farm of origin with or without a quarantine, depending on the seri-

ousness of the disease or illness;

2. Condemned, isolated, and later destroyed or properly disposed of in a timely manner; or

3. Isolated and, if allowed to sell, an announcement must be made at the time of sale about the problem the animal is suffering (for example, bloat, cancer eye, foot rot).

(3) Cattle, Bison, and Exotic Bovids.

(A) Animal Identification. All animals eighteen (18) months of age and older shall be identified by eartag and backtag. No person shall remove or tamper with or cause the removal of or tampering with an official eartag or backtag or other identification devices required to move animals interstate, intrastate, or through a livestock market/sale.

1. If color-coded bangle tags are used to indicate state of pregnancy, they shall be applied as follows:

A. Blue—first trimester—one through three (1-3) months pregnant;

B. Red—second trimester—four through six (4-6) months pregnant;

C. Green—third trimester—seven through nine (7-9) months pregnant;

D. Yellow—open—not pregnant; and

E. White—not examined for pregnancy status.

2. Proper procedure for determining the age of cattle is—

A. Eighteen (18) months—absence of the central deciduous (baby) incisors;

B. Two (2) years—the presence of the first pair of fully erupted permanent incisor teeth;

C. Two and one-half (2 ½) years—the appearance of the second pair of permanent incisor teeth;

D. Eruption, spread, and wear of incisor teeth may be used to determine age; and

E. The age of the animal will be shown on the official bangle tag or displayed on the animal in a manner easily visible to the buyer.

(B) Brucellosis Requirements.

1. An official bangle tag may serve as identification for a health certificate for intrastate movement, provided the following information is shown on the tag:

A. Date of test;

B. Complete official eartag number;

C. Age of the animal; and

D. State code letters of the testing veterinarian.

(C) Tuberculosis Requirements.

1. All test-eligible (those animals over two (2) months of age) animals must be individually identified by official eartag as defined by Title 9, *Code of Federal Regulations*, Part



71, published annually in January, herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington, DC 20402-0001, phone: toll free (866) 512-1800, DC area (202) 512-1800, website: <http://bookstore.gpo.gov>, individual brand, registration tattoo, or any other means approved by the state veterinarian and listed on the Certificate of Veterinary Inspection. This rule does not incorporate any subsequent amendments or additions.

2. Beef cattle.

A. All classes of beef cattle (including exotic bovinds and bison) two (2) months of age and older, both breeding and feeding, entering Missouri to a licensed market from a state having a tuberculosis-free status may enter without additional testing requirements, entry permit, or Certificate of Veterinary Inspection.

B. All classes of beef cattle two (2) months of age and older, both breeding and feeding, prior to entering Missouri to a licensed livestock market from a state having a tuberculosis status less than free must meet the following requirements:

(I) Must obtain an entry permit; and

(II) Must have a negative tuberculosis test within sixty (60) days of shipment, test date must be listed on the Certificate of Veterinary Inspection; or

(III) Move from an accredited tuberculosis-free herd (herd number and current herd test date must be listed on the Certificate of Veterinary Inspection); or

(IV) Move directly from a herd of origin that has one (1) complete negative herd test within one (1) year (date of test must be listed on the Certificate of Veterinary Inspection).

3. Dairy cattle.

A. All classes of dairy cattle two (2) months of age and older, both breeding and feeding, prior to entering Missouri to a licensed market must meet the following requirements:

(I) Must obtain an entry permit; and

(II) Must have a negative tuberculosis test within sixty (60) days of shipment (test date must be listed on the Certificate of Veterinary Inspection); or

(III) Move from an accredited tuberculosis-free herd (herd number and current herd test date must be listed on the Certificate of Veterinary Inspection); or

(IV) Move directly from a herd of origin that has one (1) complete negative herd test within one (1) year (date of test must be

listed on the Certificate of Veterinary Inspection).

(D) Trichomoniasis Requirements.

1. All breeding bulls (excluding bison and exotic bovines) prior to entering a licensed livestock market/sale shall be—

A. Virgin bulls not more than twenty-four (24) months of age as determined by the presence of both permanent central incisor teeth in wear or by breed registry papers; or

B. Tested negative for Trichomoniasis with an official culture test or official Polymerase Chain Reaction (PCR) test by an official laboratory within sixty (60) days prior to entry into the state.

(I) Bulls shall be tested three (3) times, not less than one (1) week apart, by an official culture test or one (1) time by official PCR test prior to entering Missouri.

(II) Bulls that have had contact with female cattle subsequent to testing must be retested prior to entry.

(III) Bulls tested at the market must be quarantined at the farm of destination or livestock market pending negative test results. If test results are positive, the positive animals and cohorts will be quarantined.

2. If the breeding bulls are virgin bulls, less than twenty-four (24) months of age, they shall be—

A. Individually identified by official identification; and

B. Accompanied by a breeder's certificate or statement of virgin status signed by the breeder or his representative attesting that they are virgin bulls.

C. The official identification number shall be written on the breeder's certificate.

3. Non-virgin or bulls twenty-four (24) months of age or older must be Trichomoniasis tested with three (3) official cultures or one (1) official PCR test. Bulls may be quarantined at farm pending test results. If test results are positive, the positive animal and cohorts will be placed under quarantine.

4. A Certificate of Veterinary Inspection listing official identification and test performed, date of test, results, and laboratory, if testing is required.

5. Bulls going directly to slaughter are exempt from Trichomoniasis testing.

(4) Swine.

(A) Swine that arrive at a licensed Missouri market/sale are classified as follows:

1. Commercial swine—swine that are continuously managed and have adequate facilities and practices to prevent exposure to feral swine;

2. Feral swine—swine that are free roaming or Russian and/or Eurasian that are

confined. This includes javelinas and peccaries; and

3. Transitional swine—swine raised on dirt or that have reasonable opportunities to be exposed to feral swine.

(B) All swine (except slaughter swine) presented to a licensed Missouri livestock market/sale must be individually identified by official eartag as defined by Title 9, *Code of Federal Regulations*, Part 71, published annually in January, herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington, DC 20402-0001, phone: toll free (866) 512-1800, DC area (202) 512-1800, website: <http://bookstore.gpo.gov>, tattooed, back-tagged, or identified by any other means of permanent identification approved by the state veterinarian, veterinarian inspected for signs of infectious or contagious disease, and must be identified to the farm of origin. This rule does not incorporate any subsequent amendments or additions. The market/sale must keep these records for one (1) year. All sows and boars sold for slaughter are to be individually identified (official eartag, tattooed, or backtagged, or identified by any other means of permanent identification approved by the state veterinarian), at the first point of concentration.

(C) Market-to-market movement of swine into and within Missouri is prohibited, except to slaughter-swine-only markets/sales.

(D) All commercial swine bought at a market/sale consigned to a farm or premises will be quarantined to the point of destination for a minimum of thirty (30) days.

(E) Swine offered for sale that fail to pass veterinary inspection due to sickness or signs of infection with a contagious, infectious, or communicable disease shall either—

1. Return to the farm of origin under quarantine. Quarantined animals not amenable to treatment shall remain under quarantine until released for slaughter; or

2. Go directly to slaughter. Animals sold for slaughter must be identified and shipped on a VS Form 1-27 shipping permit.

(F) All breeding swine (regardless of age) that arrive at a licensed Missouri livestock market/sale must originate from a validated brucellosis-free state or validated brucellosis-free herd and a state classified as stage V in the National Pseudorabies (PRV) Eradication Plan or from a qualified negative pseudorabies-free herd.

(G) Movement Other than Commercial Swine.

1. Feral (including Eurasian, Russian, javelinas, and peccaries) swine may only move from a farm of origin directly to an



approved slaughter or to an approved slaughter-only market.

2. Transitional swine may move only to a licensed market/sale or to slaughter.

A. Feeder pigs from transitional swine herds may move from farm of origin to a market to be inspected and officially identified by official eartag and then moved from the market under quarantine to be finished for slaughter.

(5) *Equidae* (Including Exotic Equine, Donkeys, Asses, Burros, and Zebras).

(A) Veterinary inspection is required on all *equidae* before sale.

(B) All *equidae* presented at any licensed market/sale for the purpose of change of ownership, not having proof of an official negative Equine Infectious Anemia (EIA) test within the previous twelve (12) months, shall have blood samples for EIA testing collected before the sale at the seller's expense.

1. In a licensed livestock market/sale where the veterinarian has an approved EIA testing laboratory, EIA tests will be run prior to the sale. Test positive suspect equids will be identified by microchip and returned to the owner's premises under quarantine and isolated at least two hundred (200) yards from any other *equidae* pending test confirmation, or the owner may sell that animal directly to slaughter accompanied by a VS Form 1-27 shipping permit.

2. In markets where on-site EIA testing is not available, the equids will sell test-pending, identified as such by a red hip tag (furnished by the Missouri Department of Agriculture) recorded on an Equine Sales & Test Record form (MO 350-1138) and sold under quarantine to the buyer. This quarantine restricts the buyer from taking the equids out of Missouri and from another change of ownership until the test results are received.

(C) *Equidae* presented with current, negative EIA test chart (VS Form 10-11 or any officially recognized federal/state EIA test chart) will be sold with a white hip tag (furnished by the Missouri Department of Agriculture) and recorded on an Equine Sales & Test Record form (MO 350-1138). The seller must present an original EIA test chart; no photocopies or facsimiles will be accepted. The EIA test must have been done within the previous twelve (12) months, and the VS Form 10-11, or any officially recognized federal/state EIA test chart, must be accurately completed, showing graphic descriptions of all markings needed for identification or imprinted photograph on any officially recognized federal/state EIA test chart. Verification of each animal to the EIA test chart shall be the responsibility of the market veterinarian.

If in the opinion of the market veterinarian the information shown on the EIA test chart does not match the animal presented or the test chart has been altered, the market veterinarian shall confiscate the form, mark the document "invalid," and the animal(s) will be tested at the seller's expense prior to the sale.

(D) No *equidae* will be released from any licensed market/sale without a current, negative EIA test; a test-pending quarantine, or released on a VS Form 1-27 shipping permit returning to the seller's premises. One copy of all quarantines and Equine Sales & Test Record forms (MO 350-1138) completed for each sale will be sent to the state veterinarian's office in a format approved by the state veterinarian.

(E) All EIA positive animals presented for sale to slaughter at a licensed market/sale must be accompanied by a VS Form 1-27 shipping permit signed by state or federal regulatory personnel authorizing the move. All EIA positive animals shall be segregated at least two hundred (200) yards from any other *equidae* and not sold in the auction ring. The market veterinarian shall verify the animals' permanent identification (freeze-brand or electronic microchip) shown on the form and issue a new VS Form 1-27 consigning the animal to a federally approved slaughter facility. No EIA positive animal shall be moved from a licensed livestock market/sale without being permanently identified and consigned to slaughter on a VS Form 1-27.

(F) Alteration or substitution of any information on any VS Form 10-11 or certificate of veterinary inspection shall cause the document to be invalid and in violation of sections 267.010 to 267.730, RSMo and may result in civil penalties not to exceed ten thousand dollars (\$10,000) per violation.

(6) Sheep and Goats (Including Exotic Sheep, Goats, and Antelopes).

(A) Veterinary inspection is required on all sheep and goats prior to sale.

(B) Sheep and goats (including exotic sheep, goats, and antelopes) regardless of age or gender must be individually identified by an official scrapie eartag as defined in Title 9, *Code of Federal Regulations*, Part 79, published annually in January, herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington, DC 20402-0001, phone: toll free (866) 512-1800, DC area (202) 512-1800, website: <http://bookstore.gpo.gov> for sheep and goats or electronic implant for goats only identifying them to the flock or herd of origin or any other means of permanent

identification approved by the state veterinarian. This rule does not incorporate any subsequent amendments or additions.

(C) Sheep and goats that come into the market without official identification must have official identification applied at the market prior to commingling with other animals, and prior to sale.

(D) Any official identification that is applied by the market veterinarian or market personnel must maintain the following records:

1. The date tagged;
2. The number of sheep and goats identified (including exotic sheep, goats, and antelopes);
3. The serial numbers applied;
4. The name and address of the owner of the flock of origin;
5. If the person who currently owns the animals is different from the owner of the flock or herd of origin or birth, the current owner's name and address and the owner of the flock or herd of origin, if known;
6. If the owner of the flock of birth is different from the owner of the flock of origin, and if the animals were born after January 1, 2002, the name and address of the owner of the flock of birth, if known; and
7. All records of official identification must be maintained for five (5) years.

(7) Poultry and Waterfowl.

(A) Out-of-state live poultry (except those consigned directly to slaughter) shall be accompanied by an official Certificate of Veterinary Inspection or a VS Form 9-3 (see 2 CSR 30-2.040). If a VS Form 9-3 is used, a signed and dated owner/shipper statement must be included stating that, to his/her best knowledge, the birds are healthy. Poultry known to be infected with pullorum or typhoid that are consigned directly to slaughter must be identified as such by the consignor.

(B) Out-of-state live poultry entering Missouri must be tested negative for pullorum-typhoid within the past ninety (90) days or originate from a flock approved by the National Poultry Improvement Plan (NPIP) or an equivalent program which has been tested within the past twelve (12) months with no change of ownership.

(C) All hatching eggs must be accompanied by an official Certificate of Veterinary Inspection certifying the eggs to be from pullorum-free flocks or by a VS Form 9-3.

(D) Out-of-state poultry and hatching eggs moving through a Missouri livestock market/sale require an entry permit prior to shipment. Annual entry permits shall be issued by the department to participants in the NPIP or



an equivalent program. Producers not approved by NPIP or an equivalent program must request a permit with each shipment.

(8) Captive Cervids.

(A) Captive cervids, including but not limited to, elk, elk-hybrids, red deer, roe deer, white-tailed deer, mule deer, sika deer, moose, reindeer, mutjac, and fallow deer, that are bartered, exchanged, gifted, leased, or sold that arrive at any licensed Missouri livestock market/sale must meet the following requirements:

1. Captive or farm cervids, regardless of age, must be veterinary inspected, individually identified by official eartag as defined in Title 9, *Code of Federal Regulations*, Part 71, published annually in January, herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington, DC 20402-0001, phone: toll free (866) 512-1800, DC area (202) 512-1800, website: <http://bookstore.gpo.gov>, or other means of permanent identification approved by the state veterinarian. This rule does not incorporate any subsequent amendments or additions.

2. An entry permit is required.

(B) Brucellosis Requirements.

1. All sexually intact animals six (6) months of age and over not in a status herd or under quarantine for brucellosis must test negative for brucellosis within ninety (90) days prior to arrival at a Missouri livestock market/sale except—

A. Brucellosis-free herd—captive cervids originating from certified brucellosis-free herds may move through a Missouri livestock market/sale on herd status without additional testing provided the certified herd number and current herd test date is listed on the Certificate of Veterinary Inspection;

B. Brucellosis-monitored herd—all sexually intact animals six (6) months of age and older must test negative for burcellosis within ninety (90) days prior to arrival at a Missouri livestock market/sale.

(C) Tuberculosis Requirements.

1. Captive cervids less than six (6) months of age, not known to be affected with or exposed to tuberculosis and not in a status herd, must have one (1) negative tuberculosis test, not less than ninety (90) days prior to arrival at a livestock market/sale in Missouri, using the single cervical method. The negative test date must be listed on the Certificate of Veterinary Inspection. Captive cervids must have been isolated from other captive cervids during the testing period.

2. Captive cervids, six (6) months of age and older, not known to be affected with, or

exposed to, tuberculosis and not in a status herd, must have two (2) negative tuberculosis tests, not less than ninety (90) days apart, using the single cervical method. The second test must be within ninety (90) days prior to arrival at a Missouri livestock market/sale. Both negative test dates must be listed on the Certificate of Veterinary Inspection. Captive cervids must have been isolated from other captive cervids during the testing period.

3. Movement from tuberculosis status herds.

A. Accredited herd—captive cervids originating from accredited tuberculosis-free cervid herd may move through a market/sale on herd status without additional testing provided the accredited herd number and original anniversary date is listed on the Certificate of Veterinary Inspection.

B. Qualified herd—captive cervids originating from a qualified herd must have one (1) negative tuberculosis test, using the single cervical method, within ninety (90) days prior to arrival at the market/sale.

C. Monitored herd—captive cervids originating from a monitored herd must have one (1) negative tuberculosis test, using the single cervical method, within ninety (90) days prior to arrival at the market/sale.

D. Captive cervids less than twelve (12) months of age that originate from and were born in qualified or monitored herds may move through a market/sale without further tuberculosis testing, provided that they are accompanied by a Certificate of Veterinary Inspection showing official individual identification (official eartag or any other means of permanent identification approved by the state veterinarian) stating that such captive cervids originated from such herds and have not been exposed to captive cervids from a lower status herd.

(D) Chronic Wasting Disease.

1. Captive cervids will not be allowed to move through a livestock market/sale if, within the last five (5) years, the animals—

A. Originate from an area or has been in an area that has been reported as a Chronic Wasting Disease (CWD) endemic area; or

B. Originate from a CWD positive captive herd.

2. Elk, elk-hybrids, red deer, roe deer, sika deer, white-tailed deer, mule deer, and moose twelve (12) months of age must be enrolled in a CWD program for at least five (5) years prior to moving through a Missouri livestock market/sale. Other cervids, including, but not limited to, reindeer, mutjac, and fallow deer, must have participated in a surveillance program recognized by the state-of-origin prior to arrival at a Missouri livestock market/sale. Original anniversary date

must be listed on the Certificate of Veterinary Inspection.

3. Captive cervids moving between publicly-owned Association of Zoos and Aquariums (AZA)-accredited zoos must meet the CWD surveillance program requirements.

(9) Camelids, Alpacas, Camels, and Llamas. Alpacas, camels, llamas, and others of that group exchanged, bartered, sold, leased, or relinquished at a licensed livestock market/sale in Missouri must be veterinarian inspected, accompanied by a Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the animal(s) and appropriate description of animal(s) such as sex, age, weight, and coloration, and must be individually identified by an official eartag as defined in Title 9, *Code of Federal Regulations*, Part 71, published annually in January, herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington, DC 20402-0001, phone: toll free (866) 512-1800, DC area (202) 512-1800, website <http://bookstore.gpo.gov>, microchip, or other method approved by the state veterinarian. This rule does not incorporate any subsequent amendments or additions.

(10) Ratites (Including, But Not Limited to, Ostrich, Rheas, and Emus). All ratites must be veterinarian inspected, individually identified by official identification (leg band, microchip, wing band, legible tattoo, or any other means of permanent identification approved by the state veterinarian), and listed on a Certificate of Veterinary Inspection. In addition, ratites entering Missouri for sale at a licensed livestock/market must obtain an entry permit.

(11) Miscellaneous and Exotic Animals. All exotic animals presented for exchange, barter, lease, or sale at a licensed livestock market/sale must be veterinarian inspected, individually identified by official identification (official eartag, brand, tattoo, or any other means of permanent identification approved by the state veterinarian), and accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, and coloration.

(A) Elephants (Asiatic, African) must be tested negative for tuberculosis within one (1) year prior to movement; test results must be noted on the Certificate of Veterinary Inspection.



(B) Importation of skunks and raccoons into Missouri is prohibited by the *Missouri Wildlife Code* (3 CSR 10-9).

AUTHORITY: section 277.160, RSMo 2000.* Original rule filed June 15, 1990, effective Dec. 31, 1990. Emergency amendment filed April 11, 1991, effective April 21, 1991, expired Aug. 9, 1991. Amended: Filed April 16, 1991, effective Aug. 30, 1991. Amended: Filed June 4, 1991, effective Oct. 31, 1991. Emergency amendment filed Dec. 20, 1991, effective Dec. 30, 1991, expired April 27, 1992. Emergency amendment filed Jan. 23, 1992, effective Feb. 2, 1992, expired May 30, 1992. Amended: Filed Feb. 4, 1992, effective June 25, 1992. Emergency amendment filed June 5, 1992, effective June 15, 1992, expired Oct. 12, 1992. Amended: Filed March 3, 1992, effective Sept. 6, 1992. Emergency amendment filed Aug. 20, 1993, effective Aug. 30, 1993, expired Dec. 27, 1993. Amended: Filed Aug. 27, 1993, effective Jan. 31, 1994. Emergency amendment filed April 4, 1994, effective April 14, 1994, expired Aug. 11, 1994. Amended: Filed April 4, 1994, effective Sept. 30, 1994. Emergency amendment filed Jan. 17, 1995, effective Jan. 27, 1995, expired Feb. 1, 1995. Amended: Filed Jan. 31, 1995, effective July 30, 1995. Amended: Filed July 31, 1996, effective March 30, 1997. Amended: Filed Jan. 4, 1999, effective July 30, 1999. Emergency amendment filed Nov. 2, 2001, effective Nov. 12, 2001, expired May 10, 2002. Amended: Filed April 10, 2002, effective Sept. 30, 2002. Amended: Filed May 14, 2002, effective Dec. 30, 2002. Amended: Filed Jan. 30, 2003, effective July 30, 2003. Emergency amendment filed March 5, 2004, effective March 15, 2004, expired Aug. 27, 2004. Amended: Filed March 5, 2004, effective Oct. 30, 2004. Emergency amendment filed Aug. 23, 2004, effective Sept. 3, 2004, expired March 1, 2005. Amended: Filed Aug. 23, 2004, effective Feb. 28, 2005. Amended: Filed June 12, 2009, effective Jan. 30, 2010. Amended: Filed Dec. 23, 2010, effective Aug. 30, 2011. Amended: Filed Oct. 30, 2014, effective May 30, 2015.

*Original authority: 277.160, RSMo 1989, amended 1993, 1995.

2 CSR 30-6.030 Bonding (Surety) Requirements for Livestock Market Licensees

PURPOSE: This rule sets forth procedures for establishing proper surety coverage for licensees defined in Chapter 277, RSMo.

(1) Bonding Requirements. Every person

subject to the provisions of Chapter 277, RSMo shall provide proof of a satisfactory bond in the amount specified by the United States Department of Agriculture (USDA) Packers and Stockyards Administration or the state veterinarian before receiving a license. In lieu of any bond, persons may substitute any instrument of financial security approved by the USDA Packers and Stockyards Administration.

(2) All surety bonds and certificates of deposit shall name the state veterinarian as trustee or beneficiary. Letters of credit shall name the state veterinarian and the issuing financial institution as co-trustees. For livestock markets or sales whose corporate headquarters are located in another state, it is not required that the state veterinarian act as beneficiary or trustee, although proof of adequate bonding must be submitted with the application for a license. These bonds shall be in favor of Missouri with the director as trustee for the benefit of all persons selling livestock to the livestock market/sale and their legal representatives, attorneys or assigns, and shall be dependent upon the following:

(A) The livestock market/sale as a buyer must pay to the seller the agreed upon purchase price of the livestock purchased from the seller;

(B) The livestock markets/sales must faithfully perform their duties as licensed livestock markets/sales and comply with Chapter 277, RSMo and its corresponding rules. This rule applies to purchases made from the effective date of the bond until official cancellation of the bond;

(C) A surety bond required by section 277.080, RSMo shall be effective on the date of issue, not affected by the expiration of the license, and shall continue in effect until cancelled. The continuous nature of a bond however, in no event shall allow the liability of a surety under a bond to accumulate for each successive license period during which the bond is in force, but limited in the aggregate to the amount stated on the bond, or as changed, from time-to-time, by appropriate endorsement or rider;

(D) The required bond shall be kept in force at all times while conducting business as a licensed livestock market or sale. Failure to keep that bond in force is cause for revocation of the license and the market/sale is subject to the penalties provided in this chapter. No market/sale shall cancel an approved bond without the prior written approval of the state veterinarian and the state veterinarian's approval of a substitute bond;

(E) Upon written demand of the state vet-

erinerian for payment, either the surety shall pay over to the state veterinarian the sum demanded up to the full face amount of the bond or shall deposit the sum demanded in an interest-bearing escrow account at the highest rate of interest available. When a surety pays the state veterinarian upon demand, the state veterinarian shall set a date for an informal conference to allow the parties to discuss the claim. If the surety pays as demanded and the parties or a court of law determines the surety is not liable, the state veterinarian shall return to the surety the sum paid to the state veterinarian plus all accumulated interest, or any *pro rata* part of the sum, plus interest, as applicable in the event of liability less than the sum demanded. If the surety chooses to deposit the demanded sum in an interest-bearing escrow account and upon the exhaustion of appeals, if any, the surety immediately shall pay to the state veterinarian for distribution to claimants the amount for which the surety is determined to be liable plus accumulated interest on that amount;

(F) Every bond filed shall contain a provision that the principal or surety company cannot cancel the bond except upon ninety (90) days' prior notice in writing, by certified mail, to the state veterinarian at the Jefferson City office. When a surety gives notice of cancellation, a copy of that notice shall be mailed to the principal by certified mail on the same day. The cancellation does not affect the liability accumulated or which may accumulate under that bond before the expiration of the ninety (90) days. The notice shall contain the termination date. If notice procedures are not followed, the bond shall remain in effect until properly cancelled;

(G) Whenever the state veterinarian receives notice from a surety that it intends to cancel the bond of a livestock market or sale, the state veterinarian shall automatically suspend the market/sale license if a new bond is not submitted to the state veterinarian within forty-five (45) days of receipt of the notice of intent to cancel. If a new bond is not received within eighty (80) days of receipt of the notice of intent to cancel, the state veterinarian shall revoke the market/sale license. The state veterinarian may cause an inspection of the livestock market/sale at the end of the eighty (80)-day period. That inspection may include an attempt to identify all possible livestock sellers and related claimants of the market/sale by advertising for the same in local news media; and

(H) Verbal or written surety bond binders issued by a surety on behalf of a livestock market/sale for original or replacement bonds are recognized as legally effective in Missouri when those binders meet the following



conditions:

1. The licensee or principal has paid, or has promised to pay, the surety a tentatively agreed upon premium or other consideration; and

2. A surety provides the state veterinarian, either in writing or verbally—

A. A bond number;

B. The amount of the bond;

C. The effective date of the bond; and

D. Assurance that the person providing the preceding information has authority to commit the surety. The state veterinarian may or may not accept this binder, depending on the particular circumstances involved and consistent with the orderly administration of this rule.

(3) Provisions and rules on bonds will also apply to certificates of deposit and irrevocable letters of credit, with the exception that a letter of credit may only be cancelled on its natural termination date.

(A) Any certificate of deposit submitted instead of a surety bond required under section 277.080, RSMo shall be filed with the state veterinarian as trustee for the benefit of all persons selling livestock to the livestock market/sale. The certificate of deposit shall be kept in the custody of the state veterinarian.

(B) A licensee may submit instead of a bond, an irrevocable letter of credit, payable to the state veterinarian or the issuing financial institution for the benefit of claimants and issued by a federally- or state-chartered bank. If the state veterinarian finds that the issuing bank is or may become insolvent, or for any other reason may be unable to honor the terms of the letter of credit, the state veterinarian may refuse to accept a letter of credit instead of the bond required by this rule if the state veterinarian finds that the issuing bank is or may become insolvent, or for any other reason may be unable to honor the terms of the letter of credit. The state veterinarian may require an issuing bank to submit evidence of its financial condition and the state veterinarian may seek the cooperation of the Division of Finance in checking the financial condition of an issuing bank. The state veterinarian shall promulgate all necessary rules regarding certificates of deposit and irrevocable letters of credit.

(C) On written demand of the state veterinarian for payment, the bank either shall pay over to the state veterinarian the sum demanded, up to the full face value of the irrevocable letter of credit, or shall deposit the sum demanded in an escrow account at the highest rate of interest available. Upon receipt of funds and the determination that

the bank is not liable for claims against the irrevocable letter of credit, the state veterinarian shall return to the bank the sum paid to the state veterinarian and all accumulated interest earned, minus any penalties due or paid. If the liability is less than the sum demanded, the state veterinarian shall return the proper *pro rata* portion of the funds received and interest earned as applicable.

(4) Amount of bond or surety will vary based upon the following criteria:

(A) Each market/sale licensed under Chapter 277, RSMo that does not meet USDA Packers and Stockyards Administration criteria either in volume or type of livestock sold must carry a minimum ten thousand dollar (\$10,000) surety bond or like security; and

(B) Those markets/sales which exceed two hundred thousand dollars (\$200,000) of business in the preceding year shall add to the ten thousand dollar (\$10,000) bond with an amount to equal two and one-half percent (2.5%) of the dollar volume over two hundred thousand dollars (\$200,000), rounded to the nearest ten thousand dollars (\$10,000).

AUTHORITY: section 277.160, RSMo Supp. 1998. Original rule filed June 15, 1990, effective Dec. 31, 1990. Amended: Filed Jan. 4, 1999, effective July 30, 1999.*

**Original authority: 277.160, RSMo 1989, amended 1993, 1995.*