

12:68:01:01. Definitions. Terms defined in SDCL chapters 40-3 ~~through~~ to 40-33, inclusive, have the same meaning when used in this article. ~~As~~ Other terms used in this article mean:

(1) "Authorized testing agent₁" ~~means~~ a person employed by a hatchery to perform the pullorum typhoid test;

(2) "Baby poultry₁" ~~means~~ newly hatched poultry that have not been fed or watered;

(3) ~~"Biological₁" means any product to be used in animals for the prevention or treatment of disease, including serums, vaccines, bacterins, and viruses, any parts of any of these, and any diagnostic testing materials for animal disease;~~

~~(4) "Blood test" means one of the following blood tests for pullorum typhoid: the standard agglutination test or the rapid serum test for all classes of poultry, or the stained antigen rapid whole blood test for all classes of poultry, except turkeys;~~

~~—(5) "Boar₁" means~~ a male non-neutered swine over six months of age;

~~(6)~~(4) "Board₁" ~~means~~ the South Dakota Animal Industry Board;

~~(7)~~(5) "Bovine tuberculosis₁" ~~means~~ a disease in cattle caused by mycobacterium tuberculosis bovis;

~~(8)(6)~~ "Bovine tuberculosis eradication," ~~means~~ the complete elimination of bovine tuberculosis from cattle in a state, so that it does not appear unless introduced from another species or from outside the state;

~~(9)(7)~~ "Cattle," ~~means~~ domestic bovine animals of all ages;

(8) "Certificate of veterinary inspection," a document that has been designated by the state of origin as the form for certifying the health status of livestock exported from that state;

~~(10) "Direct supervision" means the process of being under the direction and inspection of an agent of the board;~~

~~(11)(9)~~ "Direct to slaughter," ~~means~~ the shipment of livestock from the premises of origin to a slaughter establishment, without diversion to ~~assembly points such as~~ auctions, public stockyards, ~~and~~ feedlots, and other assembly points;

~~(12)(10)~~ "Domesticated fowl," ~~means~~ any fowl that, through long association with man, has been bred to a degree that resulted in genetic changes affecting the temperament, color, conformation, or other attributes of the species, thereby making it unique and different from wild individuals of its kind;

~~(13)(11)~~ "Flock," ~~means~~ all poultry maintained and segregated for more than ~~21~~ twenty-one days on one premises;

~~(14)~~(12) "Hatchery," ~~means~~ buildings and equipment on one premises operated or controlled for the production of baby poultry;

~~(15)~~(13) "Hatching eggs," ~~means~~ eggs produced by poultry to be used for hatching;

~~(16)~~(14) "Herd," ~~means~~ a group of cattle maintained on common ground for any purpose, or two or more groups of cattle that are under common ownership or supervision, and geographically separated, but that have an interchange of cattle without regard to health status;

~~(17)~~(15) "Herd depopulation," ~~means~~ the removal of all cattle on a premises direct to slaughter;

~~(18)~~(16) "Multiplier breeding flock," a flock that is intended for the production of hatching eggs used to provide baby poultry for commercial egg and meat production or for other nonbreeding purposes;

~~(17)~~ "Official identification," ~~means~~ a manner of identification defined in 9 C.F.R. § 86.1 (January 1, ~~2021~~ 2025) or other means of marking livestock authorized by the board;

~~(19)~~ "Multiplier breeding flock" ~~means a flock that is intended for the production of hatching eggs used to provide baby poultry for commercial egg and meat production or for other nonbreeding purposes;~~

~~(20)~~ "United States Department of Agriculture approved backtag" ~~means a means of identification described in 9 C.F.R. § 86.1 (January 1, 2021);~~

~~(21) "Certificate of veterinary inspection" means a document that has been designated by the state of origin as the form for certifying the health status of livestock exported from that state;~~

~~(22)~~(18) "Owner," ~~means~~ the legal owner, the owner's agents, and the person in possession of or caring for ~~livestock referred to the livestock~~;

~~(23)~~(19) "Person," ~~means~~ a natural person, firm, or corporation;

~~(24)~~(20) "Poultry," ~~means all domestic and nondomestic fowl~~ all domestic fowl and any nondomestic or game bird raised in captivity;

~~(21)~~ "Premises under quarantine," a confined area under the direct supervision and control of a state livestock health official who establishes procedures to account for all animals entering or leaving the premises;

~~(25)~~(22) "Primary breeding flock," ~~means~~ a flock that is maintained for the purpose of establishing, continuing, or improving parent lines;

~~(26) "Premises under quarantine" means a confined area under the direct supervision and control of a state livestock health official who establishes procedures to account for all animals entering or leaving the premises;~~

~~(27)~~(23) "Registration tattoo," ~~means an official registry tattoo number~~ a unique registry identifier tattooed on livestock that has been recorded with a recognized breed registry association;

~~(28)~~(24) "Sow," ~~means~~ a female swine over six months of age;

~~(29)~~(25) "Started poultry," ~~means~~ poultry that have been fed and watered and are less than six months of age;

~~(30)~~(26) "State inspector," ~~means~~ an authorized agent of the board;

~~(31)~~(27) "Surveillance," ~~means~~ all measures used to detect the presence of disease in livestock;

~~(32)~~ "Testing agent" means a person who is authorized by the board to perform the rapid whole blood pullorum typhoid test and collect specimens from poultry for diagnostic purposes;

~~(33)~~(28) "U.S. pullorum typhoid clean," ~~means~~ flocks or fowl certified as meeting the U.S. pullorum typhoid clean standard, as prescribed in 9 C.F.R. Part 145 (January 1, ~~2021~~ 2025); and

~~(34)~~(29) "Veterinarian," ~~means~~ a person who is licensed to practice veterinary medicine within the state and who is approved by the United States Department of Agriculture in accordance with 9 C.F.R. Subchapter J, Part 161 (January 1, ~~2021~~ 2025), to perform functions specified in 9 C.F.R. § 160.1 (January 1, ~~2021~~ 2025).

Source: SL 1975, ch 16, § 1; 3 SDR 73, effective April 25, 1977; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 43 SDR 41,

effective September 26, 2016; 45 SDR 82, effective December 11, 2018; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-14.

CHAPTER 12:68:03**LIVESTOCK DISEASES AND PARASITES**

Section

<u>12:68:03:01</u>	Repealed.
<u>12:68:03:02</u>	Importation from blue tongue infested flocks forbidden.
<u>12:68:03:03</u>	Repealed.
<u>12:68:03:04</u>	Carcasses of hogs dying of hog cholera to be disposed of.
<u>12:68:03:05</u>	Procedures for disposal of animal carcasses.
<u>12:68:03:06</u>	Quarantine of anthrax.
<u>12:68:03:07</u>	Disposal of carcasses of animals dying <u>that died</u> of anthrax.
<u>12:68:03:08</u>	Transferred.
<u>12:68:03:09</u>	List of reportable diseases.
<u>12:68:03:10</u>	Emergency and emerging diseases.
<u>12:68:03:11</u>	Transferred.
<u>12:68:03:12</u>	Marketing biologicals.

12:68:03:05. Procedures for disposal of animal carcasses. Carcasses of animals ~~which~~ that have died from noncommunicable causes shall, within ~~36~~ thirty-six hours, be burned, buried to a depth of four feet, incorporated into a composting system, ~~or~~ disposed of by a licensed rendering plant, or disposed of at a municipal solid waste landfill or other solid waste disposal facility permitted for carcass disposal.

Source: SL 1975, ch 16, § 1; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 44 SDR 47, effective September 18, 2017.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-14, 40-5-8, 40-5-15.

Cross-Reference: Special wastes, subdivision 74:27:13:17(6).

12:68:03:07. Disposal of carcasses of animals ~~dying~~ that died of anthrax. All carcasses of animals that have died of anthrax must be consumed by burning, without removal of hides, within ~~36~~ thirty-six hours after death. All litter and other material that may become infected must be removed and burned. Material that cannot be moved or burned must be disinfected with one of the following:

(1) Cresolis compositus ~~or another~~; or

(2) A disinfectant recommended by the United States Animal and Plant Health Inspection Service;

(a) Permitted in 9 C.F.R. § 71.10 (January 1, ~~2021~~ 2025);

(b) Recommended by the secretary of the ~~Animal Industry Board~~, board; or

(c) Recommended by a veterinarian.

Source: SL 1975, ch 16, § 1; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 44 SDR 47, effective September 18, 2017; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-14, 40-5-8.

12:68:03:12. Marketing biologicals. No person may import ~~or~~₂ market₂ or distribute within the state any biological ~~as defined in § 12:68:01:01(6)~~ without prior approval ~~for such marketing or distributing~~ by the board.

For purposes of this section, "biological" means any product to be used in an animal for the prevention or treatment of disease and any diagnostic testing materials for animal disease.

Source: 34 SDR 100, effective October 22, 2007.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-9, 40-5-8.

12:68:04:01.01. Tuberculosis control -- Use of federally approved methods and rules.

In carrying out the tuberculosis control program in ~~South Dakota~~ this state, the ~~Animal Industry Board~~ board shall follow methods contained in 9 C.F.R. Parts 50 and 77 (January 1, ~~2021~~ 2025).

Source: 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 45 SDR 82, effective December 11, 2018; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-14(4), 40-5-8.

12:68:04:09. Report of tuberculin tests. A veterinarian shall report ~~of~~ all tuberculin tests performed by the veterinarian, including the individual official identification of each animal by eartag number, age, sex, and breed, and a record of the responses, ~~must be submitted to the state veterinarian in accordance with the requirements contained in 9 C.F.R. § 77.5 (January 1, 2021).~~

Source: SL 1975, ch 16, § 1; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 45 SDR 82, effective December 11, 2018; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-14(4), 40-5-8.

12:68:04:32. Cleaning and disinfection of premises. Premises where tuberculous animals have been maintained must be thoroughly cleaned and disinfected, under the supervision of the board, with a disinfectant permitted ~~by the United States Department of Agriculture's Animal and Plant Health Inspection Service~~ in 9 C.F.R. §§ ~~50.13 and~~ 71.10 (January 1, ~~2021~~ 2025).

Source: SL 1975, ch 16, § 1; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 45 SDR 82, effective December 11, 2018; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-14(4), 40-5-8.

12:68:07:03. Sanitation requirements of pens, sales rings, and alleys. Pens, sales rings, and alleys at livestock auction agencies must be thoroughly cleaned following each sale. The supervising veterinarian of an auction market, upon finding a possible disease condition of livestock, shall order the premises to be disinfected, in a manner approved by the board, ~~as specified in 9 C.F.R. Part 71 (January 1, 2021).~~

Source: SL 1975, ch 16, § 1; 10 SDR 61, effective December 18, 1983; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14, 40-15-14, 40-15-36.

Law Implemented: SDCL 40-15-13, 40-15-14, 40-15-22.

12:68:09:07. Sanitation requirements for trucks. When a truck and the person in charge of the truck or the person's agent have been on premises for the purpose of removing a carcass and before the truck is taken on a public highway or on other premises, the wheels of the truck and the shoes or boots of persons who have been on the premises must be thoroughly cleaned and disinfected with a disinfectant. Cleaning and disinfection of truck wheels and footwear must also be conducted before a truck leaves the premises of the rendering plant or collecting station. From May-4 first to September-30 thirtieth, before the permanent cover is closed and the truck leaves the premises, sufficient insecticide to destroy all flies must be discharged into the truck body and cab.

Carcasses may not be removed from the truck except at the rendering plant of final disposal or at ~~collecting stations~~ a collecting station. All carcasses must be unloaded within enclosures or a building provided for unloading.

~~A vehicle used for the transportation of carcasses or other rendering products~~ truck may not be used for any other purpose until it is thoroughly cleaned and disinfected. Any unrenderable article or thing ~~which~~ that may be transported with a carcass may be unloaded only at the rendering plant or collecting station and disposed of there by burning or burying, except metal containers, which must be thoroughly cleaned and disinfected before leaving the rendering plant or collecting station.

Source: 12 SDR 41, effective September 17, 1985; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14, 40-17-9.1.

Law Implemented: SDCL 40-17-9.

Collateral Reference: General provisions, 9 C.F.R. Part 71 (January 1, ~~2021~~ 2025).

12:68:12:04. Sanitation of quarters, yards, and pens. All facilities housing animals, ~~including exhibition halls or rings, stables, yards, and pens,~~ must be thoroughly cleaned and disinfected, with a disinfectant approved by the board, ~~as listed in 9 C.F.R. § 71.10 (January 1, 2021),~~ and administered under the supervision of a veterinarian, before animals are placed in the facilities.

Source: SL 1975, ch 16, § 1; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-9, 40-3-14.

12:68:13:02. Requirements for hatching eggs and for poultry under five months old. No person may purchase, sell, or trade hatching eggs or poultry under five months old unless the hatching eggs or poultry originate from flocks or hatcheries classified as S.D. pullorum typhoid clean or from flocks or hatcheries of a comparable pullorum typhoid disease status as determined by the board. The completed VS form 9-3, as described in 9 C.F.R. ~~Parts 56 and 145-147~~ Part 145 (January 1, ~~2021~~ 2025), ~~as and~~ supplied by the ~~Animal Industry Board~~ board, or an equivalent form furnished by the board, must accompany each shipment of poultry to verify the S.D. pullorum typhoid clean status. ~~Copies~~ The producer or shipper must send copies of the completed VS form 9-3 ~~must be sent~~ to the board within ten days of the shipment transaction.

Source: SL 1975, ch 16, § 1; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 27 SDR 96, effective April 1, 2001; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 44 SDR 47, effective September 18, 2017; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-9, ~~40-3-10~~ 40-5-8.

12:68:13:04. Requirements for poultry over five months old. Poultry that are over five months of age and do not originate from a S.D. pullorum typhoid clean flock or its equivalent may not be sold or removed from flocks for purposes other than immediate slaughter, unless they are tested in accordance with this chapter for pullorum and typhoid diseases. The completed VS form 9-3, as described in 9 C.F.R. ~~Parts 56 and 145-147~~ Part 145 (January 1, ~~2021~~ 2025), ~~as and~~ supplied by the Animal Industry Board, or an equivalent form furnished by the board, must accompany each shipment of poultry to verify the S.D. pullorum typhoid clean status. ~~Copies~~ The producer or shipper must send copies of the completed VS form 9-3 ~~must be sent~~ to the board within ten days of the shipment transaction.

Source: SL 1975, ch 16, § 1; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 27 SDR 96, effective April 1, 2001; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 44 SDR 47, effective September 18, 2017; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-9, ~~40-3-10~~ 40-5-8.

12:68:13:13. Permit required for importation of poultry or hatching eggs. No person may import baby poultry, started poultry, or hatching eggs, as described in § 12:68:13:10, until a permit has been obtained from the board. Application for the permit must be made on a form furnished by the board. This application must be approved by the official disease control agency of the state of origin and must indicate the pullorum typhoid classification of the flock, hatchery, or other premises from which the birds or hatching eggs originated. The permit must include the date of expiration. Each shipment of birds or hatching eggs must bear an official label showing the name and address of the consignor and consignee, the pullorum typhoid classification, and the South Dakota permit number. The completed VS form 9-3, as described in 9 C.F.R. ~~Parts 56 and 145-147~~ Part 145 (January 1, ~~2021~~ 2025), or the completed certificate of veterinary inspection must include the information required by this section.

Source: SL 1975, ch 16, § 1; 3 SDR 73, effective April 25, 1977; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 27 SDR 96, effective April 1, 2001; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 43 SDR 41, effective September 26, 2016; 44 SDR 47, effective September 18, 2017; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-9, ~~40-3-10~~ 40-5-8.

12:68:13:15. Importation of turkey poults and other poultry -- Hatching eggs. Turkey poults under four months old, other poultry under five months old, and hatching eggs, may be imported if they originate in flocks or are distributed from hatcheries or premises that operate in accordance with one of the following:

- _____ (1) Title 9 C.F.R. Parts 56 and 145-147 (January 1, ~~2021~~ 2025), or regulations; or
- _____ (2) Regulations of the disease control agency of the state of origin and the poults, other poultry, or hatching eggs are accompanied by-a:
 - _____ (a) A completed VS form 9-3, as described in 9 C.F.R. ~~Parts 56 and 145-147~~ Part 145 (January 1, ~~2021~~ 2025); or-a
 - _____ (b) A recognized equivalent to the VS form 9-3, stating the originating flock is classified as U.S. pullorum typhoid clean or ~~are~~ is of comparable status.

Source: SL 1975, ch 16, § 1; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 44 SDR 47, effective September 18, 2017; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-9, ~~40-3-10~~ 40-5-8.

12:68:13:18. Hatchery and dealer record requirements. ~~The~~ A hatchery or dealer shall keep ~~invoices of all purchases; sales books; sales slips; VS form 9-3, as described in 9 C.F.R. Parts 56 and 145-147 (January 1, 2021), or any board approved equivalent; certificates of veterinary inspection; and copies of all advertisements pertaining to current hatching eggs and baby poultry and make available upon request~~ by the board any:

- (1) Purchase invoice;
- (2) Sales slip or book;
- (3) VS form 9-3, as described in 9 C.F.R. Part 145 (January 1, 2025), or any board-approved equivalent form;
- (4) Certificate of veterinary inspection; and
- (5) Copies of all advertisements pertaining to current hatching eggs and baby poultry.

Source: SL 1975, ch 16, § 1; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 43 SDR 41, effective September 26, 2016; 44 SDR 47, effective September 18, 2017; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-9, ~~40-3-10~~ 40-5-8.

12:68:13:37. Official blood tests for pullorum typhoid. The official blood tests for pullorum typhoid are the standard tube agglutination test or the rapid serum test for all classes of poultry, or the stained antigen rapid whole blood test for all classes of poultry except turkey. Each lot of antigen used for the whole blood test must be approved by the board and must be of the polyvalent type.

Source: SL 1975, ch 16, § 1; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 44 SDR 47, effective September 18, 2017; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-9, 40-3-10.

Collateral Reference: Testing for Pullorum-Typhoid, 9 C.F.R. § 145.14(a) (January 1, ~~2021~~ 2025).

12:68:14:01. Meat inspection -- Use of federal methods and rules. In carrying out the meat inspection program in the state, the inspectors shall follow the procedures set forth in 9 C.F.R. Chapter III, Subchapters A and E, ~~in effect on January 1, 2022~~ (January 1, 2025).

Source: SL 1975, ch 16, § 1; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 27 SDR 96, effective April 1, 2001; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 38 SDR 39, effective September 20, 2011; 39 SDR 32, effective September 3, 2012; 39 SDR 204, effective June 10, 2013; 43 SDR 41, effective September 26, 2016; 45 SDR 82, effective December 11, 2018; 48 SDR 39, effective October 4, 2021; 50 SDR 12, effective August 9, 2023.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 39-5-8, 40-3-14.

12:68:16:01. Definitions. ~~As~~ Terms used in this chapter mean:

(1) "Approved laboratory," ~~means~~ any laboratory approved for official testing by the United States Department of Agriculture and by the ~~South Dakota Animal Industry Board~~ board as having met check testing protocols established by the United States Department of Agriculture;

(2) "Coggins test," ~~means~~ the agar gel immunodiffusion test for equine infectious anemia that has been approved by the United States Department of Agriculture;

(3) "Horse," ~~means~~ all members of the equine species, including horses, mules, asses, ponies, donkeys, burros, and zebras;

(4) "Officially identified," ~~means~~ a permanent identification using the national uniform tag code number of the state in which the reactor was tested, followed by the letter A, applied with a hot iron, chemical brand, freeze marking, or a lip tattoo, in accordance with 9 C.F.R. § 75.4(a) (January 1, ~~2021~~ 2025); and

(5) "Reactor," ~~means~~ any horse, over nine months old, that has a positive reaction to the Coggins test.

Source: 2 SDR 59, effective March 14, 1976; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 45 SDR 128, effective April 18, 2019; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-14-2.

12:68:16:03. Examination and identification. The certificate of veterinary inspection required by SDCL 40-14-2 must certify that each horse has been examined by an accredited veterinarian no more than ~~30~~ thirty days before importation. Each certificate must include an accurate description and official identification, in accordance with 9 C.F.R. § 86.4(a)(2) (January 1, ~~2021~~ 2025).

Source: 2 SDR 59, effective March 14, 1976; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 43 SDR 41, effective September 26, 2016; 45 SDR 128, effective April 18, 2019; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-14-2.

12:68:16:07. Restricted movements. Each reactor, regardless of state of origin, must be officially identified, in accordance with 9 C.F.R. ~~§ 75.4(a)~~ § 75.4 (January 1, ~~2021~~ 2025), and quarantined, and may not be moved in intrastate commerce unless it is consigned directly to a slaughter establishment or returned to the state of origin under a permit issued by the state of origin. A horse imported without the required test must be quarantined for an immediate test at the owner's expense.

Source: 2 SDR 59, effective March 14, 1976; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 45 SDR 128, effective April 18, 2019; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-14-2, 40-14-4.

12:68:16:09. Extended equine certificates of veterinary inspection requirements. Each extended equine certification of veterinary inspection applies to only one horse and must contain the following information:

- (1) The name and address of the owner or the certificate holder;
- (2) The location at which the horse is stabled, housed, pastured, or kept, if different from that of the owner;
- (3) An accurate description and official identification in accordance with 9 C.F.R. § 86.4(a)(2) (January 1, ~~2021~~ 2025);
- (4) The date of veterinary inspection;
- (5) The date and ~~results~~ result of the equine infectious anemia test or other required ~~tests~~ test or ~~vaccinations~~ vaccination; and
- (6) The signature of the inspecting veterinarian.

Source: 45 SDR 128, effective April 18, 2019; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14(5).

Law Implemented: SDCL 40-14-2.

12:68:17:11. Official pseudorabies test. An official, approved pseudorabies test is a swine blood sample drawn by a ~~licensed, accredited~~ veterinarian and serologically tested for the diagnosis of pseudorabies with one of the following tests:

- (1) SN 1:2 dilution;
- (2) ~~Elisa~~ ELISA;
- (3) Latex agglutination; or
- (4) G₁-~~Elisa~~ ELISA test.

Source: 14 SDR 167, effective June 22, 1988; 22 SDR 111, effective March 7, 1996; 34 SDR 100, effective October 22, 2007; 39 SDR 32, effective September 3, 2012; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL ~~40-3-9~~, 40-3-14.

Law Implemented: SDCL 40-3-9, 40-3-14.

~~Cross Reference~~ Collateral Reference: Definitions, 9 C.F.R. § 85.1 (January 1, ~~2024~~ 2025).

12:68:18:07. Reporting requirements. A ~~permit holder~~ permittee under § 12:68:18:06 ~~must~~ shall maintain records of all additions and removals of animals covered by the permit requirements. ~~All such~~ The records must be made available to the board upon request. ~~The records must and~~ must include the:

(1) The individual identification of the animal by one or more of the following:

~~by~~ (a) A legible tattoo or;

(b) An official eartag, as defined in 9 C.F.R. § 71.1 (January 1, ~~2021~~ 2025), by a similar tag; or by electronic

(c) Electronic means; and the

(2) The name and address of all parties involved in transactions of sale, purchase, lease, loan, gift, or translocation.

Any reports involving captive nondomestic cervidae, imported or possessed in ~~South Dakota~~ this state, must include individual animal identification.

~~Disappearance~~ The permittee or the permittee's agent shall immediately report to the board any disappearance of an animal by death or escape and any diseased animal must be reported to the board immediately. The permittee shall have any animals that die autopsied at the official diagnostic laboratory for the board if requested to do so by the board. The permittee is responsible for any expense to transport the animals to the laboratory.

Source: 19 SDR 39, effective September 24, 1992; 20 SDR 96, effective December 31, 1993; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 44 SDR 47, effective September 18, 2017; 45 SDR 82, effective December 11, 2018; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14, 40-3-25, 40-3-26, 40-5-8.6.

Law Implemented: SDCL 40-3-14, 40-3-24 ~~through~~ to 40-3-26, ~~40-5-8.6~~ inclusive.

12:68:19:09. Rams positive to brucella ovis test. Rams testing positive for brucella ovis must be identified by an official eartag, as defined in ~~9 C.F.R. Part 79~~ 9 C.F.R. § 79.1 (January 1, ~~2021~~ 2025), and quarantined to premises until they are sent to slaughter.

Source: 16 SDR 40, effective September 3, 1989; 18 SDR 55, effective September 23, 1991; 20 SDR 277, 21 SDR 4, effective July 10, 1994; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 44 SDR 47, effective September 18, 2017; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14, ~~40-5-5.1~~.

Law Implemented: SDCL ~~40-5-5.1~~ 40-5-8.

12:68:20:04. Qualifications for agents of the board. Agents of the board other than peace officers must be in possession of a copy of 9 C.F.R. §§ 3.1 ~~through~~ to 3.20, inclusive (January 1, ~~2021~~ 2025). ~~Knowledge of this publication must be demonstrated during an interview by the state veterinarian, before appointment as an agent of the board. An agent must be~~ To be appointed as an agent of the board, a candidate must:

- (1) Demonstrate knowledge of this chapter in an interview with the state veterinarian;
- (2) Be of reputable character; and possess
- (3) Possess general animal health knowledge demonstrated by letters of reference from two citizens knowledgeable about the individual. One letter of reference must be written by a ~~licensed and accredited~~ veterinarian from the community in which the agent resides.

Source: 18 SDR 55, effective September 23, 1991; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-1-25.

Law Implemented: SDCL 40-1-25.

12:68:21:01. Definitions. ~~As~~ Terms used in this chapter mean:

(1) ~~"Blood test" means an official test, including the card test, buffered acidified plate antigen, plate, particle concentration fluorescence immunoassay, Rivanol, and complement fixation tests, as described in 9 C.F.R. § 78.1 (January 1, 2021);~~

(2) ~~"Brucellosis," means a disease of goats caused by the Brucella species of bacteria;~~

(3)(2) ~~"Certified brucellosis-free goat herd," means a goat herd for which the owner holds a certified free herd certificate;~~

(4) ~~"Infected herd" means a herd of goats in which one or more reactors have been disclosed and which has not regained a negative herd status;~~

(5)(3) ~~"Negative," means a goat showing no reaction on a~~ an official blood test for Brucella;

(6)(4) ~~"Reactor," means a goat showing a positive reaction on the~~ a test or proven infected by other diagnostic methods, as determined by a state or federal designated epidemiologist, as described in 9 C.F.R. § 78.1 (January 1, ~~2021~~ 2025); and

(7)(5) ~~"Suspect," means a goat that shows a reaction to a test but does not qualify as negative or as a reactor, as determined by a brucellosis epidemiologist employed by the state or federal government~~ designated epidemiologist, as described in 9 C.F.R. § 78.1 (January 1, 2021 2025).

Source: 18 SDR 134, effective February 24, 1992; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-14, 40-5-8.

12:68:23:02. Definitions. ~~As~~ Terms used in this chapter mean:

(1) "Accredited herd," ~~means~~ a cervidae herd that has passed at least two consecutive official tuberculosis tests of all eligible animals, conducted at ~~nine to 15-month intervals~~ intervals of nine to fifteen months, and has no evidence of bovine tuberculosis or exposure to it;

(2) "Accredited veterinarian," ~~means~~ a veterinarian approved by the ~~deputy~~ Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, and the state veterinarian, in accordance with 9 C.F.R. Part 161 (January 1, ~~2021~~ 2025), to perform functions required by cooperative state-federal animal disease control and eradication programs;

(3) "Affected herd," ~~means~~ a cervidae herd that contains or has contained one or more animals infected with *Mycobacterium bovis* and has not passed the required tests prescribed by this chapter for release from quarantine;

(4) ~~"Approved laboratory" means the National Veterinary Service Laboratory, Ames, Iowa;~~

(5) "Cervidae," ~~means~~ all species of deer, elk, moose, and caribou;

(6)(5) "Comparative cervical tuberculin test," ~~means~~ the intradermal injection of biologically balanced bovine purified protein derivative tuberculin and avian purified protein derivative tuberculin, at separate sites in the midcervical area, to determine the probable presence of infection, by comparing the response of the two tuberculins, ~~72~~ seventy-two hours plus or minus six hours following injection, ~~by a veterinarian employed by the state veterinarian or by the United States Department of Agriculture;~~

~~(7)~~(6) "Designated accredited veterinarian," ~~means~~ an accredited veterinarian trained and designated by the state veterinarian to conduct the single cervical test or draw blood for the dual path platform test ~~for tuberculosis on cervidae;~~

~~(8) "Direct shipment to slaughter" means the shipment of tuberculosis reactors, tuberculosis suspects, and tuberculosis exposed cervidae, from the premises of origin, by permit, directly to a slaughtering establishment operating under state or federal inspection, without diversion to assembly points of any type;~~

~~(9)~~(7) "Dual path platform test," ~~means~~ a serological assay to determine the presence of antibodies to bovine tuberculosis in elk, red deer, white-tailed deer, fallow deer, and reindeer, in which a blood sample taken from a captive cervidae and buffer solution is placed on a strip. ~~The diluted sample then migrates to another strip, which contains an antibody detecting reagent. This latter strip indicates whether antibodies are present in the sample;~~

~~(10) "Exposed animals" means cervidae that have associated with animals known to be tuberculous;~~

~~(11)~~(8) "Herd," ~~means~~ one or more cervidae or a group of cervidae and other hoofed stock maintained on common ground, or two or more groups of cervidae, under common ownership or supervision ~~that, which~~ are geographically separated but can have an interchange or movement without regard to health status;

~~(12)~~(9) "Natural additions," ~~means~~ animals born and raised in a herd;

~~(13)~~(10) "Negative animals," ~~means cervidae that show~~ having no response to an official tuberculosis test or ~~that have been being~~ classified as negative not having tuberculosis by the testing veterinarian based on history, supplemental tests, examination of carcasses, or laboratory results;

~~(14)~~ "No gross lesion animals," ~~means cervidae that do not reveal any lesions of bovine tuberculosis upon necropsy;~~

~~(15)~~(11) "Official ear tag," ~~means an identification ear tag,~~ as defined in 9 C.F.R. § 71.1 (January 1, ~~2021~~ 2025);

~~(16)~~(12) "Official tuberculosis test," ~~means~~ a test for bovine tuberculosis applied and reported in accordance with this chapter;

~~(17)~~(13) "Permit," ~~means~~ an official document issued by a representative of Animal Plant Health Inspection Service, ~~Veterinary Service,~~ or a state representative, ~~or an accredited veterinarian,~~ which is required to accompany reactor, suspect, or exposed cervidae to slaughter;

~~(18)~~(14) "Qualified herd," ~~means~~ a cervidae herd that has undergone at least one complete official negative test of all eligible animals, within the past twelve months, and is not classified as an accredited herd, has no evidence of bovine tuberculosis, and meets the standards of this chapter;

~~(19)~~(15) "Reactor," ~~means~~ a cervidae that shows a response to an official tuberculosis test and is classified a reactor by the testing veterinarian;

~~(20)~~(16) "Single cervical tuberculin test," ~~means~~ the intradermal injection of 0.1 mL or ~~5,000~~ five thousand tuberculin units of United States Department of Agriculture bovine purified protein derivative tuberculin in the midcervical region with reading by visual observation and palpation in ~~72~~ seventy-two hours, plus or minus six hours, following injection;

~~(21)~~(17) "Suspect," ~~means~~ a cervidae that shows a response to an official tuberculosis test and is not classified as a reactor or is not classified as negative or as a reactor by a supplemental tuberculosis test;

~~(22)~~(18) "Tuberculin," ~~means~~ a product that is approved by and produced under United States Department of Agriculture license for the intradermal injection of cervidae for the purpose of detecting bovine tuberculosis; and

~~(23)~~(19) "Tuberculosis," ~~means~~ a disease in ~~Cervidae~~ cervidae caused by Mycobacterium bovis.

Source: 21 SDR 162, effective March 23, 1995; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 39 SDR 204, effective June 10, 2013; 45 SDR 82, effective December 11, 2018; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14, 40-3-25, 40-3-26, 40-5-8.6.

Law Implemented: SDCL 40-3-14, 40-5-8 ~~through~~ to 40-5-8.4, inclusive, 40-5-9.

Reference: ~~"Bovine Tuberculosis Eradication," APHIS 91-45-011, January 22, 1999, published by Animal and Plant Health Inspection Service, United States Department of Agriculture. Copies may be~~

~~obtained at no charge from South Dakota Animal Industry Board, 411 South Fort Street, Pierre, South Dakota 57501.~~

12:68:23:11. Identification of reactors. ~~Reactor cervidae~~ A reactor must be identified by branding with the letter "T" on the left jaw, not less than two inches or more than three inches high, and by tagging with an official eartag bearing a serial number and the inscription "U.S. Reactor" attached to the left ear. In lieu of branding, a reactor may be shipped to slaughter in an officially sealed vehicle by a full-time United States Department of Agriculture or ~~South Dakota Animal Industry Board~~ board employee, or accompanied to slaughter by a full-time United States Department of Agriculture or ~~South Dakota Animal Industry Board~~ board employee. The seal to be used is an official seal as defined in 9 C.F.R. § 78.1, (January 1, ~~2021~~ 2025).

Source: 21 SDR 162, effective March 23, 1995; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 39 SDR 204, effective June 10, 2013; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14, 40-3-25, 40-3-26, 40-5-8.6.

Law Implemented: SDCL 40-3-14, 40-5-8, ~~40-5-8.2, 40-5-8.3,~~ to 40-5-8.4, inclusive, 40-5-9.

12:68:24:01. Definitions. ~~As~~ Terms used in this chapter mean:

(1) "Accredited veterinarian₁" ~~means~~ a veterinarian approved by the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, and the state veterinarian, in accordance with 9 C.F.R. Part 161 (January 1, ~~2021~~ 2025), to perform functions required by cooperative state-federal animal disease control and eradication programs;

(2) "Adjacent herd₁" ~~means~~ a herd of cervidae, cattle, bison, or other hoofed stock:

(a) ~~A herd of cervidae, cattle, bison, or other hoofed stock occupying~~ Occupying premises that border an affected herd, and includes herds separated by roads or streams; or

(b) ~~A herd of cervidae, cattle, bison, or other hoofed stock, occupying~~ Occupying premises that were previously occupied by an infected herd within a certain period of time, as determined by the designated brucellosis epidemiologist;

(3) "Affected ~~cervidae~~ herd₁" ~~means~~ a cervidae herd in which any animal has been classified as a brucellosis reactor and has not completed the required tests prescribed by this chapter for release from quarantine;

(4) "Area Veterinarian-In-Charge₁" ~~means~~ an official of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services who is assigned to supervise federal animal health programs in one or more states;

~~(5) "Approved laboratory" means National Veterinary Service Laboratory, Ames, Iowa, or a laboratory that has demonstrated proficiency satisfactory to the Animal Industry Board by successfully completing proficiency testing conducted by National Veterinary Service Laboratory;~~

~~——(6) "Area," means that portion of any state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or Guam that has a separate brucellosis classification, as determined by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services;~~

~~(7)(6) "Blood-testing test," means subjecting a blood sample from a cervidae animal subjected to an official test for brucellosis in an approved laboratory at the National Veterinary Service Laboratory in Ames, Iowa, or at a laboratory that has completed proficiency testing conducted by the National Veterinary Service Laboratory;~~

~~(8)(7) "Brucellosis," means an infectious disease of animals and humans caused by Brucella abortus;~~

~~(9) "Brucellosis exposed" means a designation applied to cervidae that are either part of an affected herd or for which epidemiologic investigation indicates contact with brucellosis reactors;~~

~~(10) "Brucellosis negative" means a designation applied to cervidae for which laboratory test results fail to disclose evidence of;~~

~~(11) "Brucellosis reactor" means a designation applied to cervidae diagnosed as positive to Brucella abortus, based on laboratory results, clinical signs, or epidemiologic investigation;~~

~~(12) "Brucellosis suspect" means a designation applied to cervidae for which laboratory test results suggest Brucella abortus infection, but are inconclusive;~~

~~(13)~~(8) "Certified brucellosis-free cervidae herd," ~~means~~ a herd of cervidae that has qualified for and has been issued a certified brucellosis-free cervidae herd certificate signed by both the state veterinarian and the area veterinarian-in-charge;

~~(14)~~(9) "Cervidae," ~~means~~ deer, elk, moose, caribou, and related species, raised under confinement or agricultural conditions, for the production of meat or other agricultural products, sport, or exhibition;

~~(15) "Cervidae class status," means a state or area that has been certified as fulfilling the requirements for cervidae class free, or cervidae class A status by the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture;~~

~~(16) "Cervidae dealer," means any person engaging in the business of buying, selling, trading, or negotiating the transfer of cervidae, but not including a person who purchases cervidae exclusively for slaughter on the person's premises;~~

~~(17)~~(10) "Cervidae herd," ~~means~~ a group of cervidae or one or more groups of cervidae and other hoofed stock, maintained on common ground or under common ownership or supervision ~~that, which~~ are geographically separated but can have interchange or movement;

~~(18)~~(11) "Cervidae herd of origin," ~~means~~ a cervidae herd, or any farm or other premises, where the animals were born or where they are kept for at least four months before the date of shipping, if cervidae or other hoofed stock from other premises have not been assembled on the premises within four months before shipment;

~~(19)~~(12) "Cervidae herd test," ~~means~~ an official brucellosis blood test of all ~~eligible animals~~ cervidae twelve months of age or older in a cervidae herd;

~~(20)~~ "Certificate of veterinary inspection" ~~means an official document issued by the state veterinarian, a federal animal health official, or an accredited veterinarian, at the point of origin, and containing information on the individual identification of the animals, the number of animals, the purpose of the movement, the points of origin and destination, the consignor, and the consignee;~~

~~(21)~~ "Chief staff veterinarian" ~~means the chief staff veterinarian of the Cattle Diseases and Surveillance Staff, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, who is responsible for staff support of federal activities associated with the Cooperative State-Federal Cervidae Brucellosis Eradication Program;~~

~~(22)~~(13) "Designated brucellosis epidemiologist," ~~means~~ a state or federal veterinarian who has demonstrated the knowledge and ability to perform the functions required under this chapter and who has been selected by the state veterinarian and the area veterinarian-in-charge;

~~(23)~~ "Eligible animal" ~~means any cervidae twelve months of age or older;~~

(14) "Exposed," a designation applied to cervidae that are either part of an affected herd or for which epidemiologic investigation indicates contact with brucellosis reactors;

~~(24)~~(15) "First point of concentration," ~~means~~ livestock markets, buying stations, dealers' premises, or assembly points, receiving animals directly from farms;

~~(25)~~(16) "Individual herd plan," ~~means~~ a written herd management and testing plan that is designed by the herd owner, the owner's veterinarian if requested, and a state or federal veterinarian, to identify and eradicate brucellosis from an ~~infected or adjacent~~ affected herd as requested by the state veterinarian;

(17) "Negative," a designation applied to cervidae for which laboratory test results fail to disclose evidence of brucellosis;

~~(26) "Official cervidae identification" means identification of cervidae by an official identification number, as defined in 9 C.F.R. § 86.1 (January 1, 2021), and one additional form of visible individual identification, such as a registration tattoo, other official eartag, or a management tag applied by the person possessing the animal and approved by the board;~~

~~(27)~~(18) "Permit," ~~means~~ an official document that is issued by the state veterinarian, the area veterinarian-in-charge, or an accredited veterinarian, for movement of reactor, suspect, and exposed animals;

~~(28)~~(19) "Quarantine," ~~means~~ an imposed restriction prohibiting movement of brucellosis reactor, suspect, or exposed animals to any location without specific written permits;

~~(29) "Quarantined area" means an area that does not meet the criteria for classification as cervidae class free or cervidae class A, as defined by the Animal and Plant Health Inspection Service of the United States Department of Agriculture; and~~

(20) "Reactor," a designation applied to a cervid diagnosed as positive to Brucella abortus, based on laboratory test results, clinical signs, or epidemiologic investigation;

~~(30)(21) "State," means any state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or Guam; and~~

(22) "Suspect," a designation applied to a cervid for which laboratory test results suggest Brucella abortus infection, but are inconclusive.

Source: 21 SDR 162, effective March 23, 1995; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 43 SDR 41, effective September 26, 2016; 45 SDR 82, effective December 11, 2018; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14, 40-3-25, 40-3-26, 40-5-8.6.

Law Implemented: SDCL 40-3-14, 40-5-8, ~~40-5-8.2, 40-5-8.3,~~ to 40-5-8.4, inclusive, 40-5-9.

12:68:24:04. Official cervidae tests. Official cervidae tests for brucellosis are:

- (1) Buffered acidified plate antigen (BAPA);
- (2) Standard plate agglutination;
- (3) Standard tube agglutination;
- (4) Rivanol;
- (5) Complement fixation;
- (6) Fluorescent polarization; and
- (7) Card.

Source: 21 SDR 162, effective March 23, 1995; 34 SDR 100, effective October 22, 2007; 39 SDR 32, effective September 3, 2012; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14, 40-3-25, 40-3-26, 40-5-8.6.

Law Implemented: SDCL 40-3-14, 40-5-8, ~~40-5-8.2, 40-5-8.3,~~ to 40-5-8.4, inclusive, 40-5-9.

~~Cross Reference~~ Collateral Reference: Definitions, 9 C.F.R., § 78.1, January 1, ~~2021~~ 2025.

12:68:25:01. Definitions. ~~As Terms used in this chapter mean:~~

~~(1) "Accredited veterinarian" means a veterinarian approved by the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, and the state veterinarian, in accordance with 9 C.F.R. Part 161 (January 1, 2021), to perform functions required by cooperative state-federal animal disease control and eradication programs;~~

~~——(2) "Adjacent herd₁" means a herd of cervidae occupying premises that border an affected herd, and herds separated by roads or streams; or a herd of cervidae occupying premises that were previously occupied by an affected herd within the past five years, as determined by the designated epidemiologist;~~

~~(3)(2) "Affected cervidae herd₁" means a cervidae herd from which any animal has been diagnosed as affected with chronic wasting disease and which is not in compliance with the provisions of the control program for chronic wasting disease as described in this chapter;~~

~~(4)(3) "Approved laboratory₁" means the National Veterinary Service Laboratory, Ames, Iowa, or laboratories a laboratory accredited by the American Association of Veterinary Laboratory Diagnosticians;~~

~~(5)(4) "Certified chronic wasting disease CWD cervidae herd₁" means a herd of cervidae that has qualified for and has been issued a certified chronic wasting disease cervidae herd certificate signed by the state veterinarian;~~

~~(6)(5) "Cervidae₁" means deer, elk, moose, caribou, reindeer, and related species and their hybrids;~~

~~(7)(6)~~ "Cervidae herd," ~~means~~ a group of cervidae or one or more groups of cervidae maintained on common ground or under common ownership or supervision that are geographically separated but can have interchange or movement;

~~(8)(7)~~ "~~Cervidae herd~~ Herd of origin," ~~means~~ a cervidae herd, or any farm or other premises, where the animals were born or where they are kept for at least one year before the date of shipping, if cervidae from other premises have not been on the premises within one year before shipment;

~~(9)(8)~~ "Certificate of veterinary inspection," ~~means~~ an official document issued by the state veterinarian, a federal animal health official, or an accredited veterinarian, at the point of origin, and containing information on the individual identification of the animals, the number of animals, the purpose of the movement, the points of origin and destination, the consignor, the consignee, and any other information required by the state animal health official for importation or translocation;

~~(10)(9)~~ "Chronic wasting disease (CWD)," ~~means~~ a transmissible spongiform encephalopathy of cervidae;

~~(11)(10)~~ "Designated epidemiologist," ~~means~~ a state or federal veterinarian who has demonstrated the knowledge and ability to perform the functions required under this chapter and who has been selected by the state veterinarian;

~~(12)(11)~~ "Exposed," ~~means~~ a designation applied to cervidae that are either part of an affected herd or for which epidemiological investigation indicates contact with chronic wasting disease affected animals or contact with animals from a chronic wasting disease affected herd in the past five years;

~~(13)~~(12) "Herd plan," ~~means~~ a written herd management and testing plan that is designed by the herd owner, the ~~owner's~~ herd veterinarian ~~if requested~~, and a designated epidemiologist to identify and eradicate chronic wasting disease from an affected, ~~exposed, or adjacent~~ herd;

~~(14)~~(13) "~~Monitored chronic wasting disease cervidae~~ herd," ~~means~~ a herd of cervidae that is in compliance with the voluntary ~~chronic wasting disease~~ CWD herd certification program, as defined in this section. A monitored herd must be defined as one-year, two-year, three-year, and four-year-monitored, in accordance with the time in years the herd has been in compliance with the voluntary chronic wasting disease certification program;

~~(15)~~(14) "Official ~~cervidae~~ identification," ~~means~~ an identification eartag that conforms to the official animal identification, as defined in 9 C.F.R. Part 55 (January 1, ~~2021~~ 2025);

~~(16)~~(15) "Permit," ~~means~~ an official document that is issued by the state veterinarian, area veterinarian-in-charge, or an accredited veterinarian for movement of affected, suspect, and exposed animals;

~~(17)~~(16) "Quarantine," ~~means~~ an imposed restriction prohibiting movement of cervidae to any location without specific written permits;

~~(18)~~(17) "State," ~~means~~ any state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or Guam;

~~(19)~~(18) "Traceback," ~~means~~ the process of identifying the herd of origin of positive animals, including herds that were sold for slaughter; and

~~(20) "Traceforward" means the process of epidemiologically identifying the movement of chronic wasting disease exposed animals; and~~

~~(21)~~(19) "Voluntary ~~chronic wasting disease~~ CWD herd certification program," ~~means a voluntary chronic wasting disease surveillance program that recognizes herds a herd as low risk for chronic wasting disease by complying if persons managing the herd comply with the voluntary chronic wasting disease herd certification program surveillance procedures.~~

Source: SL 1998, ch 250, § 2, effective February 5, 1998; 29 SDR 29, effective September 4, 2002; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 38 SDR 214, effective June 21, 2012; 43 SDR 41, effective September 26, 2016; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-5-8.6.

Law Implemented: SDCL ~~40-5-8.6~~ 40-5-8.

12:68:28:01. Definitions. ~~As~~ Terms used in this chapter mean:

(1) "Flock," ~~means~~ all sheep and goats on a premises or multiple premises with movement or exposure of sheep and goats between premises;

(2) "Scrapie," ~~means~~ a nonfebrile, transmissible, and insidious degenerative disease affecting the central nervous system of sheep or goats; and

(3) "Scrapie eradication program," ~~means~~ the cooperative state-federal program administered by United States Department of Agriculture, Animal and Plant Health Inspection Service, and consistent states, to control and eradicate scrapie, as defined in 9 C.F.R. Part 79 (January 1, ~~2021~~ 2025);

Source: 31 SDR 191, effective June 6, 2005; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14, 40-5-8.6.

Law Implemented: SDCL 40-3-9, 40-3-14, 40-5-8, 40-5-8.2, ~~40-5-8.6~~.

~~**Reference:** Scrapie Program Standards Volume 1: National Scrapie Eradication Program APHIS 91-55-079 Effective April 25, 2019. Copies may be obtained at no charge from the South Dakota Animal Industry Board, 411 South Fort Street, Pierre, South Dakota 57501.~~

12:68:28:02. State declared scrapie control and eradication area. ~~South Dakota is declared~~ This state is a scrapie control and eradication area and shall implement measures to control and eradicate scrapie consistent with the Scrapie Program Standards Volume 1: National Scrapie Eradication Program and the scrapie eradication program described in 9 C.F.R. Part 79 (January 1, ~~2021~~ 2025). Sheep producers and any individuals involved in buying, selling, or transporting sheep shall adhere to identification, testing, surveillance, and quarantine requirements to maintain consistent state status, as described in the Scrapie Program Standards Volume 1: National Scrapie Eradication Program.

Source: 31 SDR 191, effective June 6, 2005; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14, 40-5-8.6.

Law Implemented: SDCL 40-3-9, 40-3-14, 40-3-16, 40-5-8, 40-5-8.2, ~~40-5-8.6~~.

Reference: Scrapie Program Standards Volume 1: National Scrapie Eradication Program
APHIS 91-55-079 ~~Effective,~~ effective April 25, 2019, Animal and Plant Health Inspection Service, United States Department of Agriculture. Copies may be obtained at no charge from the South Dakota Animal Industry Board, 411 South Fort Street, Pierre, South Dakota 57501.

12:68:29:02. Individual identification of animals tested for tuberculosis and brucellosis. Each animal tested must be officially identified, as defined in 9 C.F.R. § 86.1 (January 1, ~~2021~~ 2025).

Source: SL 1975, ch 15, § 1; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; transferred from § 12:68:04:30, 45 SDR 82, effective December 11, 2018; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-14, 40-3-27, ~~40-3-29~~.

12:68:29:05. Obligation to identify sows or boars. Each agent or agency livestock dealer, livestock market operator, stockyard operator, commission company, buying station, operator of any concentration point at which the herd of origin of swine might be lost, and each slaughtering establishment that maintains a meat inspection service or receives sows or boars from a transport agent shall identify the sows or boars brought to it, unless the swine have been previously identified with identification authorized and applied as directed by the board, in accordance with 9 C.F.R. § 78.33 (January 1, ~~2021~~ 2025). Failure of a previous agent or agency receiving the swine to identify the swine to the herd of origin does not relieve other agents or agencies from identifying them to the herd of origin.

Source: SL 1975, ch 16, § 1; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 18 SDR 55, effective September 23, 1991; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; transferred from § 12:68:10:02, 45 SDR 82, effective December 11, 2018; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-14, 40-5-8.

12:68:29:08. Identification of recreational cattle. All cattle imported to ~~South Dakota~~ this state for recreational purposes, including rodeo ~~events~~, roping ~~events~~, cattle cutting ~~events~~, cattle penning ~~events~~, and steer wrestling events, ~~and as well as~~ and training for ~~such~~ these events, must be officially identified by means defined in 9 C.F.R. § 86.1 (January 1, ~~2021~~ 2025).

Source: 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; transferred from § 12:68:04:37, 45 SDR 82, effective December 11, 2018; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-9, 40-3-14, 40-5-8.

12:68:29:09. Identification of breeding cattle and bison in intrastate commerce. All cattle or bison, that are transacted for breeding purposes and are ~~over~~ eighteen months of age and over, must have their official identification recorded when a change of ownership occurs. The official identification must be by official eartag, as defined in 9 C.F.R. § 86.1 (January 1, ~~2021~~ 2025), or by individual animal registration tattoos, if the cattle or bison are registered by breed associations recognized by United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services. Records of identification must be submitted to the board by a licensed and accredited veterinarian on forms provided by the board.

Source: 27 SDR 96, effective April 1, 2001; 34 SDR 100, effective October 22, 2007; transferred from § 12:68:05:02.02, 45 SDR 82, effective December 11, 2018; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14.

Law Implemented: SDCL 40-3-14, 40-5-8.

12:68:29:11. Scrapie control identification requirements for sheep and goats. Sheep and goats required to be identified in 9 C.F.R. Part 79 (January 1, ~~2021~~ 2025) must be officially identified, as ~~described~~ defined in 9 C.F.R. ~~Part~~ § 79.1 (January 1, ~~2021~~ 2025). ~~Sheep and goats~~ The following are required to be identified before being moved from a premises ~~include~~:

- (1) Breeding sheep and goats intended for use for reproduction;
- (2) Sheep and goats for exhibition;
- (3) Sheep and goats over ~~18~~ eighteen months of age;
- (4) Sheep and goats exposed to scrapie or at risk of being infected with scrapie as determined by the state veterinarian;
- (5) Sheep and goats determined to be ~~suspect or~~ positive for scrapie or suspected of having scrapie by test methods described in the Scrapie Program Standards Volume 1: National Scrapie Eradication Program ~~APHIS~~; and
- (6) Sheep and goats from flocks not in compliance with the scrapie eradication program.

Source: 31 SDR 191, effective June 6, 2005; 34 SDR 100, effective October 22, 2007; 37 SDR 47, effective September 20, 2010; 39 SDR 32, effective September 3, 2012; transferred from § 12:68:28:04, 45 SDR 82, effective December 11, 2018; 48 SDR 39, effective October 4, 2021.

General Authority: SDCL 40-3-14, 40-5-8.6.

Law Implemented: SDCL 40-3-9, 40-3-14, 40-3-16, 40-5-8, 40-5-8.2, 40-5-8.6.

Reference: Scrapie Program Standards Volume 1: National Scrapie Eradication Program ~~APHIS 91-55-079~~ Effective, effective April 25, 2019, ~~published by~~ Animal and Plant Health Inspection

Service, United States Department of Agriculture. Copies may be obtained at no charge from the South Dakota Animal Industry Board, 411 South Fort Street, Pierre, South Dakota 57501.