

Chapter Ag 11

LIVESTOCK DEALERS AND MARKETS

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Ag 11.01 Definitions. As used herein:

(1) "Department" means the state department of agriculture, trade and consumer protection.

(2) "Dealer" means a livestock dealer defined in s. 95.70, Stats.

(3) "Livestock market" means a livestock market defined in s. 95.70, Stats. The term shall not be construed to include premises used for a bona fide livestock exhibition or show by reason of the sale of livestock entered in such exhibition or show, nor shall it include stockyards or other premises operated by a dealer solely for his purchase and resale of livestock.

(4) "Livestock" means cattle, sheep or swine.

History: 1-2-56; r. and recr. Register, July, 1958, No. 31, eff. 8-1-58; correction in (1) made under s. 13.93 (2m) (b) 6, Stats., Register, December, 1985, No. 360.

Ag 11.02 Unlawful conduct. It shall be unlawful for any dealer or operator of a livestock market:

(1) To knowingly and wilfully make or cause to be made, in connection with the purchase or sale of livestock, any false or misleading representation concerning the ownership, origin or health status of such livestock.

(2) To receive in possession or purchase livestock with knowledge that the transfer or sale thereof is prohibited by or is conducted contrary to any provision of ch. 95, Stats., or the regulations of the department.

(3) To knowingly and wilfully make any false report or misrepresentation of any kind to the department, in respect to the ownership, identification or health status of livestock or in relation to the purchase, sale or movement of livestock.

(4) To knowingly and wilfully make or cause to be made to a veterinarian, any false or misleading statement or false representation of any kind concerning the identification, ownership or health status of livestock which is examined or treated by such veterinarian.

(5) To knowingly and wilfully sell or deliver, or to cause the sale or delivery of diseased livestock to any person other than a slaughtering establishment or public stockyards authorized by law to receive diseased livestock, except upon written authorization of the department.

(6) To conduct any livestock transaction in the name of any person other than that of the licensee.

History: 1-2-56; am. (5) Register, March, 1957, No. 15, eff. 4-1-57; r. and recr. Register, July, 1958, No. 31, eff. 8-1-58; cr. (6), Register, June, 1959, No. 42, eff. 7-1-59.

Ag 11.03 Livestock markets. (1) **CONSTRUCTION AND SANITATION.** (a) No premises shall be approved for use as a livestock market unless it has been inspected by the department and found to be in a condition that will make cleaning and disinfection practicable. All barns and adjacent pens and alleys for holding livestock shall have floors constructed of cement or other impervious material. Such floors shall be so constructed as to enable drainage. A clean water supply, under pressure, shall be available at the premises. The department shall grant or deny approval of a livestock market within 60 business days after a request for approval has been made to the department, provided that the application is accompanied by all requisite information and documentation.

(b) Each operator of a livestock market shall maintain the premises in a sanitary manner and clean and disinfect the premises prior to the conduct of each public sale of cattle for dairy, feeding or breeding purposes.

(c) No operator of a livestock market shall cause or permit the commingling of different species of livestock (cattle, sheep or swine) at the premises.

(2) **CALF MOVEMENT.** No operator of a livestock market shall permit calves under 12 weeks of age to be held on the premises longer than 24 hours after the point of sale.

(3) **BOAR MOVEMENT OR SALE.** Boars over 5 months of age or weighing more than 150 pounds, which are consigned to a livestock market for movement or sale other than direct movement to a slaughtering establishment for immediate slaughter, shall be accompanied by a report of a negative brucellosis test conducted within 60 days prior to movement to the livestock market.

History: Cr. Register, July, 1958, No. 31, eff. 8-1-58; am. (2), r. (3), Register, February, 1962, No. 74, eff. 3-1-62; renum. (2) to be (2) (a) and am.; cr. (2) (b), (c) and (3), Register, April, 1963, No. 88, eff. 5-1-63; am. (2) (a), Register, July, 1963, No. 91, eff. 8-1-63; r. (3), Register, February, 1967, No. 134, eff. 3-1-67; r. (2), Register, March, 1970, No. 171, eff. 4-1-70; cr. (2), Register, October, 1974, No. 226, eff. 11-1-74; cr. (3), Register, January, 1981, No. 301, eff. 2-1-81; am. (1) (a), Register, December, 1985, No. 360, eff. 11-1-85.

Ag 11.04 Swine identification and movement. (1) Each dealer and each market operator shall identify all swine not bearing an official ear tag at the site and at the time he receives possession or control of such swine. Identification shall be accomplished by inserting an official ear tag in the lower lobe of either ear. Such dealer or market operator shall also obtain a written certification from the owner or transferor as to the number and identification of the swine sold or transferred. No dealer or market operator shall have any swine in his possession or control which are not so identified, except swine weighing more than 175 pounds which are received for sale and shipment to a slaughtering establishment.

(2) Official ear tags shall bear a serial number and will be furnished by the department at cost; provided, the department will approve, and register for the exclusive use of a dealer or market operator, any ear tags suitable for swine which bear a serial number and a distinctive mark or name. No person shall have in possession or use official ear tags which

have not been issued to him or registered for his use by the department, or ear tags which are a counterfeit thereof.

(3) Each dealer and each market operator shall maintain for a period of one year a record of each swine transaction, including the written certification of the owner or transferor required by sub. (1). Such records shall include the following information:

(a) The name and address of each person from whom swine were purchased or received; the number purchased or received; the official ear tag numbers of all such swine; and the date and place of receipt of such swine.

(b) The name and address of all persons to whom swine were sold or delivered; the number of swine sold or delivered; and the date of the transaction. The filing of reports may be required on forms approved by the department.

(4) Failure to comply with the provisions of this section shall be grounds for revocation of any license issued under s. 95.70, Stats.

History: Cr. Register, June, 1959, No. 42, eff. 7-1-59; r. (5), Register, November, 1959, No. 47, eff. 12-1-59; r. (1); renum. (2), (3), (4) and (6) to be (1), (2), (3) and (4), respectively; am. (1) and (3) as renum., Register, November, 1962, No. 83, eff. 12-1-62.

Ag 11.05 Calf movement by dealer and market operator. Each dealer and each market operator purchasing calves under 12 weeks of age at a live-stock market shall remove them from the premises within 24 hours after purchase.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74.

Ag 11.06 Bovine animal identification and records. (1) Each dealer and market operator shall maintain a daily record of all bovine animals purchased, received, sold, or exchanged. The daily record shall include the following information, except that individual identification is not required for steers, calves under 6 months of age, or feeder cattle as defined in s. Ag 10.01 (17):

(a) The name and address of each person from whom bovine animals were purchased or received, the number, breed, and individual identification of animals purchased or received, and the date and place the animals were received.

(b) The name and address of each person to whom bovine animals were sold or delivered, the number, breed, and individual identification of animals sold or delivered, and the date and place the animals were sold or delivered.

(2) Each dealer or market operator shall record the ear tag number or back tag number of bovine animals at the time the animals are purchased or received. Bovine animals which are not identified with an official ear tag or back tag at that time shall be tagged by the dealer, market operator or a licensed veterinarian with serially number tags provided by the department for the exclusive use of the dealer or market operator in identifying animals under this section. No dealer or market operator shall use official tags which have not been furnished to them by the department.

(3) Records required to be maintained under sub. (1), shall be retained for a period of 2 years and be available to the department for inspection upon request.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; am. (1), renum. (2) to be (3) and am., cr. (2), Register, January, 1981, No. 301, eff. 2-1-81.