

CHAPTER 95.

LIVE STOCK BREEDING AND SANITATION.

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Cross Reference: See definitions in 93.01.

95.01 Stallions and jacks; registration, regulations. (1) Unless a different meaning is given in the context, the following terms wherever used in this chapter shall mean:

(a) "Department" means the state department of agriculture.

(b) "Public service" means the use of a stallion or jack for breeding purposes on mares or jennies belonging to others than the sole owner of the stallion or jack. The use of unlicensed stallions or jacks is likewise construed as "public service" regardless of whether direct, indirect or no payment is made for the use of the stallion or jack for breeding purposes.

(c) "Veterinarian" means a graduate of an approved veterinary school who is licensed and registered to practice veterinary medicine and surgery in this state.

(2) No person shall use or offer for use for public service any stallion or jack unless and until he shall have registered such stallion or jack with the department, and shall have procured a certificate of such registration from said department.

(3) (a) A partnership ownership of an unlicensed stallion or jack for breeding purposes is declared illegal. The use of unlicensed stallions or jacks is construed as illegal whether the stallion or jack is taken away from the premises for breeding purposes or whether the female animal is brought onto the premises to be bred.

(b) Any person violating any provision of this section shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than sixty days, or by both such fine and imprisonment. [1935 c. 323; 1935 c. 550 s. 109; 43.08 (2); 1939 c. 341; 1943 c. 229; 1945 c. 294]

95.02 Soundness; veterinarian's oath. (1) In order to obtain a certificate the owner shall have the stallion or jack thoroughly examined by a legally qualified veterinarian who may charge a just and reasonable fee, not in excess of five dollars for each animal examined, and shall forward to the department an affidavit of soundness and such further information as the department may require pertaining to fitness for breeding purposes signed by the examining veterinarian, on a blank form furnished by said department,

together with the original studbook certificate of registry of the pedigree of the stallion or jack, if any, and any other papers required to prove his breeding, identity and ownership.

(2) (a) The presence of any one of the following named diseases shall disqualify a stallion or jack for public service: Cataract, cryptorchid (ridgling); periodic ophthalmia (moon blindness); laryngeal hemiplegia (roaring or whistling); pulmonary emphysema (heaves, broken wind); chorea (St. Vitus' dance, crampiness, shivering, stringhalt); bone spavin; ringbone; sidebone; navicular disease; bog spavin; curb, with curby formation of hock; glanders; maladie du coit; urethral gleet; mange; melanosis.

(b) A stallion or jack of inferior type or conformation, or lacking in size, height or weight for the breed or classification to which it belongs, is disqualified for public service.

(4) Every stallion or jack licensed for public service shall be reexamined at least every three years by the department without cost to the owner, as far as department funds will permit. [1935 c. 323; 1935 c. 550 s. 109; 1939 c. 341; 1943 c. 401]

95.03 Unsoundness; complaint, examination. When a complaint signed by a responsible person is made to the department that a stallion or jack is unsound and, on investigation, an examination is deemed necessary, such examination shall be made by a legally qualified graduate veterinarian deputized by the department. [1935 c. 550 s. 109; 1939 c. 341; 1943 c. 401]

95.04 Standards; studbooks and signatures. The officers of the department whose duty it shall be to examine and pass upon the merits of each pedigree submitted, shall use as their standard the studbooks and signatures of the duly authorized officers of the American horse and jack pedigree registry associations, societies or companies published in the annual report of the division of horse breeding of the department. [1935 c. 550 s. 109]

95.05 Certificate forms. The certificates of registration shall be for "pure bred," "grade," "scrub," "nonstandard" or "crossbred" stallions, using said designations and shall be in such form, and contain the name of the examining veterinarian and such other matter as the department shall direct, and shall be signed by the director or authorized agent of the department. [1935 c. 550 s. 109; 1943 c. 229]

95.06 Certificates; public posting. The owner of every stallion or jack used for public service in this state, shall post and keep affixed during the entire breeding season, a correct printed copy of his registration certificate, in a conspicuous place both within and upon the outside of his home stable and the stable or building of every other farm or place where he is so used.

95.07 Advertisements; contents. Each bill or poster issued or used by the owner of any registered stallion or jack, or his agent, for advertising shall contain a correct copy of the stallion's or jack's registration certificate, printed in bold-face Roman type not smaller than long primer (ten point), and the first mention thereon of the name of the stallion or jack shall be preceded by the words "pure bred," "grade," "crossbred," "nonstandard bred," or "mongrel or scrub," in accordance with the wording of the certificate, and printed in type not smaller than the largest type in which the name of the stallion or jack shall be printed on said bill or poster; and it shall be unlawful to print upon the said bill or poster any misleading reference to the breeding of the stallion or jack, his sire or his dam, or to use upon such bill or poster or in any other advertising matter the portrait of a stallion or jack in a misleading way; and each newspaper advertisement, post card, circular letter, or other form of advertising of a stallion or jack for public service shall show the registration certificate number and state whether he is "pure bred," "grade," "crossbred," "nonstandard bred," or "mongrel or scrub."

95.08 License fees; annual renewal. A fee of four dollars shall be paid to the department upon the examination and registration of each pedigree and upon the issuance of a certificate of registration; and all registration certificates shall expire on the first of January of each year, following date of issuance, and must be renewed annually before the first of April following. A fee of three dollars shall be paid to the department upon renewal of certificates. Unless so renewed before the first of April, the registration stands revoked, and no renewal or new certificate shall issue until there has been a renewed and full compliance with sections 95.01 and 95.02. [1935 c. 323; 1935 c. 550 s. 109]

95.09 Certificates; transfer and duplication. Upon a transfer of the ownership of any registered stallion or jack, the certificate may be transferred by the department upon satisfactory proof of such change of ownership and upon payment of one dollar; and a fee of two dollars shall be paid upon the issuance of a duplicate license certificate which may be issued where proof is given of loss or destruction of the original certificate. [1935 c. 323; 1935 c. 550 s. 109]

95.10 [Repealed by 1939 c. 341]

95.11 Live stock brands, recording, misuse. Every town clerk shall, on the application of any person residing in his town, record a description of the marks or brands

with which such person may be desirous of marking his horses, cattle, sheep or hogs; but the same description shall not be recorded or used by more than one resident of the same town. If any person shall mark any of his horses, cattle, sheep or hogs with the same mark or brand previously recorded by any resident of the same town and while the same mark or brand shall be used by such resident, he shall forfeit for every such offense five dollars; if any person shall wilfully mark or brand any of the horses, cattle, sheep or hogs of any other person with his own mark or brand he shall forfeit for every such offense ten dollars; and if any person shall wilfully destroy or alter any mark or brand upon any of the horses, cattle, sheep or hogs of another he shall forfeit ten dollars and pay to the party injured double damages.

95.12 False pedigree. No person with intent to defraud shall obtain from any corporation, association, society or company organized for the purpose of improving breeds of domestic animals, a false certificate of registration of any such animal in the herd or other register of any such corporation, association, society or company, or the transfer of any such certificate, or shall, with intent to defraud, give a false pedigree of any such animal. [1935 c. 550 s. 120]

95.13 Misrepresenting breed of domestic animal. No person shall sell or barter or cause to be sold or bartered any domestic animal and represent, or cause to be represented that such animal is a pure bred animal, when in fact such animal is not registered, or entitled to registry, in any pure breed registry maintained for such animals; nor shall any person knowingly utter, pass or deliver to any person as true, any false, or altered pedigree; nor shall any person refuse to deliver proper certificate of registry for any animal sold or transferred by him, having represented at the time of sale or transfer, and as an inducement thereto, that such animal was registered and that he possessed and would deliver a certificate of registry as evidence thereof, or that such animal was entitled to registry and that he would secure such certificate and deliver the same. [1935 c. 550 s. 121]

95.14 Corporations to improve live stock. (1) Three or more adult persons of this state may form a corporation, without capital stock, to be managed and directed as herein provided, for the purpose of improving the breeding of live stock by such means and methods as may be deemed most advisable, and to receive and manage contributions therefor made from time to time by way of gifts, deed, devise, bequest or otherwise, and to expend the income thereof for the purpose of the corporation. The work of any such corporation shall be entirely educational and designed by practical work with the breeder upon the farm to result in a better understanding and practical application of the scientific and technical principles taught in agricultural colleges and experiment stations, so as to effect the greatest possible co-ordination between the science and the art or practice of breeding, but such work shall not be merged with the work of any educational institution. Any corporation organized hereunder shall have authority to pay all necessary expenses properly incurred in carrying out the purposes of the corporation, including compensation to employes and to directors for services actually rendered in conducting the affairs of the corporation, but no pecuniary profit shall ever be paid to any incorporator or director.

(2) Any such corporation organized hereunder shall be managed and directed by a self-perpetuating board of directors of five members, consisting of the dean of the college of agriculture of the University of Wisconsin, who shall be permanent chairman of the board, and four others to be appointed in the first instance by the incorporators; at least three of the five members shall always be representative live stock breeders of the state. In case of the failure of the dean of the college of agriculture to act as a member of the board by reason of refusal, disability or vacancy in the chair of such dean, the remaining members of the board shall appoint a representative live stock breeder to act in his place on the board until such time as such refusal, disability or vacancy in such chair shall cease to exist. Whenever the dean of the college of agriculture shall become a member of the board of directors after any such interim, he shall automatically become chairman of the board.

(3) The term of office of all members of the board, except the permanent chairman, shall expire one each year by lot. The remaining members shall elect a member to succeed the person whose term shall have thus expired. Vacancies occurring during the year may be filled at once by the remaining members.

(4) Any such corporation shall have and possess the general powers of other corporations and its articles of organization shall conform to the provisions of section 180.02 of the statutes with such modifications as the provisions in this section shall require. [1935 c. 550 s. 122]

95.15 Live stock breeders association. (1) The chief of the animal husbandry department of the university, the state department of agriculture and the president of the Wisconsin live stock breeders association shall approve all plans for the expenditure of appropriations to the Wisconsin live stock breeders association for the following objects:

(a) To encourage and develop the general live stock industry of the state by the collection and dissemination of information emphasizing the peculiar advantages of Wisconsin as a live stock producing state and its unsurpassed studs, herds and flocks.

(b) To promote a systematic and efficient educational campaign for the purpose of improving the character and increasing the production of the domestic animals of this state.

(c) To safeguard purchasers from fraud upon the part of dealers and breeders and generally to protect, perpetuate and improve the live stock industry of Wisconsin.

(d) To consider and recommend such legislation as may be needed for the proper development and advancement of Wisconsin's live stock industry.

(e) To facilitate the marketing of live stock.

(2) The secretary of the said live stock breeders association shall, under date of June thirtieth of each year, make to the governor of the state a report of the transaction thereof, including an itemized sworn statement, showing all the receipts and expenditures under the provisions of this section during the year ending on said date.

(3) Said association may occupy such rooms in the capitol as may be assigned for that purpose by the director of purchases. [1931 c. 45 s. 1; 1935 c. 550 s. 109, 123; 1943 c. 229]

95.16 Diseases defined. The term "contagious or infectious diseases" as used in the live stock sanitary laws shall include anthrax, blackleg, infectious stomatitis, rabies, tuberculosis, hemorrhagic septicemia, hog cholera, foot and mouth disease, actinomycosis, glanders and farcy, mange and dourine, Bang's disease and such other diseases as may be determined by the department to be contagious or infectious in fact. [1935 c. 550 s. 124; 1937 c. 356]

95.17 Animal diseases; co-operation with United States. Whenever it is determined by the department and the state constitutional officers that it is necessary to combat dangerous diseases among domestic animals in this state in co-operation with the bureau of animal industry of the United States department of agriculture and to destroy animals affected with or which have been exposed to any such disease or to destroy property in the disinfection of the premises or to do any other act or incur any other expense reasonably necessary in suppressing or combating such disease, the department may accept, on behalf of the state, the rules and regulations prepared by the United States department of agriculture under authority of an act of congress relating to the suppression of any such disease and co-operate with the authorities of the United States in the enforcement of their provisions; or it may follow such procedure as to inspection, condemnation, appraisal, disinfection and other acts reasonably necessary in the suppression of such diseases as may be agreed upon and adopted by the department and the state constitutional officers with the representatives of the United States department of agriculture. Within the amount which may, subsequent to the passage and publication of this act, be appropriated for this purpose, the state shall pay such proportion of the expense incurred in suppressing or combating any such disease and in compensating owners of animals slaughtered under the provisions of this subsection as shall be determined by and mutually agreed upon with the United States department of agriculture. [1935 c. 550 s. 109, 125]

95.18 Animals in transit. Animals in transit in the state are subject to all the provisions of law relating to contagious or infectious diseases of animals, and to the regulations and orders of the department. [1935 c. 550 s. 126]

95.19 Diseased animals reported; transportation of. No person shall bring into this state, or remove from one part of the state to another, or receive in charge, or exhibit at any fair, any animal afflicted with or that has been exposed to any contagious or infectious disease, except as authorized by the regulations or orders of the department nor shall any person, knowing or having reason to suspect that there is any such animal upon his premises or upon any premises of which he has control, fail to report such fact as required by law, or attempt to conceal the existence of such diseases upon such premises, or permit such animal to run at large or come in contact with other animals susceptible to such disease. Any person who shall violate any provision of this section or any regulation or order issued pursuant thereto by the department shall be liable to any person injured thereby for the damages by him sustained. [1935 c. 550 s. 127]

95.20 Embargo on animals from infected districts. When there is reason to believe that there is danger of the introduction into this state of any communicable disease prevailing among domestic animals outside this state or of its spread in this state, the department shall investigate the existing conditions, and if it concludes that danger exists to the live stock interests of this state therefrom, it may prohibit the importation of animals of the diseased kind from the infected district into this state, or the removal of them from one part of the state to another, under such regulations as the department may establish. [1935 c. 550 s. 128]

95.21 Quarantine for rabies. Whenever any district shall be quarantined for rabies, all dogs within said district shall be kept securely confined or tied or held in leash or muzzled. Any dog not so confined or tied or leashed or muzzled is declared to be a public nuisance and may be impounded; and the sheriff and his deputies and every constable, marshal, other police officer or a duly authorized humane society shall actively co-operate in rendering said quarantine effective. The clerk of every town, city or village wholly or partly within the quarantine area shall promptly post in at least three public places in his town, city or village, such notices of quarantine as may be furnished him by the department for posting. [1935 c. 550 s. 109, 129; 1937 c. 244]

Note: This section does not apply to removing dogs to or from district quarantined for rabies. 30 Atty. Gen. 101.

95.22 Reports of animal diseases. (1) Each veterinarian shall immediately report to the department the existence among animals of any communicable disease coming to his knowledge. The report shall be in writing and shall include a description of the diseased animal, the name and address of the owner or person in charge of the animal, if known, and the location of the animal.

(2) Every person who shall have reason to suspect that there is upon his premises, or upon the premises occupied by him, or under his control, any domestic animal having a communicable disease, to immediately report the fact to the department. The department may require the owner to employ at his own expense a licensed veterinarian to examine such animal and to report his diagnosis to the department. [1935 c. 550 s. 130]

95.23 Inspection of premises. The department, its authorized agent or any veterinarian authorized by the department or any health officer may enter any premises or any building or place where he has reason to suspect there are diseased animals, and examine and test them, and may call to his aid, if necessary, the sheriff or any constable of the county where the animals are and such officers, when so called, shall assist in the enforcement of the law relating to contagious and infectious diseases of animals. [1935 c. 550 s. 131; 1943 c. 229]

95.24 Hog cholera virus. Hog cholera virus (disease producing blood) shall be administered only by a legally qualified veterinarian and shall be used only in herds where the disease has recently occurred or in adjacent herds unless the use of virus in other cases shall have the previous written approval of the veterinarian of the department. Every person in control of premises on which hogs have died from cholera is required promptly to burn the carcasses or bury and cover the same with lime or a large quantity of ashes. Any person violating any of the provisions of this section shall be punished as provided in subsection (4) of section 36.21. [1935 c. 550 s. 132; 43.08 (2)]

95.25 Tested areas. (1) Whenever petitions signed by more than fifty per cent of the cattle owners, (as disclosed by the last assessment rolls) resident in any county, shall be presented to the department, asking that all cattle within such county be tested for tuberculosis, said department is hereby authorized to make such test without expense to the owners, to the extent of the funds provided therefor. The department shall fix a time when and place where said petitions and any objection thereto will be heard by the department, and notice of said hearing shall be published in at least one paper published in such county, not less than ten days before the time set for such hearing. At the time and place fixed for such hearing, the department shall examine and consider said petitions and the evidence, facts and things offered in support of and against the same, and shall render its decision thereon. In case the department determines that the petitions are sufficient to satisfy the statute, such determination shall be final unless reviewed in the manner herein provided. In case the department grants the petition and undertakes the work, notice of such determination and the time when the testing will begin shall be given by publishing the same in at least one newspaper published in such county.

(2) A rehearing shall be granted upon the written application therefor, signed by not less than ten per cent of the resident cattle owners in such county, as shown by the last assessment rolls, and filed with the department within thirty days after the publication of the decision. The department shall, upon receipt of a valid application for rehearing, order one or more employes of said department to make investigations in said county and hold at least one public hearing therein. The employe or employes shall make and file with the department a written report thereof, wherein shall be stated the number of resident owners of cattle, as disclosed by the last assessment rolls, and also the number of valid signatures upon the original petitions. This report shall be examined and acted upon by the department and if it shall find that the original petitions were sufficient, its decision shall be final.

(3) At any time after the date fixed to commence the work, the department, its authorized agents and all inspectors and persons appointed or authorized to assist in the work of applying the tuberculin test may enter any buildings or inclosures where cattle

are, for the purpose of making inspection and applying the tuberculin test, and any person who interferes therewith or obstructs them in said work or attempts to obstruct or prevent by force the inspection and the testing (in addition to the penalty prescribed therefor) shall be liable for all damages thereby caused to the state or county or to any person lawfully engaged in the work of inspection and testing.

(4) The department shall provide all the necessary equipment and supplies and inspectors and make all arrangements necessary for the carrying on and completion of the work herein authorized. Should any such equipment or supplies be no longer needed, the same may be disposed of by the director of purchases, and the proceeds derived from the sale shall be paid into the state treasury and credited to the appropriation for such testing.

(5) No cattle shall be brought into any county after the tuberculin test provided for herein shall have been commenced, or moved from one part of such county to another, except in compliance with regulations prescribed by the department.

(6) The counties shall be tested in the order that valid petitions therefor are received unless the department shall decide that it is not expedient to make the tests in that order.

(7) Area retests and retests of infected herds shall be made by the department in all counties at such intervals as the department may deem necessary to protect the work already done and to preserve such counties their standing as modified accredited or area tested counties under the specifications and regulations of the United States bureau of animal industry and the agreements among the various states. Such area retests and retests of infected herds shall be made at such times and in such manner as the department may determine, in the light of the latest and best scientific and practical knowledge and experience, but a complete area retest shall be made in every county in the state at least once in every six years. The department is authorized to make such retests in any county without petitions.

(8) When a general retest is applied to all of the cattle located within any county that has been area tested, and when retests subsequent thereto are applied to any herds in such county, the state shall pay for each animal condemned and slaughtered one-third of the difference between the net salvage and the appraised or agreed value of the condemned animal. No such payment shall exceed fifty dollars for a registered bovine, or twenty-five dollars for an unregistered one. [1933 c. 140 s. 1, 5; 1935 c. 550 s. 133; 1939 c. 55; 1943 c. 229]

95.26 Brucellosis tested areas. (1) County areas for testing for the presence of Brucellosis shall be determined by the department in the same manner as provided in section 95.25 except that 75 per cent of the cattle owners in the county shall be required as signers upon such petition. All of the provisions of section 95.25 except subsection (8) shall apply to such work with like effect as though the words "Brucellosis" and "Bang's test" were substituted for the words "tuberculosis" and "tuberculin test".

(2) Area testing and retesting shall be discontinued any time after the expiration of one year from the final determination of the sufficiency of the original petition asking for such testing upon filing with the department a petition requesting such discontinuance signed by at least 65 per cent of the cattle owners (as disclosed by last assessment rolls) in such county.

(3) For each animal condemned and slaughtered, unless otherwise provided by law, the owner shall receive and, upon certificate of the department, the state shall pay one-third of the difference between the net salvage and the appraised or agreed value of the animal, but such payment shall not exceed \$50 for a registered animal and \$25 for an unregistered one.

(4) An owner of a herd outside of an area-tested county may qualify for such indemnity by entering into an agreement to place such herd under the co-operative supervision of the state and federal governments. The terms and form of such agreement shall be prescribed by the department. To protect the work already done in area-tested counties and supervised herds, the department may refuse to accept additional herds for supervision and additional counties for area-testing at any time when such action appears necessary to limit its program within the appropriations provided for indemnity. [1935 c. 550 s. 109, 134; 1945 c. 131]

95.27 Removing cattle from stockyards. No cattle shall be bought, sold or moved from a stockyard connected with a packing plant or located in the same city or town as a packing plant for the purpose of using them for dairy or breeding stock unless they have successfully passed the tuberculin test as required by order of the department. [1935 c. 550 s. 109, 135]

95.28 Milk from quarantined or tested herds. (1) Whenever any herd of cattle or any district shall be quarantined because of the existence therein of communicable animal disease, the department may order that no milk or milk product from such herd or district

shall be utilized in any creamery or cheese factory unless such milk or milk product has been pasteurized or sterilized in accordance with the standards or methods prescribed by the department.

(2) Whenever a majority of the patrons of any co-operative cheese factory or creamery, at a regular meeting of the association, shall vote to have their cows tuberculin tested, no milk shall, after a date to be fixed by the association, be accepted at such factory or creamery, except it comes from cows which have successfully passed such test. [1935 c. 550 s. 109, 136]

95.29 Labeling products from tested herds. (1) Whenever an entire county has been tested for bovine tuberculosis, and so long as all the owners of cattle therein shall comply with the law and the rules for the eradication of said disease, the department shall authorize the county clerk to issue to those engaged in the sale or manufacture of dairy products derived solely from such cattle a permit to label or mark said products as derived from cows which are free from said disease. The form of labels and marks shall be prescribed by the department. Every applicant for a permit shall file with the county clerk at the time the application is made a sworn statement to the effect that all products to be labeled or marked are derived from cows that have successfully passed the tuberculin test.

(2) Whenever all milk or cream delivered to any cheese factory or creamery shall come from tested herds, the owner or operator thereof may file a sworn statement with the department that to his best knowledge and belief all milk and cream received or used at his cheese factory or creamery comes from cows which have successfully passed the tuberculin test, and if the department is satisfied of the truth of said statement it shall issue to such cheese factory or creamery a permit to label or mark its dairy products in the manner above provided.

(3) All permits issued under this section shall be for the period ending December thirty-first of the year for which issued. All applications for permits under subsection (2) of this section shall be accompanied by a fee of ten cents for each cow to be included in the permit.

(4) No person shall use or cause to be used any such label or mark without a permit therefor. No person shall misuse or imitate the official label or mark furnished by the department, or make any material misstatement in the application for a permit or a renewal thereof. [1935 c. 550 s. 109, 137, 138; 1943 c. 401]

95.30 Option to quarantine or kill diseased animals. The owner of animals tested and found to be afflicted with bovine tuberculosis or Johne's disease shall be granted the option of retaining the animals in quarantine under such restrictions as the department may prescribe, or of shipping them under the auspices and direction of the department to some place designated by it for immediate slaughter under United States government inspection, or under the inspection approved by the department. [1935 c. 550 s. 109, 139; 1945 c. 131]

95.31 Slaughter of diseased animals. Whenever the owner shall not exercise the option mentioned in the preceding section, and it shall be deemed necessary by the department to slaughter diseased animals, either on the premises or at some designated abattoir or any other place for demonstration purposes, the representative of the department has authority to agree in writing with the owner as to the value of such animals; in the absence of such agreement, written notice shall be given to the owner, his agent, or the person in charge of such animals, and to a justice of the peace in the county in which the animals may be, of the purpose to order the slaughter thereof, giving the number and description of the animals, and the name of the owner. [1935 c. 550 s. 109, 140]

95.32 Valuation; appraisers; fees. (1) Such notice shall be entered on the docket by the justice who shall immediately thereafter notify such owner, agent or possessor of the animals, and summon three disinterested citizens of the county not residents of the immediate neighborhood in which the animals are owned or kept to appraise the value thereof. Every appraiser shall have had experience in the raising and care of live stock, and shall be familiar with the value of live stock, and competent to appraise the same. The appraisers shall, before entering upon the discharge of their duties, be sworn by the justice to make a true appraisal without prejudice or favor of the market value of such animals. The appraisers shall immediately make a verified report to the justice, giving the number of animals appraised, and the value of each, and if slaughtered on the premises, the appraisers shall certify in their return that they saw the appraised animals slaughtered.

(2) In making appraisal of an animal diseased with glanders, equine pernicious anaemia or dourine, the owner shall receive one-half of the appraised value, but in no case shall he receive to exceed seventy-five dollars.

(3) The appraisers shall receive two dollars a day for each day actually employed as such, which amount shall be paid out of the county treasury upon the certificate of the

justice by whom they were summoned. The justice of the peace and other officers who may perform any duty hereunder, shall have the same fees as are allowed by law in criminal proceedings in justice courts, and shall be paid by the county in which their services are performed. [1935 c. 550 s. 141]

95.33 Tubercular animals that do not react. Whenever in the opinion of the department a bovine is afflicted with tuberculosis, although failing to react to the tubercular test, such animal shall be condemned and the appraisal and all subsequent procedure shall be the same as in the case of reactors. [1935 c. 550 s. 109, 142]

95.34 Slaughter on premises. The slaughter of diseased animals on the premises of the owner shall be made under the supervision and direction of the department or an assistant. If upon inspection of the carcass it is found, according to rules of inspection of the United States bureau of animal industry, to be unfit for human food, the inspector shall destroy it or cause it to be buried and covered with a sufficient quantity of lime to destroy it. The hide shall be disinfected and otherwise cared for according to said rules. If the carcass is fit to be used for human food it may be disposed of in accordance with the provisions made by the department. [1935 c. 550 s. 109, 143]

95.35 Indemnity for slaughtered animals; United States and county co-operation. (1) In all types of disease control work conducted by the state without participation by the federal government, for each animal condemned and slaughtered the owner shall receive, and upon certificate of the department, the state shall pay one-half of the difference between the net salvage, if any, and the appraised or agreed value of the animal, but such payment shall not exceed \$90 for a registered animal and \$40 for an unregistered one.

(2) The department may co-operate and arrange with county boards and the United States department of agriculture, or with either, in the eradication of communicable diseases among domestic animals, so that each may pay and contribute such part of the cost of eradication or indemnity as shall be agreed upon. The county boards are authorized to appropriate funds for that purpose, and when appropriated shall be paid into the state treasury, added to the state appropriation and expended under the direction of the department.

(3) If registration papers or birth reports properly acknowledged by the breed organization are not presented at the time of the filing of any claim, the animal slaughtered shall be regarded as an unregistered bovine; but this shall not apply to an animal under the age of one year. [1935 c. 550 s. 109, 144; 1939 c. 55; 1945 c. 131]

95.36 Compensation to owners. The owners of animals condemned and slaughtered under the provisions of this chapter shall receive no indemnity therefor in the following cases:

- (1) Animals owned by the United States, this state or any county, city, town or village.
- (2) Animals brought into this state contrary to any provisions of law.
- (3) Animals which the owner at the time of coming into possession of them knew or had reason to believe to be afflicted with contagious or infectious disease.
- (4) Animals diseased at the time of arrival in this state.
- (5) Animals which the owner has negligently or wilfully exposed to contagious or infectious disease.
- (6) Animals brought into this state that fail to pass successfully the retests subsequent to importation as required by regulation of the department.
- (7) When the infected premises have not been disinfected, to the satisfaction of the department in such manner as to prevent the further spread of the disease.
- (8) Unless the animal condemned and slaughtered was owned by the claimant at least 30 days prior to the test which discloses the reaction.
- (9) Where the owner has received indemnity as a result of a former inspection or test, and has thereafter introduced into his herd any bovine contrary to law or the regulations of the department. [1935 c. 550 s. 109, 145; 1941 c. 24; 1945 c. 131]

95.37 Claims for indemnity. (1) Claims against the state arising from the condemnation of animals shall be made by delivering to the department, to be forwarded to the secretary of state, a copy of the condemnation notice, and of the notice to the justice of the peace and return of the appraisers to the justice, which return shall be certified by such justice, giving the name and place of residence of the owner, the date on which such animals were condemned and the tag number of each animal, and also a statement of the salvage received and of the sum due from the state and such additional information as the department shall require. In case the value was fixed by agreement the claim shall be made by delivering to the department to be forwarded to the secretary of state the agreement or a sworn copy thereof and a statement of the salvage received and of the amount due from the state and any additional information demanded. The department shall promptly transmit all claims to the secretary of state and accompany the same with a report of the sum due from the state and thereupon the claims may be audited and paid.

(2) Before any such claim is paid the owner shall agree in writing to test his entire herd sufficiently often to protect the same against the spread of communicable diseases therein. The frequency of such tests shall be determined by the department.

(3) Every claim for indemnity based on Brucellosis must be accompanied by an affidavit of the owner certifying that none of the animals on such claim have been treated with any biological product containing Brucella organisms except only official vaccines and animals which, subsequent to vaccination, returned to a negative status, which fact shall be established by a negative test conducted not less than 30 days prior to the test on which the claim for indemnity is based. [1935 c. 550 s. 109, 146; 1945 c. 131]

95.38 Altering records; tampering with ear tags. (1) It shall be unlawful for any person to in any manner change any test record, falsely record any test, misrepresent the identification of any animal or any other material fact on any test record, interstate health certificate, vaccination record, claim for indemnity, or any disease control report or application to the department. It shall be unlawful for any person to induce or to conspire with another, either directly or indirectly, to do any of the said prohibited acts.

(2) No person is permitted to in any way tamper with, insert or remove from the ear of any animal any ear tag or registration mark which is or may be used for identification in disease control work except upon authorization from the department. [1935 c. 550 s. 109, 147; 1945 c. 131]

95.39 Biological products. (1) It shall be unlawful for any person to sell, furnish, give away or supply any tuberculin or any biological product containing Brucella organisms for use in this state unless (a) the label on the container thereof states the name and address of the manufacturer and the date of expiration and (b) the vendor, within 15 days, report to the department the name of the recipient, the date and amount delivered.

(2) It shall be unlawful for any person to use or dispose of any tuberculin until assured in writing by the person from whom received that its sale or delivery to said person has been reported to the department. [1935 c. 550 s. 109, 148; 1945 c. 131]

95.40 Neutralizing cattle test. (1) No person shall use or cause to be used tuberculin or any other agent upon cattle, by injection or otherwise, for the purpose of preventing a proper reaction when a tuberculin test is made.

(2) No person shall at any time or in any manner apply tuberculin to any animal except for the purpose of applying a tuberculin test. The result of every such test shall be reported to the department. [1935 c. 550 s. 109, 149; 1945 c. 131]

95.41 Tuberculin; ear tags supplied. (1) The department shall furnish and distribute tuberculin and circulars containing the rules and regulations for applying the tuberculin test upon application to all persons authorized to make such test.

(2) The department shall provide ear tags to be used for identifying cattle tested for purposes of disease control, and shall distribute the same to persons authorized by the department to test cattle. Such distribution shall be made at a price sufficient to cover the cost of the tags and their distribution.

(3) The department shall furnish and distribute Brucella vaccine to approved veterinarians at cost. It shall require each veterinarian to report the identification of each animal treated with the product so furnished. It may refuse further distribution to any veterinarian who fails to so report or who has violated or failed to obey any law or regulation relating to disease control. [1935 c. 550 s. 109, 150, 151; 1945 c. 131, 506]

95.42 Revocation of permit to test. The tuberculin test shall be applied to cattle only by veterinarians approved by the department. The veterinarian applying such test shall tag and brand all reactors in conformity with the rules and regulations of the department. Any veterinarian who fails to comply with this section and the rules, regulations and instructions furnished by the department, shall forfeit all right to apply the tuberculin test. [1935 c. 550 s. 152; 1945 c. 131]

95.43 Application of Bang's test. (1) The Bang's test shall be applied to cattle only by approved veterinarians. Any veterinarian who fails to comply with the laws or regulations of the department relating to disease control may be denied such approval.

(2) Every veterinarian who applies the Bang's test shall promptly reactor tag and permanently mark all reactors in conformity with the law and the regulations of the department, and shall promptly report the result of each test to the department. [1935 c. 550 s. 109, 153; 1945 c. 131]

95.44 Inspection of live stock for shipments. (1) Inspection, examination or testing of live stock for interstate shipment shall be made in this state only by inspectors of the United States bureau of animal industry and inspectors authorized by the department.

(2) The department shall upon request for inspection and the testing of cattle for interstate shipment from this state cause such inspection and test to be made.

(3) Whenever such inspection and test shall be made by a veterinarian in the employ of the department, the person requesting the same shall pay therefor such fees as shall be determined by the department, which fees shall be substantially equivalent to the cost of such inspection and test. Such fees shall be paid to the inspectors before the certificate of inspection is delivered. All such fees shall be paid, within one week after receipt, into the state treasury. The department may require its inspectors to give such bonds as it may determine. [1935 c. 550 s. 109, 154; 1945 c. 131]

95.45 Interstate certificates; tests. (1) Tests to determine the health status of animals for the purpose of interstate shipment shall be made only by licensed graduate veterinarians approved by the department. Such veterinarians shall report the results of every such test to the department in triplicate.

(2) The department may refuse to approve any interstate health certificate requested by any person who is not a resident vendor, shipper or assembler.

(3) The department may refuse to approve any interstate health certificate requested by any applicant who has violated or failed to obey any law or regulation relating to disease control or has misrepresented or failed to disclose any material fact in relation to such certificate. [1935 c. 550 s. 109, 155; 1943 c. 401; 1945 c. 131]

95.46 Brucellosis vaccination. (1) Any or all animals in the herd of any owner may be vaccinated against Brucellosis when in the judgment of the attending veterinarian and the herd owner such treatment is necessary to prevent the spread of infection therein.

(2) Animals between the age of 4 months and 8 months may be vaccinated against Brucellosis in every type of herd.

(3) All animals between the age of 4 months and 8 months vaccinated by approved veterinarians shall be identified by a tattoo on the inner surface of the right ear of each such animal, using such symbols as the department may by regulation prescribe. All other animals vaccinated by any veterinarian shall be identified by punching in the right ear of each such animal a triangular shaped hole measuring at least one-half inch on each side, and a pass tag with serial number.

(4) All veterinarians shall use only vaccine produced under federal regulations, shall identify the vaccinates as required in subsection (3) and shall record in triplicate on forms prepared by the department such information as it may require. The veterinarian shall transmit one copy of such record to the department within 5 days, one copy to the owner of the animals, and he shall preserve one copy for his own file.

(5) It shall be unlawful for any person other than an approved veterinarian to treat any bovine animal other than those owned by himself with any biological product containing Brucella organisms. [1935 c. 550 s. 156; 1945 c. 131]

95.47 Official vaccinates. (1) The term "official vaccinate" as used in this chapter shall mean any animal which has been officially reported to the department as having been vaccinated when not less than 4 months nor more than 8 months of age by an approved veterinarian with a vaccine approved by the department and which was properly tattooed at the time of vaccination in the manner required by law or regulation of the department.

(2) Official vaccinates need not be identified as reactors during the period of 18 months following vaccination. [1935 c. 550 s. 157; 1945 c. 131]

95.48 Brucellosis indemnity restrictions. (1) No indemnity for Brucellosis shall be paid:

(a) On steers.

(b) On any animal unless reactor tagged and permanently marked as required by department regulation and unless the claim is accompanied by such proof, as the department may require, of (1) slaughter within the time limited, (2) actual salvage and (3) cleaning and disinfection of the premises.

(c) Except as provided in paragraph (d), on any animal vaccinated against Brucellosis, unless it can be established that such animal, subsequent to vaccination, returned to a negative status as established by a negative test conducted not less than 30 days prior to the test on which the claim is based.

(d) On animals officially vaccinated, until 18 months after vaccination. Unless any such animal was vaccinated and tattooed by an approved veterinarian and unless such vaccination was reported to the department, proof as required by paragraph (c) shall be required by the department before the claim is certified for payment.

(e) Except as provided in subsection (2), on any animal which was a member of a herd into which was introduced any animal which failed to first pass a completely negative Bang's test, except only official vaccinates not more than 24 months of age.

(f) Except as provided in subsection (2), on any animal other than official vaccinates which was a part of a herd any member of which, when more than 8 months of age, was treated with any biological product containing Brucella organisms.

(g) To any owner filing a claim for indemnity after July 1, 1945, unless he shall agree in writing that all heifer calves in his herd born after date of such agreement, while between the age of 4 months and 8 months will be vaccinated against Brucellosis by an approved veterinarian.

(2) Notwithstanding the provisions of subsection (1) (e) and (f), indemnity shall be paid on such animals if the reaction is disclosed on any test conducted subsequent to the elimination without claim of all reactors disclosed on a complete herd test conducted after the time of making any addition or treating any animal as therein described. [1935 c. 550 s. 109, 158; 1945 c. 131, 529]

95.49 Movement; sale. (1) Except as provided in subsections (2), (3) and (4), it shall be unlawful for any person to sell, transfer to other herds or to place on exhibition with other animals any bovine animal unless it is accompanied by a report of complete negative Bang's test conducted within 30 days.

(2) To preserve animals valuable because of blood lines or production records the department shall permit the sale and movement of animals which react to the Bang's test into herds containing reactors. Such permits shall be granted only upon the written application of the buyer and seller which shall include the identification of the animals to be moved and proof that the herd of the buyer does contain reacting animals. It shall be unlawful for any person to sell or transfer into other herds any animal which reacts in any degree to the Bang's test unless such animal is accompanied by such written permit from the department.

(3) An official vaccinate may be sold, transferred to other herds and placed on exhibition with other animals during a period of 12 months after vaccination if it is accompanied by a record of negative Bang's test conducted prior to vaccination or proof that such animal originates from a Bang's free herd.

(4) The department shall issue regulations relating to the movement of animals from Bang's negative herds and the movement of animals for immediate slaughter.

(5) Animals which have been vaccinated, and are negative to the Bang's test, may be advertised and sold as "Vaccinated—Bang's Negative."

(6) The department is authorized to issue regulations governing the importation of cattle from other states, the movement of cattle in area-tested counties, and the introduction of cattle into supervised herds. [1935 c. 550 s. 109, 159; 1945 c. 131]

95.495 [Repealed by 1945 c. 131]

95.50 Disposition of carcasses. (1) No person shall deposit or throw or allow to be deposited or thrown into any stream, lake or swale, or leave or deposit or cause to be left or deposited upon any public highway or other place the carcass of any animal; nor deposit or leave or permit to be deposited or left upon any premises under his control any dead animal exposed in such manner as to be reached by dogs or wild animals for a longer period than twenty-four hours in the months of April to November, inclusive, or forty-eight hours during the months of December to March, inclusive.

(2) No person shall transport, haul or drag or permit to be transported, hauled or dragged along any public highway in this state the carcass of any animal suspected of having died from anthrax, blackleg, foot and mouth disease, sleeping sickness or glanders, or any other disease which the department may designate as highly dangerous. All such carcasses shall be burned or be buried at least four feet below the surface of the ground, and shall be completely covered so as to prevent their being reached by wild animals or dogs. Whenever it is necessary to transport any such carcass across any public highway for burial, it shall be transported in such manner as not to contaminate any part of the public highway. The carcasses of animals dying from other communicable diseases may be transported to and disposed of in rendering plants under such regulations as shall be prescribed by the department.

(3) Any dead animal found upon a public highway or other public place shall, in case the owner of such animal cannot be found, be buried or otherwise disposed of at public expense by the proper health officer of the town, city or village wherein such animal is found. [1935 c. 550 s. 109, 160; 1939 c. 276]

95.51 Veterinary practice. (1) A person shall be deemed to be engaged in the practice of veterinary medicine and surgery who shall ask or receive directly or indirectly any pay or compensation for the treatment of any domestic animals, also menagerie animals, or any person who shall advertise or hold himself out to the public as a veterinary physician, surgeon or specialist, or who shall use the title "doctor", or who shall append to his name the letters V.S., M.D., D.V.S., or M.D.V.

(2) Except as hereinafter provided, no person shall practice veterinary medicine or surgery or any branch thereof without a license so to do and a valid certificate of registration issued by the department. Every form of violation shall constitute a separate offense as to each patient treated.

(3) A bona fide student in regular attendance at any veterinary college approved by the department may practice veterinary medicine and surgery under the direct supervision of a registered, licensed graduate veterinarian, but such practice shall be limited to a total of not more than 18 months.

(4) No person is prohibited by this section from castrating domestic animals, except horses and mules, from dehorning cattle, from treating sprains, cuts or other ordinary minor injuries; nor shall this section be construed to prohibit any person from treating diseases of domestic animals for compensation at any place which shall be 20 or more miles distant from the office or place of business of a practicing veterinarian. [1935 c. 550 s. 161; 1945 c. 294]

95.52 Examination; licenses. (1) Licenses to engage in the practice of veterinary medicine and surgery shall be issued only to persons who successfully pass an examination conducted under direction of the board of veterinary examiners to be appointed by the director of the department. The time and place of such examination shall be fixed by the board.

(2) No person shall hereafter be examined by the board unless (a) he shall have paid to the department \$15 in advance which in no case is returnable and (b) he shall present proof satisfactory to the board that he is 21 years of age and is a graduate of a veterinary college which has been approved by the American Veterinary Medical Association. [1935 c. 550 s. 109, 162; 1943 c. 229; 1945 c. 294]

95.53 Annual registration. Persons practicing veterinary medicine and surgery shall annually, before January 1 of each year register with the department and pay an annual registration fee of \$3. To such persons the department shall issue certificates of registration which shall cease to be valid on December 31 of the year for which issued. In case of the failure of any veterinarian to so register within the time required the board, in its discretion, for cause shown may permit registration at a later date upon request and payment of \$15 within one year from the date of default. [1935 c. 550 s. 163; 1945 c. 294]

95.54 Revocation. The department may, upon the recommendation of the board of veterinary examiners, and after a hearing as provided in section 93.18, suspend or revoke any veterinary license or certificate of registration for any professional misconduct, breach of duty or violation of law or rule or regulation of the department. Notice of the hearing and a copy of the complaint shall be served upon the licensee at least 20 days before the day set for hearing. [1935 c. 550 s. 109, 164; 1945 c. 294]

95.55 to 95.63 [Repealed by 1945 c. 294]

95.64 Live stock remedies; definition, sales. (1) The term "live stock remedy" as used in sections 95.64 to 95.66 shall include all devices, remedies, cures, tonics, powders, proprietary medicines, condimental feeds, medicated stock foods and similar preparations for the treatment or prevention of any disease of live stock, poultry or other domestic animals and administered internally for their stimulating, invigorating, curative or other powers; but excluding all medicines manufactured, sold and recommended primarily for human use.

(2) No person by himself, his servant or agent shall sell, offer or expose for sale or have in his possession with intent to sell any live stock remedy which is not registered as provided in section 95.65, or which:

- (a) Is sold under a name, brand or trade-mark which is misleading or deceptive;
- (b) Purports to cure Bang's disease (commonly called contagious abortion), hog cholera, fowl cholera, tuberculosis, foot and mouth disease, roup, white diarrhoea or any other disease of domestic animals for which no genuine cure is known;
- (c) Does not have printed or written upon the label of each package as sold at retail, in type not less than one-fourth the largest type on the package:
 1. The common name in English of all ingredients;
 2. The percentage of each diluent, filler or inert ingredient;
 3. A statement of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide or any derivative or preparation of any such substance contained therein;
 4. The net contents, by weight or measure, of such package;
 5. The name and principal address of the manufacturer or person responsible for placing such live stock remedy on the market;
- (d) Does not contain all the contents of the package as originally put up, without addition.

(3) No label of a package in which a live stock remedy is sold at retail shall state that the remedy has been registered by the department unless such statement is immediately followed in at least equally large and conspicuous type in the same color by the

words: "This statement does not indicate or imply directly or indirectly any indorsement by the department." [1935 c. 550 s. 109, 174; 1939 c. 322; 1943 c. 229]

95.65 Live stock remedies; registration; fee. (1) Upon application of the manufacturer or distributor and payment of the registration fee of six dollars for each remedy, the department shall register any live stock remedy which does not violate paragraphs (a) to (d) of subsection (2) or subsection (3) of section 95.64. Such registration shall expire December thirty-first unless sooner canceled or a change is made in the ingredients or formula of manufacture or in the name, brand or trade-mark under which such live stock remedy is sold. In the event of any such change, it shall be necessary to register such remedy again, and in the same manner as upon original application.

(2) The department may make regulations governing applications for registration, the submission of samples for analysis and all other matters necessary to give effect to this section, but no such regulation shall impose any requirement for registration other than as provided by this chapter.

(3) Each live stock remedy which is registered at the end of 1939 must be reregistered for the calendar year 1940; but the part of the fee proportionate to the then unexpired portion of one year from its last registration shall be credited toward its 1940 registration fee. [1931 c. 470 s. 6; 1935 c. 550 s. 175; 1939 c. 322; 1943 c. 401]

95.66 Samples. All samples for analysis shall be taken from stocks in the state, or intended for sale in the state, and the department may call upon the manufacturer or distributor applying for the registration of a remedy to supply samples thereof for analysis. [1935 c. 550 s. 176]

95.67 [Repealed by 1939 c. 322]

95.68 Construction of sections 95.64 to 95.66. If any provision of sections 95.64 to 95.66 is declared unconstitutional or the applicability thereof to any person, commodity or transaction is held invalid, the validity of the remainder of these sections and the applicability of such provision to other persons, commodities and transactions shall not be affected thereby. [1935 c. 550 s. 178; 1943 c. 229]

95.69 Penalties. Any person who shall violate any of the provisions of this chapter shall upon conviction for the first offense be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment in the county jail not less than 10 days nor more than 60 days, or by both such fine and imprisonment; and upon conviction for any subsequent offense by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail not less than 30 days nor more than 6 months, or by both such fine and imprisonment. [1935 c. 550 s. 179; 1937 c. 244; 1945 c. 131]

96.01 to 96.13 [Repealed by 1943 c. 179]