

## **Rule 40-13-6-.01      General**

### (1) Definitions

- (a) “Animal disease traceability” (ADT) means a program that is administered by USDA Animal and Plant Health Inspection Service, Veterinary Services (APHIS VS), with cooperation of the Georgia Department of Agriculture, that specifies animal identification and record keeping requirements for livestock moving interstate.
- (b) “Approved livestock auction market” means a livestock auction market or livestock sales establishment that must comply with all federal and state laws and requirements set forth by the Georgia Department of Agriculture. For purposes of the following rules and regulations, buying stations and livestock concentration points are treated as livestock sales establishments.
- (c) “Association” means a formal business association where a group of persons have united for the attainment of a specific purpose or common object.
- (d) “Authorized livestock auction market veterinarian” means an individual who is licensed to practice veterinary medicine in Georgia; accredited by the USDA APHIS VS; and authorized by the Georgia Department of Agriculture to perform prescribed and required duties at and for the livestock auction market. This individual is hired and compensated by the livestock auction market with the approval of the Georgia State Veterinarian.
- (e) “Biosecurity” means preventive measures designed to prevent the introduction or reduce the spread of harmful organisms.
- (f) “Electronic livestock sales” means sales of livestock, poultry, equines, and non-traditional livestock conducted by electronic means without the physical presence of buyer or seller and with no physical examination of the livestock performed by the buyer. Electronic livestock sales include internet and video sales.
- (g) “Farmer” means a person who raises livestock, poultry, equines, or non-traditional livestock; or a person who raises animals for agricultural purposes.
- (h) “Livestock” means cattle, swine, equines, sheep, and goats of all kinds and species.
- (i) “Livestock dealer” means any livestock auction market, person, or agent of such person or livestock auction market which engages in or facilitates, including by electronic means, the business of buying, selling, exchanging, or otherwise transferring ownership of livestock or non-traditional livestock within the state for his or her own account or for that of another. For purposes of the following rules and regulations, brokers and packer buyers are treated as livestock dealers. The term “dealer” does not include:
1. Farmers acquiring livestock solely for the purpose of grazing and feeding as part of their farm operations;
  2. Packers whose total annual purchases of livestock are less than \$50,000.00, and who buy only from licensed dealers and licensed sales establishments;

3. Persons selling only livestock of their own production or buying only for their own production; and

4. Persons auctioning livestock on behalf of a third party.

(j) “Livestock auction market operator” means any person or entity engaged in the business of operating a livestock sales establishment or a public auction or sale of livestock; or who houses livestock with the intended purpose of auction or sale.

(k) “Non-traditional livestock” means the species of the Order Artiodactyla listed as antelope, bison, buffalo, catalo, elk, deer other than white-tailed deer, and water buffalo; as well as members of the Camelidae family listed as camels, llamas, and alpacas that are held and possessed legally under the wild animal provisions of O.C.G.A. Title 27.

(l) “Official identification” means methods of species identification approved by the State Veterinarian. Backtags may be used as official identification only in circumstances outlined by the USDA ADT program or rules and regulations of the Georgia Department of Agriculture.

(m) “Person” means any person, firm, corporation, association, cooperative, or combination thereof.

(n) “Special livestock sale” means any livestock sale other than a regular sale at an establishment and any sale by a farmer of livestock owned by the farmer where direct payment is made to the farmer.

(o) “Surety” means a letter of credit, certificate of deposit, or other written instrument issued or executed by a lending institution or bonding, surety, or insurance company licensed to do business in this state, guaranteeing the faithful performance of the terms of the contract of purchase, including the payment of the purchase price of all livestock purchased by the holder of such instrument, made payable to the Commissioner for the benefit of persons sustaining loss resulting from the nonpayment of the purchase price or the failure to fulfill the terms of the contract of purchase.

(p) “Swine” means members of the species *Sus scrofa*.

1. “Domestic Swine” means swine breeds of the subspecies *Sus scrofa domesticus* commonly raised for meat production and housed in inside confinement.

2. “Transitional Swine” means domestic swine held in confinement in outside enclosures with increased risk of contact to feral swine.

3. “Non-traditional domestic swine” means swine, other than domestic swine, of recognized heritage breeds that are held in confinement.

4. “Feral Swine” means any hog which has lived any part of its life in a wild, free-ranging state and is currently in such state or has been taken.

## (2) Livestock Auction Market Operation and Facility Requirements

(a) Any new livestock, poultry, equine, or non-traditional livestock auction market desiring to commence operation and any existing livestock auction market desiring to

change sale day or days must write to the Commissioner of Agriculture for approval. Approval is contingent upon available Department personnel.

(b) All livestock, poultry, equine, or non-traditional livestock auction markets, buying stations, and concentration points must be kept in a good state of repair, in a clean and sanitary condition, and must be disinfected as needed. Cleaning and disinfecting equipment, including disinfectants, must be maintained on the premises at all times.

(c) All species offered for sale through Georgia livestock auction markets must be healthy. If animals have entered the market and are showing signs of an illness classified as a reportable animal disease under Georgia Department of Agriculture regulations, the Department Livestock Inspector must be notified. The Department Livestock Inspector will determine the disposition of the affected animal and all animals penned or closely associated with the diseased animals in a manner consistent with Department policy. Such animals may be held separate and may be released for slaughter as permitted by the State Veterinarian

(d) All livestock auction markets must maintain isolation pens to ensure separation of diseased animals from other animals in the market and maintain biosecurity.

(e) All livestock auction markets must establish a biosecurity plan covering all applicable species.

(f) Market toilet facilities must be provided and maintained in a clean and sanitary condition.

(g) Adequate lighting must be provided throughout all livestock auction market facilities.

(h) Adequate pens and chutes must be provided by the livestock auction market for carrying out livestock disease control measures and maintaining biosecurity. Adequate space and facilities must be provided for veterinary services, Department inspection activities, and any required laboratory tests. Facilities must be kept in a clean and sanitary condition. The laboratory must be equipped with hot running water, and the room temperature of the laboratory must be maintained within a temperature range of 50-80 degrees Fahrenheit.

(i) Each livestock auction market must make adequate provisions to isolate, insofar as practical, the auctioneer, weigher, clerk, and any other employee who has any duty in regard to making any record of the sale; and an individual must not interfere with any such employee while he is performing any duty in connection with the sale.

(j) Each livestock auction market must be responsible for entering on a receiving ticket the license of all trucks which unload livestock at the market as determined by the State Veterinarian.

(k) Livestock auction markets must maintain adequate records of all transactions including the complete name and address of the seller, purchaser, and livestock dealer that buy or sell at the establishment. These records must be made available within 48-72 hours of request to authorized personnel of the Georgia Department of Agriculture. All records must be retained for five years except the records of swine transactions, which must be retained for two years.

(l) All electronic sales of livestock must meet the same requirements as an approved livestock auction market.

(m) For purposes of this Chapter, buying stations must meet the same requirements as livestock auction markets or sales establishments.

Authority: O.C.G.A. Secs. 4-4-2, 4-4-82, 4-4-112, 4-5-7, 4-6-5, 4-6-6, 4-6-7, 4-6-51.

#### **Rule 40-13-6.02 Special Livestock Sales**

(1) Any person desiring to hold a special sale must apply in writing to the State Veterinarian for a Special Sale Permit at least 21 days prior to the sale date. The permit will be granted without charge upon submission of proof satisfactory to the Commissioner that the applicant applying for the Special Sale Permit has sufficient surety in an amount established in a memorandum of understanding with the Department.

(a) Associations holding sales of animals consigned by its members will not be required to procure surety provided the directors of the association accept full responsibility for financial obligations of the sale and release the Commissioner of Agriculture from any financial responsibility. A resolution supplied by the Department must be completed by the directors of the association and received by the Department prior to the Special Sale Permit being issued.

(2) A farmer holding a sale, either production or dispersal, of his or her livestock for direct payment to the seller of such livestock is not considered a special sale, even when the sale is organized and advertised to the public or an auctioneer is utilized. The producer holding such sale must apply in writing to the State Veterinarian for a Notice of Sale Permit at least 21 days prior to the sale date. No surety is required for this type of producer sale.

(3) A private sale of livestock between two individuals does not require a permit or surety.

(4) Georgia 4-H clubs and Georgia Future Farmers of America chapters are not required to procure surety.

Authority: O.C.G.A. Sec. 4-6-7, 4-6-52.

#### **Rule 40-13-6.03 General Identification Requirements for Animals Moving Through Georgia Livestock Auction Markets**

(1) All back tags and other forms of official identification must be applied in accordance with instructions issued by the Department. The livestock auction market must provide necessary facilities for carrying out this requirement.

(2) Animals received directly at slaughter establishments must also be back tagged in accordance with provisions of this section and blood samples may be obtained and forwarded to the Georgia Department of Agriculture along with the name and address of the seller of such animals.

Authority: 4-4-2.

**Rule 40-13-6-.04 Cattle Movements Through Livestock Auction Markets**

(1) All cattle offered for sale at livestock auction markets must be healthy and must originate from herds apparently free of any contagious, infectious, or communicable disease.

(2) Cattle showing visible symptoms of disease must be isolated from apparently healthy cattle and consigned to slaughter, euthanized with proper disposal, or returned to the farm of origin under quarantine. Such cattle must be accompanied by a Georgia 29 permit or VS Form 1-27.

(3) All cattle moving through livestock auction markets must be individually identified with official USDA back tags furnished by the Georgia Department of Agriculture or the United States Department of Agriculture or other identification method approved by the State Veterinarian.

(a) Beef cattle 18 months of age or older must be officially identified using a National Uniform Eartagging System (NUES) ear tag or official USDA 840 Radio Frequency Identification Device (RFID) ear tag or other identification method approved by the State Veterinarian.

(b) All dairy cattle must be officially identified using a NUES ear tag or official USDA 840 RFID ear tag or other identification method approved by the State Veterinarian.

(c) Cattle moving directly to slaughter may move on a back tag alone.

(d) Cattle identified with an out-of-state USDA back tag must have the out-of-state back tag removed and replaced with a Georgia back tag. Both tag numbers must be recorded on the consignor's ticket.

(4) Cattle from out-of-state moved through Georgia livestock auction markets must meet interstate movement health requirements with the following exceptions:

(a) If the state of Georgia enters into a reciprocal agreement with other states, cattle may be moved in accordance with the provisions contained in such agreement.

(b) Cattle from a Designated Disease Surveillance Area or any area of high risk as determined by the State Veterinarian are subject to special import requirements. The Georgia State Veterinarian's Office may be contacted regarding such requirements.

Authority: O.C.G.A. Secs. 4-4-64, 4-4-67.

**Rule 40-13-6-.05 Swine Movements Through Livestock Auction Markets**

(1) All swine offered for sale at livestock auction markets must be healthy and must originate from herds apparently free of any contagious, infectious, or communicable disease.

(2) All swine must be individually, officially identified using a method approved by the State Veterinarian.

(3) Feral swine must not enter licensed livestock auction markets unless by special permission of the State Veterinarian.

- (4) Non-traditional domestic swine breeds may enter livestock auction markets, provided they are accompanied by breed registration documentation.
- (5) Slaughter sales: All sales through such markets must be for slaughter purposes only and must not be diverted.
- (a) Light sows and boars and odd lot swine under 300 pounds sold through markets must be moved on a Georgia 29 permit or Form VS 1-27.
  - (b) All slaughter swine must be officially identified using an official USDA National Uniform Eartagging System (NUES) ear tag or an official USDA 840 Radio Frequency Identification Device (RFID) ear tag, and USDA official back tag or a method approved by the State Veterinarian. The livestock auction market must furnish the Department the complete name and address of the persons selling such animals.
- (6) Feeder/breeder sales: All swine offered for sale at these markets must be separate from slaughter swine and must be healthy and must originate from herds that are apparently free of any contagious, infectious, or communicable disease. All breeder swine six months of age or older must be officially tested negative for brucellosis and pseudorabies to move from the sale to the buyer's farm. Swine purchased at these sales will automatically be quarantined to the premises of destination until official negative test results are obtained, and the swine are released by the State Veterinarian. All breeder swine and feeder swine must be identified by a USDA back tag and an official USDA NUES ear tag or an official USDA 840 RFID ear tag.
- (7) Swine showing visible symptoms of disease must be isolated from apparently healthy swine and consigned to slaughter, euthanized with proper disposal, or returned to the farm of origin under quarantine. Such swine must be accompanied by a Georgia 29 permit or VS Form 1-27.
- (8) Out-of-state swine moving to approved livestock establishments in Georgia must meet all interstate requirements, except where reciprocal agreements exist with other states.
- (9) The State Veterinarian may require or prohibit the treatment of swine with any biological as required by the Georgia Department of Agriculture.

Authority: O.C.G.A. Secs. 4-4-64, 4-4-67.

#### **Rule 40-13-6-.06      Goats and Sheep Movement Through Auction Markets**

- (1) All goats and sheep offered for sale at livestock auction markets must be healthy and must originate from herds apparently free of any contagious, infectious, or communicable disease. Any of these animals offered for sale at livestock auction markets showing visible symptoms of disease must be isolated from apparently healthy goats or sheep and consigned to slaughter, euthanized with proper disposal, or returned to the farm of origin under quarantine. Such goats or sheep must be accompanied by a Georgia 29 permit or VS Form 1-27. Quarantine will remain in effect until released by the State Veterinarian.
- (2) Out-of-state goats and sheep moving through approved livestock facilities in Georgia must meet all interstate requirements except where a reciprocal agreement exists with other states.

(3) All goats and sheep must be individually identified with tags or approved methods in compliance with the Official USDA Scrapie Program. One official back tag must be applied to the head of the goats or sheep within three inches on either side of the poll. Sheep and goats younger than 12 months may have the back tag placed on the shoulder instead of the head.

Authority: O.C.G.A. Secs. 4-4-64, 4-4-67.

#### **Rule 40-13-6-.07 Poultry Movement Through Auction Markets**

(1) All poultry offered for sale through Georgia markets must be healthy and originate from flocks apparently free of any contagious, infectious, or communicable disease. Any poultry that shows signs of illness must not be allowed entry to the sale and may be returned to the farm of origin under quarantine. Quarantine will remain in effect until released by the State Veterinarian.

(2) Out-of-state poultry may move freely through Georgia poultry markets provided they meet all interstate requirements except where a reciprocal agreement exists with other states.

(3) Each poultry sales market must have a written biosecurity plan and a poultry disposal method or facility approved by the Georgia Department of Agriculture.

Authority: O.C.G.A. Secs. 4-4-81, 4-4-82, 4-4-83.

#### **Rule 40-13-6-.08 Equine Movement Through Auction Markets**

(1) All equine offered for sale at Georgia auction markets must be healthy and originate from herds that are apparently free of any contagious, infectious, or communicable disease. Any of these animals showing signs of illness must not be allowed entry to the sale and may be quarantined to the farm of origin. Quarantine will remain in effect until released by the State Veterinarian.

(2) All equine offered for sale through Georgia auction markets must be accompanied by the original negative equine infectious anemia (EIA) laboratory test record issued within the past 12 months.

(3) Out-of-state equine must be accompanied by the original negative equine infectious anemia (EIA) laboratory test record issued within the past 12 months and a Certificate of Veterinary Inspection issued within 30 days of arrival.

(4) Equine that are offered for sale at Georgia auction markets that exhibit clear signs of abuse or starvation may be impounded in accordance with the Georgia Humane Care for Equines Act upon approval of the State Veterinarian.

(5) A person must not use drugs, tranquilizers or medication which may conceal defects, falsely enhance the appearance of quality or otherwise result in misrepresentation in sale of an equine animal.

(6) All equines must be individually identified with a USDA or Georgia Department of Agriculture approved tag, painted identification, ISO compliant microchip, or other identification method approved by the State Veterinarian.

Authority: O.C.G.A. Sec. 4-6-2.

**Rule 40-13-6.09 Non-traditional Livestock Movement Through Auction Markets**

(1) All non-traditional livestock offered for sale at livestock auction markets must be healthy and must originate from herds apparently free of any contagious, infectious, or communicable disease. Any of these animals offered for sale at auction markets showing signs of illness must not be allowed entry to the sale and may be quarantined to the farm of origin. Quarantine will remain in effect until released by the State Veterinarian.

(2) Out-of-state non-traditional livestock moving through approved livestock facilities in Georgia must meet all interstate requirements except where a reciprocal agreement exists with other states.

(3) All non-traditional livestock must be individually identified by an approved official USDA back tag and a USDA National Uniform Eartagging System (NUES) ear tag, official USDA 840 Radio Frequency Identification Device (RFID) ear tag, ISO compliant microchip, or method approved by the State Veterinarian.

Authority: O.C.G.A. Secs. 4-4-64, 4-4-67.

**Rule 40-13-6.10 Veterinary Services**

A veterinarian licensed in Georgia and USDA Category II accredited in the state of Georgia shall must be selected by the auction market as required by the State Veterinarian to provide the required veterinary services at the market. Such veterinarians must be approved by the Georgia Department of Agriculture in writing. It will be the responsibility of the approved veterinarian to personally perform all veterinary services required by the Department at the market and such inspection services as may be necessary regarding sanitation and final inspection and disposition of abnormal animals. Veterinary services must be at the market's expense.

Authority: O.C.G.A. Secs. 4-6-2, 4-6-7.

**Rule 40-13-6.11 Livestock Inspector**

(1) The Georgia Department of Agriculture will provide a livestock inspector to each sale, whose duty will be to enforce rules and regulations outlined in this chapter.

(2) The inspector will determine normal and abnormal animals. Abnormal animals must be held for examination by the authorized market veterinarian. Abnormal animals must be returned to the farm of origin or sent to slaughter as determined by the State Veterinarian.

(3) Any person who assaults or threatens to assault any livestock inspector or other employee of the Georgia Department of Agriculture, in addition to being subject to punishment as provided by law, will also be subject to having such license and/or permit held by the individual revoked, canceled, or suspended by the Commissioner of Agriculture of the state of Georgia.

Authority: 4-4-2, 4-4-61, 4-6-7, 4-4-75.

**Rule 40-13-6.12 Handling of Livestock**

(1) All livestock in a livestock auction sales establishment must be handled, graded, sorted, and sold, including loading and unloading, in a humane manner and method as to prevent damage to the livestock by bruising or other injury.

(2) Any livestock that die on sale premises must be disposed of in accordance to the rules of Georgia's Dead Animal Disposal Act.

Authority: O.C.G.A. Secs. 4-5-3, 4-6-7, 4-6-54.

**Rule 40-13-6.13 Enforcement**

Any person violating the provisions of this chapter will be guilty of a misdemeanor.

Authority: O.C.G.A. Secs. 4-4-75, 4-4-84, 4-6-10, 16-10-20.