

## **CHAPTER 36-15 BOVINE TUBERCULOSIS AND BRUCELLOSIS**

### **36-15-01. Definitions.**

In this chapter, unless the context or subject matter otherwise requires:

1. "Animals" means bovine animals or bison.
2. "Board" means the state board of animal health.
3. "Diseased", when used to describe any animals, means animals infected with either bovine tuberculosis or brucellosis.
4. The singular of any term imports the plural and the plural of any term includes the singular.

### **36-15-02. Notice of condemnation of diseased animal - Animal to be destroyed within fifteen days - Extension of time.**

Whenever any animal has been adjudged by the board to be infected with bovine tuberculosis or brucellosis, the board or its authorized agent shall serve a written notice of its decision upon the owner or keeper of the animal before the condemned animal is killed. The animal must be destroyed within fifteen days after notice of condemnation, in either a federal-inspected or state-inspected slaughtering plant, or under the supervision of an agent of the board. The fifteen-day period may be extended by the state veterinarian if that person deems it advisable due to the circumstances involved in each case, and the extension must be in writing. The notice must advise the owner or keeper of that person's right to protest against the diagnosis and determination of the board within twenty-four hours after the service of the notice upon that person. If no protest is made within such time by the owner or keeper of the condemned animal, it must be appraised in the manner provided in this chapter.

### **36-15-03. Animal condemned as diseased to be appraised by board - Notice to owner.**

Repealed by S.L. 2001, ch. 316, § 10.

### **36-15-04. Protest of board's appraisal - Board of appraisers appointed - Appraisal to be final.**

Repealed by S.L. 2001, ch. 316, § 10.

### **36-15-05. Maximum valuations of diseased animals.**

Repealed by S.L. 1961, ch. 246, § 6.

### **36-15-06. Fees of appraisers - How paid.**

Repealed by S.L. 2001, ch. 316, § 10.

### **36-15-07. Owner of condemned animal may protest diagnosis of board.**

Repealed by S.L. 2001, ch. 316, § 10.

### **36-15-08. Owner entitled to compensation for animal infected with tuberculosis or with paratuberculosis - Board of animal health may make rules governing payments.**

Repealed by S.L. 1999, ch. 317, § 28.

### **36-15-08.1. Animals with brucellosis or bovine tuberculosis - Compensation - Rules governing payments.**

If the board determines that an animal is so seriously infected with brucellosis or bovine tuberculosis as to warrant disposal of the animal and of all other exposed animals, the board may approve indemnity payments, as funds are appropriated, for the animals in accordance with the limits set in section 36-14-27. The board may adopt rules governing indemnity payments under this chapter.

**36-15-09. Return of appraisal - Payment of claims for diseased animals.**

Repealed by S.L. 2001, ch. 316, § 10.

**36-15-10. Salvage to be deducted from amount paid to owner of condemned animal.**

Any money realized from the sale of the whole or any part of a diseased animal killed under the provisions of this chapter may be paid to the owner of the condemned animal and the amount thereof deducted from the appraised value of such animal.

**36-15-11. Owner of diseased animals may not be indemnified - Cases.**

Repealed by S.L. 2001, ch. 316, § 10.

**36-15-12. Bovine tuberculosis fund and brucellosis fund to be maintained.**

Repealed by S.L. 1999, ch. 317, § 28.

**36-15-13. Testing of cattle in township for bovine tuberculosis and for brucellosis - Petition.**

Repealed by S.L. 1989, ch. 425, § 32.

**36-15-14. Animals not to be permitted to enter state or area circumscribed by board for testing purposes.**

The state veterinarian shall enforce the tuberculin testing or the brucellosis testing of all animals entering the state as prescribed by rule or in a circumscribed area as established by the board in accordance with the provisions of this chapter providing for the eradication of bovine tuberculosis or brucellosis, as the case may be, and the rules of the board relating to eradication. Whenever a circumscribed area is established by the board as an area in which all animals are to be tuberculin tested or brucellosis tested, as the case may be, and the test is undertaken under the direction of the board, no other animals may be permitted to enter the area except under a special permit and restrictions provided by the board unless:

1. If the animals in the area are to be tuberculin tested, the animals entering the area have been tuberculin tested under the direction of an agent of the board or are accompanied by a proper tuberculin test certificate.
2. If the animals in the area are to be brucellosis tested, the animals entering the area have been brucellosis tested under the direction of an agent of the board or are accompanied by a proper brucellosis test certificate.

**36-15-15. Testing for tuberculosis or for brucellosis without petition - When permitted.**

Repealed by S.L. 1989, ch. 425, § 32.

**36-15-16. Transportation to agents of board may be furnished by county or township.**

Repealed by S.L. 1989, ch. 425, § 32.

**36-15-17. Tuberculin and brucellosis testing of entire county may be enforced under certain conditions.**

Repealed by S.L. 1989, ch. 425, § 32.

**36-15-18. Retesting in modified accredited tuberculosis-free county.**

Repealed by S.L. 1989, ch. 425, § 32.

**36-15-19. Penalty for violation of provisions relating to testing of animals.**

Any person who attempts to prevent the board or the commissioner from carrying out this chapter, or who violates any of the provisions of this chapter relating to the testing of animals, is guilty of an infraction.

### **36-15-20. Brucellosis vaccination of calves.**

Repealed by S.L. 1973, ch. 276, § 2.

### **36-15-21. Calfhood vaccination against brucellosis required - Penalty.**

1. A person may not bring into this state or receive from outside this state any female cattle over the maximum vaccination age prescribed in the brucellosis eradication uniform methods and rules approved by the United States department of agriculture's animal and plant health inspection service unless the cattle have been officially calfhood vaccinated against brucellosis or a waiver has been granted by the board in accordance with section 36-15-21.1. This subsection does not apply if the cattle originate from a free state, a United States possession, or a Canadian province or territory, which does not place requirements on North Dakota-origin female cattle regarding calfhood brucellosis vaccinations or brucellosis testing before entry.
2. A person who brings female cattle into this state from a reciprocating free state, United States possession, or Canadian province or territory shall prove that the cattle were located in that state, possession, province, or territory for a period of at least sixty days.
3. For purposes of this section, "officially calfhood vaccinated" means a female bovine vaccinated against brucellosis as prescribed in the brucellosis eradication uniform methods and rules approved by the United States department of agriculture's animal and plant health inspection service.
4. In addition to other penalties provided in this chapter, a person who violates this section is guilty of a class A misdemeanor.

### **36-15-21.1. Calfhood vaccination against brucellosis - Waiver of requirements.**

1. The board may waive the requirement set forth in section 36-15-21 if the person requesting the waiver obtains a form from the state veterinarian and submits the completed form to the board.
2. As a condition of granting the waiver, the board may require disease testing, vaccination, quarantine, and reporting, as well as any other actions the board determines necessary to protect the health and safety of domestic animals or nontraditional livestock.
3. If the board does not grant the application for waiver within one hundred twenty days from the date the application is received by the board, the application is deemed denied.
4. Any person aggrieved by a decision of the board has the right to receive an administrative hearing if the person files a written request for a hearing with the board within ten days from the date on which the board's determination regarding the waiver is received by the applicant or, if no response is received by the applicant, within ten days from the date the application is deemed denied under this section.

### **36-15-22. Enforcement orders - Administrative hearing - Penalty.**

1. The board may order animals brought into the state which are not in compliance with the provisions of this chapter to be returned to their state of origin, or in the alternative, the board may order the animals to be slaughtered or destroyed.
2. If, after a hearing, the board finds that a person has brought, kept, or received animals in this state and the animals are not in compliance with the provisions of this chapter or rules adopted under this chapter, a civil penalty not to exceed five thousand dollars per violation may be assessed against that person.

### **36-15-23. Disease testing of livestock - Reimbursement for loss.**

1. A livestock owner may file a claim with the state board of animal health seeking partial reimbursement for the value of any livestock that died as a direct result of official disease testing required by the state veterinarian and conducted on the owner's herd

or flock by the state veterinarian or the state veterinarian's designee on or after July 1, 2011.

2. The board shall evaluate each claim in the order of filing. If the board determines that a claim is meritorious, the board shall provide reimbursement to the owner in an amount not exceeding five hundred dollars per animal. A decision by the board regarding the animal's cause of death or the amount of reimbursement is final.
3. After expending all biennial appropriations for the provision of reimbursements under this section, the board may not accept any additional claims.