

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 32 BRANDS, OWNERSHIP, AND TRANSPORTATION OF ANIMALS
PART 2 BRANDING OF LIVESTOCK

21.32.2.1 ISSUING AGENCY: New Mexico Livestock Board.
[21.32.2.1 NMAC - Rp, 21.32.2.1 NMAC, 7/16/2024]

21.32.2.2 SCOPE: All owners, transporters, or handlers of livestock in the state of New Mexico and those that apply to bring livestock into the state for any reason. Additional requirements for livestock owners governing livestock business activities can be found in 21.30, 21.33, and 21.35 NMAC.
[21.32.2.2 NMAC - Rp, 21.32.2.2 NMAC, 7/16/2024]

21.32.2.3 STATUTORY AUTHORITY: Section 77-2-7 NMSA 1978.
[21.32.2.3 NMAC - Rp, 21.32.2.3 NMAC, 7/16/2024]

21.32.2.4 DURATION: Permanent.
[21.32.2.4 NMAC - Rp, 21.32.2.4 NMAC, 7/16/2024]

21.32.2.5 EFFECTIVE DATE: July 16, 2024 unless a later date is cited at the end of a section.
[21.32.2.5 NMAC - Rp, 21.32.2.5 NMAC, 7/16/2024]

21.32.2.6 OBJECTIVE: To establish rules governing branding of livestock in New Mexico.
[21.32.2.6 NMAC - Rp, 21.32.2.6 NMAC, 7/16/2024]

21.32.2.7 DEFINITIONS:

- A. "Board"** means the New Mexico livestock board.
 - B. "Confined feeding"** shall include a dairy calf or dairy heifer growing facility, in which the owner must have a general permit for concentrated animal feeding operations under the national pollution discharge and elimination system (NPDES) of the United States environmental protection agency.
 - C. "Dairy"** means a cattle facility in New Mexico where the primary business is milking cows and the owner has been issued a milk permit number by the New Mexico department of agriculture (NMDA) and includes any confined feeding facilities, which are part of the dairy or the dairy owner's operation under the NMDA permit number.
 - D. "Dairy Cattle"** means cattle of one of the dairy breeds developed chiefly for milk production.
 - E. "Director"** means the executive director of the New Mexico livestock board.
 - F. "EID"** means official electronic identification, to include radio frequency identification tag.
 - G. "Feedlot"** means a confined feeding facility in New Mexico where the primary business is that of feeding cattle for slaughter. For the purposes of 21.32.2.10 NMAC below, the owner must have, for the feedlot, a general permit for concentrated animal feeding operations under the national pollution discharge and elimination system (NPDES) of the United States environmental protection agency.
 - H. "Inspector"** means any duly authorized or commissioned officer of the livestock board.
 - I. "Livestock or animal"** means horses, asses, mules, cattle, bison, sheep, or goats.
 - J. "New Mexico Livestock"** means any livestock raised or pastured or fed within the state of New Mexico.
 - K. "Person"** means an individual, partnership, association, or operation.
- [21.32.2.7 NMAC - Rp, 21.32.2.7 NMAC, 7/16/2024]

21.32.2.8 BRANDING OF LIVESTOCK:

A. Branding of cattle: All cattle in the state of New Mexico shall be required to be branded with a recorded New Mexico brand, excepting calves with branded mother, registered animals, which are identified by a proper registration mark and whose owner has been issued a certificate of brand exemption for the registered herd, and dairy cattle, which are identified in accordance with the provisions of 21.32.2.9 NMAC, and cattle in a feedlot, which are identified in accordance with the provisions of 21.32.2.10 NMAC.

B. Identification of equines: All equines shall be required to be branded with a New Mexico recorded brand, or identified by a horse identification card (Form 1-H or 1HA) showing individual markings, scars, etc.

C. Branding of sheep and goats: All owners of sheep and goats in the state of New Mexico shall be required to have a wool/hair brand registered in the office of the New Mexico livestock board and such brand is to be the sole property of the recorded owner. The brand may be applied by means of paint, chalk, hot iron, tattoo, or ear tags. Additionally, earmarks may be used as a means of identification and, if used as a means of identification, the earmark must be recorded in conjunction with the recorded brand. The board, at its discretion, may immediately halt the use of earmarks as a means of identification and require branding, tattooing, or ear tagging of all sheep and goats.

D. All sheep and goats being moved, transported, driven, or otherwise transferred from one premises to another or all of those presented for or requiring inspection, shall be required to bear a recorded means of identification. All such sexually intact sheep and goats, regardless of age and wethers of either species 18 months of age and older must also be identified with a permanent official identification device or a permanent method approved by USDA for use in the scrapie program unless the animals are under 18 months of age and are moving directly or through a slaughter only sale to slaughter or to a terminal feedlot or are animals of any age moving for management purposes to another premises also rented or owned by the flock owner without a change of ownership.

E. Sheep and goats destined for show or exhibition shall be exempt from paint, chalk, or fire brand regulations, provided such sheep and goats are identified with a permanent official identification device or permanent method approved by USDA for use in the scrapie program. Exhibition livestock, to include sheep, goats, cattle, and swine may be identified with an official EID tag and will be an accepted means of identification. Cattle will still be required to have a New Mexico registered brand. Exhibition cattle with an official EID tag may be inspected for ownership and transportation on a Form 1 inspection that may be used for the entire shown season for that calendar year. Any transfer of ownership of livestock on those forms will require the issuance of a new Form 1.

F. Nothing herein shall exempt any owner of livestock from possessing necessary bills of sale or proof of ownership for their livestock and presenting proof of ownership upon request.
[21.32.2.8 NMAC - Rp, 21.32.2.8 NMAC, 7/16/2024]

21.32.2.9 ALTERNATIVE TO BRANDING CATTLE IN A NEW MEXICO DAIRY

A. In accordance with Subsection F of 77-9-3, NMSA 1978, of the Livestock Code of New Mexico, the alternate means of identification for dairy cattle shall be the use of plastic ear tags that meet the following specifications and contained information:

- (1)** The tag must not be smaller than a medium sized tag that measures two and one-half inches by three inches (2 1/2" x 3"); and
- (2)** Has lettering not smaller than one-fourth of an inch (1/4"); and
- (3)** Is solid color with contrasting color for lettering; and
- (4)** Is factory engraved with the brand owner's name, a correct facsimile of the owner's New Mexico registered brand, or the New Mexico department of agriculture milk permit number.

B. Owners of dairy cattle may elect to use the alternative method of identifying cattle in their dairy, or other confined feeding operation in which ownership has not changed, after having received permission from the board to do so. The owner must first request permission to use the alternative and the board may grant that permission after confirming the owner understands the minimum requirements for the alternate form and its proper use.

C. The board shall record the owner's permission and keep record of those owner's that have requested and been granted permission to use the alternative form of identification allowed by law and this section. For registering the alternative, the board shall charge a fee equal, and in addition, to the fee for recording the New Mexico registered brand of the owner of the cattle. The registered brand and the alternative shall be re-recorded separately at the time of the re-recording.

D. The owner of the dairy must ensure that the ear tags used throughout their dairy are consistent as to lettering, information, and layout. Within a dairy, variations in color, size, and individual animal number placed upon the tag are acceptable, provided that the tags meet the minimum requirements of 21.32.2.9.A NMAC.

E. The appointed board has the right to revoke an owner's permission to use the alternate method of identification after a hearing and upon presentation of evidence finds just cause to do so.

F. Cattle that are removed from the dairy for pasturing in New Mexico shall be branded in accordance with Section 77-9-3, NMSA 1978, prior to removal.

G. Nothing herein shall exempt any owner of livestock from possessing necessary bills of sale or

proof of ownership for their livestock and presenting proof of ownership to an inspector, or agent of the board, upon request.

H. An EID tag will also be accepted as an alternate means of identification for cattle in New Mexico dairy.

[21.32.2.9 NMAC - Rp, 21.32.2.9 NMAC, 7/16/2024]

21.32.2.10 ALTERNATIVE TO BRANDING CATTLE IN A NEW MEXICO FEEDLOT:

A. In accordance with Subsection F of 77-9-3, NMSA 1978, of the Livestock Code of New Mexico, the alternate means of identification for cattle in a feedlot shall be the use of plastic eartags that meet the following specifications and contained information:

(1) The tag must not be smaller than a medium sized tag that measures two and one-half inches by three inches (2 1/2" x 3"); and

(2) Has lettering not smaller than one-fourth of an inch (1/4"); and

(3) Is solid color with contrasting color for lettering; and

(4) Is factory engraved with the brand owner's name or a correct facsimile of the owner's New Mexico registered brand.

B. In order to qualify for use of the alternative to branding, the feedlot where the alternative is to be used must have a general permit for concentrated animal feeding operations under the national pollution discharge and elimination system of the U.S. environmental protection agency.

C. Owners of cattle in a feedlot may elect to use the alternative method of identifying their cattle after having received permission from the board to do so. The owner must first request permission to use the alternative and the board may grant that permission after confirming the owner understands the minimum requirements for the alternate form and its proper use.

D. The board shall record the feedlot owner's permission and keep record of those owner's that have requested and been granted permission to use the alternative form of identification allowed by law and this section. For registering the alternative, the board shall charge a fee equal, and in addition, to the fee for recording the New Mexico registered brand of the owner of the cattle. The registered brand and the alternative shall be re-recorded separately at the time of the re-recording.

E. The owner of the feedlot must ensure that the eartags used throughout their feedlot are consistent as to size, lettering, information, and layout. Variations in color and individual animal number placed upon the tag are acceptable.

F. The appointed board has the right to revoke an owner's permission to use the alternate method of identification after a hearing and upon presentation of evidence finds just cause to do so.

G. Cattle that are removed from the feedlot for pasturing in New Mexico shall be branded in accordance with Section 77-9-3, NMSA 1978, prior to removal.

H. Nothing herein shall exempt any owner of livestock, or feedlot operator who has cattle branded with the alternative in their facility, from possessing necessary bills of sale or proof of ownership for their livestock, or the livestock which they have in their possession under authority of the owner, and presenting proof of ownership to an inspector, or agent of the board, upon request.

I. An EID tag will also be accepted as an alternate means of identification for cattle in New Mexico feedlot.

[21.32.2.10 NMAC - Rp, 21.32.2.10 NMAC, 7/16/2024]

21.32.2.11 ADDITIONAL PROVISIONS FOR ALTERNATIVE BRANDED CATTLE:

A. Cattle identified by the alternative to branding allowed by Subsection A of 21.32.2.8. NMAC, 21.32.2.9 NMAC, and 21.32.2.10 NMAC shall not be allowed to travel out of district to an auction market by use of a telephone permit under the provisions of Subsection C of 21.32.3.9 NMAC. Cattle branded with the alternative must be visually inspected by an authorized agent of the Livestock Board and a certificate of inspection issued prior to being transported across a livestock inspection district line.

B. After the sale of cattle branded with the alternative, the subsequent owner has thirty days within which to remove the tags of the previous owner and brand with their brand, or apply the new owner's alternative to branding in accordance with Section 77-9-3 NMSA 1978 and this rule.

C. For cattle identified by the alternative at the time of sale, the authority to use the alternative to branding shall not be transferred in any way, including by written permission on the bill of sale, to the subsequent owner.

D. All cattle identified by the alternative to branding and sold must be inspected at the time of sale by

an inspector, or an agent, of the livestock board. This inspection is required regardless of the intention to move the cattle across a district line or out of state. The inspector, or agent, shall document the inspection on the proper certificate and the charge the fees for such inspection.

E. A person shall not sell, buy or receive any cattle in New Mexico unless the cattle are branded or has other means of identification acceptable to the board, except cattle imported from another state.

F. The inspector shall hold any livestock presented for inspection that are not properly identified and the owner does not have proper documents establishing ownership, until the owner presents to the inspector documents or evidence of ownership. If the owner does not establish ownership to the satisfaction of the inspector, the inspector shall stray the livestock in question in accordance with the Livestock Code in Chapter 77, Article 13, NMSA 1978.

G. If the inspector conducting any inspection in accordance with 21.32.2.9, 21.32.2.10, 21.32.2.11 NMAC has cause for concern about the health status of cattle being inspected the inspector may quarantine the cattle, or require the owner of the dairy or feedlot to hold the cattle as if they were quarantined, until the state veterinarian, or his designee, makes a determination of the health status of the cattle in question.

H. If the appointed members of the livestock board have reason to believe that any area or region contains a health risk from dangerous and contagious diseases that could affect livestock the board may designate that area or region as one from which movement of livestock to New Mexico or within New Mexico is prohibited. For the purpose of immediate control and protection of the state's livestock, that determination may be made by the director in consultation with the state veterinarian and then ratified at the next meeting of the appointed board. [21.32.2.11 NMAC - Rp, 21.32.2.11 NMAC, 7/16/2024]

HISTORY OF 21.32.2 NMAC:

Pre-NMAC History: The material filed in this part was derived from that previously filed with the State Records Center and Archives under:

NMLB 67-1, Cattle Sanitary Board of New Mexico Instructions to Inspectors, filed 5/3/1967.

NMLB 70-1, Rules and Regulations of the New Mexico Livestock Board, filed 3/11/1970.

NMLB 76-1, New Mexico Livestock Board Rules and Regulations, filed 5/6/1976.

NMLB 69-2, Notice-All NM Sheepmen re: branding, filed 12/10/1969.

NMLB 72-2, Resolution re: Cattle Scabies Outbreak, filed 1/31/1972.

NMLB 72-3, Resolution re: Cattle Scabies Outbreak, filed 1/31/1972.

NMLB 72-4, Resolution re: Cattle Scabies Outbreak, filed 1/31/1972.

NMLB -1, New Mexico Livestock Board Rules and Regulations, filed 10/17/1979.

NMLB -2, New Mexico Livestock Board Rules and Regulations, filed 11/4/1981.

NMLB Rule No. 3, New Mexico Livestock Board Rules and Regulations, filed 1/30/1985.

History of Repealed Material: 21 NMAC 32.2, Branding of Livestock (filed 1/28/1999) Repealed effective 7/31/2000.

21.32.2 NMAC, Branding of Livestock filed (7/17/2000) Repealed, effective 7/16/2024.

Other History:

21 NMAC 32.2, Branding of Livestock (filed 1/28/1999) Replaced by 21.32.2 NMAC, Branding of Livestock effective 7/31/2000.

21 32.2 NMAC - Branding of Livestock filed (7/17/2000) Replaced by 21 NMAC 30.3 - Branding of Livestock, effective 7/16/2024.