

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 35 LIVESTOCK MARKETING
PART 3 HUMANE HANDLING OF LIVESTOCK BY LIVESTOCK MARKETS AND
FACILITIES

21.35.3.1 ISSUING AGENCY: New Mexico Livestock Board.
[21.35.3.1 NMAC - Rp, 21.35.3.1, 7/16/2024]

21.35.3.2 SCOPE: All owners and operators of livestock markets, stockyards, market agencies, dealers, rest stations and rendering plants.
[21.35.3.2 NMAC - Rp, 21.35.3.2, 7/16/2024]

21.35.3.3 STATUTORY AUTHORITY: Section 77-2-7, 77-2-22, 77-9-3, 77-9-4, 77-10-2, 77-10-3, 77-10-8, 77-10-10, NMSA 1978 and such other regulatory authority as provided in Chapter 77 NMSA 1978.
[21.35.3.3 NMAC - Rp, 21.35.3.3, 7/16/2024]

21.35.3.4 DURATION: Permanent.
[21.35.3.4 NMAC - Rp, 21.35.3.4, 7/16/2024]

21.35.3.5 EFFECTIVE DATE: July 16, 2024, unless a later date is cited at the end of a section.
[21.35.3.5 NMAC - Rp, 21.35.3.5, 7/16/2024]

21.35.3.6 OBJECTIVE: To establish rules governing the humane handling of livestock.
[21.35.3.6 NMAC - Rp, 21.35.3.6, 7/16/2024]

21.35.3.7 DEFINITIONS:

A. "Animal" means livestock including cattle, sheep, swine, bison, goats, horses, mules, asses, poultry, ratites, camelids and farmed cervidae.

B. "Board" means the New Mexico livestock board.

C. "Facilities" means livestock markets, stockyards, market agencies, dealers, rest stations and rendering plants.

D. "Humanely euthanized" means to kill by mechanical method (gunshot or captive bolt) or chemical method that rapidly and effectively renders the animal insensitive to pain.

E. "Livestock market" means any facility in the state of New Mexico, which is used for the purpose of holding consignment sales of livestock.

F. "Non-ambulatory animal" means an animal that is unable to stand and walk without assistance.

G. "Operator" means a person in control of the management or operation of a livestock auction market, including a licensee under Article 10 of Chapter 77.

[21.35.3.7 NMAC - Rp, 21.35.3.7, 7/16/2024]

21.35.3.8 REQUIRED CONDUCT BY LIVESTOCK AUCTION MARKET:

A. An operator shall not buy, sell or receive a non-ambulatory animal.

B. An operator shall not process, butcher or sell meat or products of non-ambulatory animals.

C. An operator shall not hold a non-ambulatory animal without taking immediate action to humanely euthanize the animal or to provide immediate veterinary treatment.

D. An operator shall not, at any time, either while the animal is on the premises or in transit, drag or push with equipment a non-ambulatory animal. Such animal must be moved with a sling, a stoneboat or other sled-like or wheeled conveyance, a soft-lay rope, a padded cable or chain or a web type belt (no bare chains). Once a vehicle has entered the official premises of the establishment, it is considered to be within the operator's premises.

E. An operator shall not consign, ship or accept any non-ambulatory animal for transporting or delivering.

F. An operator is responsible for the wrongful acts or omissions of agents and employees.

G. An operator must adequately train and supervise agents and employees to assure that such agents and employees do not engage in wrongful conduct.

H. Any violation of this rule or any other rule of the board will subject the licensee to criminal penalties and license revocation.

[21.35.3.8 NMAC - Rp, 21.35.3.8, 7/16/2024]

21.35.3.9 REQUIRED CONDUCT BY FACILITIES:

A. Livestock markets, stockyards, market agencies, dealers, rest stations and rendering plants are subject to the requirements of 21.35.3.8 NMAC and must adhere to those requirements; provided, however, that rendering plants may process, butcher and sell meat or products of non-ambulatory animals so long as they do not engage in those activities for purpose of human consumption.

B. Any violation of this rule or any rules of the board or of the Chapter 77 NMSA 1978 will subject the offender to criminal penalties as provided in Chapter 77 NMSA 1978.

[21.35.3.9 NMAC - Rp, 21.35.3.9, 7/16/2024]

HISTORY OF 21.35.3 NMAC:

History of Repealed Material: 21 NMAC 35.3 - Humane Handling of Livestock by Livestock Markets and Facilities filed (10/16/2008) repealed effective 7/16/2024.

Other History: 21 NMAC 35.3 - Humane Handling of Livestock by Livestock Markets and Facilities filed (10/16/2008) replaced by 21.35.3 NMAC - Humane Handling of Livestock by Livestock Markets and Facilities effective 7/16/2024.