

COLORADO DEPARTMENT OF AGRICULTURE

Animal Health Division

Public Livestock Markets Veterinary Inspection

8 CCR 1201-13

RULES PERTAINING TO PUBLIC LIVESTOCK MARKETS VETERINARY INSPECTION

Part 1. Definitions

- 1.1. "Actinobacillosis" or "Actinomycosis" means a localized, chronic, progressive, granulomatous abscess that most frequently involves the mandible, the maxillae, or other bony tissues in the head.
- 1.2. "Livestock" means horses, mules, cattle, burros, swine, sheep, goats, poultry, alternative livestock as defined in § 35-41.5-102(1) and any other animal presented to the market for sale.
- 1.3. "Body condition score" means a numerical score assigned to the animal concerning the amount of flesh the animal has on its body. Each species or class of animal has its own scoring system. For information on the scoring system relevant to a particular species, please contact the Department.
- 1.4. "Commissioner" means the Commissioner of Agriculture, Colorado Department of Agriculture or a designated employee of the Department of Agriculture.
- 1.5. "Department" means the Colorado Department of Agriculture.
- 1.6. "Euthanasia" means to produce a humane death by techniques accepted by the American Veterinary Medical Association.
- 1.7. "Metastatic" or "Metastasis" means the invasion or infiltration of other structures or tissue by a neoplasm.
- 1.8. "Neoplasia," "neoplasm," or "neoplastic" means new, abnormal tissue growth which is deleterious to the animal's health.
- 1.9. "Non-ambulatory" means the animal is unable to rise to its feet and walk with minimal stimulus.
- 1.10. "Owner" means the person or entity owning the livestock and the owner's officers, members, employees, or agents.
- 1.11. "Urinary Calculi" means solid particles in the urinary system that causes the disease commonly known as water belly.
- 1.12. "Veterinarian" means an individual who is currently licensed and in good standing with the State Board of Veterinary Medicine to practice veterinary medicine and is accredited by the United

Part 2. Notice

- 2.1. The following notice shall be posted:

LIVESTOCK OWNER NOTICE: ALL LIVESTOCK WILL BE VISUALLY INSPECTED PRIOR TO SALE BY THE MARKET'S VETERINARIAN- ANIMALS WHICH ARE DETERMINED TO BE BEYOND RECOVERY, DUE TO DISEASE, INJURY OR DISABILITY MAY NOT BE SOLD AT A PUBLIC LIVESTOCK MARKET PURSUANT TO: 35-55-113(4), C.R.S. You may be requested to remove such animal(s) from the livestock market if the market veterinarian's professional opinion is that the animal(s) you are presenting for sale are unacceptable under this law. Alternatively, the market veterinarian may euthanize such animal(s) if you do not choose to remove the animal(s).

- 2.2. This notice shall be posted at the public market office and the check-in dock.
- 2.3. A leaflet form of this notice shall be made available upon request to the Department.

Part 3. Veterinary Inspection Procedures

The following procedures shall apply:

- 3.1. Veterinary inspection shall occur prior to sale, with a determination made by the veterinarian whether any of the animals presented to the public livestock market for sale possess any of the diseases or injuries specified in Parts 4 or 5 below.
- 3.2. The veterinarian shall make a reasonable effort over a two hour period to contact the owner by phone or in person regarding an animal identified by the veterinarian pursuant to Parts 4 and 5 below.
- 3.3. Within twelve hours of notification, the owner may remove from the livestock market any animal identified by the veterinarian pursuant to Parts 4 and 5 below, or may direct the veterinarian to euthanize such animal.
- 3.4. If the veterinarian is unsuccessful in contacting the owner, the veterinarian shall determine whether, in the sole discretion of the veterinarian, the animal identified by the veterinarian pursuant to Parts 4 and 5 below should be euthanized to prevent further pain and suffering.
- 3.5. Any animal identified by the veterinarian pursuant to Parts 4 and 5 below which is not removed from the livestock market 14 hours after the initial veterinary inspection may be euthanized, in the sole discretion of the veterinarian.
- 3.6. The owner of any animal euthanized will pay the costs of the euthanasia and of any disposal cost associated with such euthanasia.

Part 4. Diseases which shall render livestock diseased beyond recovery

The following diseases shall render livestock diseased beyond recovery for the purposes of these Rules:

- 4.1. Ocular neoplasia:

- 4.1.1. Unless the neoplastic lesions show no clinical signs of metastasis and have not destroyed the eye or eye lids;
 - 4.1.2. If the neoplastic lesions affect the eye and/or eye lids and have destroyed the affected organ to the point that the affected area is not amenable to surgery;
 - 4.1.3. If the neoplastic lesions show signs of local metastatic invasion from the primary site to the bone of the orbit; or
 - 4.1.4. If the following signs are present: abnormal swelling, discoloration, open necrotic regions with drainage, or deformation of tissue.
- 4.2. Other forms of neoplasia:
- Other neoplasias, regardless of tissue origin, which exhibit significant involvement, including, but not limited to, the following signs: abnormal swelling, discoloration, open necrotic regions with drainage, or deformation of tissue.
- 4.3. Any disease process, or body condition, that will not respond in a timely manner to treatment, or that renders an animal into a poor body condition including, but not limited to: Actinobacillosis, Actinomycosis, Pneumonia, and Urinary Calculi.
 - 4.4. Any disease process which has resulted in the presentation of a non-ambulatory animal.

Part 5. Injuries which shall render livestock injured beyond recovery

The following injuries shall render livestock injured beyond recovery for the purposes of this Rule:

- 5.1. A fracture of a long bone, other fractures or dislocation of a joint that render the animal unable to bear weight on the affected limb without that limb collapsing.
- 5.2. Any injury which has not responded to treatment and has resulted in the livestock being in a poor a body condition.
- 5.3. Any injury which has resulted in the presentation of a non-ambulatory animal.

Part 6. Euthanasia

- 6.1. Euthanasia shall be accomplished by or under the direction of the veterinarian.
- 6.2. The veterinarian will provide written notice to the owner of any euthanized animal.

Part 7. Disposal of euthanized animal carcasses

- 7.1. The owner may request the return of the carcass and may retrieve the carcass within six hours.
- 7.2. Unless the owner requests return of and retrieves the carcass as set forth immediately above, the carcass shall be disposed of pursuant to law and as customary for the community. In the event that there is a disposal fee, the fee shall be borne by the owner.

Part 8. Statement of Basis and Purpose

8.1. Rules Adopted Prior to 2016

These Rules are adopted pursuant to the Public Livestock Markets provisions, specifically, §35-55-113(6), C.R.S.

The purposes of these Rules are to: define applicable terms; specify the requisite notice to animal owners; establish the procedures for inspection, removal and euthanization of animals; and designate diseases and injuries which are beyond recovery.

The statements of basis and purpose for some rule changes are no longer in the Department files and are presumably in the state archives.

8.2. Adopted June 8, 2016 – Effective July 30, 2016

Specific Statutory Authority

The specific statutory authority for this Rule is located in §§ 35-55-113(6), C.R.S., which grants authority to the Commissioner of Agriculture, upon approval by the Colorado Agricultural Commission, to adopt reasonable Rules for the administration of the Public Livestock Markets Act, § 35-55-101, et seq., and to adopt Rules to identify diseases that render livestock permanently disabled or the carcasses thereof permanently unfit for human consumption.

Purpose

The revisions to these Rules incorporate changes as a result of the Department's Regulatory Efficiency Review Process.

Factual Policy and Issues

In reviewing and updating these Rules, the reviewers updated the definitions Parts to clarify the meanings of key diseases or disorders; to remove the word "animal," as livestock markets do not operate to sell animals; to update information regarding the body-condition scoring to reflect that the Department would no longer incorporate body-condition scoring charts with the Rule; to strike "euthanize" to leave "euthanasia" as the proper term; to update the definition of "owner" to make it consistent with other Division of Animal Health Rule definitions; and to re-define "veterinarian" to indicate that for these Rules, "veterinarian" is someone who is also accredited by the USDA, Animal Plant Health Inspection Service.

Where the reviewers found provisions that were outdated or non-useful, the reviewers made changes. For instance, the Notice section of the Rule sets forth more simply and more clearly the actual notice that must be provided at all livestock markets regarding diseased, injured, or disabled animals. In Part 4, the reviewers clarified that both "disease" and "body condition" that do not timely respond to treatment render livestock "diseased beyond recovery." Similarly, the reviewers also changed 5.2 to indicate that livestock with an injury that results in a poor condition renders that livestock "injured beyond recovery." Finally, the reviewers removed paragraph B of Part 6 because the Commissioner is not authorized to set euthanasia costs state-wide or to interfere with such price-setting by independent veterinarians who perform such actions.

Additionally, the reviewers have removed all static charts regarding body condition scoring. Some of the formerly adopted charts did not provide a useful means of scoring certain species, and codifying such charts limits the Department's ability to rely on the most updated, precise

charts that are available. Removing the charts permits the Department to respond to questions regarding body-condition scoring charts with the most accurate, updated, precise charts or methods available.