

PART 61

DOMESTIC ANIMAL HEALTH PERMITS

(Statutory authority: Agriculture and Markets Law, §§ 18, 72, 74, 90-a-h, 95c)

Sec.

- 61.1 Records required
- 61.2 Contents of records
- 61.3 When records are to be made
- 61.4 Official department record books
- 61.5 Manner of keeping records
- 61.6 Preservation of records; examination by department

Historical Note

Part filed May 10, 1961 eff. June 1, 1961.

61.1 Records required.

Each person, firm or corporation holding a domestic animal health permit issued by the New York State Department of Agriculture and Markets shall keep a record of all cattle (except veal calves) and horses purchased, sold or otherwise handled by such permit holder. A permit holder will be deemed to have handled the cattle and horses involved in any transaction if he is connected with or plays any part in such transaction, whether as broker, auctioneer, auction market operator, or other intermediary or agent, even though the permit holder does not take possession of the cattle or horses or receive compensation for his services.

Historical Note

Sec. Filed May 10, 1961; amd. Filed Feb. 27, 1976 eff. immediately.

61.2 Contents of records.

The record shall include the following information pertaining to each such animal:

- (a) All tag or other identifying numbers carried by or assigned to the animal at the time of purchase by or consignment to the permit holder and at the time of sale by the permit holder, whether acting as principal, broker, auctioneer, auction market operator or other intermediary or agent;
- (b) All brand and tattoo numbers carried by the animal except vaccination tattoos;
- (c) The name and address of the person who consigned the animal for sale by the permit holder or from whom the animal was purchased or if purchased by the permit holder at auction, the name and address of the auction market; also the date of consignment or purchase;

- (d) The name and address of the person to whom the animal was sold by the permit holder acting as principal, or as broker, auctioneer, auction market operator or other intermediary or agent, and the name and address of any auction market to whom the animal was consigned by the permit holder and the date of such sale or consignment;
- (e) The breed, sex, color and approximate age of each animal;
- (f) The dates and laboratory accession numbers of any tests required for sale or movement of each animal; and
- (g) The identifying number and date of issuance of any exemption permit for slaughter or other purpose issued for any horse pursuant to section 95-c of the Agriculture and Markets Law or Federal law.

Historical Note

Sec. Filed May 10, 1961; amd. Filed Feb. 27, 1976 eff. immediately.

61.3 When records are to be made.

When cattle and horses are purchased, the required information relating to the purchase shall be recorded immediately upon completion of the purchase. When such animals are consigned or sold, the required information relating thereto shall be recorded immediately upon completion of the consignment or sale.

Historical Note

Sec. Filed May 10, 1961; amd. Filed Feb. 27, 1976 eff. immediately.

61.4 Official department record books.

Each permit holder will be furnished official record books by the Department of Agriculture and Markets. It shall be the duty of each permit holder to request additional official record books when needed. Each New York State Department of Agriculture and Markets record book is and shall remain the property of the New York State Department of Agriculture and Markets and the delivery of such a book into the care and possession of a permit holder shall be in the nature of a loan for his convenience. Permit holders will be expected to use reasonable care and diligence to preserve and protect the assigned records books.

Historical Note

Sec. Filed May 10, 1961; amd. Filed Feb. 27, 1976 eff. immediately.

61.5 Manner of keeping records.

The records required by this Part shall be recorded and kept in the Department of Agriculture and Markets' record books, except that upon request of a permit holder, the Commissioner of Agriculture and Markets may authorize the permit holder to use another type of record book or ledger,

provided that the other type of record book or ledger will permit the recording of information relating to each transaction in a manner that will, in the opinion of the commissioner, accomplish the purposes and objective of this Part. Information relative to any transaction which is entered in a cattle or equine record book shall be accurate and legible in each detail and it shall not be altered, obliterated, defaced or erased. If after information relative to any transaction has been entered in a record book, it is found that the information so recorded is in some part in error, the correct information relative to that particular transaction shall be reentered in the next available space in the record book without altering or changing the original entry except to note that the record is corrected by a later entry.

Historical Note

Sec. Filed May 10, 1961; amd. Filed Feb. 27, 1976 eff. immediately.

61.6 Preservation of records; examination by department.

- (a) The records of cattle and/or horse sales, purchases and transactions required by this Part shall be kept and retained in the possession of the permit holder for a period of at least four years after each purchase or sale of any cattle or horses. Record books, together with the entries therein, shall be available for examination by the commissioner or any agent of the United States Department of Agriculture at all reasonable times.
- (b) The Department of Agriculture and Markets' record books shall be delivered into the possession of any agent of the Department of Agriculture and Markets of the State of New York or of the United States Department of Agriculture immediately upon request or demand of such agent.

Historical Note

Sec. filed May 10, 1961; amd. Filed Feb. 27, 1976 eff. immediately