AN ACT

RELATING TO LIVESTOCK; AMENDING AND REPEALING SECTIONS OF THE LIVESTOCK CODE TO CLARIFY THE DEFINITION OF "LIVESTOCK".

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 77-2-1.1 NMSA 1978 (being Laws 1993, Chapter 248, Section 2, as amended by Laws 2001, Chapter 8, Section 2 and also by Laws 2001, Chapter 341, Section 2) is amended to read:

"77-2-1.1. DEFINITIONS.--As used in The Livestock Code:

A. "animals" or "livestock" means all domestic or domesticated animals that are used or raised on a farm or ranch, including the carcasses thereof, and exotic animals in captivity and includes horses, asses, mules, cattle, sheep, goats, swine, bison, poultry, ostriches, emus, rheas, camelids and farmed cervidae upon any land in New Mexico. "Animals" or "livestock" does not include canine or feline animals;

B. "bill of sale" means an instrument in substantially the form specified in The Livestock Code by which the owner or the owner's authorized agent transfers to the buyer the title to animals described in the bill of sale;

C. "bison" or "buffalo" means a bovine animal of the species bison;

D. "board" means the New Mexico livestock board;

E. "bond" means cash or an insurance agreement from a New Mexico licensed surety or insurance corporation.
pledging surety for financial loss caused to another,
including certificate of deposit, letter of credit or other
surety as may be approved by the grain inspection, packers
and stockyards administration of the United States department
of agriculture or the board;

F. "brand" means a symbol or device in a form
approved by and recorded with the board as may be sufficient
to readily distinguish livestock should they become
intermixed with other livestock;

G. "brand inspector" means an inspector who is not
certified as a peace officer;

H. "carcasses" means dead or dressed bodies of
livestock or parts thereof;

I. "cattle" means animals of the genus bos,
including dairy cattle, and does not include any other kind
of livestock;

J. "dairy cattle" means animals of the genus bos
raised not for consumption but for dairy products and
distinguished from meat breed cattle;

K. "director" means the executive director of the
board;

L. "disease" means a communicable, infectious or
contagious disease;

M. "district" means a livestock inspection
district;

N. "estray" means livestock found running at large
upon public or private lands, either fenced or unfenced,
whose owner is unknown, or that is branded with a brand that
is not on record in the office of the board or is a freshly
branded or marked offspring not with its branded or marked
mother, unless other proof of ownership is produced;

O. "inspector" means a livestock or brand
inspector;

P. "livestock inspector" means a certified
inspector who is granted full law enforcement powers for
enforcement of The Livestock Code and other criminal laws
relating to livestock;

Q. "mark" means an ear tag or ownership mark that
is not a brand;

R. "meat" means the edible flesh of poultry, birds
or animals sold for human consumption and includes livestock,
poultry and livestock and poultry products;

S. "mule" means a hybrid resulting from the cross
of a horse and an ass; and

T. "person" means an individual, firm,
partnership, association, corporation or similar legal
entity."

SECTION 2. Section 77-9-3 NMSA 1978 (being Laws 1895,
Chapter 6, Section 1, as amended) is amended to read:

"77-9-3. NECESSITY OF BRAND--REBRANDING REQUIRED--
EXCEPTIONS.--

A. A person who owns livestock shall have and
adopt a brand for them. The brand shall be applied with a
hot iron on each animal except registered livestock that are
properly identified by a legible tattoo and whose owner has been issued a certificate of brand exemption for the owner's herd by the board. Each brand shall be recorded in the office of the board.

B. Goats or sheep are not required to be branded with a hot iron. Goats or sheep may be identified by a legible tattoo, paint brand or other device as approved by the board.

C. Unbranded livestock, except offspring with a branded mother or offspring with a mother properly identified as provided in Subsection G of this section, shall be subject to seizure by a peace officer or livestock inspector and shall be handled and disposed of in the same manner as is provided for the handling and disposal of estrays.

D. Livestock that are purchased shall be rebranded by the new owner with the new owner's recorded brand within thirty days, except as provided in Section 77-9-4 NMSA 1978.

E. Subsection A of this section shall not apply to a person owning horses, mules or asses who has been issued a transportation permit as provided in Section 77-9-42 NMSA 1978 or who has a registration certificate for an animal from a recognized breed association or to any person owning horses, mules or asses that have been identified by a freeze mark or a freeze brand recorded with the board. Freeze branding or freeze mark identification requires an iron, first submerged in a bath of liquid nitrogen, to be applied on each animal, resulting in a permanent loss of color in the
hair or cessation of hair growth where the brand or mark has been applied.

    F. This section does not apply to bison, swine, poultry, ratites, ostriches, emus, rheas, camelids and farmed cervidae.

    G. This section does not apply to a person who owns cattle in confinement at a dairy or feedlot and who has elected to identify the cattle by an alternative means approved by the board for cattle held in those facilities. If cattle held in confinement and identified in accordance with this subsection are removed from confinement and otherwise held in the state, the provisions of Subsection A of this section shall be met prior to removal, unless the cattle are being delivered to an approved auction."

SECTION 3. REPEAL.--Section 77-9-1.1 NMSA 1978 (being Laws 1999, Chapter 282, Section 46) is repealed.