

## **Title 2. Agriculture**

### **Chapter III. Arkansas Board of Animal Health, Department of Agriculture**

#### **Subchapter A. Generally**

#### **Part 120. Rules for Livestock Dealer Licensing — Includes Cattle, Equidae, Swine, Goats, and Sheep**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Arkansas Livestock and Poultry Commission

Effective: August 1, 1997

Jack Gibson, Executive Director"

"Act 87 of 1963, Act 150 of 1985 & Act 1306 of 1997"

#### **Subpart 1. Generally**

##### **2 CAR § 120-101. Purpose.**

For the purpose of tracing infected and exposed livestock to the herd of origin or to a herd to which exposed livestock have moved.

**Authority.** Arkansas Code §§ 2-33-107, 2-40-103.

##### **2 CAR § 120-102. Definitions — Livestock dealer defined.**

As used in this part:

(1) Arkansas will adopt the definition of a dealer under the same standards as the Packers and Stockyards Division of the Agricultural Marketing Service of the United States Department of Agriculture which states, "A livestock dealer is any person (not a market agency) engaged in the business of buying or selling, in commerce, livestock either on his own account or as an employer or agent of the vendor or purchaser.";

(2) "Arkansas livestock dealer" means any person required to be registered under the Federal Packers and Stockyards Act, 1921, who buys, sells, or offers to sell, exchange, barter, or negotiate the sale of cattle, equidae, goats, sheep, or swine in this state whether the cattle, equidae, goats, sheep, or swine were raised in this state or brought into this state from another state;

(3) "Livestock dealer" does not mean:

(A) A person who buys or sells animals solely for his or her own farming operation or operations;

(B) Anyone who holds the animal longer than thirty (30) days before resale;

(C) Anyone buying slaughter animals who sells animals for slaughter other than those bought from Packers and Stockyards Division-registered markets; or

(D) A person regulated by the Arkansas Racing Commission.

**Authority.** Arkansas Code §§ 2-33-107, 2-40-103.

**Codification Notes.** The Federal Packers and Stockyards Act, 1921 was originally enacted as 42 Stat. 159 and is codified at 7 U.S.C. § 181 et seq.

## **2 CAR § 120-103. Dealer licensing.**

(a)(1) Any dealer who purchases, deals in, or sells livestock or acts as an Arkansas Board of Animal Health representative or broker, except registered Packers and Stockyards livestock markets, must be licensed by the board.

(2) Licenses will be issued yearly, and will expire on July 1 of each year.

(b) The board may, after due notice and opportunity for a hearing to the individual or firm involved, deny any application for a license, or suspend or cancel a license, when the agency is satisfied of one (1) or more of the following:

(1) That they have violated state and/or federal statutes and/or official regulations governing the interstate or intrastate movement, shipment, or transportation of livestock;

(2) That they have made false or misleading statements in their application for a license, or false or misleading statements as to the health or physical conditions of livestock regarding official test results or status and identity of herd of origin;

(3) That they have knowingly sold for dairy or breeding purposes livestock that were affected with livestock diseases;

(4) That they have demonstrated to the satisfaction of the board their inability or unwillingness to carry out the record-keeping requirements of this rule; or

(5) That they have ceased to operate the business for which the license was issued.

**Authority.** Arkansas Code §§ 2-33-107, 2-40-103.

**2 CAR § 120-104. Records required.**

(a) Each licensed person or firm shall keep a record of all livestock:

(1) Purchased;

(2) Sold; or

(3) Otherwise handled.

(b) The records required shall be recorded in an appropriate record book or other system that will permit the recording of information relating to each transaction in such a manner that will enable personnel of the state and federal animal health agencies to identify the origin and disposition of each required animal purchased or sold.

**Authority.** Arkansas Code §§ 2-33-107, 2-40-103.

**2 CAR § 120-105. Contents of records.**

(a) The records shall include the following information:

(1)(A) Ear tag numbers or other identifying numbers carried by, or assigned to, the animal at the time of purchase by, or consignment to, and at the time of sale by a:

(i) A dealer;

- (ii) A broker;
- (iii) An auctioneer;
- (iv) An auction market operator; or
- (v) Another intermediary or agent.

(B) Any animal requiring identification which does not carry such individual identification at the time of purchase or sale, shall be at that time identified with acceptable identification:

- (i) Tags;
- (ii) Brands;
- (iii) Tattoos; or
- (iv) Description.

(C) Official back tags will be acceptable individual identification for animals purchased in the country for immediate sale at regularly scheduled:

- (i) Auction sales;
- (ii) Stockyards; or
- (iii) Slaughtering establishments;

(2)(A) The name and address of the person who consigned the animal for sale or from whom the animal was purchased.

(B) If such animal was purchased at an auction, the name and address of the auction market, and the date of such consignment and purchase;

(3) The name and address of the person or firm to whom the animal was sold and the date of such sale or consignment;

(4) The breed, sex, approximate age, and weight of each animal; and

(5) The date and result of any test required for sale or movement of each animal, or a copy of the official test record may be identified to the transaction and filed with the records.

(b) The required information relating to the purchase shall be recorded immediately upon completion of the purchase (but no later than twenty-four (24) hours after the purchase), and the required information relating to the sale of such animals

shall be recorded immediately (within twenty-four (24) hours) upon completion of the consignment or sale.

**Authority.** Arkansas Code §§ 2-33-107, 2-40-103.

**2 CAR § 120-106. Retention of records.**

(a) The records of livestock sales, purchases, and transactions shall be kept and retained in the possession of the dealer, auctioneer, or commission company for a period of at least two (2) years after each purchase or sale of any livestock.

(b) All records, together with entries therein, shall be available for examination by agents of the Arkansas Board of Animal Health.

**Authority.** Arkansas Code §§ 2-33-107, 2-40-103.

**2 CAR § 120-107. Fees.**

(a)(1) There will be a ten-dollar fee for each application or renewal.

(2) The fee will be refunded if the application is rejected.

(b) Fees must be paid on or before July 31 each year.

**Authority.** Arkansas Code §§ 2-33-107, 2-40-103.

**2 CAR § 120-108. Noncompliance.**

Noncompliance of any part of this rule is a Class A misdemeanor.

**Authority.** Arkansas Code §§ 2-33-107, 2-40-103.