The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWs 2015

CHAPTER 22

SENATE BILL 123, as amended

Introduced by

SENATOR PAT WOODS
CHAPTER 22

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;
"district" means a livestock inspection district;

"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;

"inspector" means a livestock or brand inspector;

"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;

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

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

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

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

SECTION 2. Section 77-9-3 NMSA 1978 (being Laws 1895, SB 123
Page 3
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.

E. 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.
Approved by me this 2nd day of April, 2015

Governor Susana Martinez
State of New Mexico