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CHAPTER 11.

 SALE, GRADING AND INSPECTION OF LIVESTOCK

ARTICLE 1.

 REGULATION OF STOCKYARDS, EQUINE SALES FACILITIES, AND DEALERS IN LIVESTOCK

**SECTION 47‑11‑10.** Administration of article.

The State Livestock‑Poultry Health Commission shall administer this article in accordance with Chapter 4 of this title.

**SECTION 47‑11‑20.** Permits; fees; operation without a permit is a misdemeanor.

(A) A person operating a public livestock market or an equine sales facility, as defined in Section 47‑4‑20, shall obtain from the commission a permit authorizing the operation. Issued permits are effective until the next March first, unless sooner revoked or canceled.

(B) The permit fee is five dollars annually or for a part of a year. The permit year is March first to the last day of February. The commission by regulation may increase the fee to not more than one hundred dollars.

(C) The commission may retain the fees.

(D) A person operating a public livestock market or an equine sales facility without a current permit is guilty of a misdemeanor and, upon conviction, must be punished in accordance with Section 47‑4‑130.

**SECTION 47‑11‑30.** Application for permit; approval of changes in operating, ownership, etc.

(A) Application for a permit must be made on forms furnished by the commission and must show the:

(1) full name and address of all persons having a financial interest in the market. This requirement is not necessary for publicly‑owned joint stock corporations;

(2) name, address, and telephone number of the officer, manager, or other person in charge;

(3) name under which the market will operate;

(4) operating days and hours;

(5) location and type facilities for holding and segregating animals.

(B) Changes in operating days or hours require the prior written approval of the commission. The commission must be advised in writing within ten days of all other changes in the required information. However, a change of ownership or management must be reported to the commission in writing within thirty days after occurrence.

**SECTION 47‑11‑40.** Repealed by 1994 Act No. 362, Section 5, eff May 3, 1994.

**SECTION 47‑11‑50.** Repealed by 1994 Act No. 362, Section 5, eff May 3, 1994.

**SECTION 47‑11‑60.** Bond.

The operator of a public livestock market or an equine sale facility shall file with his application for a permit a two thousand dollar surety bond acceptable to the commission to secure the performance of all obligations incident to the operation of the livestock market under this title. The commission may waive the requirements of this section. No bond is required of a livestock market association organized under a law which requires the association to be bonded or a market operating under the Federal Packers and Stockyards Act.

**SECTION 47‑11‑70.** Facilities regulations; inspections; penalties.

The commission shall promulgate regulations to provide requirements necessary for facilities for holding livestock, such as proper and adequate pens for holding and segregating, proper protection from the weather, adequate water supply, access to medical treatment, sanitation, disinfection, and cleanliness and other equipment or procedures necessary and appropriate. The commission shall conduct periodic inspections of the various livestock markets in this State and may take remedial action or require remedial action appropriate under the law. The commission may invoke civil or criminal penalties, or both, provided in Section 47‑4‑130 for violations.

**SECTION 47‑11‑80.** Records; identification required of persons selling at market; livestock haulers exempt from licenses.

(A) The public livestock market or equine sales facility shall keep records required by this chapter and the regulations promulgated pursuant to it including, but not limited to, from whom the animals were received, to whom sold, necessary tests and results, and certificates of veterinary inspection or permits when required. The records must be retained by the market operator for two years and are subject to inspection by the commission or Commissioner of Agriculture upon reasonable notice.

(B) No person may sell at a public livestock market or an equine sales facility without first identifying himself by a driver’s license or other photographic identification, a truck or trailer license plate number, or other means of identification acceptable to the market or facility operator. The records of the market or facility operator must reflect this identification.

(C) No person engaged in the hauling of livestock from farm to market is required to have a license from the Public Service Commission.

**SECTION 47‑11‑85.** Identification of animals sold in public livestock market or equine sales facility.

Animals sold in a public livestock market or equine sales facility must bear identification including, but not limited to, ear tags, ear notches accompanied by purebred papers, back tags, mane and tail tags, tattoos, brands, or other permanent means authorized by state or federal regulations.

**SECTION 47‑11‑90.** Brucellosis testing.

When considered advisable by the commission, all animals except those for immediate slaughter must be tested for brucellosis before the animals are removed from the stockyards or other premises where the animals are being held for sale.

**SECTION 47‑11‑100.** Tuberculosis and paratuberculosis tests required for all animals except those for immediate slaughter.

All animals except those for immediate slaughter must be tested for tuberculosis and paratuberculosis when considered advisable by the commission before they are released from the stockyards.

**SECTION 47‑11‑110.** Establishment of slaughter assembly points.

The commission, by regulation, may establish slaughter assembly points.

**SECTION 47‑11‑120.** Liability of person removing livestock for slaughter.

A person who removes from a public livestock market or equine sales facility equine, cattle, swine, or other livestock for immediate slaughter shall use them for immediate slaughter only in accordance with this article and the regulations issued in accordance with it. The owner of the animals is charged with the responsibility of having the animals slaughtered and is liable for all damages resulting from diverting them to other uses by failing to have them slaughtered.

**SECTION 47‑11‑130.** Infected or exposed animals or poultry.

Animals or poultry known to be infected with or exposed to one or more of the diseases provided in Section 47‑4‑50 or that reacts to a test indicating the presence of the diseases must be held separate and apart from healthy animals and must not be sold, traded, moved off premises, or otherwise disposed of except for immediate slaughter only in accordance with applicable state and federal regulation or with the prior approval of the commission.

**SECTION 47‑11‑140.** Services of veterinarians provided for auctions; cost of tests and the like.

The commission may provide the service of competent veterinarians to attend auction sales at the various public livestock markets on the day of the sale. The costs, exclusive of the pay of a veterinarian provided by the commission, of all tests, serums, vaccine, treatments, and labor furnished by the livestock auction market necessary for the enforcement of this chapter and the protection of livestock against contagious and infectious diseases must be paid for by the buyer of the livestock, and the costs constitute a lien against the animals.

**SECTION 47‑11‑150.** Promulgation and enforcement of regulations.

The commission may promulgate and enforce regulations necessary to carry out this article.

**SECTION 47‑11‑160.** Enforcement.

A municipality, county, or state law enforcement officer or highway patrolman may stop and ascertain whether a conveyance transporting livestock along the highways and streets within the State have proper receipts or certificates in accordance with this article.

**SECTION 47‑11‑170.** Violations.

A person who knowingly violates this article or a regulation promulgated by the commission or wilfully fails to comply with this article is guilty of a misdemeanor and, upon conviction, must be punished in accordance with Section 47‑4‑130.

ARTICLE 3.

 GRADING AND INSPECTION

**SECTION 47‑11‑310.** Declaration of purpose.

The intent and purpose of this article is to improve, further develop and expand livestock production and marketing in South Carolina by encouraging livestock producers to produce a better grade and quality of livestock in order that such agricultural commodity may sell in competition with livestock produced in other areas. The livestock industry is of great economic importance, not only to the agricultural economy of this State but to the general economy of the State as well, and it is hereby determined that to encourage the production of livestock of higher quality will more fully utilize our potential of land productivity, favorable climatic conditions and other natural resources for the expansion of this important industry. Therefore, it is deemed to be in the best interest and for the advancement of the agricultural economy and the general welfare of this State to provide for the grading and inspection of livestock marketed at public livestock markets in the manner hereinafter provided.

**SECTION 47‑11‑320.** Definitions.

For the purpose of this article, the following words and terms shall have the meaning indicated, unless the context clearly indicates a different meaning:

(a) “Person” means any individual, firm, partnership, corporation or association;

(b) “Public livestock market” means a place where livestock may be assembled for sale by any means generally recognized by the farm community and the trade;

(c) “Livestock” means cattle or swine;

(d) “Grade” means the standard by which the quality of livestock may be determined;

(e) “Department” means the South Carolina Department of Agriculture.

**SECTION 47‑11‑330.** Grading of livestock for quality and pooling for sale.

All livestock offered for sale in South Carolina may be graded for quality and pooled for sale with the consent of the seller.

**SECTION 47‑11‑340.** Grading service conducted by Department of Agriculture.

The grading service herein provided shall be conducted by the Department of Agriculture at a cost to be established by the Department and the proceeds shall be used for the purpose of paying salaries, travel and related expenses of grading personnel. These proceeds shall be deposited with the State Treasurer to the account of the Department to be expended for the purposes authorized in this chapter. The grading shall be conducted only by personnel who are certified by the Department and who have successfully completed tests and examinations to determine proficiency in grade application which are administered by the Livestock Division, Consumer and Marketing Service, United States Department of Agriculture. Grading personnel are responsible only for placing animals for sale into the proper grade categories as determined by standards promulgated by the Department.

**SECTION 47‑11‑350.** Department authorized to adopt standards and grades.

The Department of Agriculture is authorized to promulgate and adopt the standards or grades which shall be used for the grading of livestock and it shall be authorized to adopt, as official standards for such grading, the standards and grades which have been promulgated by the United States Department of Agriculture as feeder and slaughter livestock grades.

**SECTION 47‑11‑360.** Department authorized to adopt identification method or system.

The Department is hereby authorized to adopt an identification method or system by the use of marks, tags, paint or other methods to be affixed to livestock whereby such livestock may be identified with respect to their grade and physical condition in order that the prospective buyers or bidders may determine the grade and condition of the livestock at the time of sale.

**SECTION 47‑11‑370.** Department authorized to adopt rules and regulations and designate effective date of grading and inspection requirements; notice and hearing on rules.

The Department is hereby authorized and empowered to promulgate and adopt such rules and regulations as are reasonably necessary to carry out the provisions and requirements of this article. The Department shall also be authorized to designate the effective date on which the grading and inspection requirements of this article shall become effective which shall not be later than January 1, 1973. Before any rules and regulations, including grading requirements shall be approved and adopted, every public livestock market in this State shall be given at least fifteen days notice that such rules and regulations will be considered by the Department for approval in order that livestock market operators may appear and be heard concerning the adoption of such rules and regulations. Following adoption and approval of any and all rules and regulations, the Department, within thirty days, shall give notice to the livestock market operators of such rules and regulations approved and adopted and such rules and regulations shall not become effective until thirty days after notice has been given to the livestock market operators.

**SECTION 47‑11‑380.** Participation in grading and inspection program shall be voluntary.

Participation in this program of grading and inspection of livestock shall be completely voluntary on the part of all persons so affected by the provisions of this article. Any person, in his discretion, may elect not to have his livestock graded and inspected as provided herein and nothing herein shall give the Department authority to compel any person to have his livestock so graded and inspected. A person may elect to include any or all classes of cattle and swine, or either of them, under the provisions of this article.

**SECTION 47‑11‑390.** Violations; penalties and injunctions.

Any person, or his agent, servant or employee, after voluntarily entering this program, who operates a public livestock market and violates or refuses to comply with any of the provisions herein or who violates any rules or regulations duly approved and adopted by the Department or any person who shall refuse, resist, prevent or interfere with the Department or its authorized agents or employees in the performance of their duties, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty dollars nor more than five hundred dollars or imprisoned for not more than six months. Each day any person operates a public livestock market in violation of this article shall constitute a separate offense.

Any circuit court of this State in equity or any other court of competent jurisdiction shall have jurisdiction to grant a temporary or permanent injunction, or both, restraining or enjoining any person who voluntarily enters this program from violating any of the provisions of this article. Such injunctions shall be issued without bond. The Attorney General shall bring in a court of competent jurisdiction all actions arising out of a violation of this article.

ARTICLE 5.

 SALE AT AUCTION

**SECTION 47‑11‑510.** Commissioner authorized to regulate sales and license public livestock sales establishments.

The Commissioner of Agriculture, hereinafter referred to as “Commissioner,” shall regulate, as provided herein, the sale of livestock at auction and shall license for a fee of one dollar per year all public livestock sales establishments.

**SECTION 47‑11‑520.** Procedure for payment of livestock purchased at auction.

Payment for livestock purchased at auction shall be made on the same date of purchase of the livestock, and the proceeds therefrom shall be deposited by the public livestock sales establishment in a custodial account not later than the next banking day following the date of sale. Payment for livestock purchased at auction shall be made by cash, check or draft. There shall be no loans made from the custodial account of any public livestock sales establishment to any purchaser of livestock at such sales establishment.

**SECTION 47‑11‑530.** Notification of dishonored check or draft.

It shall be the duty and responsibility of each public livestock sales establishment to report to the Commissioner within twenty‑four hours after having knowledge that a check or draft issued in payment for livestock has been dishonored, and it shall be the duty and responsibility of the Commissioner to notify all licensed sales establishments of the fact of such dishonor of any such check issued in payment for livestock.

**SECTION 47‑11‑540.** Rules and regulations.

The Commissioner is authorized to issue and promulgate rules and regulations pertaining to the purchase and payment of livestock sold at auction in this State and to the licensing of public livestock sales establishments. The Commissioner in addition is authorized to provide penalties, including, but not limited to, the revocation of any license issued by the Commissioner, for the violation of such rules and regulations. The Commissioner shall also be authorized to prescribe that such information or records be kept by public sales establishments as may be necessary for the enforcement of this article, and such sales establishments shall make such records available for inspection by the Commissioner or his agents during any business hours.

**SECTION 47‑11‑550.** Article applies only to public sales establishments.

The provisions of this article shall only apply to public sales establishments. For the purpose of this article, “public sales establishments” shall mean any livestock sales establishment which conducts more than two livestock auction sales in any one calendar year.