

2018 Regular Session

HOUSE BILL NO. 393

BY REPRESENTATIVE TERRY BROWN

1 AN ACT

2 To amend and reenact R.S. 3:563, 564, 734(A) and (B)(1), 735, 2092(B), and 2093(5)
3 through (11) and to enact R.S. 3:561(6) and 2093(12) and (13), relative to market
4 agency and livestock dealer permits; to provide for permits; to provide for the
5 authority of the Louisiana Board of Animal Health; to provide for criteria to deny,
6 revoke, or suspend permits; to provide for records; to provide for inspectors; to
7 provide for prohibited activities; to provide for violations and penalties; to provide
8 for the authority of the commissioner of agriculture; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 3:563, 564, 734(A) and (B)(1), 735, 2092(B), and 2093(5) through
12 (11) are hereby amended and reenacted and R.S. 3:561(6) and 2093(12) and (13) are hereby
13 enacted to read as follows:

14 §561. Definitions

15 As used in this Part, the following terms shall have the following meanings
16 ascribed to them:

17 * * *

18 (6) "Board" means the Louisiana Board of Animal Health.

19 * * *

20 §563. Dealers to obtain permit

21 A.(1) All market agencies and livestock dealers shall secure an annual permit
22 from the Louisiana Board of Animal Health for the privilege of conducting business.

1 (2) It shall be a violation of this Part to operate as a market agency or
2 livestock dealer without a permit from the Louisiana Board of Animal Health.

3 (3) The provisions of this Part shall not apply to farmers or other actual
4 producers of the livestock who offer it for sale either at public stockyards or at a
5 privately owned sales pen or concentration point.

6 B. Any person seeking to be permitted as a livestock dealer or market agency
7 shall apply for a permit annually on a form prescribed by the board.

8 C. The board may deny, revoke, or suspend any permit for any of the
9 following reasons:

10 (1) Material misstatement in the application for the original permit, or in the
11 application to reissue a permit pursuant to this Part.

12 (2) Violation of this Part or of a rule or order of the board.

13 (3) Allowing a permit issued pursuant to this Part to be used by an
14 unpermitted person.

15 (4) Conviction of a crime, an essential element of which is misstatement,
16 fraud, or dishonesty.

17 (5) Conviction for violating a law or regulation of another state or of the
18 United States that is materially similar to a substantive provision of this Part or a rule
19 of the board.

20 (6) Suspension or other disciplinary action taken by the secretary of the
21 United States Department of Agriculture pursuant to the Packers and Stockyards Act
22 of 1921, 7 U.S.C. 181 through 229, as amended, if it appears that the applicant or
23 permittee committed or participated in the violation covered by the disciplinary
24 action.

25 (7) Failure to possess the qualifications determined by the board to be
26 necessary for, or failing to meet the requirements of, this Part for the issuance or
27 holding of a permit.

28 (8) Any unpaid fines, fees, or penalties imposed by the board.

1 D. Proceedings for the denial, revocation, or suspension of a permit pursuant
2 to the authority of this Part shall be conducted in compliance with the board's rules,
3 regulations, and procedures and in accordance with the Administrative Procedure
4 Act.

5 E. The board may require a person against whom disciplinary action has
6 been taken to pay the reasonable costs incurred by the board for any hearing or
7 proceeding, including its legal fees and stenographer, investigator, or witness fees,
8 and any costs and fees incurred by the board on any judicial review or appeal.

9 §564. Records of sales and purchases

10 A. Each market agency shall keep complete records of all sales and
11 purchases for each period of twelve months. The record shall consist of the name
12 and address of the seller, the number of the sales tag of the animal, the permanent
13 identification number of any brucellosis test-eligible animal, the weight and price of
14 the animal, and the name and address of the purchaser. ~~The willful noncompliance~~
15 ~~with this provision, after due notice, shall automatically revoke the permit of the~~
16 ~~operator of the market agency.~~

17 B. Each livestock dealer shall keep complete records of all sales and
18 purchases for each period of twelve months. The record shall consist of the name
19 and address of the seller, the permanent identification number of any brucellosis
20 test-eligible animal, the weight and price of the animal, and the name and address of
21 the purchaser. ~~The willful noncompliance with this provision, after due notice, shall~~
22 ~~automatically revoke the permit of the livestock dealer.~~

23 * * *

24 §734. Livestock brand inspectors

25 A. Livestock brand inspectors employed by the commissioner ~~and the~~
26 ~~director and assistant director of the commission~~ shall be commissioned by the
27 Department of Public Safety and Corrections and, for the purposes of this Part, shall
28 have the same power and authority as is vested in the state police. Inspectors shall
29 have general jurisdiction throughout the state to enforce the provisions of the

1 Louisiana Criminal Code as set forth in Paragraph (B)(1) of this Section, this Part,
2 and the rules and regulations adopted ~~under~~ pursuant to the provisions of this Part.

3 B. Personnel of the commission who are commissioned peace officers shall
4 be under the direction, control, and supervision of the commissioner and shall have
5 the following powers and duties:

6 (1) To provide for the protection of the assets and property of the
7 Department of Agriculture and Forestry, ~~and to~~ enforce the rules and regulations
8 pertaining to the Louisiana Board of Animal Health adopted pursuant to Part I of
9 Chapter 16 of Title 3 of the Louisiana Revised Statutes of 1950, as authorized in R.S.
10 3:2093, to enforce all of the provisions of this Part, and the rules and regulations
11 adopted ~~under~~ pursuant to the provisions of this Part and provisions in the Louisiana
12 Criminal Code relating to the theft of animals, the illegal branding or marking of
13 animals, the disposition of strayed animals, the theft of any farm machinery,
14 equipment, or supplies, and to perform such duties with respect to any other
15 farm-related crime.

16 * * *

17 §735. ~~Use of unrecorded brand or mark prohibited~~ Prohibited activities

18 A. No person shall use any brand or mark for branding or marking animals
19 unless the brand or mark is recorded with the commission.

20 B. No person shall intentionally offer livestock for sale without providing
21 the true and legal name of the owner of the livestock for the purpose of livestock
22 theft or violation of a quarantine issued by the Louisiana Board of Animal Health.

23 * * *

24 §2092. Officers and employees

25 * * *

26 B. The board, subject to the approval of the commissioner of agriculture,
27 shall employ a director, an assistant director, and a state veterinarian, all of whom
28 shall be in the unclassified service. ~~The state veterinarian shall be the executive~~
29 ~~secretary of the board.~~ The board, subject to the approval of the commissioner of
30 agriculture, shall appoint the executive secretary of the board. The commissioner of

1 agriculture shall employ ~~such~~ other personnel of the board as ~~are~~ necessary. All
2 employees of the board shall be under the direction and supervision of the
3 commissioner of agriculture.

4 * * *

5 §2093. Powers

6 The Louisiana Board of Animal Health shall have the following powers and
7 duties:

8 * * *

9 (5) To issue market agency and livestock dealer permits in accordance with
10 R.S. 3:563.

11 ~~(5)~~ (6) To compel owners of livestock subject to regulation by the board to
12 quarantine, test, or vaccinate the livestock whenever necessary to prevent, control,
13 or eradicate any infectious disease present in the livestock.

14 ~~(6)~~ (7) To issue cease and desist orders when a violation that is endangering
15 or causing significant damage to animal health or commerce is occurring or is about
16 to occur.

17 ~~(7)~~ (8) To institute civil proceedings seeking injunctive relief to restrain and
18 prevent violations of the laws or of administrative rules administered or enforced by
19 the board.

20 ~~(8) To impose civil penalties of up to one thousand dollars for each violation~~
21 ~~of the laws and administrative rules administered and enforced by the board. Each~~
22 ~~day on which a violation occurs shall be considered a separate offense. Civil~~
23 ~~penalties shall be assessed only by a ruling of the board based on an administrative~~
24 ~~hearing conducted in accordance with the Administrative Procedure Act. The board~~
25 ~~may institute civil proceedings to enforce its rulings in the district court for the~~
26 ~~parish in which the violation occurred.~~

27 (9) To impose penalties for violations of the laws and administrative rules
28 administered and enforced by the board as follows:

1 (a) Civil penalties of up to one thousand dollars for each violation of the
 2 laws and administrative rules administered and enforced by the board. Each day on
 3 which a violation occurs shall be considered a separate offense.

4 (b) Issuance of a public or private letter of reprimand or concern.

5 (c) Restitution of the department's costs and expenses in connection with the
 6 enforcement of this Part.

7 (d) Denial, revocation, or suspension of any permit issued by the board.

8 ~~(9)~~ (10) To advise the state Department of Agriculture and Forestry, the
 9 United States Department of Agriculture, and the legislature with respect to all
 10 phases of the meat industry in Louisiana, including but not limited to the
 11 slaughtering and processing of meat and the implementation of the Federal Meat
 12 Inspection Act, the Federal Poultry Products Inspection Act, and the state meat
 13 inspection program.

14 ~~(10)~~ (11) To adopt such rules and regulations as may be necessary to monitor
 15 compliance with the prohibition against tampering with livestock at a public
 16 livestock exhibition as set forth in R.S. 14:102.1(B)(2).

17 ~~(11)~~ (12) To adopt such rules and regulations as may be necessary to
 18 establish standards governing the care and well-being of bovine, equine, ovine,
 19 caprine, porcine, and poultry bred, kept, maintained, raised, or used for show, profit,
 20 or for the purpose of selling or otherwise producing crops, animals, or plant or
 21 animal products for market. The board shall consider the following when adopting
 22 the standards:

23 (a) The health and husbandry of the bovine, equine, ovine, caprine, porcine,
 24 and poultry.

25 (b) Generally accepted farm management practices.

26 (c) Generally accepted veterinary standards and practices.

27 (d) The economic impact the standards may have on bovine, equine, ovine,
 28 caprine, porcine, and poultry farmers, the affected bovine, equine, ovine, caprine,
 29 porcine, and poultry sectors, and consumers.

1 (13) To assess penalties pursuant to an administrative hearing conducted in
2 accordance with the Administrative Procedure Act. The board may institute civil
3 proceedings to enforce its rulings in the district court of the parish in which the
4 violation occurred.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____