

N.D.A.G. Letter to Velure (May 5, 1992)

May 5, 1992

Robert J. Velure, D.V.M.
Executive Officer and State Veterinarian
Board of Animal Health
State Capitol, Judicial Wing
600 E. Boulevard
Bismarck, ND 58505

Dear Dr. Velure:

Thank you for your April 16, 1992, letter regarding the sale of animal by-products from a quarantined herd. For the reasons set forth below, it is my opinion that the sale of such products is impermissible.

The Board of Animal Health ("Board") may quarantine domestic animals or captive wildlife which are or may be infected with any contagious or infectious disease, or which have been or may have been exposed to such disease. N.D.C.C. § 36-01-12.

N.D.C.C. § 36-14-02 provides, in part:

No person may kill for human consumption any animal infected, or suspected of being infected, with any contagious or infectious disease, nor may he sell, give away, or use any part of such animal or its milk, nor remove any part of its skin, except as the state board of animal health may provide by rules.

(Emphasis supplied.)

Domestic animals and captive wildlife may be placed under quarantine only if the Board believes an animal is or may be infected with a contagious or infectious disease or has been or may have been exposed to such disease. Once such animals have been quarantined, the by-products may not be legally sold unless authorized by the Board. The Board has not promulgated any rules that would authorize such a sale.

I hope I have satisfactorily answered your question.

Sincerely,

Nicholas J. Spaeth

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