

AGRICULTURE:  
STATE VETERINARIAN:  
DIPPING SHEEP:

State Veterinarian may issue order  
requiring dipping of sheep.

April 10, 1940

W-11



Department of Agriculture,  
Jefferson City, Missouri

Attention: Dr. H. E. Curry,  
State Veterinarian.

Gentlemen:

This is in response to yours of recent date wherein you request an opinion from this department on the following statement:

"I would like to know whether I, as State Veterinarian, have authority to issue an order requiring the dipping of all sheep at public stock yards and auction community sales located within the State of Missouri as a means of controlling and preventing further spread of sheep scab."

The order which you wish to issue and which you enclosed with your request is as follows:

"Pursuant to authority contained in a proclamation issued by Lloyd C. Stark, Governor of Missouri, on December 22, 1939, relating to the transporting and quarantining of sheep within the State of Missouri and providing for the control and eradication of scabies in sheep, it is hereby ordered that on and after Monday, April \_\_\_\_, 1940, no sheep shall be transported, shipped, driven on foot or in any manner moved from public livestock markets, railway feeding yards or stockyards and public auction or community auction sales yards located within

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The State of Missouri for purposes other than immediate slaughter at recognized slaughtering plants, to any point within the State of Missouri, unless such sheep are accompanied by an official certificate showing that such sheep have been inspected and found to be free of scabies infection and have been dipped under the supervision of a duly authorized veterinary inspector or agent approved by the State Department of Agriculture or a veterinary inspector or agent of the United States Bureau of Animal Industry."

Following this order, you have set out the solution for the dips which you permit may be used in carrying out the provisions of the order. As stated in a telephone conversation with you, you stated that this solution is one which has been approved by the United States Bureau of Animal Industry and that being the case it would be within the provisions of the Governor's Proclamation dated December 22, 1939.

Referring to the Governor's Proclamation dated December 22, 1939, relative to transporting and quarantining sheep within this state, and upon which an opinion has been rendered by this department holding that the order is legal and within the provisions of Sections 12536 and 12537, R. S. Missouri 1929, as amended, Laws of Missouri, 1939, p. 236-240, I find that the first, second and third paragraphs of the Rules and Regulations, issued in connection with the aforesaid Proclamation of the Governor, provide as follows:

"First: No sheep shall be transported shipped, driven on foot or in any manner moved from public livestock markets, railway feeding-yards or stockyards, and public auction or community auction sales yards located within the State of Missouri, to any point within the State of Missouri, except

such sheep are accompanied by an official permit or health certificate issued by the State Veterinarian, an authorized Deputy State Veterinarian of Missouri or a Veterinary Inspector of the United States Bureau of Animal Industry, certifying that the sheep are free from scabies and other infectious, contagious and communicable diseases and are not known to have been exposed to scabies.

"Second: All sheep from public livestock markets, railway feeding yards or stockyards, and public auction or community auction sales yards, transported, shipped, driven on foot or in any manner moved for purposes other than immediate slaughter, when declared by the State Veterinarian or his authorized agent as being exposed to scabies, shall be dipped in a Lime and Sulphur dipping solution approved by the United States Bureau of Animal Industry, and such dipping shall be supervised by a duly authorized Inspector of the State Department of Agriculture or an Inspector of the United States Bureau of Animal Industry or its authorized agent.

"Third: All sheep known to be affected with scabies shall be placed under quarantine by the State Veterinarian, and such sheep shall not be released from quarantine until they have been dipped twice ten (10) to fourteen (14) days apart in a Lime and Sulphur dip approved by the United States Bureau of Animal Industry, and such dipping shall be supervised by an inspector of the State Department of Agriculture or an Inspector of the United States Bureau of Animal Industry.

"The State Veterinarian is hereby

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vested with the authority to issue such orders, verbal or written, and to adopt such rules in connection with the enforcement of these regulations as in his judgment or discretion may be deemed necessary for the protection of the sheep industry of Missouri, provided, however, such orders and rules do not conflict with any statutory law of the State of Missouri or any vital rule of these regulations."

It will also be noted that the aforesaid Rules and Regulations were adopted by the Commissioner of Agriculture and the State Veterinarian which comply with the statutes.

Comparing the procedure which you propose to install in connection with the movement of sheep in this state with the provisions of the aforesaid Rules, we think that these provisions would be authorized by virtue of these Rules and especially that part of the second rule which provides that:

"All sheep from public livestock markets, railway feeding yards or stockyards, and public auction or community auction sales yards, transported, shipped, driven on foot or in any manner moved for purposes other than immediate slaughter, when declared by the State Veterinarian or his authorized agent as being exposed to scabies, shall be dipped \* \* \* "

We think this rule would be meaningless if the State Veterinarian was not authorized to require that such sheep be accompanied by an official certificate showing that they have been inspected and found free of scabies and other infectious diseases and have been dipped as is provided by said order. We are further of the view that this regulation should be adopted by the Commissioner of Agriculture and the State Veterinarian.

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CONCLUSION.

From the foregoing it is the opinion of this department that the order number one herein referred to issued by the Commissioner of Agriculture and the State Veterinarian in connection with carrying out their duties as is provided by the Governor's Proclamation relative to transporting and quarantining sheep within the State of Missouri and dated December 22, 1939, is legal and is authorized by said Proclamation and the statutes of this state.

Respectfully submitted

TYRE W. BURTON  
Assistant Attorney General

APPROVED:

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COVELL R. HEWITT  
(Acting) Attorney General

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