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States' Animal Identification Statutes:

California



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States' Animal Identification Statutes: California

Cal. Food & Agric. Code § 14364

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Current with urgency legislation through Ch. 15 of 2024 Reg. Sess.

Cal. Food & Agric. Code § 14364

(a) It is unlawful to sell or dispose of a bob veal calf for the purposes of slaughter without first affixing to the animal a producer identification number approved by the director.

(b) For purposes of this chapter, "bob veal calf" means a bovine animal 21 days of age or less or weighing 150 pounds or less, or as specified in Food Safety Inspection Service regulations of the United States Department of Agriculture.

(c) Bob veal calves that are identified as provided in Division 10 (commencing with Section 20001) are exempt from this section.

Cal. Food & Agric. Code § 14365

(a) It is unlawful to sell or dispose of a dairy cull cow without first affixing to the animal a producer identification number issued by the director.



(b) For purposes of this chapter, "cull cow" means a female bovine animal 21 days of age or more, which is sold or disposed of for the purpose of slaughter.

(c) Cull cows that are identified as provided in Division 10 (commencing with Section 20001) are exempt from this section.

Cal. Food & Agric. Code § 19023. Records to be kept and maintained for at least one year.

(a) A mobile slaughter operator that slaughters livestock pursuant to subdivision (c) of Section 19020 shall keep and maintain all of the following records expressly for that purpose for at least one year:

- (1) The date of slaughter of all livestock.
- (2) The name, address, and telephone number of producer of the livestock that are being slaughtered.
- (3) The address or other location identifier of where the slaughter occurred.
- (4) The number of each livestock slaughtered at the address on the date of slaughter.
- (5) All ear tag numbers and all identification markings, if available, on all livestock slaughtered, and, if no identification number or marking is present, record "no identification number or marking."
- (6) The name, address, and telephone number of the owner for each livestock slaughtered.
- (7) The name and address of the facility that each carcass was transported to for processing.

(b) Every producer that produces livestock that are slaughtered by a mobile slaughter operator pursuant to subdivision (c) of Section 19020 shall keep and maintain all of the following records for at least one year:

- (1) The name, address, and telephone number of the buyer.
- (2) All ear tag numbers and all other identification markings of all livestock.



- (3) The price paid for each livestock.
- (4) A purchase receipt for each livestock.
- (5) The date of purchase of each livestock.
- (6) The date of slaughter of each livestock.

(c) All records maintained pursuant to this section shall be available on the demand of any inspector or peace officer.

Cal. Food & Agric. Code § 16521. Seizure by inspector.

(a) An inspector shall seize any bovine animal, horse, mule, or burro, or the hide or carcass of any of those animals, that is within any of the following classes:

- (1) Found in the possession of a person who does not also have in his or her possession proof of ownership.
- (2) Presented for inspection and that is not claimed by the consignor or consignee.
- (3) An estray as defined in Section 17001.5.

(b) At the time of seizure, the person from whom the animal is seized shall be given a notice of rights under this chapter.

Cal. Food & Agric. Code § 16522. Evidence of ownership of animal.

Evidence of ownership of an animal or hide may include any of the following:

- (a) A recorded brand registered in the name of the person in possession of the animal or hide.
- (b) A brand inspection certificate.
- (c) A bill of sale from the owner of the brand on the animal or hide.
- (d) In the case of an unbranded animal or hide, a bill of sale which gives a description of the breed, sex, color, and natural markings, if any.
- (e) A dairy exemption number.

Cal. Food & Agric. Code § 16522.5. Dairy exemption number.



(a) A dairy exemption number shall be evidence of ownership of cull beef cows and bulls of a recognized dairy breed presented for sale at a registered or posted salesyard, or licensed slaughter plant for immediate slaughter. Any person owning a dairy farm as defined in Section 32505 may apply to the secretary for an exemption number.

(b) Every five years, the secretary may charge a fee to cover the cost of issuing and renewing a dairy exemption number. The fee may not exceed fifty dollars (\$50). The secretary may refuse to issue such number to persons who have violated any provision of Division 9 (commencing with Section 16301), Division 10 (commencing with Section 20001), or Division 11 (commencing with Section 23001) of the Food and Agricultural Code, or to persons convicted of livestock theft.

(c) The dairy exemption number shall be written on the bill of consignment, defined in Section 21703, when the cattle and consignment slip are presented to an inspector at the registered or posted salesyard, or licensed slaughter plant. The salesyard operator shall display the letters "EX" in the description line of the salesyard outbilling. An exemption number shall be deemed to meet the identification information requirements of Section 21703. The cows shall be consigned, owned, and sold in the name of the person having the exemption number.

(d) The secretary may revoke the dairy exemption number of any person who violates any provision of Division 9 (commencing with Section 16301), Division 10 (commencing with Section 20001), or Division 11 (commencing with Section 23001) of the Food and Agricultural Code, or who is convicted of livestock theft.

Cal. Food & Agric. Code § 16523. Evidence of ownership of carcass.

Evidence of ownership of a carcass may include a bill of sale, sales tag, or sales memorandum which shows all of the following:

- (a) The names of the seller and buyer.
- (b) The date of sale.
- (c) The quantity sold.

Cal. Food & Agric. Code § 16524. Unlawful refusal to turn over seized animal, hide, or carcass.

It is unlawful for any person to refuse to turn over to an inspector any animal, hide, or carcass which is seized pursuant to any provision of this part.



Cal. Food & Agric. Code § 16525. Unlawful removal of seized animal, hide, or carcass.

It is unlawful for any person to remove any animal, hide or carcass, which is seized by an inspector or peace officer pursuant to any provision of this division, Division 10 (commencing with Section 20001), or Division 11 (commencing with Section 23001), from the premises where the inspector or peace officer confined it at the time of seizure, except upon release of such animal, hide or carcass, by the inspector or peace officer who seized the animal, hide, or carcass.

Cal. Food & Agric. Code § 16526. Cost of caring for property; lien; enforcement.

Any expense which is incurred in caring for any property seized pursuant to this part shall be paid by the person presenting the property for inspection. The cost of caring for the property so held is a lien upon the property. The lien may be enforced in the manner prescribed by Section 3052 of the Civil Code.

Cal. Food & Agric. Code § 16527. Disposal of animal, hide, or carcass.

An animal, hide, or carcass seized pursuant to this chapter shall be disposed of pursuant to Chapter 7 (commencing with Section 17001).

Cal. Food & Agric. Code § 17401. Investigations relative to reported violations.

The director may make any and all necessary investigations relative to reported violations of this part pursuant to Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Cal. Food & Agric. Code § 17551. Unlawful marking or branding or alteration or defacement of brand or mark of bovine animal, horse, colt, jack, jenny, or mule.

It is unlawful for any person with the intent to steal any bovine animal, horse, colt, jack, jenny, or mule which belongs to another person, or prevent its identification by the true owner to do any of the following:

- (a) Mark or brand any such animal with any brand or mark except the recorded brand or brand and mark of the owner of the animal.
- (b) Alter or deface a brand or mark on such an animal.

Cal. Food & Agric. Code § 17552. Unlawful marking or branding or alteration or defacement of brand or mark of sheep, goat, hog, shoat, or pig.



It is unlawful for any person, with the intent to steal any sheep, goat, hog, shoat, or pig, or prevent its identification by the true owner, to do any of the following:

(a) Mark or brand such an animal with any brand or mark except the recorded brand or brand and mark of the owner of the animal.

(b) Alter or deface a brand or mark on such an animal.

Cal. Food & Agric. Code § 17553. Unlawful marking of bovine animal by cutting ear.

It is unlawful for any person to mark any bovine animal by cutting off more than one-half of an ear of the animal.

Cal. Food & Agric. Code § 17701. Punishment.

A violation of Section 17551 shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

Cal. Food & Agric. Code § 17702. Misdemeanor.

Except as otherwise provided in Section 17701, any violation of any provision of this part is a misdemeanor.

Cal. Food & Agric. Code § 17951. Civil liability.

Any person that violates any provision of this part or the regulations which are issued pursuant to it is liable civilly for a penalty in an amount not to exceed a sum of five hundred dollars (\$500) for each violation. Any money which is recovered under this section shall be paid into the Department of Agriculture Fund.

Cal. Food & Agric. Code § 17952. Action for civil penalties.

The Attorney General shall, upon complaint by the director, or may upon his own initiative, if after examination of the complaint and evidence he believes a violation has occurred, bring action for civil penalties in the name of the people of this state in any court of competent jurisdiction in this state against any person violating any provision of this part.

Cal. Food & Agric. Code § 17953. Action for injunction.

The Attorney General shall, upon complaint by the director, or may upon his own initiative, if after examination of the complaint and evidence he believes a violation has occurred, bring an action in the name of the people of this state in the superior court for an injunction against any person violating any provision of this part or any regulation which is duly issued by the director pursuant to it.



Any proceedings pursuant to this section shall conform to the requirements of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure. The director shall not, however, be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

Cal. Food & Agric. Code § 17954. Expenditure of moneys for administration and enforcement.

Any moneys in the Department of Agriculture Fund which were derived under any of the provisions of this chapter may be expended for the administration and enforcement of any of the provisions of this code stated in Section 16461, notwithstanding any other provision of law which limits the expenditure of any such money to some specific purpose or to the administration or enforcement of some specific section of this chapter.

Cal. Food & Agric. Code § 20001. Definitions govern construction of division.

Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

Cal. Food & Agric. Code § 20002. “Animal,” “calf,” and “cattle” defined.

"Animal," "calf," and "cattle" mean only bovine animals.

Cal. Food & Agric. Code § 20003. “Brand” defined.

"Brand" means a design which is permanently impressed on the hide of an animal by burning with acid, a chemical compound, or a hot iron.

Cal. Food & Agric. Code § 20004. “Brand” includes “brand and mark”.

"Brand" includes "brand and mark" if a mark is recorded or used with a brand.

Cal. Food & Agric. Code § 20005. “Bureau” defined.

"Bureau" means the Bureau of Livestock Identification.

Cal. Food & Agric. Code § 20006. “Carcass” defined.

"Carcass" means the carcass of an animal.

Cal. Food & Agric. Code § 20007. “Cattle record brand” defined.

"Cattle record brand" means a brand used to classify an animal for the purpose of keeping records which relate to the animal.

Cal. Food & Agric. Code § 20008. “Chief” defined.



"Chief" means the Chief of the Bureau of Livestock Identification.

Cal. Food & Agric. Code § 20009. "Hide" defined.

"Hide" means the hide of an animal.

Cal. Food & Agric. Code § 20010. "Inspector" defined.

"Inspector" means a hide and brand inspector. It includes the chief, regional brand supervisors, senior brand inspectors, investigators, and persons employed on a collaborative basis pursuant to Section 483 to carry out this division.

Cal. Food & Agric. Code § 20011. "Mark" defined.

"Mark" means a design which is cut into or from the ear, dewlap, or other part of an animal.

Cal. Food & Agric. Code § 20012. "Vent" defined.

"Vent" means a design which is permanently impressed on the hide of a branded animal for the purpose of voiding the prior brand.

Cal. Food & Agric. Code § 20013. "Feedlot" defined.

"Feedlot" means a beef cattle feedlot or feed yard having more than 500 head of cattle at one time during the calendar year in which cattle are being fed for slaughter.

Cal. Food & Agric. Code § 20014. "Beef cattle" defined.

"Beef cattle" means bovine animals of any breed being grown primarily for meat production.

Cal. Food & Agric. Code § 20015. "Registered feedlot" defined.

"Registered feedlot" means a feedlot defined in Section 20013 that is registered with the bureau in accordance with Sections 21081 and 21082.

Cal. Food & Agric. Code § 20016. "Licensed frozen food locker plant" defined.

"Licensed frozen food locker plant" means an establishment defined and licensed pursuant to Chapter 14 (commencing with Section 28800) of Division 22 of the Health and Safety Code.

Cal. Food & Agric. Code § 20017. "Modified point-of-origin inspection area" defined.



"Modified point-of-origin inspection area" means any area designated by the director, by regulation, pursuant to Section 21111.

Cal. Food & Agric. Code § 20018. "Upon entry into a registered feedlot" defined.

"Upon entry into a registered feedlot" means brand inspection of the cattle as soon after arrival at the feedlot as is consistent with the provisions of Section 21172.5.

Cal. Food & Agric. Code § 20019. "Processor" defined.

"Processor" means an establishment in which, for compensation directly or indirectly, meat or meat products are cut, wrapped, or frozen to be delivered for frozen storage by the ultimate customer.

Cal. Food & Agric. Code § 20020. "Point of sale" defined.

"Point of sale" as used in Section 22004.1 means the first place where the transaction occurs when the hide is sold or otherwise transferred by the person who slaughtered the animal.

Cal. Food & Agric. Code § 20021. "Modified point of origin inspection" defined.

"Modified point of origin inspection," as provided in Sections 21111 and 21112, pertains only to the inspection of cattle where there is no sale within a designated modified point of origin inspection area prior to transportation for pasture-to-pasture purposes when crossing the area boundary.

Cal. Food & Agric. Code § 20022. "Full point of origin inspection area" defined.

"Full point of origin inspection area" means any area designated by the director, by regulation, pursuant to Sections 21141 and 21141.5.

Cal. Food & Agric. Code § 20023. "Full point of origin inspection" defined.

"Full point of origin inspection" as provided in Sections 21141 and 21141.5 means the inspection of all cattle, except as herein excepted, prior to transportation across the area boundary. However, pasture-to-pasture movement within the area is permitted without inspection, and cattle moving to a destination point within the area shall pay the destination inspection fee only.

Cal. Food & Agric. Code § 20024. "Destination point inspection" defined.



"Destination point inspection" means the inspection of cattle within the California borders after shipment directly to a posted stockyard, public salesyard, private cattle sales market, licensed slaughterhouse, or registered feedlot, without prior inspection.

Cal. Food & Agric. Code § 20025. "Cattle movement" defined.

"Cattle movement" means the transportation of cattle by vehicle or herding, such as a drive of an animal herd.

Cal. Food & Agric. Code § 20026. "Private treaty transaction" defined.

"Private treaty transaction," as used in this division, means the transfer of ownership of cattle or livestock by agreement or contract, at a point other than a destination point.

Cal. Food & Agric. Code § 20027. "Pasture-to-pasture movement" defined.

"Pasture-to-pasture movement" means transportation of cattle, or leading or herding from one feeding or pasture premise to another feeding or pasture premise with no change of ownership.

Cal. Food & Agric. Code § 20028. "Transportation, transport, or transporting" defined.

"Transportation, transport, or transporting" as used in this division means to carry livestock from one place to another by means of a vehicle which may be propelled, moved, or drawn on land or water, or may be airborne.

Cal. Food & Agric. Code § 20029. "Shipper" defined.

"Shipper" means any person who transfers cattle from one geographical location to another.

Cal. Food & Agric. Code § 20030. "Licensed slaughterer" defined.

"Licensed slaughterer" means any person who is in the business of slaughtering bovine animals and who has applied to and been issued a grant of inspection by the United States Department of Agriculture Food Safety and Inspection Service.

Cal. Food & Agric. Code § 20401. Bureau of Livestock Identification.

There is in the department the Bureau of Livestock Identification.

Cal. Food & Agric. Code § 20402. Chief.



The bureau is administered by a chief who is appointed by the director pursuant to the State Civil Service Act, Part 2 (commencing with Section 18500), Division 5, Title 2 of the Government Code.

Cal. Food & Agric. Code § 20403. Administration and enforcement; other duties of chief.

The chief shall administer and enforce this division and shall perform such other duties within the scope of his employment as the director may require.

Cal. Food & Agric. Code § 20404. Chief responsible for proper administration and enforcement of division.

The chief is responsible to the director for the proper administration and enforcement of this division.

Cal. Food & Agric. Code § 20405. Assistance in prosecution.

The chief shall assist in the prosecution of persons charged with violation of any provision of this division.

Cal. Food & Agric. Code § 20406. Appointment of inspectors and other assistants.

Subject to the approval of the director, the chief shall appoint such inspectors and other assistants as may be necessary to carry out this division.

Cal. Food & Agric. Code § 20407. Employment of investigators.

Subject to the approval of the director, the chief may employ investigators to investigate reported thefts or losses of cattle.

Cal. Food & Agric. Code § 20432. Enforcement of provisions referring to theft of animal or carcass by inspector; authority to arrest.

Each inspector may enforce the provisions of Chapter 5 (commencing with Section 484), Title 13, Part 1 of the Penal Code, with reference to theft of any animal or carcass, and is authorized, as a public officer, to arrest for any such offense. In the event of an arrest pursuant to this section, the provisions of Section 835a of the Penal Code shall apply as if the inspector were a peace officer.

Cal. Food & Agric. Code § 20433. Cooperation and assistance by sheriffs, members of California Highway Patrol, and peace officers.

Each sheriff, member of the California Highway Patrol, and other peace officer shall cooperate and assist in enforcing this division.



Cal. Food & Agric. Code § 20434. Report regarding complaint relating to loss or theft of cattle.

Each sheriff or other officer to whom a complaint which relates to the loss or theft of cattle is made shall forthwith transmit to the bureau a report which shows all of the following:

- (a) The number of animals that are involved.
- (b) A description of the animals, including any marks and brands on them.
- (c) The date of the loss or theft.
- (d) Any other information which the chief may by regulation require.

Cal. Food & Agric. Code § 20435. Taking possession of animal, hide, or carcass in possession of person suspected not be legal owner.

If an inspector or peace officer finds any animal, hide, carcass, or portion of a carcass in the possession of any person that he has reason to believe is not the legal owner or entitled to the possession of it, he shall take possession of it or notify the person in possession where to leave it pending investigation.

Cal. Food & Agric. Code § 20436. No disposal without release.

A person shall not, without a release from the inspector or peace officer, dispose of the animal, hide, carcass, or portion of a carcass within 30 days after receiving the notice pursuant to Section 20435 or until it is released by the inspector or peace officer.

Cal. Food & Agric. Code § 20437. Length of seizure.

Any animal, hide, carcass, or portion of a carcass shall not be held pursuant to Section 20435 for more than 30 consecutive days, unless the notice of seizure is renewed by the inspector or peace officer.

Cal. Food & Agric. Code § 20438. Stopping conveyance for purpose of making investigation and taking possession of animal, hide, or carcass.

Any inspector or peace officer may stop any conveyance which is transporting any animal, hide, carcass, or portion of a carcass on any public thoroughfare for the purpose of making an investigation and may take possession of the animal, hide, carcass, or portion of a carcass and hold it for not to exceed 30 days pending an investigation.

Cal. Food & Agric. Code § 20439. Expense incurred in caring for seized property.



Any expense which is incurred in caring for any property which is seized pursuant to this article shall be paid by the owner of the property. The cost of caring for the property so held is a lien upon the property. The lien may be enforced in the manner which is prescribed in Section 3052 of the Civil Code.

Cal. Food & Agric. Code § 20440. Disposal of animal.

Any animal which is seized by or comes into the possession of an inspector pursuant to this division shall be disposed of as provided in Chapter 7 (commencing with Section 17001), Part 1, Division 9 of this code.

Cal. Food & Agric. Code § 20461. "Board" defined.

As used in this article, "board" means the Livestock Identification Advisory Board.

Cal. Food & Agric. Code § 20462. Livestock Identification Advisory Board.

There is in the department the Livestock Identification Advisory Board, which consists of seven members. The director may appoint one additional member on the board, as provided in Section 20463.

Cal. Food & Agric. Code § 20462.5. Persons appointed intended to represent and further interest of particular agricultural industries concerned.

It is hereby declared, as a matter of legislative determination, that persons appointed to the Livestock Identification Advisory Board pursuant to this article are intended to represent and further the interest of the particular agricultural industries concerned, and that such representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that, with respect to persons who are appointed to such board, the particular agricultural industries concerned are tantamount to, and constitutes, the public generally within the meaning of Section 87103 of the Government Code.

Cal. Food & Agric. Code § 20463. Appointment of members.

The director shall appoint the members to the board as follows:

- (a) Two shall be beef cattle producers.
- (b) Two shall be dairymen.
- (c) One shall be engaged in the livestock marketing business.
- (d) Two shall be operators of registered feedlots.

The director may appoint one additional member on the board, who shall be a public member. Upon the director's request, the board shall submit to the director the names of three or more natural persons, each of whom shall be a citizen and



resident of this state and not a producer, shipper, or processor nor financially interested in any producer, shipper, or processor, for appointment by the director as a public member of the board. The director may appoint one of the nominees as the public member on the board. If all nominees are unsatisfactory to the director, the board shall continue to submit lists of nominees until the director has made a selection. Any vacancy in the office of the public member of the board shall be filled by appointment by the director from the nominee or nominees similarly qualified submitted by the board. The public member of the board shall represent the interests of the general public in all matters coming before the board and shall have the same voting and other rights and immunities as other members of the board.

Cal. Food & Agric. Code § 20464. Consideration of recommendations in making selection of members.

In making his selection of the membership of the board, the director shall take into consideration the recommendations of organizations and associations of cattlemen, dairymen, livestock marketing agencies, and general farm organizations.

Cal. Food & Agric. Code § 20465. Term of office; vacancy.

The term of office of the members of the board is four years. Any vacancy which occurs during an unexpired term shall be filled by appointment for the unexpired term.

Cal. Food & Agric. Code § 20466. Traveling expenses of members.

The members of the board shall serve without compensation but are entitled to their traveling expenses in the same amount as is provided for other nonsalaried board and commission members who serve the state.

Cal. Food & Agric. Code § 20467. Assistance of director and chief in administration and enforcement; recommendations.

The board shall assist the director and the Chief of the Bureau of Livestock Identification in the administration and enforcement of Part 1 (commencing with Section 16301) and Part 2 (commencing with Section 17401) of Division 9, Chapter 2 (commencing with Section 18351) and Chapter 3 (commencing with Section 18501) of Part 3 of Division 9, Division 10 (commencing with Section 20001), and Division 11 (commencing with Section 23001). The board shall make recommendations to the director concerning such administration and enforcement. Any such recommendation shall be made effective upon approval of the director, including recommendations under subdivisions (a), (b), (c), and (d) of Section 20469.



Cal. Food & Agric. Code § 20468. Conferring with others regarding administration of enforcement functions of Bureau of Livestock Identification.

The members of the board shall confer with all of the following regarding matters which are involved in the administration of the enforcement functions of the Bureau of Livestock Identification:

- (a) The director and the Chief of the Bureau of Livestock Identification.
- (b) Livestock producers and marketers.
- (c) Farm and livestock organizations.
- (d) Other cooperating agencies.

Cal. Food & Agric. Code § 20469. Recommendations to director and chief.

The board shall make recommendations to the director and to the Chief of the Bureau of Livestock Identification relative to all of the following:

- (a) Improvements and changes in the administration and enforcement of the hide and brand laws and regulations which are adopted pursuant to such laws.
- (b) Procedures which are followed by the Bureau of Livestock Identification.
- (c) Curbing of livestock thefts.
- (d) The annual budget for the Bureau of Livestock Identification.
- (e) Legislation which is designed to improve the functioning of the bureau.

Cal. Food & Agric. Code § 20470. Meetings.

The board shall meet at the call of its chairperson. It shall meet at least twice in every calendar year.

Cal. Food & Agric. Code § 20471. Place of meetings.

The meetings of the board shall be held in the offices of the department at Sacramento, or elsewhere within the state, if necessary for the proper performance of its duties.

Cal. Food & Agric. Code § 20601. Object of division.

It is the ultimate object of this division to provide for statewide recordation of brands with the entire state as one branding district.

Cal. Food & Agric. Code § 20602. Recording of brands.



Brands for the purpose of establishing or indicating ownership of cattle may be recorded pursuant to this chapter. Brands for other purposes shall not be recorded.

Cal. Food & Agric. Code § 20603. Regulation prescribing location on animal where brands may be applied.

The chief shall, by regulation, prescribe the location on the animal where different types of brands, including recorded brands and cattle record brands, may be applied.

Cal. Food & Agric. Code § 20604. Unlawful branding of animal.

It is unlawful for any person to brand any animal except in accordance with the provisions of this chapter.

Cal. Food & Agric. Code § 20605. Unlawful use of unrecorded, forfeited, or canceled brand.

It is unlawful for any person to use an unrecorded, forfeited, or canceled brand.

Cal. Food & Agric. Code § 20606. Unlawful application of recorded brand in location on animal other than that specified on brand registration certificate.

It is unlawful for any person to apply a recorded brand in any location on the animal except that which is specified on the brand registration certificate.

The use of a brand on any location except that which is specified on the brand registration certificate is the same as the use of an unrecorded brand.

Cal. Food & Agric. Code § 20607. Unlawful use of brand on cattle indicating ownership.

It is unlawful for any person to use a brand on cattle indicating ownership unless the cattle are owned by him or he has been authorized by the owner of the cattle and the brand is recorded under the owner's name and is on file with the Bureau of Livestock Identification.

Cal. Food & Agric. Code § 20608. Proof of possession or ownership of cattle with unrecorded, forfeited, or canceled brand establishing rebuttable presumption.

Proof of possession or ownership of cattle with an unrecorded, forfeited, or canceled brand establishes a rebuttable presumption that the person in possession or the owner of the cattle has branded them with such brand. This presumption is a presumption affecting the burden of proof.

Cal. Food & Agric. Code § 20609. Proof of brand of animal establishing rebuttable presumption.



In every suit at law or in equity, if the title to any animal is involved, proof of the brand of the animal establishes a rebuttable presumption that the owner of the brand was the owner of the animal at all times during which the brand was duly recorded as provided in this code. This presumption is a presumption affecting the burden of proof.

The right of any person to use such brand may be established by a certified copy of the brand records on file in the bureau.

Cal. Food & Agric. Code § 20610. Permit to allow branding of cattle with brand recorded in another state.

(a) The owner of cattle brought into this state from out of state for grazing purposes may apply to the director for a permit to allow the branding of the cattle with a brand recorded in another state. The director may issue a permit for this purpose under all of the following conditions:

- (1) The owner of an identical brand recorded for use in this state has been notified and has given written consent for the use of the brand.
- (2) The brand is limited to use on suckling calves which are accompanied by their mothers bearing the same brand.
- (3) The herd is inspected by the bureau prior to branding.

(b) The director may charge a fee for inspection as provided in Article 9 (commencing with Section 21281) of Chapter 6, including a time and mileage charge, to cover the cost of providing the inspection.

(c) The director may establish and charge a fee to cover the cost of issuing the permit authorized by this section. The fee for the permit shall not exceed one hundred dollars (\$100).

(d) This section is applicable only to those cattle brought into this state from a state which has implemented a reciprocal program for cattle from this state.

Cal. Food & Agric. Code § 20631. Venting a brand.

Venting a brand consists of rebranding a branded animal, by the owner of the animal, for the purpose of voiding his prior brand.

Cal. Food & Agric. Code § 20632. Application of vent brand.

A vent brand may be applied on the loin of an animal which corresponds to the side the owner's registered brand.

Cal. Food & Agric. Code § 20633. Use of owner's recorded brand as vent.



Only the owner's recorded brand may be used as a vent. Recordings shall not be issued which allow the use of any other brand as a vent.

Cal. Food & Agric. Code § 20634. [Repealed].

Cal. Food & Agric. Code § 20661. Application to use brand.

Any person that desires to use a brand in this state may acquire the right to do so pursuant to this chapter. Application forms for this purpose shall be furnished by the bureau upon request.

Cal. Food & Agric. Code § 20662. Requirements for proposed brand design.

To conform to the objective of this chapter, all applications for the recordation of a brand shall be accepted by the chief only if the proposed brand design fulfills the following requirements:

- (a) Is not in conflict with any other recorded brand in this state.
- (b) Is capable of producing a like design when burned into the hide of an animal.
- (c) Is capable of readily symbolizing the intended design to any person who views it.
- (d) Lends itself to common verbal description.

Cal. Food & Agric. Code § 20663. Filing of application for recordation of brand.

An application for the recordation of a brand shall be filed with the bureau.

Cal. Food & Agric. Code § 20664. Content of application.

The application shall contain all of the following:

- (a) A facsimile of the brand which is sought to be recorded.
- (b) A statement of the location on the animal where the brand is to be applied.
- (c) The name and address of the applicant.
- (d) The signature of a parent or guardian if the applicant is under 18 years of age.

Cal. Food & Agric. Code § 20665. Mark recorded as brand.

A mark may be recorded only with a brand. If a mark is sought to be recorded with a brand, the application shall also contain a diagram which shows the manner of marking.



Cal. Food & Agric. Code § 20666. Examination of application.

Upon receipt of an application, the bureau shall examine the application and compare the design applied for with brands that are already of record.

Cal. Food & Agric. Code § 20667. Application which consists only of mark not acceptable.

An application shall not be accepted for the recordation of a brand which consists only of a mark.

Cal. Food & Agric. Code § 20668. Application not acceptable if brand to be applied to certain areas.

An application shall not be accepted for the recordation of a brand if the brand is to be applied to any of the following:

- (a) Either jaw.
- (b) The face.
- (c) The nose.
- (d) Either loin.
- (e) The breeching of an animal.

Cal. Food & Agric. Code § 20669. Application not acceptable if use of mark involves cutting off more than one-half of ear.

An application shall not be accepted for the recordation of a brand which is accompanied by a mark if the use of the mark involves cutting off more than one-half of an ear.

Cal. Food & Agric. Code § 20670. Payment of fee required.

An application shall not be accepted for the recordation of a brand except upon the payment of the fee for the recordation of the brand.

Cal. Food & Agric. Code § 20671. Statement of reason why application cannot be accepted.

If the application does not conform to the requirements of, or cannot be accepted pursuant to, this chapter, a statement of the reason why it cannot be accepted shall be transmitted to the applicant.

Cal. Food & Agric. Code § 20672. Appeal.



Any person who is aggrieved at any determination made pursuant to Section 20662 may appeal in person to the Livestock Identification Advisory Board. Upon receipt of a written request from the person appealing the decision, such person shall be permitted to present his views to the board. The board may recommend to the director to affirm, reverse, or modify the determination. The decision of the director shall be final.

Cal. Food & Agric. Code § 20691. Record of all brands.

The bureau shall maintain a record of all brands that are recorded, except forfeited or canceled brands which are subject to Section 20701.

Cal. Food & Agric. Code § 20692. Furnishing of information as to recorded brand.

Any person, upon request to the bureau, shall be furnished information as to any recorded brand.

Cal. Food & Agric. Code § 20693. Brand not recorded if it consists of letters or characters which are applied in more than one branding location.

A brand shall not be recorded if it consists of any letters or characters which are applied in more than one branding location on the animal.

Cal. Food & Agric. Code § 20694. Brand not recorded for person under 18 years of age unless application countersigned by parent or guardian.

A brand shall not be recorded for any person under 18 years of age unless the application is countersigned by his parent or guardian.

Cal. Food & Agric. Code § 20695. Recordation of brand.

Recordation of a brand consists of entering in the brand records the matters which are contained in the application, together with the date of recordation, and the execution by the bureau of a cattle brand registration certificate.

Cal. Food & Agric. Code § 20696. Original cattle brand registration kept by bureau; duplicate certificate issued.

The original cattle brand registration certificate shall be kept on file in the bureau. A duplicate certificate shall be issued to the person in whose name the brand is recorded.

Cal. Food & Agric. Code § 20697. Effect of issuance of cattle brand registration certificate.

The issuance to a person of a cattle brand registration certificate confers upon the person to whom it is issued both of the following:



(a) The right to use the brand until the right to use it is forfeited or the record of the brand is canceled pursuant to this chapter.

(b) The right to use the same brand on the same location on horses, mules, burros, sheep, and swine if not in conflict with a previously recorded brand.

Cal. Food & Agric. Code § 20698. Right to use brand transferable property right.

The right to use a brand is a property right and may be sold or otherwise transferred.

Cal. Food & Agric. Code § 20699. Transferee of brand.

A transferee of a brand shall not use the brand until the transfer has been recorded by the bureau.

Cal. Food & Agric. Code § 20700. Cancellation of record of brand upon written request.

The record of any brand may be canceled at any time upon the written request of the person in whose name it is recorded.

Cal. Food & Agric. Code § 20701. Destruction of record of brands forfeited or cancelled.

The records of brands which have been forfeited or canceled for more than five years may be removed from the files and destroyed.

Cal. Food & Agric. Code § 20721. Failure to pay fees.

The right to use a recorded brand is lost by the failure to pay the fees which are required by Article 6 (commencing with Section 20751) of this chapter.

Cal. Food & Agric. Code § 20722. Failure to pay renewal fee.

If the renewal fee that is required by Article 6 (commencing with Section 20751) is not paid by April 30th following the recordation of the brand, or by April 30th of the year that follows the last year for which the renewal fee has been paid, the right to use the brand is suspended by operation of law as of April 1st of that year.

Cal. Food & Agric. Code § 20723. Forfeiture after suspension; rerecording.

If the right to use a brand is suspended for more than one year, the right is forfeited on April 1st following the year of suspension. The brand, thereafter, may be rerecorded by the former owner or it may be applied for by any other person pursuant to this chapter.



Cal. Food & Agric. Code § 20724. Forfeiture of right to use brand which conflicts with brand which has prior cattle brand registration certificate number.

The right to use any brand which conflicts with any brand which has a prior cattle brand registration certificate number pursuant to this chapter is forfeited. All recordations shall be on a statewide basis.

Cal. Food & Agric. Code § 20725. Prohibition from registering or owning brand; termination of registration of brand.

(a) Any person convicted of Section 487a of the Penal Code shall be prohibited from registering or owning, in whole or in part, a brand for a period of five years following the date of the conviction.

(b) Upon being notified of the conviction, the secretary shall terminate the registration of any brand registered to a person convicted of Section 487a of the Penal Code.

Cal. Food & Agric. Code § 20751. Fee for application.

The fee for each application for recording a brand is seventy dollars (\$70).

Cal. Food & Agric. Code § 20752. Fee entitles applicant to recordation of one brand, one duplicate brand registration certificate, and right to use brand; fee for additional duplicate.

The fee entitles the applicant to the recordation of one brand, one duplicate brand registration certificate, and the right to use the brand until the following April 1st. The fee for each additional duplicate is ten dollars (\$10).

Cal. Food & Agric. Code § 20754. Biennial period renewal fee.

Except as otherwise provided in Section 20755, the owner of a brand shall, on or before April 30 after its recordation, pay to the bureau a biennial period renewal fee of seventy dollars (\$70) for the right to continue to use the brand.

Cal. Food & Agric. Code § 20755. Advance payment by owner of recorded brand.

The owner of a recorded brand may, on or before April 30 of any year, pay in advance to the bureau a sum that is a multiple of seventy dollars (\$70). The payment entitles him or her to use the brand for a minimum of two years, but not to exceed 10 years, at the rate of thirty-five dollars (\$35) per year on and after April 1 of that year. If the advance payment is made, biennial renewals for the years within the period for which advance payment has been made are not required.



Cal. Food & Agric. Code § 20756. Suspension of right to use brand for failure to pay renewal fee; reinstatement.

If the right to use a brand is suspended for failure to pay the renewal fee, it may be reinstated within one year from the date of suspension upon the payment of the biennial renewal fee of seventy dollars (\$70) plus a twenty-five dollar (\$25) penalty fee.

Cal. Food & Agric. Code § 20757. Fee for rerecording forfeited or canceled brand.

(a) Except as provided in subdivision (b), the fee for rerecording a forfeited or canceled brand shall be one hundred forty dollars (\$140). This amount shall accompany the application to rerecord.

(b) When a penalty has been paid pursuant to Section 20222, within 30 days of the date the application to rerecord is received by the secretary, the fee to rerecord shall be seventy dollars (\$70).

Cal. Food & Agric. Code § 20758. Fee for recording transfer of brand.

The fee for recording the transfer of a brand, including a new certificate, is seventy dollars (\$70).

Cal. Food & Agric. Code § 20759. Lapse of application.

If the applicant fails to submit within 60 days of the date of receipt by the department of application for recording or re-recording a brand, or for recording the transfer of a brand, any information or document which is required by this chapter, the application lapses. The applicant is not entitled to the recording or re-recording of the brand, or the recording of the transfer of the brand, unless and until he submits a new application and another fee for it.

Cal. Food & Agric. Code § 20760. Raising or lowering of fees or penalties.

The fees or penalties prescribed in this article may be raised or lowered under one of the following conditions:

(a) Lowered by the director, based upon a finding and recommendation of the Livestock Identification Advisory Board, whenever they determine that the cost of administering and enforcing the provisions of this division may be maintained with a lower fee.

(b) Increased by an amount not to exceed 20 percent of the statutory fee, by the director upon the recommendation of the Livestock Identification Advisory Board whenever the board determines that the costs of administering and enforcing the provisions of this division require a



greater fee. The advisory board shall approve any increase in fees by a two-thirds vote of its entire membership.

Cal. Food & Agric. Code § 20791. Investigation and hearing held on matter of similar brands.

If the brand records on file with the bureau disclose that two or more brands have been recorded which appear to be so similar as to be misleading or conflicting, the chief may, and upon request of the owner of one of such brands he shall, cause an investigation to be made and a hearing held upon the matter.

Cal. Food & Agric. Code § 20792. Notice of hearing.

Notice of the hearing shall be given to each interested person at least 10 days prior to the hearing.

Cal. Food & Agric. Code § 20793. Dismissal of proceedings if brands not similar.

At the hearing, the chief shall first determine if the brands are so similar as to be misleading or conflicting. The chief shall dismiss the proceedings as to any brands which he finds are not so similar as to be misleading or conflicting.

Cal. Food & Agric. Code § 20794. Determination which of conflicting brands has been of record for longest consecutive period of time.

If, at the hearing, the chief finds that two or more brands have been recorded which are so similar as to be misleading or conflicting, he shall determine which of the conflicting brands has been of record for the longest consecutive period of time. The owner of such brand has the right to continue to use his brand. The conflicting brand shall be canceled.

Cal. Food & Agric. Code § 20795. Request for investigation by owner of recorded brand.

The owner of a recorded brand may request the chief to make an investigation if there are cattle other than his own which bear a brand so similar to such owner's brand as to be misleading or conflicting.

Cal. Food & Agric. Code § 20796. Requirement that cattle be branded with other brand.

If, after the investigation, the chief finds sufficient cause for such action, he may require that the cattle, other than those of the owner of the brand which is recorded, be branded with some other brand which is approved by the chief and recorded pursuant to this chapter.



Cal. Food & Agric. Code § 20797. Appeal.

Any person who loses his or her right to use a brand as a result of the determination of the chief pursuant to this article may appeal to the secretary within 15 days. The secretary may affirm, reverse, or modify the determination of the chief.

Cal. Food & Agric. Code § 20901. Branding of cattle.

Notwithstanding any other provision of this division, cattle may be branded pursuant to this chapter.

Cal. Food & Agric. Code § 20902. Purposes of identification.

A cattle record brand shall be used only for purposes of identification. It is not evidence of ownership.

Cal. Food & Agric. Code § 20903. No recording.

A cattle record brand shall not be recorded.

Cal. Food & Agric. Code § 20904. Placement of cattle record brand.

A cattle record brand may be placed upon either loin in front of the hip and behind the ribs of the animal.

Cal. Food & Agric. Code § 20905. Placement of cattle record brand for dairy cattle.

A cattle record brand for dairy cattle of the Holstein, Jersey, Guernsey, Ayrshire, Brown Swiss, Dutch Belted, and Milking Shorthorn breeds may be placed upon the right hip rather than upon the loin.

Cal. Food & Agric. Code § 20906. Cattle record brand.

A cattle record brand consists of:

- (a) Consecutive numerals, letters, or a combination of numerals or letters if placed upon the loin of an animal.
- (b) At least three consecutive numerals that constitute a number greater than 200 if placed upon the right hip of an animal.

Cal. Food & Agric. Code § 23251. Use of brand on horses, mules, burros, or sheep.

Any person that desires to use a brand on horses, mules, burros, or sheep shall be governed by the same provisions and procedures with reference to such animals as are made applicable to the branding of cattle in Chapter 4 (commencing with Section 20601) of Division 10 of this code, except Section 20668.



Cal. Food & Agric. Code § 23251.1. Definitions.

For the purposes of this article, "brand" also includes a design which is made by applying a super-cold iron that permanently causes white hair growth or a bald mark on the animal.

As used in this section, "super-cold iron" means one that is cooled to at least a minus 195 degrees Celsius (minus 319 degrees Fahrenheit).

Cal. Food & Agric. Code § 23252. Use of registered cattle brand on horses, mules, burros, sheep, or swine.

Any person that owns a registered cattle brand may use the same brand on the same location on horses, mules, burros, sheep, or swine if it is not in conflict with a previously registered brand.

Cal. Food & Agric. Code § 23281. Recording of brands for swine.

Brands for swine may be recorded pursuant to the same provisions and procedures as are made applicable to the recording of brands for cattle in Chapter 4 (commencing with Section 20601) of Division 10 of this code, except Section 20668. Such recording, however, is not mandatory.

