



# The National Agricultural Law Center

[nationalaglawcenter.org](http://nationalaglawcenter.org) | [nataglaw@uark.edu](mailto:nataglaw@uark.edu) | [@nataglaw](https://twitter.com/nataglaw)

States' Animal Identification Statutes:

*Tennessee*



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# A National Agricultural Law Center Research Publication

## States' Animal Identification Statutes: Tennessee

### Tenn. Code Tit. 44, Ch. 7

*Current with legislation effective through June 30, 2024, from the 2024 Regular Session of the 113th Tennessee General Assembly.*

#### **Tenn. Code § 44-7-101. Marks and brands of animals running at large.**

Any person owning any cattle, hogs, sheep or goats, horses or other animals, running at large, shall have an earmark or brand different from those of that person's neighbors.

#### **Tenn. Code § 44-7-102. Recording marks and brands.**

Marks or brands shall be recorded in the office of the county clerk of the county in which the animals run; but the same brand or marks shall not be recorded to more than one (1) person in the same county.

#### **Tenn. Code § 44-7-103. Priority of marks and brands.**

When a dispute occurs in regard to a brand or mark, the person first recording the same is entitled thereto.

#### **Tenn. Code § 44-7-104. Horses and cattle to be branded.**

The owner shall brand all horses, from eighteen (18) months old and upwards, with the same brand, and earmark and brand all the owner's cattle from twelve (12) months old and upwards with the same mark or brand.

#### **Tenn. Code § 44-7-105. Deciding dispute as to marks and brands.**

If any dispute arise about an earmark or brand, it shall be decided according to entries on the book of the county clerk.

#### **Tenn. Code § 44-7-106. Neat cattle purchased to be branded anew upon purchase.**

Any person who buys branded neat cattle from another, or acquires same by other lawful means, shall, within eight (8) months, brand the cattle with the person's own proper brand, in the presence of two (2) credible witnesses, a certificate of which shall be signed by the witnesses.



### **Tenn. Code § 44-7-107. Altering or defacing marks – Forfeiture.**

Any person who alters or defaces the mark or brand of another, forfeits for each animal on which the mark or brand is altered or defaced, twenty-five dollars (\$25.00) to the owner who sues therefor in six (6) months, and to the owner or any interested third person who sues after six (6) and within twelve (12) months.

### **Tenn. Code § 44-7-108. Misbranding or mismarking – Forfeiture.**

Any person who misbrands or mismarks any unbranded or unmarked animals not belonging to that person forfeits, as in § 44-7-107, twenty-five dollars (\$25.00) over and above the value of the animal, to be recovered in the same way.

### **Tenn. Code § 44-7-109. Inspection of record – Clerk’s fee for recording.**

The county clerk shall allow all citizens of the county to inspect, without charge, the book in which the marks and brands are recorded; and is entitled to fifty cents (50¢) for each record of a mark or brand.

### **Tenn. Code § 44-7-110. Record of livestock brands required.**

(a) Every stockyard, slaughterhouse, and packing house licensed to do business under the laws of this state shall maintain for sixty (60) days on file a record of all visible brands on livestock handled or processed on their premises. The list shall be updated every sixty (60) days and inspection shall be made available to persons doing business with those establishments.

(b) In the event brands are unreadable, the stockyard, slaughterhouse, or packing house will record the brand to the best of its ability with a statement declaring the condition of the brand.

(c) Failure to comply with this section is a Class A misdemeanor.

### **Tenn. Code § 44-7-201. Part definitions.**

As used in this part, unless the context otherwise requires:

- (1) "Brand" means any recorded identification mark applied to any position on the hide of a live animal by means of heat, acid or chemical, except tattoo marks in the ear or numbers used to keep production records or record of age;
- (2) "Commissioner" means the commissioner of agriculture;
- (3) "Department" means the department of agriculture;
- (4) "Livestock hide dealer" means any dealer or person who buys hides;



(5) "Livestock market" means a place where a person assembles livestock for public sale if the person is required to procure a license or permit from the department to operate such market; and

(6) "Person" means any individual, partnership, corporation or association.

**Tenn. Code § 44-7-202. Registration of brands by department of agriculture – Fees – Issuance of certificate.**

(a) Any owner who uses a brand to identify cattle, hogs, sheep, goats, horses, and other animals belonging to that owner must submit an application to the department to register the owner's brand.

(b) The application shall be made on forms prescribed and furnished by the department and shall be accompanied by payment of a fee set by rule pursuant to § 43-1-703 and a facsimile of the brand to be registered. If the brand described in the application closely resembles another brand previously registered by another owner, the commissioner may reject the application for registration, but in the event the brand does not closely resemble another brand previously registered, the commissioner shall issue to the applicant a certificate of registration.

(c) A person having a brand duly registered with the department may transfer the brand to another person by notifying the department of the transfer and giving the date of transfer and the name of the transferee. Upon receipt of the notice, the department shall note the brand transfer and the name of the transferee in its register of brands. The transferee shall not use the transferred brand until the department notifies the transferee that the brand transfer has been noted on the department's register.

**Tenn. Code § 44-7-203. Copy of certificate evidence of registration.**

In all suits at law or in equity, or in any criminal proceedings involving the title or right of possession of branded cattle, hogs, sheep, goats, horses, and other animals, a copy of the certificate of the brand registration, verified by the affidavit of the commissioner, shall be received in evidence by the court as evidence of the registration of the brand in accordance with the requirements of this part.

**Tenn. Code § 44-7-204. Reregistration of brands periodically – Fee – Forfeiture upon failure.**

Every five (5) years, all brands shall be reregistered with the department. At least ninety (90) days prior to the date for reregistration of all brands, the department shall notify all persons having brands registered as to the date by which the brand must be reregistered. On or before the reregistration date, the person in whose



name the brand is registered shall furnish any additional information as the department may require on forms furnished by the department. If any person having a registered brand fails to reregister the brand in that person's name, the brand shall be forfeited and shall be available for registration in the name of another person.

**Tenn. Code § 44-7-205. Register of brands – Publication.**

The department shall maintain a complete register of all brands, showing the name and address of the owner, and shall, in accordance with the rules, regulations, policies and procedures of the state publications committee, publish and distribute copies of the register in booklet form, and supplemental copies thereof, to every livestock market and county clerk in the state. Copies of the register of brands may be furnished to other persons requesting them at a price to be determined by the commissioner.

**Tenn. Code § 44-7-206. Copies of register to be available for inspection.**

Every operator of a livestock market where cattle, hogs, sheep, goats, horses, and other animals are sold shall keep a copy of the register of brands in that person's place of business where it will be accessible for public inspection.

**Tenn. Code § 44-7-207. Rules and regulations promulgated by commissioner.**

The commissioner has the authority to promulgate such rules and regulations as are reasonably necessary to carry out the intent and purpose of this part so as to facilitate the tracing and identification of cattle, hogs, sheep, goats, horses, and other animals, and afford protection against stealing and unlawful dealing in cattle, hogs, sheep, goats, horses, and other animals.

**Tenn. Code § 44-7-208. Unlawful to use unregistered brand or deface brand.**

It is unlawful for:

- (1) Any person to use any brand for branding cattle, hogs, sheep, goats, horses, and other animals, unless the brand is registered with the department;
- (2) Any person to obliterate, alter or deface the brand of any animals; or
- (3) Any person operating or owning a livestock market to fail to keep a copy of the register of brands furnished to such person by the department in a place easily accessible to interested parties.

**Tenn. Code § 44-7-209. Violation of this part a misdemeanor.**

A person who violates any of the provisions of this part commits a Class C misdemeanor.



**Tenn. Code § 44-7-301. Pedigreed jacks or bulls for breeding to be registered.**

The pedigree of any jack or bull, claimed to be pedigreed livestock and used for public breeding, shall be filed and registered with the county clerk, under oath that the pedigree is genuine, and the county clerk shall record the pedigree in a well-bound book to be kept in county clerk's office for that purpose.

**Tenn. Code § 44-7-302. Pedigrees to be posted.**

The owner of such pedigreed stock shall, during breeding seasons, have posted conspicuously in three (3) different places in the county in which the owner lives, or in which the animal is being used for breeding purposes, a certified copy of the pedigree recorded as provided in § 44-7-301.

**Tenn. Code § 44-7-303. False pedigree posted or recorded a misdemeanor.**

Any person who knowingly records or posts any false or fraudulent pedigree commits a Class C misdemeanor.

**Tenn. Code § 44-7-401. Certification of quality – Fees – Rules and regulations.**

In order to promote and further develop livestock interests of this state, the commissioner, or the commissioner's authorized agents, is authorized, when requested by parties financially interested in livestock or livestock products, to investigate and certify the quality, condition, grade or other classification of the livestock or livestock products. Such classification, including payment of such fees as the commissioner deems reasonable for the services rendered or performed by employees or licensed agents of the department, shall be established under such rules and regulations as the commissioner may prescribe.

**Tenn. Code § 44-7-402. Disposition of collected fees.**

All fees and moneys collected or received under § 44-7-401 shall be paid into the state treasury to the credit of the department, with the funds to be used solely and separately to defray the actual costs of the services rendered.

**Tenn. Code § 44-7-403. Animal diagnostic laboratory – Fees.**

(a) Animal diagnostic laboratory service fees, including, but not limited to, biopsy, necropsy, cytology, parasitology, virology, bacteriology, toxicology, and immunology, shall be set by rule pursuant to § 43-1-703.

(b) The commissioner shall establish grading fees for livestock graded by employees or agents of the department of agriculture by rule pursuant to § 43-1-703. The livestock market where the animal was graded and sold shall be responsible for payment of the fees to the department.

