

***Rules and Regulations of the Department of Agriculture and Markets  
(Title 1 of the Official Compilation of New York Codes Rules and Regulations)***

**PART 350 STANDARDS FOR CONDUCT OF FAIRS**

**Section**

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§ 350.1 **Fair sponsor**; definition. For purposes of this Part a fair sponsor shall mean any organization that receives money from the State for the promotion of agriculture and domestic arts pursuant to Article 24 of the Agriculture and Markets Law.

§ 350.2 **No fee for 4-H, F.F.A., junior fair or school department exhibits.** No entry fee shall be charged for 4-H Club, F.F.A. and junior fair exhibits entered for competition in their own classes, or for entries in the school department.

§ 350.3 **Prompt, full payment of premiums.** All premiums advertised and awarded must be paid promptly and in full, without deduction in the guise of donations or otherwise, Notwithstanding any statements to the contrary or in modification thereof announced Or stated in the premium book.

§ 350.4 **No premium for unworthy exhibit.** No premium should be awarded by any judge or paid by any fair sponsor for an unworthy exhibit.

§ 350.6 **No exhibits by judges in departments they oversee.** No judges shall be permitted to enter exhibits in competition for premiums in the department with which they are connected.

§ 350.7 **Exhibits to be plainly labeled.** All exhibits must be plainly labeled so that the full significance of the exhibits will be made clear.

§ 350.8 **Re-exhibition in domestic department.** No article shall be exhibited in the domestic department if it has been previously exhibited therein, unless permitted by official action of the board of directors of the fair sponsor.

§ 350.9 **Ownership of exhibits entered in fairs and shows.**

- a) All exhibits shall be entered in the name of the exhibit owner; provided, however, that any animal exhibit entered in a youth fair, youth exhibition, or 4-H show or exhibition may be entered in the name of the exhibitor.
- b) Exhibits shall have been owned by the exhibitor for a period of at least 30 days prior to entry of the exhibit; provided, however, that any animal exhibit entered in a

youth fair, youth exhibition or 4-H show or exhibition shall be in the care of the exhibitor for a period of at least 60 days prior to entry of the exhibit.

- c) Proof of ownership of any exhibit shall be provided by the exhibitor, upon request, to the fair sponsor.
- d) The fair sponsor may limit the number of breeds shown by any exhibitor.

#### § 350.10 **Rejection or refusal of an exhibit.**

Any fair sponsor shall reserve the right to reject or refuse, and to order the removal of, any exhibit which, in the opinion of its board of directors, is not eligible or worthy of showing or has not met the livestock health requirements set forth in Part 351 of this Title.

#### § 350.11 **Compliance with and enforcement of livestock health requirements.**

Each fair sponsor shall comply with and enforce the livestock health requirements set forth in Part 351 of this Title.



**Agriculture  
and Markets**

KATHY HOCHUL  
Governor

RICHARD A. BALL  
Commissioner

Division of Animal Industry, 10B Airline Drive, Albany NY 12235 518-457-3502

## **FAIR ANIMAL HEALTH REQUIREMENTS**

**Animal Health Requirements For Admission to New York State and County Fairs  
(Part 351 of NYS Agriculture and Markets Regulations)**

[www.agriculture.ny.gov/animals](http://www.agriculture.ny.gov/animals) (AI-202 -2023)

### **ANIMAL HEALTH REQUIREMENTS FOR ADMISSION TO NEW YORK STATE AND COUNTY FAIRS**

***(Part 351 of NYS Agriculture and Markets Regulations)***

***NYS Department of Agriculture and Markets/Division of Animal Industry 10B Airline  
Drive, Albany, NY 12235 518-457-3502 [www.agriculture.ny.gov/animals](http://www.agriculture.ny.gov/animals)***

#### **351.1 Definitions. - For the purposes of this Part:**

(a) **Accredited veterinarian** means a veterinarian approved as a category 2 accredited veterinarian by the Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture to perform the functions of Federal and cooperative State-Federal programs for animal disease control.

(b) **Animal** means any living creature, except a human being.

(c) **Cattle** means any member of the genus Bos.

(d) **Commissioner** means the Commissioner of Agriculture and Markets of the State of New York and any officer or employee of the Department of Agriculture and Markets of the State of New York duly delegated pursuant to section 17 of the Agriculture and Markets Law.

(e) **Deer** means any member of the family Cervidae including deer, elk and moose.

(f) **Department** means the New York State Department of Agriculture and Markets.



## **DEFINITIONS: ANIMAL HEALTH REGULATIONS**

(g) **Fair** means any fair or exposition, which qualifies for premium reimbursement under Agriculture and Markets Law, section 286, and the New York State Fair.

(h) **Flock** means all poultry on one farm except that, at the discretion of the commissioner, any group of poultry which is segregated from another group and has been so segregated for a period of at least 21 days may be considered as a separate flock.

(i) **Herd** means:

(1) any animals under common ownership or supervision that are grouped on one or more parts of any single premises (*lot, farm or ranch*); (2) all animals under common ownership or supervision on two or more premises that are geographically separated, but on which the animals have been interchanged or where there has been contact among the animals on the different premises. Contact between animals on the different premises will be assumed unless the owner establishes otherwise and the results of an epidemiological investigation are consistent with the lack of contact between premises; or (3) all animals on common premises, such as community pastures or grazing association units, but owned by different persons. Other groups of animals under the same ownership which are located on other premises are considered to be part of this herd unless an epidemiological investigation establishes that animals from the affected herd have not had the opportunity for direct or indirect contact with animals from that specific premises.

(j) **Herd of origin** means any herd of animals or any farm or other premises where the animals were born or where animals have been kept for four months or more before the date of shipping, provided animals from other premises have not been assembled on the farm or premises within four months before the date of shipment.

(k) **Horse** means any member of the family Equidae including horses, asses, mules and zebras.

(l) **INTERSTATE CERTIFICATE OF VETERINARY INSPECTION** - means the original preprinted document which:

(1) is issued by an accredited veterinarian and approved by the chief livestock health official or such official's designee of the state or country of origin;

(2) identifies each animal to be moved into this State with U.S.D.A. approved official identification where applicable. For species that U.S.D.A. has not defined approved identification the identification shall be in a form approved by the commissioner. All manmade identification shall be recorded including all ear tags, ear notches, tattoos and electronic identification devices carried by the animal, its species, breed, age, sex, registration number and any other unique description; and

(3) includes the full name and address of both consignor and consignee, the date of issue, the dates and results of qualifying tests, the anticipated date of entry of the animal into New York State, and a statement that the individual animal and that animal's herd of origin has been inspected by a category 2 accredited veterinarian and no evidence of infectious, contagious or communicable disease was found (except where noted) and that the results of the tests are as indicated.

(m) **INTRASTATE CERTIFICATE OF VETERINARY INSPECTION** means the original pre-printed document which:

- (1) contains the name and address of the owner;
- (2) identifies each individual animal with U.S.D.A. approved official identification where applicable. For species that U.S.D.A. has not defined approved identification the identification shall be in a form approved by the commissioner. All manmade identification shall be recorded including all ear tags, ear notches, tattoos and electronic identification devices carried by the animal, its species, breed, age, sex, registration number and any other unique description;
- (3) includes a statement that the individual animal and that animal's herd of origin has been inspected by a category 2 accredited veterinarian on or after May 1st of the current year and no evidence of infectious, contagious or communicable disease was found (except where noted);
- (4) verifies that all required vaccinations and tests have been performed and provides a record of the results of any or all required tests; and
- (5) includes the signature of the accredited veterinarian who has inspected the animals identified on the certificate verifying the accuracy of the statements thereon.

(n) ***New World camelidae*** means any member of the camelidae family native to South America, including alpacas (*Vicugna pacos*), llamas (*Lama glama*), guanacos (*Lama guanicoe*) and vicunas (*Vicugna vicugna*).

(o) ***Primary vaccination*** means the initial injection of a vaccine suitable for the species that meets the standards prescribed by the U.S.D.A. for interstate sale and is administered according to the manufacturer's instructions under the direction of a licensed veterinarian.

(p) ***Poultry*** means domesticated fowl, including chickens, turkeys, waterfowl and game birds, except doves and pigeons.

(q) ***Ruminant*** means any member of the suborder Ruminantia including cattle, goats, sheep, bison, giraffes and antelope.

(r) ***State*** means New York State.

(s) ***Swine*** means any member of the family Suidae, feral or domestic.

(t) ***U.S.D.A.*** means United States Department of Agriculture.

**351.2 PROHIBITIONS.** - No person shall bring or have present an animal on the fairgrounds during a fair which is not qualified under the provisions of this Part. No person shall present an interstate or intrastate certificate of veterinary inspection that has been altered by anyone other than the issuing veterinarian or an authorized agent.

### **351.3 GENERAL REQUIREMENTS.**

(a) Animals demonstrating clinical signs or other evidence of infectious, contagious or communicable diseases shall not be allowed on the fairgrounds during a fair.

(b) The commissioner may deny admission to, or require removal from the fair premises, or require the segregation of any animal affected with or exposed to any infectious, contagious or communicable disease.

(c) All animals presented for admission to a fair that originate from a location other than this State shall meet all State importation regulations appropriate to the species in addition to the requirements of this Part. State importation requirements can be obtained by contacting the department at 10B Airline Drive, Albany, NY 12235, (518) 457-3502, [www.agriculture.ny.gov](http://www.agriculture.ny.gov)

(d) Animals originating from the State that qualify for admission under this Part at one fair shall be considered approved for admission at all other New York State fairs conducted during

The same calendar year, subject to compliance with the rabies vaccination requirements of individual fairs, provided that the health status of the individual animal or the herd of origin does not change in the interim period. Imported animals entering a fair accompanied by an interstate certificate of veterinary inspection may utilize the same certificate at all other New York State fairs conducted during the same calendar year if the initial entry to a fair is within 30 days of issuance.

(e) In the event the commissioner issues a notice pursuant to New York State Agriculture and Markets Law, section 72 affecting an area which includes a fairground, all animals presented for admission to that fair shall be in compliance with the disease control requirements of such notice.

#### **351.4 RABIES VACCINATION REQUIREMENT.**

(a) To qualify for admission to a fair, all animals four months of age or older for which a rabies vaccine labeled by the manufacturer for that species is available shall be accompanied by proof that the animal has been vaccinated against rabies. Vaccination shall be administered according to the manufacturer instructions within the duration of protection indicated. Animals four months of age or older for which no labeled vaccine is available shall be accompanied by proof that the animal is vaccinated against rabies if required by the rules of an individual fair.

(b) Acceptable proof of vaccination includes a signed written statement from the veterinarian or a valid certificate of veterinary inspection that has the vaccination listed and is signed by the accredited veterinarian. Acceptable proof of vaccination shall include the name of the product used and the date of administration.

#### **351.5 CERTIFICATE OF VETERINARY INSPECTION.**

(a) To qualify for admission to a fair all deer, llamas, ruminants and swine shall:

(1) be accompanied by an original intrastate or interstate certificate of veterinary inspection as defined in section 351.1 of this Part which shall be presented to the commissioner at any time upon request.

#### **351.6 CATTLE.**

In addition to the requirements listed in sections 351.4 and 351.5 of this Part, all cattle presented for admission to a fair shall be accompanied by an original intrastate or interstate certificate of veterinary inspection that contains proof that the cattle have tested negative for being persistently infected with bovine viral diarrhea and proof that the cattle are vaccinated against bovine respiratory disease complex, including bovine respiratory syncytial virus, bovine viral diarrhea, infectious bovine rhinotracheitis, and parainfluenza with a product administered in a manner and time frame adequate to confer protective immunity for these diseases for the duration of the fair.

#### **351.7 DEER.**

(a) In addition to the requirements listed in sections 351.4 and 351.5 of this Part, all deer presented for admission to a fair must be accompanied by a permit as required by Parts 60, 62 and 68 of this Title. Permit information can be obtained by contacting the department at 10B Airline Drive, Albany, NY 12235, (518) 457-3502, [www.agriculture.ny.gov](http://www.agriculture.ny.gov)

#### **351.8 HORSES.**

In addition to the requirements listed in sections 351.3 and 351.4 of this Part, all horses six months of age or older presented for admission to a fair must be accompanied by an original certificate or statement showing that the horse has tested negative to a U.S.D.A. approved test for equine infectious anemia (swamp fever) during the calendar year in which the fair is held or during the preceding calendar year.

(a) The required certificate shall include a complete identification of the horse, the date

of the test, and the name and address of the laboratory that conducted the test.

(b) The certificate must be signed by an accredited veterinarian and the director of the laboratory where the test was conducted.

#### **351.9 New World camelidae.**

In addition to the requirements listed in sections 351.4 and 351.5 of this Part, all New World camelidae presented for admission to a fair must be accompanied by an original intrastate or interstate certificate of veterinary inspection that contains proof that the New World camelidae have tested negative for being persistently infected with bovine viral diarrhea.

#### **351.10 Swine.**

In addition to the requirements set forth in section 351.5 of this Part, all swine presented for admission to a fair shall be identified by USDA approved official eartag

#### **351.11 Poultry.**

All poultry presented for admission to a fair:

(a) shall be accompanied by results of a negative pullorum typhoid test conducted within 90 days prior to the opening date of the fair or originate directly from a U.S. pullorum-typhoid clean or equivalent flock. Waterfowl are exempt from this requirement. Pullorum test negative poultry shall be identified by official leg band. Poultry originating from a status flock shall be accompanied by proof of status.

#### **351.12 Sheep and goats.**

(a) In addition to the requirements listed in sections 351.4 and 351.5 of this Part, all sheep and goats presented for admission to a fair must be accompanied by an original intrastate or interstate certificate of veterinary inspection that contains a statement that the herd of origin was inspected on or after May 1st of the current year and no evidence of contagious, infectious or communicable diseases was found.

(b) If evidence of soremouth (contagious ecthyma) is found on any sheep or goat, the entire exhibit including the affected animals shall immediately be removed from the fair premises.

(c) All sheep and goats must be individually identified by U.S.D.A. approved scrapie program identification as required under section 62.5 of this Title.

#### **351.13 Isolation on returning home.**

The owner or custodian shall keep show animals biologically separate from the herd or flock for a period of at least two weeks after returning to the premise of origin.

#### **351.14 Fair premium book.**

(a) The foregoing requirements shall be printed in each fair's premium book.

(b) Except as expressly permitted herein or as mandated by any Federal, State or county law, no fair shall impose requirements in addition to, or different from, the requirements set forth under this Part.

*Questions regarding import requirements should be directed to the Division of Animal Industry at 518-457-3971, or at the division's import/export homepage: <http://www.agriculture.ny.gov/animals-import-export>*

### **CATTLE, SHEEP, GOATS, SWINE, LLAMAS AND ALPACAS, CERVIDS, MISC. RUMINANTS**

**Review the animal health requirements booklet** including information for your species **before** your veterinarian arrives to inspect your animals. If you have any questions, **ask.**

#### **MOST IMPORTANT**

**When you are loading your livestock for the trip to the fair** take the time to examine them. Make sure they are the same animals that are on the paperwork and if they are showing any signs of illness **LEAVE THEM HOME.**

**OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS  
OF THE STATE OF NEW YORK  
TITLE 1. DEPARTMENT OF AGRICULTURE AND MARKETS  
CHAPTER VII. AGRICULTURAL FAIRS  
PART 352. TESTING HORSES FOR DRUGS AT PULLING CONTESTS**

**352.1 Definitions.**

**(a) Commissioner.** The Commissioner of the New York State Department of Agriculture and Markets. **(b) Department.** New York State Department of Agriculture and Markets. **(c) Director.** The Director of the Division of Animal Industry of the New York State Department of Agriculture and Markets. **(d) Drug.** - Any drug, medication, stimulant, depressant, hypnotic or narcotic used in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals. **(e) Fair.** - All agricultural fairs and expositions, including the New York State Fair, which hold pulling contests and receive premium reimbursement from New York State. **(f) Horses.** - All members of the family Equidae. **(g) Laboratory.** - A laboratory designated by the commissioner to perform tests on official samples of blood, saliva and urine. **(h) Official sample.** - A blood sample, a saliva sample or a urine sample obtained from a horse entered in a pulling contest for a test. **(i) Test.** - A test performed at a laboratory on an official sample to determine the presence of drugs. **(j) Veterinarian.** - A veterinarian licensed and accredited by New York State and authorized by the director to take official samples. **352.2 Prohibition.** - No person shall enter or drive a horse which has a drug in its body in a pulling contest.

**352.3 Tests.** - (a) An official sample shall be taken by a veterinarian of at least four horses chosen by lot in every weight class. Each horse entering each weight class shall be identified by number. Numbers shall be drawn by lot until at least four horses are designated for official sampling.

(b) The veterinarian or any judge may also require that an official sample be taken of any horse not included in the selection specified in subdivision of this section, if in his or her opinion such a sample is necessary to assure the integrity of the testing program.

(c) Each official sample shall be submitted by the veterinarian to a laboratory for a test. Test results disclosing the presence of drugs shall be forwarded to the director who shall notify the fair concerned and shall give written notice thereof by regular mail, personal service or certified mail to the owner and the person having care, custody or control of the horse.

**352.4 Assistance in the enforcement of this Part.** - (a) The owner or the person having the care, custody or control of any horse shall present such horse for appropriate sample collection when so directed by the veterinarian, and shall restrain the horse and supply the assistance necessary for the veterinarian to obtain the official sample. Failure of the owner or the person having the care, custody or control of a horse to submit it for testing or failure to provide adequate assistance to the veterinarian in obtaining an official sample shall result in forfeiture of all rights to premiums paid for the contest for which the sample was to be collected and immediate exclusion from participation in future pulling contests at fairs.

**(b) Responsibility of fairs.** - Each fair shall comply with and assist in the enforcement of this Part and provide such restraint facilities and lighting as may be required by the department.

**352.5 Penalties.** - The owner of any horse which tests positive for the presence of drugs shall be held responsible for the violation.

**(a) First violation.** - Within 15 days from the date of the notice of the first violation, the owner shall return to the director for refund to the appropriate fair, any premium awarded in the pulling contest for which the sample was taken. The owner shall be subject to a penalty pursuant to Agriculture and Markets Law, section 40. **(b) Second violation.** - Within 15 days from the date of notice of the second violation, the owner shall return to the director for refund to the appropriate fair, any premium awarded in the pulling contest for which the sample was taken. The owner shall



be subject to a penalty pursuant to Agriculture and Markets Law, section 40. **(c) Third violation.** Within 15 days from the date of the notice of the third violation, the owner shall return to the director for refund to the appropriate fair, any premium awarded in the pulling contest for which the sample was taken. The owner shall be subject to a penalty pursuant to Agriculture and Markets Law, section 40. Further, the owner shall thereafter be prohibited from participating in pulling contests at fairs for two years from the date of the notification of the third violation.

**(d) Succeeding violations.** Within 15 days from the date of the notice of succeeding violations, the owner shall return to the director for refund to the appropriate fair, any premium awarded in the horse pulling contest for which the sample was taken. The owner shall be subject to a penalty pursuant to Agriculture and Markets Law, section 40. Further, the owner shall be prohibited from participating in pulling contests at fairs for five years from the date of the notification of the succeeding violation.

**(e)** Failure to return the premium within the 15-day period will result in the exclusion of the owner from participation in pulling contests at fairs thereafter, unless a request for hearing has been made pursuant to subdivision of this section. **(f)** If, within 15 days from the date of the notice of any violation, the owner makes a written request to the commissioner for a hearing, the commissioner, upon reasonable notice to all parties and to the fair at which the pulling contest was held and at which the sample in question was taken, shall fix a date for a hearing to be held pursuant to article 3 of the Agriculture and Markets Law of the State of New York and the rules and regulations of the New York State Department of Agriculture and Markets.

**(1)** Each request for a hearing must be accompanied by a security deposit in the form of a certified check or money order equal to the amount of premium moneys received in the pulling contest at which the alleged violation occurred. If, subsequent to the date of the pulling contest at which the violation occurred and before the determination is made upon the hearing, the owner receives any premium moneys from any other pulling contests in fairs, the amount of the security deposit shall be increased by the amount of such premium. **(2)** After such hearing, the commissioner shall issue a determination and order setting forth any penalties which shall be assessed and the grounds upon which they are based, and any premium moneys which must be returned. The security deposit shall be applied to the payment of premium moneys. Any balance of security deposit funds remaining after such payments are deducted shall be returned to the owner. As required in this Part, the commissioner shall also order that the owner be prohibited from participating in pulling contests.

**2023**