

OPINION  
74-426

March 27, 1974 (OPINION)

Mr. Myron Just  
Commissioner of Agriculture  
Department of Agriculture  
State Capitol  
Bismarck, North Dakota 58501

Dear Mr. Just:

This is in reply to your letter of March 5, 1974, with regard to reports of butchered cattle.

You refer us to Section 39-09-15 of the North Dakota Century Code requiring "Butcher to keep record of branded cattle slaughtered by him - Report to Commissioner of Agriculture required."

You ask whether this section applies to a custom slaughter operation wherein a private individual brings in an animal, has it slaughtered, and the same individual receives the meat. You ask whether the custom slaughterer is required to file the report under this Section.

The first sentence of this section contains a definition of the term "butcher" as follows:

"Any person engaged in the business of killing domestic animals and selling the meat thereof, either at retail or wholesale, shall be deemed a butcher for the purposes of this section."

Thus, a person who does not sell any meat would not be deemed a butcher for the purposes of the section.

The next relevant section of the section would be:

"Each butcher shall make a verified report of all branded cattle killed by him during the preceding month to the commissioner of agriculture on the first day of each month, giving the information specified in this section."

On such basis it is our opinion that any butcher (person engaged in the business of killing domestic animals and selling the meat) would be required to make the report, regardless of whether the branded cattle were slaughtered as part of his "butcher" business, or as part of a custom slaughter business carried on by him. Any persons engaged exclusively in a custom slaughter business (selling none of the meat), would not be required to make the report. We are not, of course, commenting herein on the application of any federal law.

We hope the within and foregoing will be sufficient for your purposes.

Sincerely yours,

ALLEN I. OLSON

Attorney General