IC 15

TITLE 15. AGRICULTURE AND ANIMALS

IC 15-1

ARTICLE 1. REPEALED

(Repealed by P.L.2-2008, SEC.83.)

IC 15-1.5

ARTICLE 1.5. REPEALED

(Repealed by P.L.2-2008, SEC.83.)

IC 15-2

ARTICLE 2. REPEALED

(Repealed by Acts 1976, P.L.59, SEC.4.)

IC 15-2.1

ARTICLE 2.1. REPEALED

(Repealed by P.L.2-2008, SEC.83.)

IC 15-3

ARTICLE 3. REPEALED

(Repealed by P.L.2-2008, SEC.83.)

IC 15-4

ARTICLE 4. REPEALED

(Repealed by P.L.2-2008, SEC.83.)

IC 15-5

ARTICLE 5. REPEALED

(Repealed by P.L.2-2008, SEC.83.)

IC 15-6

ARTICLE 6. REPEALED

(Repealed by P.L.2-2008, SEC.83.)

IC 15-7

ARTICLE 7. REPEALED

(Repealed by P.L.2-2008, SEC.83.)

IC 15-8

ARTICLE 8. REPEALED

(Repealed by P.L.1-2007, SEC.248.)

IC 15-9

ARTICLE 9. REPEALED

(Repealed by P.L.2-2008, SEC.83.)

IC 15-10

ARTICLE 10. EFFECT OF RECODIFICATION OF TITLE 15

IC 15-10-1

Chapter 1. Effect of Recodification by the Act of the 2008 Regular Session of the General Assembly

IC 15-10-1-1

"Prior law"

Sec. 1. As used in this chapter, "prior law" refers to the statutes concerning agriculture and animals that are repealed or amended in the recodification act of the 2008 regular session of the general assembly as the statutes existed before the effective date of the applicable or corresponding provision of the recodification act of the 2008 regular session of the general assembly. The term includes statutes that are recodified outside this title by the recodification act of the 2008 regular session of the general assembly, such as law related to veterinarians and destruction of animals.

As added by P.L.2-2008, SEC.1.

IC 15-10-1-2

Purpose of recodification

Sec. 2. The purpose of the recodification act of the 2008 regular session of the general assembly is to recodify prior law in a style that is clear, concise, and easy to interpret and apply. Except to the extent that:

(1) the recodification act of the 2008 regular session of the general assembly is amended to reflect the changes made in a provision of another bill that adds to, amends, or repeals a provision in the recodification act of the 2008 regular session of the general assembly; or

(2) the minutes of meetings of the code revision commission during 2007 expressly indicate a different purpose;

the substantive operation and effect of the prior law continue uninterrupted as if the recodification act of the 2008 regular session of the general assembly had not been enacted.

As added by P.L.2-2008, SEC.1.

IC 15-10-1-3

Statutory construction of recodification

Sec. 3. Subject to section 2 of this chapter, sections 4 through 9 of this chapter shall be applied to the statutory construction of the recodification act of the 2008 regular session of the general assembly.

As added by P.L.2-2008, SEC.1.

IC 15-10-1-4

Effect of recodification

Sec. 4. (a) The recodification act of the 2008 regular session of the general assembly does not affect:

(1) any rights or liabilities accrued;
(2) any penalties incurred;
(3) any violations committed;
(4) any proceedings begun;
(5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;
(6) any tax levies made or authorized;
(7) any funds established;
(8) any patents issued;
(9) the validity, continuation, or termination of any contracts, easements, or leases executed;
(10) the validity, continuation, scope, termination, suspension, or revocation of:
    (A) permits;
    (B) licenses;
    (C) certificates of registration;
    (D) grants of authority; or
    (E) limitations of authority; or
(11) the validity of court decisions entered regarding the constitutionality of any provision of the prior law;

before the effective date of the recodification act of the 2008 regular session of the general assembly (July 1, 2008). Those rights, liabilities, penalties, violations, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, easements, leases, permits, licenses, certificates of registration, grants of authority, and limitations of authority continue and shall be imposed and enforced under prior law as if the recodification act of the 2008 regular session of the general assembly had not been enacted.

(b) The recodification act of the 2008 regular session of the general assembly does not:

(1) extend or cause to expire a permit, license, certificate of registration, or other grant or limitation of authority; or
(2) in any way affect the validity, scope, or status of a license, permit, certificate of registration, or other grant or limitation of authority;

issued under the prior law.

(c) The recodification act of the 2008 regular session of the general assembly does not affect the revocation, limitation, or suspension of a permit, license, certificate of registration, or other grant or limitation of authority based in whole or in part on violations of the prior law or the rules adopted under the prior law.

As added by P.L.2-2008, SEC.1.

IC 15-10-1-5

Recodification of prior law

Sec. 5. The recodification act of the 2008 regular session of the general assembly shall be construed as a recodification of prior law. Except as provided in section 2(1) and 2(2) of this chapter, if the literal meaning of the recodification act of the 2008 regular session of the general assembly (including a literal application of an erroneous change to an internal reference) would result in a substantive change in the prior law, the difference shall be construed as a typographical, spelling, or other clerical error that must be corrected by:

(1) inserting, deleting, or substituting words, punctuation, or other matters of style in the recodification act of the 2008 regular session of the general assembly; or

(2) using any other rule of statutory construction;

as necessary or appropriate to apply the recodification act of the 2008 regular session of the general assembly in a manner that does not result in a substantive change in the law. The principle of statutory construction that a court must apply the literal meaning of an act if the literal meaning of the act is unambiguous does not apply to the recodification act of the 2008 regular session of the general assembly to the extent that the recodification act of the 2008 regular session of the general assembly is not substantively identical to the prior law.

As added by P.L.2-2008, SEC.1.

IC 15-10-1-6

References to repealed statutes

Sec. 6. Subject to section 9 of this chapter, a reference in a statute or rule to a statute that is repealed and replaced in the same or a different form in the recodification act of the 2008 regular session of the general assembly shall be treated after the effective date of the new provision as a reference to the new provision.

As added by P.L.2-2008, SEC.1.

IC 15-10-1-7

References to citations

Sec. 7. A citation reference in the recodification act of the 2008 regular session of the general assembly to another provision of the recodification act of the 2008 regular session of the general assembly shall be treated as including a reference to the provision of prior law that is substantively equivalent to the provision of the recodification act of the 2008 regular session of the general assembly that is referred to by the citation reference.

As added by P.L.2-2008, SEC.1.

IC 15-10-1-8

References to prior rules

Sec. 8. (a) As used in the recodification act of the 2008 regular

session of the general assembly, a reference to rules adopted under any provision of this title or under any other provision of the recodification act of the 2008 regular session of the general assembly refers to either:

(1) rules adopted under the recodification act of the 2008 regular session of the general assembly; or

(2) rules adopted under the prior law until those rules have been amended, repealed, or superseded.

(b) Rules adopted under the prior law continue in effect after June 30, 2008, until the rules are amended, repealed, or suspended.

As added by P.L.2-2008, SEC.1.

IC 15-10-1-9

References to prior law

Sec. 9. (a) A reference in the recodification act of the 2008 regular session of the general assembly to a citation in the prior law before its repeal is added in certain sections of the recodification act of the 2008 regular session of the general assembly only as an aid to the reader.

(b) The inclusion or omission in the recodification act of the 2008 regular session of the general assembly of a reference to a citation in the prior law before its repeal does not affect:

(1) any rights or liabilities accrued;

(2) any penalties incurred;

(3) any violations committed;

(4) any proceedings begun;

(5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;

(6) any tax levies made;

(7) any funds established;

(8) any patents issued;

(9) the validity, continuation, or termination of contracts, easements, or leases executed;

(10) the validity, continuation, scope, termination, suspension, or revocation of:

(A) permits;

(B) licenses;

(C) certificates of registration;

(D) grants of authority; or

(E) limitations of authority; or

(11) the validity of court decisions entered regarding the constitutionality of any provision of the prior law;

before the effective date of the recodification act of the 2008 regular session of the general assembly (July 1, 2008). Those rights, liabilities, penalties, violations, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, easements, leases, permits, licenses, certificates of registration, grants of authority, and limitations of authority continue and shall be

imposed and enforced under prior law as if the recodification act of the 2008 regular session of the general assembly had not been enacted.

(c) The inclusion or omission in the recodification act of the 2008 regular session of the general assembly of a citation to a provision in the prior law does not affect the use of a prior conviction, violation, or noncompliance under the prior law as the basis for revocation of a license, permit, certificate of registration, or other grant of authority under the recodification act of the 2008 regular session of the general assembly, as necessary or appropriate to apply the recodification act of the 2008 regular session of the general assembly in a manner that does not result in a substantive change in the law.
As added by P.L.2-2008, SEC.1.

IC 15-11

ARTICLE 11. DEPARTMENT OF AGRICULTURE

IC 15-11-1

Chapter 1. Definitions

IC 15-11-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2008, SEC.2.

IC 15-11-1-2

"Department"

Sec. 2. "Department" refers to the Indiana state department of agriculture established by IC 15-11-2-1.

As added by P.L.2-2008, SEC.2. Amended by P.L.120-2008, SEC.24.

IC 15-11-1-3

"Director"

Sec. 3. "Director" refers to the director of the Indiana state department of agriculture appointed under IC 15-11-3-1.

As added by P.L.2-2008, SEC.2. Amended by P.L.120-2008, SEC.25.

IC 15-11-1-4

"Division"

Sec. 4. "Division" refers to the division of soil conservation established by IC 15-11-4-1.

As added by P.L.2-2008, SEC.2.

IC 15-11-1-5

"Secretary"

Sec. 5. "Secretary" refers to the lieutenant governor as secretary of agriculture and rural development as provided in IC 4-4-2.3.

As added by P.L.2-2008, SEC.2.

IC 15-11-2

Chapter 2. Establishment of the Department

IC 15-11-2-1

Indiana state department of agriculture established

Sec. 1. The Indiana state department of agriculture is established.

As added by P.L.2-2008, SEC.2. Amended by P.L.120-2008, SEC.26.

IC 15-11-2-2

Director's authority

Sec. 2. The director is the chief executive and administrative officer of the department.

As added by P.L.2-2008, SEC.2.

IC 15-11-2-3

Duties of the department

Sec. 3. (a) As used in this section, "biomass" means agriculturally based sources of renewable energy, including the following:

(1) Agricultural crops.

(2) Agricultural wastes and residues.

(3) Wood and wood byproducts, including the following:

(A) Wood residue.

(B) Forest thinning.

(C) Mill residue wood.

(4) Animal wastes.

(5) Animal byproducts.

(6) Aquatic plants.

(7) Algae.

The term does not include waste from construction and demolition.

(b) The department shall do the following:

(1) Provide administrative and staff support for the following:

(A) The state fair board for purposes of carrying out the director's duties under IC 15-13-5.

(B) The Indiana corn marketing council for purposes of administering the duties of the director under IC 15-15-12.

(C) The Indiana organic peer review panel under IC 15-15-8.

(D) The Indiana dairy industry development board for purposes of administering the duties of the director under IC 15-18-5.

(E) The Indiana land resources council under IC 15-12-5.

(F) The Indiana grain buyers and warehouse licensing agency under IC 26-3-7.

(G) The Indiana grain indemnity corporation under IC 26-4-3.

(H) The division.

(2) Administer the election of state fair board members under IC 15-13-5.

(3) Administer state programs and laws promoting agricultural

trade.

(4) Administer state livestock or agriculture marketing grant programs.

(5) Administer economic development efforts for agriculture by doing the following:

(A) Promoting value added agricultural resources.

(B) Marketing Indiana agriculture to businesses internationally.

(C) Assisting Indiana agricultural businesses with developing partnerships with the Indiana economic development corporation.

(D) Soliciting private funding for selective economic development and trade initiatives.

(E) Providing for the orderly economic development and growth of Indiana's agricultural economy.

(F) Facilitating the use of biomass and algae production systems to generate renewable energy.

As added by P.L.2-2008, SEC.2. Amended by P.L.120-2008, SEC.27; P.L.71-2009, SEC.3; P.L.95-2010, SEC.2; P.L.109-2015, SEC.35.

IC 15-11-2-4

Promotion of E85 fuel

Sec. 4. The department shall work with:

(1) automobile manufacturers to improve awareness and labeling of E85 fuel; and

(2) the appropriate companies to include E85 fuel stations in updates of global positioning navigation software.

As added by P.L.2-2008, SEC.2. Amended by P.L.109-2015, SEC.36.

IC 15-11-2-5

Rules

Sec. 5. The department may adopt rules under IC 4-22-2 to carry out the duties, purposes, and functions of the department.

As added by P.L.2-2008, SEC.2.

IC 15-11-2-6

Policy; promotion of agricultural business

Sec. 6. (a) The general assembly declares that it is the policy of the state to conserve, protect, and encourage the development and improvement of agriculture, agricultural businesses, and agricultural land for the production of food, fuel, fiber, and other agricultural products. The Indiana Code shall be construed to protect the rights of farmers to choose among all generally accepted farming and livestock production practices, including the use of ever changing technology.

(b) The department shall promote the growth of agricultural businesses by doing the following:

(1) Assisting agricultural businesses with the permit process

required to conduct business in Indiana.

(2) Serving as a liaison between agricultural businesses, state agencies, and local units of government.

As added by P.L.120-2008, SEC.28. Amended by P.L.25-2014, SEC.1.

IC 15-11-2-7

Confidential records

Sec. 7. The department may keep records submitted to the department by a livestock producer under a voluntary certification program confidential.

As added by P.L.120-2008, SEC.29.

IC 15-11-3
Chapter 3. Director

IC 15-11-3-1
Appointment of the director
Sec. 1. The governor shall appoint the director of the department.
As added by P.L.2-2008, SEC.2.

IC 15-11-3-2
Director; service; compensation; responsibilities
Sec. 2. The director:
(1) serves at the governor's pleasure;
(2) is entitled to receive compensation in an amount set by the governor; and
(3) is responsible to the secretary.
As added by P.L.2-2008, SEC.2.

IC 15-11-3-3
Employees; appointment; compensation
Sec. 3. The director may appoint employees and fix their compensation, subject to the approval of the budget agency under IC 4-12-1-13.
As added by P.L.2-2008, SEC.2. Amended by P.L.6-2012, SEC.107.

IC 15-11-3-4
Delegation of authority
Sec. 4. The director may delegate the director's authority to the appropriate department staff.
As added by P.L.2-2008, SEC.2.

IC 15-11-3-5
Establishment of advisory board
Sec. 5. The director shall establish a board to advise the department in the implementation of the department's duties.
As added by P.L.2-2008, SEC.2.

IC 15-11-4

Chapter 4. Division of Soil Conservation

IC 15-11-4-1

Division of soil conservation established

Sec. 1. The division of soil conservation is established in the department.

As added by P.L.2-2008, SEC.2.

IC 15-11-4-2

Head of division

Sec. 2. The director is the administrative head of the division.

As added by P.L.2-2008, SEC.2.

IC 15-11-4-3

Duties of division

Sec. 3. (a) The division shall do the following:

(1) Provide administrative and staff support for the soil conservation board.

(2) Administer all programs relating to land and soil conservation in Indiana.

(3) Manage Indiana's watersheds.

(4) Administer the clean water Indiana program.

(5) Perform other functions assigned by the secretary or the director.

(b) The duties of the division do not include administering the Lake Michigan Coastal program. The Lake Michigan Coastal program shall administer the state's compliance with and provide assistance under the federal Coastal Zone Management Act (16 U.S.C. 1451 et seq.).

As added by P.L.2-2008, SEC.2. Amended by P.L.95-2016, SEC.7.

IC 15-11-5

Chapter 5. Promotion of Livestock Industry

IC 15-11-5-1

"Livestock"

Sec. 1. As used in this chapter, "livestock" includes the following:

(1) Beef cattle, dairy cattle, and other animals of the bovine species.

(2) Swine and other animals of the porcine species.

(3) Sheep and other members of the ovine species.

(4) Horses, mules, burros, asses, and other animals of the equine species.

(5) Goats and other members of the caprine species.

(6) Poultry and other birds of the avian species.

(7) Ostriches, rhea, emus, and other birds of the ratite species.

(8) Camels, llamas, and other members of the camelid species.

(9) Farm raised deer, elk, moose, and other members of the cervidae species.

(10) Bison.

(11) Aquatic animals that are the subject of aquaculture.

(12) Rabbits.

As added by P.L.2-2008, SEC.2.

IC 15-11-5-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to the livestock industry promotion and development fund established by section 4(a) of this chapter.

As added by P.L.2-2008, SEC.2.

IC 15-11-5-3

Department's duties

Sec. 3. The department shall aid, encourage, foster, and promote the development and improvement of the livestock industry throughout Indiana.

As added by P.L.2-2008, SEC.2.

IC 15-11-5-4

Livestock industry promotion and development fund

Sec. 4. (a) The livestock industry promotion and development fund is established as a dedicated fund to be administered by the department.

(b) Money in the fund must be spent by the department:

(1) exclusively for the purposes described in this chapter and IC 15-11-14, including administrative expenses; and

(2) throughout Indiana.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the fund is abolished, the

money in the fund reverts to the state general fund.

(d) There is annually appropriated to the department the entire amount of money in the fund for the use of the department in carrying out the purposes of this chapter.

(e) The department may solicit grants and gifts from public or private sources for the fund.

As added by P.L.2-2008, SEC.2. Amended by P.L.133-2015, SEC.1; P.L.202-2015, SEC.1.

IC 15-11-5-5

Grants from fund

Sec. 5. The department may make grants from the fund to associations or organizations for the following purposes:

(1) To conduct or support livestock industry shows, sales, expositions, conventions, or similar events throughout Indiana consistent with the purposes of this chapter.

(2) To support expanding markets for Indiana livestock producers by encouraging the development of business and industry related to livestock production, processing, and distribution.

As added by P.L.2-2008, SEC.2.

IC 15-11-5-6

Matching amounts for grants from fund

Sec. 6. (a) An association or organization may not qualify for or be eligible to receive any part of the fund awarded as grants unless there is provided and made available from sources other than the fund an amount for grants equal to or in excess of that allocated from the fund under this chapter.

(b) Funds approved and designated by the department for purposes other than grant awards are exempt from the matching fund requirements for grant awards under subsection (a).

As added by P.L.2-2008, SEC.2.

IC 15-11-5-7

Eligibility for grants

Sec. 7. An association or organization must be a nonprofit entity to be eligible for grants under this chapter.

As added by P.L.2-2008, SEC.2.

IC 15-11-5-8

Rules

Sec. 8. The department may adopt rules under IC 4-22-2 to carry out this chapter.

As added by P.L.2-2008, SEC.2.

IC 15-11-6

Chapter 6. Promotion of International Markets and Agricultural Trade

IC 15-11-6-1

Director's responsibilities

Sec. 1. The director is responsible for foreign market promotion for agricultural products through the following:

(1) Creating a report and plan for international trade.

(2) Working in partnership with the Food Export Association of the Midwest.

(3) Conducting and participating in foreign trade missions.

(4) Providing education on export and export opportunities for Indiana agricultural businesses.

As added by P.L.2-2008, SEC.2. Amended by P.L.120-2008, SEC.30.

IC 15-11-6-2

Offices promoting international markets

Sec. 2. Within the limit of funds specifically appropriated for that purpose, the director may establish and maintain offices in foreign countries for the purpose of promoting international markets for Indiana agricultural products.

As added by P.L.2-2008, SEC.2.

IC 15-11-6-3

Repealed

(As added by P.L.2-2008, SEC.2. Repealed by P.L.120-2008, SEC.94.)

IC 15-11-6-4

Repealed

(As added by P.L.2-2008, SEC.2. Repealed by P.L.120-2008, SEC.94.)

IC 15-11-6-5

Repealed

(As added by P.L.2-2008, SEC.2. Repealed by P.L.120-2008, SEC.94.)

IC 15-11-6-6

Repealed

(As added by P.L.2-2008, SEC.2. Repealed by P.L.120-2008, SEC.94.)

IC 15-11-7

Chapter 7. Promotion of Diversified Farming

IC 15-11-7-1

"Aquaculture"

Sec. 1. As used in this chapter, "aquaculture" means a form of agriculture that is the controlled cultivation and harvest of aquatic plants and animals.

As added by P.L.2-2008, SEC.2.

IC 15-11-7-1.3

"Diversified farming"

Sec. 1.3. As used in this chapter, "diversified farming" means new, emerging, and small scale agricultural markets, including alternative and niche agricultural markets.

As added by P.L.120-2008, SEC.31.

IC 15-11-7-1.6

"Specialty crop"

Sec. 1.6. As used in this chapter, "specialty crop" means any fruit, vegetable, tree nut, dried fruit, and nursery crop, including floriculture.

As added by P.L.120-2008, SEC.32.

IC 15-11-7-2

Director's responsibilities

Sec. 2. The director shall do the following:

(1) Prepare an annual report that contains information and market research concerning diversified farming.

(2) Instigate the formation of a market and development plan for diversified farming.

(3) Encourage the development and growth of diversified farming, aquaculture, and specialty crops through education programs.

(4) Administer the United States Department of Agriculture Specialty Crop Block Grant Program.

(5) Identify diversified farming opportunities.

(6) Create a healthy network to better connect farmers to available resources.

(7) Aggressively promote the opportunities and benefits of agricultural diversification.

As added by P.L.2-2008, SEC.2. Amended by P.L.120-2008, SEC.33.

IC 15-11-7-3

Grant and loan consideration

Sec. 3. A person engaged in the business of aquaculture is entitled to the same consideration for a grant or loan under the statutes or administrative rules of the state as a person engaged in other forms

of farming.
As added by P.L.2-2008, SEC.2.

IC 15-11-8

Chapter 8. Inspection of Grain Moisture Testing Equipment

IC 15-11-8-1

Annual inspection and testing of equipment

Sec. 1. The director or the director's designee shall, at least one (1) time each year, inspect and test all equipment used to test:

(1) the moisture; and

(2) the foreign material and dockage;

content of grain purchased, sold, or exchanged in Indiana.

As added by P.L.2-2008, SEC.2.

IC 15-11-8-2

Seals on tested equipment

Sec. 2. Each piece of equipment that is tested under this chapter and found to be accurate according to rules or standards prescribed by the National Institute of Standards and Technology, the United States Department of Agriculture, and the department must bear a seal issued by the office of the director that contains the following information:

(1) A statement that the equipment has been tested for accuracy.

(2) The date of inspection.

(3) The expiration date of the seal.

As added by P.L.2-2008, SEC.2.

IC 15-11-8-3

Fees

Sec. 3. (a) The director or the director's designee shall charge each inspection site a two hundred dollar ($200) fee for each moisture testing device inspected at the inspection site under this chapter.

(b) All fees collected under this section must be deposited in the grain buyers and warehouse licensing agency license fee fund established by IC 26-3-7-6.3.

As added by P.L.2-2008, SEC.2. Amended by P.L.60-2015, SEC.1.

IC 15-11-8-4

Appropriation

Sec. 4. Money is appropriated to the department to carry out this chapter.

As added by P.L.2-2008, SEC.2.

IC 15-11-8-5

Rules

Sec. 5. The department may adopt rules under IC 4-22-2 to administer this chapter.

As added by P.L.2-2008, SEC.2.

IC 15-11-8-6

Department's powers

Sec. 6. The department may:

(1) employ persons;

(2) make expenditures;

(3) require reports and records;

(4) make investigations; and

(5) take other action;

that the department considers necessary or suitable for the proper administration of this chapter.

As added by P.L.2-2008, SEC.2.

IC 15-11-8-7

Posting laws and rules

Sec. 7. A copy of this chapter and the rules adopted under this chapter must be posted in a conspicuous manner at every commercial grain buying site.

As added by P.L.2-2008, SEC.2.

IC 15-11-8-8

Use of equipment without seal; offense

Sec. 8. A person who recklessly uses equipment:

(1) to ascertain the moisture and the foreign material and dockage content of grain in the process of commercial buying or selling of grain; and

(2) that does not bear the seal required by section 2 of this chapter;

commits a Class B misdemeanor.

As added by P.L.2-2008, SEC.2.

IC 15-11-9
Chapter 9. Center for Value Added Research

IC 15-11-9-1
Center for value added research; duties

Sec. 1. The director shall perform the following duties:

(1) Work with each county to develop an annual strategic assessment of Indiana agricultural industries and establish targeted priorities for industry expansion.

(2) Develop recommendations for legislative and administrative programs that will enhance economic development in the targeted agricultural industries.

(3) Establish cooperative industry research and development initiatives that lead to new agricultural industry opportunities in Indiana.

(4) Serve as a resource for industry in the planning, promotion, and development of value added agricultural products and agricultural industry opportunities in Indiana, including product feasibility, market feasibility, economic feasibility, product development, product testing, and test marketing.

(5) Serve as a resource for industry and the state in attracting value added agricultural industry to Indiana.

(6) Develop private sector research funding and technology transfer programs commensurate with the state's targeted agricultural industry economic development objectives.

(7) Provide a forum for continuing dialogue among industry, government, and researchers in addressing the needs and opportunities for expanding the value added agricultural industry.

As added by P.L.2-2008, SEC.2. Amended by P.L.1-2009, SEC.112.

IC 15-11-9-2
Repealed

(As added by P.L.2-2008, SEC.2. Repealed by P.L.120-2008, SEC.94.)

IC 15-11-9-3
Repealed

(As added by P.L.2-2008, SEC.2. Repealed by P.L.120-2008, SEC.94.)

IC 15-11-9-4
Value added research fund

Sec. 4. (a) The value added research fund is established to provide money for:

(1) the center for value added research; and

(2) the director to carry out the duties specified under this chapter.

(b) The director shall administer the fund.

(c) The fund consists of money appropriated by the general assembly.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.2-2008, SEC.2.

IC 15-11-10
Repealed

(Repealed by P.L.133-2012, SEC.179; P.L.126-2012, SEC.65.)

IC 15-11-11
Repealed
(Repealed by P.L.109-2015, SEC.37.)

IC 15-11-12

Chapter 12. Indiana Grown Initiative

IC 15-11-12-1

"Commission"

Sec. 1. As used in this chapter, "commission" refers to the Indiana grown commission established by section 3 of this chapter.

As added by P.L.173-2014, SEC.1.

IC 15-11-12-2

"Program"

Sec. 2. As used in this chapter, "program" refers to the Indiana grown initiative program established by section 8 of this chapter.

As added by P.L.173-2014, SEC.1.

IC 15-11-12-3

Commission established

Sec. 3. The Indiana grown commission is established.

As added by P.L.173-2014, SEC.1.

IC 15-11-12-4

Members; terms

Sec. 4. (a) The commission consists of the following members:

(1) The director or the director's designee, as an ex officio member, who serves as chairperson of the commission.

(2) Two (2) members who represent an organization or association that represents the agriculture industry and growers of Indiana produced agricultural products, with one (1) of the members representing the state's largest general farming organization.

(3) Two (2) members who represent an organization or association that represents restaurants that sell Indiana produced agricultural products.

(4) Two (2) members who represent an organization or association that represents retailers that sell Indiana produced agricultural products.

(5) Two (2) members who represent farmers' markets that sell Indiana produced agricultural products. The members may not be producers of agricultural products.

(6) Two (2) members who have expertise in marketing, promotions, or agritourism.

(7) The dean of the college of agriculture of Purdue University or the dean's designee, as an ex officio member.

The secretary shall appoint the members under subdivisions (2) through (6).

(b) The term of a member appointed under subsection (a)(2) through (a)(6) is three (3) years. The secretary may stagger the initial terms of the members under this subsection.

As added by P.L.173-2014, SEC.1.

IC 15-11-12-5
Meetings

Sec. 5. The commission shall meet at least quarterly at the call of the chairperson.

As added by P.L.173-2014, SEC.1.

IC 15-11-12-6
Quorum

Sec. 6. Seven (7) voting members of the commission constitute a quorum.

As added by P.L.173-2014, SEC.1.

IC 15-11-12-7
Reimbursement of members

Sec. 7. (a) A member of the commission is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). However, a member is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Expenses under this section shall be paid from money in the Indiana grown initiative fund established by section 9(a) of this chapter. However, if there is insufficient money in the fund to pay the expenses, the department shall reimburse the expenses from funds appropriated to the department.

As added by P.L.173-2014, SEC.1.

IC 15-11-12-8
Program established; administration; fees; rules; commission responsibilities

Sec. 8. (a) The Indiana grown initiative program is established to market and promote Indiana produced agricultural products to Indiana residents, restaurants, grocery stores, farmers' markets, wholesalers, processors, and other retail businesses.

(b) The department shall develop, administer, market, and promote the program.

(c) The department may establish fees for participation in the program. Any fees collected must be deposited into the fund.

(d) The department may adopt rules under IC 4-22-2 to administer this chapter.

(e) The department shall provide administrative support for the commission and program.

(f) The commission shall provide comment and policy feedback on the program to the department.

(g) The commission may provide technical assistance and industry

knowledge for the program.
As added by P.L.173-2014, SEC.1.

IC 15-11-12-9
Indiana grown initiative fund

Sec. 9. (a) The Indiana grown initiative fund is established for the purpose of carrying out the purposes of this chapter. The fund shall be administered by the department.

(b) The fund consists of the following:

(1) Fees collected under this chapter.

(2) Appropriations.

(3) Gifts, contributions, and grants.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.
As added by P.L.173-2014, SEC.1.

IC 15-11-12-10
Annual report

Sec. 10. (a) Before November 1 of each year, the commission shall submit a report to the legislative council that:

(1) details the commission's activities under this chapter during the preceding state fiscal year;

(2) recommends any legislation the commission considers useful in coordinating and streamlining the efforts of state government to assist and encourage the establishment and growth of small businesses in Indiana; and

(3) provides any other information determined by the commission.

(b) The annual report submitted under this section must be in an electronic format under IC 5-14-6.
As added by P.L.173-2014, SEC.1.

IC 15-11-14
Chapter 14. Farm Commodities and Market News Service

IC 15-11-14-1
Promotion of marketing and distribution of farm commodities; pilot program

Sec. 1. (a) Beginning July 1, 2017, the department may:

(1) implement and promote a program to supply to the agriculture industry marketing assistance that provides unbiased price and sales information to assist in the marketing and distribution of farm commodities; and

(2) implement and maintain a market news service for the purpose of disseminating information that will aid producers and consumers in the sale and purchase of agricultural products.

(b) Beginning July 1, 2015, the department may develop and implement a pilot program that incorporates the requirements in subsection (a). A pilot program established under this subsection must:

(1) be designed in a manner that will allow for the expansion of information that is provided in the future based on the needs of the agricultural industry; and

(2) focus on livestock and forage products.

A pilot program established under this subsection expires July 1, 2017.

As added by P.L.133-2015, SEC.2; P.L.202-2015, SEC.2.

IC 15-11-14-2
Cooperative agreements

Sec. 2. The department may negotiate and enter into cooperative agreements with the United States Department of Agriculture or any other appropriate federal agency to implement this chapter.

As added by P.L.133-2015, SEC.2; P.L.202-2015, SEC.2.

IC 15-12

ARTICLE 12. AGRICULTURAL ASSISTANCE ORGANIZATIONS AND PROGRAMS

IC 15-12-1

Chapter 1. Agricultural Cooperatives

IC 15-12-1-1

Purpose; legislative declaration

Sec. 1. (a) The following are the purposes of this chapter:

(1) To promote, foster, and encourage the intelligent and orderly production and marketing of agricultural products through cooperation.

(2) To eliminate speculation and waste.

(3) To make the distribution of agricultural products between producer and consumer as direct as can be efficiently done.

(4) To stabilize the marketing of agricultural products.

(5) To provide for the organization and incorporation of agricultural cooperative associations and societies.

(b) The general assembly recognizes the following:

(1) That agriculture is characterized by individual production in contrast to the group or factory system that characterizes other forms of industrial production.

(2) That the ordinary form of corporate organization permits industrial groups to combine for the purpose of group production and the ensuing group marketing.

(3) That the public has an interest in permitting farmers to bring their industry to the high degree of efficiency and merchandising skill evidenced in the manufacturing industries.

(4) That the public interest demands that the farmer be encouraged to attain a superior and more direct system of marketing as an alternative to the blind, unscientific, and speculative selling of crops.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-2

Application of definitions in IC 23-1

Sec. 2. The definitions in IC 23-1 apply to this chapter to the extent they do not conflict with the definitions in this chapter.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-3

"Agricultural products"

Sec. 3. As used in this chapter, "agricultural products" includes horticultural, viticultural, forestry, dairy, livestock, grain, poultry, bee, and any other farm product.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-4
"Association"

Sec. 4. As used in this chapter, "association" means any corporation organized under or governed by this chapter.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-5
"Member"

Sec. 5. As used in this chapter, "member" means the following:

(1) With respect to a nonstock membership association, the term means those persons admitted in accordance with the bylaws of the association.

(2) With respect to an association having capital stock, the term means the holders of voting stock of the association.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-6
"Person"

Sec. 6. As used in this chapter, "person" includes the following:

(1) Individuals.

(2) Firms.

(3) Partnerships.

(4) Business trusts.

(5) Limited liability companies.

(6) Corporations.

(7) Executors.

(8) Administrators.

(9) Receivers.

(10) Bodies politic or political subdivisions.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-7
Associations governed as nonprofit corporations

Sec. 7. An association organized under or governed by this chapter is a nonprofit corporation within the meaning of this chapter and for purposes of interpreting Indiana law concerning associations organized under or governed by this chapter.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-8
Eligibility to form an association

Sec. 8. The following may form an association under this chapter:

(1) Five (5) or more persons engaged in the production of agricultural products.

(2) Two (2) or more associations that:

(A) are:

(i) organized under or governed by this chapter; or

(ii) organized under any other Indiana law or under the

laws of any other state or territory of the United States or of the District of Columbia; and

(B) are operated on a cooperative basis for the mutual benefit of the associations' members, members and patrons, or patrons as producers or associations of producers.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-9

Authorized activities

Sec. 9. An association may be organized to engage in any activity in connection with the following:

(1) Producing, marketing, or selling the agricultural products of the association's members and others.

(2) Harvesting, preserving, drying, processing, canning, packing, grading, storing, handling, shipping, or use of agricultural products of the association's members and others.

(3) Manufacturing or marketing the byproducts of agricultural products of the association's members and others.

(4) Manufacturing, selling, or supplying machinery, equipment, or supplies to the association's members and others.

(5) Financing activities described in subdivisions (1) through (4).

(6) Performing or furnishing services of an economic or educational nature, on a cooperative basis for persons engaged in agriculture or in any one (1) or more of the activities specified in this section.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-10

Association; powers

Sec. 10. Each association incorporated under this chapter has the following powers:

(1) To engage in any activity in connection with the following:

(A) Producing, marketing, selling, preserving, harvesting, drying, processing, manufacturing, canning, packing, grading, storing, handling, or use of any agricultural products produced or delivered to the association by the association's members or others.

(B) Manufacturing or marketing the byproducts of agricultural products produced or delivered to the association by the association's members or others.

(C) Manufacturing, producing, processing, procuring, purchasing, or supplying supplies, machinery, or equipment to the association's members or others.

(D) Financing any activities described in clauses (A) through (C).

(E) Performing or furnishing economic, educational, or other services.

(F) Any one (1) or more of the activities specified in this section.

(2) To transact business with and perform services for nonmembers in an amount not greater in value than the total amount of business transacted with and services performed for members in the same fiscal year.

(3) To borrow money without limitation as to the amount of corporate indebtedness or liability.

(4) To act as the agent or representative of any member or members or others in any of the activities described in subdivisions (1) through (3).

(5) To make advances to members and other persons.

(6) To:

(A) purchase or acquire;

(B) hold, own, and exercise all rights of ownership in;

(C) sell, transfer, or pledge; or

(D) guarantee the payment of dividends or interest on or the retirement or redemption of;

shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the warehousing, handling, or marketing of any of the products handled by the association.

(7) To establish and accumulate reserves and surplus.

(8) To:

(A) buy; or

(B) acquire, hold, and exercise all privileges of ownership over;

real and personal property as may be necessary, convenient, or incidental to the conduct and operation of the business and activities of the association.

(9) To:

(A) establish, secure, own, and develop; and

(B) dispose of;

patents, trademarks, and copyrights.

(10) To:

(A) do anything:

(i) necessary or proper for the accomplishment of any one (1) of the purposes or the performance of any one (1) or more of the activities listed in this section; or

(ii) conducive to or expedient for the interest or benefit of the association; and

(B) contract accordingly.

(11) To exercise and possess the following:

(A) All powers, rights, and privileges necessary for or incidental to:

(i) the purposes for which the association is organized; or

(ii) the activities in which the association is engaged.

(B) Any other rights, powers, and privileges granted by

Indiana law or to for-profit or nonprofit corporations, except as are inconsistent with the express provisions of this chapter.

(12) To recover, after two (2) years, any unclaimed stocks, dividends, capital credits, patronage refunds, utility deposits, membership fees, account balances, or book equities:

(A) for which the owner cannot be found; and

(B) that are the result of distributable savings of the association returned to the members on a pro rata basis.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-11

Association; membership; issuance of stock

Sec. 11. (a) An association may under the terms and conditions prescribed in the bylaws adopted by the association admit as members or issue common and voting stock to any of the following:

(1) The individuals or political subdivisions of Indiana that meet the requirements of subsection (b).

(2) The associations that meet the requirements of subsection (c).

(b) To meet the requirements of this subsection, individuals or political subdivisions must be engaged in the production of agricultural products. For purposes of this section, a lessor or landlord of land used for the production of agricultural products or any individual devoting a substantial part of the individual's time to assisting others to produce agricultural products, whether employed by a farmer, an agricultural cooperative corporation, or an association, is considered to be engaged in the production of agricultural products. Except as otherwise provided in this section, the holders of common stock of an association limited by its articles of incorporation to one (1) or more particular agricultural services must be producers of agricultural products that use the articles or services to which the activities of the association are limited.

(c) An association:

(1) organized under or governed by this chapter or organized under or governed by the agricultural law of another state of the United States; or

(2) that complies with 7 U.S.C. 291 and 7 U.S.C. 292, whether incorporated in or outside the United States, and with acts amendatory or supplementary to 7 U.S.C. 291 and 7 U.S.C. 292;

may become a member or stockholder of any association or associations organized under this chapter. Any corporation, however organized, that is lawfully engaged in the production of agricultural products, either as owner, lessor, or lessee of land used for the production of agricultural products, may become a stockholder or member in any association that is organized under this chapter and for which more than one-half (1/2) of the value of the association's business consists of the patronage of individuals who are direct

producers of agricultural products.

(d) A member of an association organized under this chapter that is not an individual may be represented by any individual authorized to do so in writing by the member.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-12

Articles of incorporation

Sec. 12. (a) The incorporators of an association to be formed under this chapter shall execute and file articles of incorporation setting forth the following:

(1) The name of the proposed association.

(2) The purpose or purposes for which it is formed.

(3) The period during which it is to continue to exist, if the period is to be limited.

(4) The post office address of its principal office and the name and post office address of its resident agents.

(5) If organized without capital stock, whether the property rights and interest of the members are equal or unequal. If property rights and interest of the members are unequal, the articles of incorporation must set forth the provisions under and by which the property rights and interests of the respective members are to be determined and fixed.

(6) The following information, if the association is organized with capital stock:

(A) The total number of shares that the association may issue.

(B) Whether all or part of the shares have a par value.

(C) If all or part of the shares have a par value, the number and par value of the shares.

(D) Whether all or part of the shares are without a par value.

(E) If all or part of the shares are without a par value, the number of shares without a par value.

(F) If the shares are to be divided into classes or kinds:

(i) the number and par value, if any, of the shares of each class; and

(ii) subject to the limitations provided in this chapter with respect to issuance of voting stock, either a statement of the relative rights, preferences, limitations, and restrictions of each class, or a provision expressly vesting authority in the board of directors to determine the relative rights, preferences, limitations, and restrictions of each class by resolution or resolutions adopted before the issuance of any shares of the specific class.

(G) If the shares of any class are to be issuable in series:

(i) descriptions of the several series; and

(ii) subject to the limitation provided in this chapter with respect to the issuance of voting stock, a statement of the

relative rights, preferences, limitations, and restrictions of each series, or a provision expressly vesting authority in the board of directors to determine the relative rights, preferences, limitations, and restrictions of each series by resolution or resolutions adopted before the issuance of any of the shares of the specific series.

(7) The number of directors constituting the initial board of directors of the association.

(8) The names and post office addresses of the first board of directors.

(9) The names and post office addresses of the incorporators.

(10) Any other provisions, consistent with Indiana laws, for the regulation of the business and conduct of the affairs of the association and for creating, defining, limiting, or regulating the powers of the following:

(A) The association.

(B) The directors.

(C) The members.

(D) The shareholders of any class or classes of shareholders.

(b) The articles of incorporation must be:

(1) prepared and signed in duplicate by the incorporators;

(2) acknowledged by at least one (1) of the incorporators before a notary public; and

(3) presented in duplicate to the secretary of state at the secretary of state's office and accompanied by the fees prescribed by this chapter.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-13

Presentation of articles of incorporation

Sec. 13. (a) Upon presentation of articles of incorporation that comply with the requirements of this chapter, if the secretary of state finds that the articles of incorporation conform to law, the secretary of state shall do the following:

(1) Endorse the secretary of state's approval upon the duplicate copies of the articles.

(2) When all fees have been paid as required by law:

(A) file one (1) copy of the articles in the secretary of state's office; and

(B) issue a certificate of incorporation to the incorporators.

(3) Return the certificate of incorporation, together with the remaining copy of the articles of incorporation bearing the endorsement of the secretary of state's approval, to the incorporators or their representative.

(b) Upon the issuance of the certificate of incorporation by the secretary of state under subsection (a):

(1) the corporate existence of the association begins;

(2) all subscriptions to membership, subscriptions for shares of

the association, or subscriptions to membership and for shares of the association are considered to be accepted by the association; and

(3) the subscribers are considered to be members, shareholders, or members and shareholders of the association.

(c) The certificate of incorporation issued by the secretary of state under this section is conclusive evidence of the fact that the association has been incorporated and of the corporation's right to transact business and to incur indebtedness.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-14

Association; merging, consolidating, or dissolving association; amending articles of incorporation

Sec. 14. (a) Subject to subsections (b) and (c), an association may amend the association's articles of incorporation, merge or consolidate with one (1) or more other associations or corporations, effect special corporate transactions as described in IC 23-1, or dissolve by following the procedures specified in IC 23-1.

(b) An amendment to the articles of incorporation of an association organized under or governed by this chapter or an agreement of merger or consolidation to which an association organized under or governed by this chapter is a party may be adopted:

(1) by the affirmative votes of the majority of the members entitled to vote with respect to the amendment or agreement and voting at the meeting called for that purpose, if the voting rights of the members are equal; or

(2) by the affirmative votes of the majority of the votes cast by the members entitled to vote with respect to the amendment or agreement and voting at the meeting called for that purpose, if the voting rights of the members are not equal.

(c) A special corporate transaction or dissolution of an association organized under or governed by this chapter may be authorized:

(1) by the affirmative votes of three-fourths (3/4) of the members entitled to vote with respect to the transaction or dissolution and voting at the meeting called for that purpose, if the voting rights of the members are equal; or

(2) by the affirmative votes of three-fourths (3/4) of the votes cast by the members entitled to vote with respect to the transaction or dissolution and voting at the meeting called for that purpose, if the voting rights of the members are not equal.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-15

Bylaws; adoption and amendment; scope

Sec. 15. (a) Each association organized under or governed by this chapter shall, not more than thirty (30) days after the association's

incorporation or after the association's acceptance of the requirements of this chapter, adopt a code of bylaws.

(b) The power to adopt, make, alter, amend, or repeal the bylaws is vested in the board of directors, unless specifically provided in the articles of incorporation.

(c) The bylaws may contain any provisions for the regulation and management of the business and affairs of the association that are not inconsistent with the articles of incorporation and the laws of this state, including provisions concerning the following:

(1) The time and place of holding and the manner of calling and conducting meetings of members and directors.

(2) The number of members that constitute a quorum at a meeting of the members.

(3) The number of directors that constitute a quorum at a meeting of the directors.

(4) The right of members to vote by proxy, by mail, or by delegates elected by members in their respective districts, or by any one (1) or more such methods.

(5) The number of directors, their qualifications, the date, time, place, and manner of their election, and the length of their terms of office.

(6) The powers, duties, tenure, and qualifications of officers of the association and the date, time, place, and manner of electing the officers.

(7) The creation and appointment of executive and other committees, and the number of members of the committees and their powers.

(8) The:

(A) amount of entrance, organization, and membership fees, if any;

(B) manner and method of collection of the fees; and

(C) purposes for which the fees may be used.

(9) The:

(A) amount, if any, that each member is required to pay annually or from time to time to carry on the business of the association;

(B) charge, if any, to be paid by each member for services rendered by the association to the member; and

(C) time of payment and manner of collection of the amounts.

(10) The requirements made or imposed on members to enter into contracts with the association for the marketing of the members' products or for the purchasing of the members' supplies, machinery, or equipment, or both.

(11) The following:

(A) Qualifications for membership in the association and the conditions precedent to membership.

(B) The method, time, and manner in which a member can

withdraw from membership.

(C) The conditions upon which and the time when the membership of any member ceases.

(D) The automatic suspension of the voting rights of a member when the member ceases to be eligible for membership in the association.

(E) The method, manner, and effect of the expulsion of a member.

(F) The manner of determining the value of a member's interest or shares:

(i) when the member is expelled; or

(ii) upon the member's death or withdrawal from membership.

(G) The manner in which the interest or shares of a member can be transferred or assigned.

(H) The time and manner in which a member's interest or shares may be redeemed by the association.

(12) Penalties for violation of the bylaws.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-16

Association; meetings; special meetings

Sec. 16. (a) Each association shall provide in the association's bylaws for one (1) or more regular meetings annually.

(b) The board of directors of an association may call a special meeting at any time.

(c) Ten percent (10%) of the members or stockholders of an association may file a petition stating the specific business to be brought before the association and demand a special meeting at any time. If the requirements of this subsection are satisfied, the directors of the association shall call the special meeting.

(d) Notice of all meetings, together with a statement of the purposes of the meeting, shall be mailed to each member at least ten (10) days before the meeting. However, the association's bylaws may instead provide that the notice may be given by publication in a newspaper of general circulation, published at the principal place of business of the association.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-17

Board of directors; management of association

Sec. 17. (a) The business and affairs of an association shall be managed by a board of directors of at least five (5) directors. Subject to this limitation, unless specifically provided in the articles of incorporation, the number of directors shall be fixed by the bylaws, except as to the number constituting the initial board of directors. The number constituting the initial board of directors shall be fixed by the articles of incorporation.

(b) The number of directors may be increased or decreased from time to time by amendment of the bylaws, but a decrease in the number of directors may not shorten the term of an incumbent director. In the absence of articles of incorporation or bylaws that fix the number of directors, the number of directors must be the same as stated in the articles of incorporation for the initial board of directors.
As added by P.L.2-2008, SEC.3.

IC 15-12-1-18
Board of directors; election; terms

Sec. 18. Except as otherwise provided in this chapter, the directors:

(1) shall be elected by the members at the annual meeting of the members; and

(2) may, if provided in the bylaws, be elected for terms of office that expire at different times.

A term of office may not continue for longer than three (3) years. In the absence of a provision in the bylaws for terms of office, each director, except the first board of directors, shall be elected for a term of one (1) year and hold office until the director's successor is elected and qualified. The first board of directors, as named in the articles of incorporation, shall hold office until the first annual meeting of the members.
As added by P.L.2-2008, SEC.3.

IC 15-12-1-19
Board of directors; districts; primary elections

Sec. 19. The territory served by an association may be divided into districts and the directors elected according to districts. In this case, the bylaws must specify:

(1) the number of directors to be elected in each district; and

(2) the manner and method of reapportioning the directors and of redistricting the territory served by the association.

The bylaws may provide that primary elections shall be held in each district to elect the directors apportioned to the district and that the result of the primary elections may be ratified by the members at the next annual or special meeting of the members of the association or may be considered as final.
As added by P.L.2-2008, SEC.3.

IC 15-12-1-20
Board of directors; appointment

Sec. 20. One (1) or more directors may be appointed by any public official or commission or by the other directors elected by the members or their delegates. Directors appointed as provided in this section:

(1) shall represent primarily the interest of the general public in

the association, but have the same powers and rights as other directors; and

(2) may not total more than one-fifth (1/5) of the entire number of directors.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-21

Board of directors; payment; restrictions

Sec. 21. (a) An association may provide a fair remuneration for:

(1) the time actually spent by the association's officers and directors in the association's service; and

(2) the service of the members of the association's executive committee and other committees.

(b) A director may not during the term of the director's office be a party to a contract for profit with the association differing in any way from the business relations accorded other members or patrons of the association.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-22

Executive committee; powers

Sec. 22. If the association's bylaws provide for an executive committee, all of the functions and powers of the board of directors may be delegated to the committee, subject to the general direction and control of the board.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-23

Board of directors; vacancies

Sec. 23. When a vacancy on the board of directors occurs, other than by expiration of term of office, the remaining members of the board may fill the vacancy by a majority vote of the remaining members, unless the bylaws provide for the election of directors by districts. If the bylaws provide for the election of directors by districts, the board of directors may call a special meeting of the members in that district to fill the vacancy or may fill the vacancy as in the case of any other vacancy. A director who is elected or appointed by the board of directors to fill a vacancy on the board shall serve until the next annual or special meeting of the members.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-24

Board of directors; eligibility

Sec. 24. (a) Each director must during the director's term of office be a citizen of the United States. Each director, other than a public director, must be engaged in or have a direct interest in the production of agricultural products.

(b) An association may provide in the association's bylaws that a

person is not eligible for election as a director unless the person is a member or patron of the association.

(c) An association may provide in the association's bylaws that a person is not eligible for election as a director unless the person has paid any indebtedness owed by the person to the association.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-25

Board of directors; financial report; records

Sec. 25. (a) The board of directors shall require a report to be presented to the board, at intervals determined by the board but not less often than semiannually, showing:

(1) the amount of indebtedness owed to the association by each director, officer, and employee at the close of the period; and

(2) the amount of stock, membership capital, or credits for the purchase of stock or membership capital shown on the books of the association as belonging to each director, officer, and employee.

The board of directors shall take action with respect to any individual indebtedness to the association that is larger than permitted by the bylaws as is best for the association in the sound discretion of the board.

(b) The board of directors shall require a record of attendance to be kept and the secretary of the board to make a report at the annual meeting of members detailing the directors' attendance up to and including the last directors' meeting before the annual meeting, indicating:

(1) the number of regular and special meetings of the board; and

(2) the number of regular and of special meetings attended by each member of the board designated by name.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-26

Extension of credit

Sec. 26. (a) An association may provide in the association's bylaws limits within which the association may extend credit, either directly or indirectly, to any director, officer, or employee of the association.

(b) A person who is a director, officer, or employee of the association may not be extended credit on terms that are more favorable than the terms available to any other customer or member of the association.

(c) The provisions of this chapter:

(1) concerning the extension of credit to any director, officer, or employee;

(2) requiring the inclusion of information concerning the extension of credit to any director, officer, or employee in the association's annual reports to the secretary of state; and

(3) providing penalties for failure to comply with those provisions;

apply only to associations in which more than twenty-five percent (25%) of the gross income arises directly from the purchasing of supplies for their members and others. An association with a lesser percentage of gross income arising from purchasing of supplies may adopt similar provisions in the association's articles of incorporation as originally filed or later amended. If adopted, the provisions apply in every respect to the association and to the association's directors, officers, and employees.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-27

Election of officers

Sec. 27. (a) The officers of an association must consist of a president, one (1) or more vice presidents, a secretary, a treasurer, and other officers that may be prescribed by the bylaws. Each officer shall be elected or appointed by the board of directors at the time, in the manner, and for the terms as the bylaws provide, subject to the following conditions:

(1) The president and one (1) vice president must be members of the board of directors.

(2) A vice president who is not a director may not succeed to or fill the office of president.

(b) Except for the offices of the president and secretary, any two (2) or more offices may be held by the same individual.

(c) The treasurer may be a bank or depository. If the treasurer is a bank or depository:

(1) the treasurer is considered to be a function of the board of directors but not an officer of the board of directors; and

(2) the secretary shall perform the usual accounting duties of the treasurer.

However, the funds of the association must be deposited only as and where authorized by the board of directors.

(d) The bylaws may provide for the election of the president and one (1) vice president by the members or their delegates at the annual meeting of the members.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-28

Membership certificates

Sec. 28. (a) A certificate of membership or a share or shares of voting stock may not be issued by an association until the membership fee or consideration for the share of stock has been paid in full. A promissory note may be accepted in full or partial payment for a share of stock or membership fee. However, the stock or membership certificate shall be held as security for the payment of the note. The acceptance of a note in full or partial payment of a

share of stock or membership fee does not affect the member's right to vote if the member is not in default under the terms of the note.

(b) A member is not liable for the debts of the association to an amount exceeding the sum remaining unpaid on the member's membership fee or on the member's subscription or agreement to purchase a share or shares of stock, including any unpaid balance on any note given in payment.

(c) An association may provide in the association's articles of incorporation or bylaws that a member may not own more than a fixed amount or percentage of the association's membership capital or a fixed percentage or number of shares of the association's outstanding voting stock.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-29

Voting stock; votes; transfer

Sec. 29. (a) An association may provide in the association's articles of incorporation or bylaws that a member is not entitled to more than one (1) vote regardless of the amount of capital invested in or number of shares of voting stock owned by the member.

(b) The voting stock of or membership in an association may not be transferred to persons or associations that are not qualified to be members of an association organized under or governed by this chapter, and this restriction must be printed on every membership certificate and certificate of voting stock.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-30

Distribution of dividends

Sec. 30. (a) The net earnings or savings of an association from the association's marketing activities, purchasing activities, or marketing and purchasing activities that exceed the amounts needed to restore a deficit, to pay dividends on outstanding stock, or to establish or provide for additions to reserves or surplus, or both, must be distributed, unless otherwise provided by the bylaws, to the patrons of the association on a patronage basis. If provided in the bylaws, the distribution of the net earnings or savings from the marketing activities, purchasing activities, or marketing and purchasing activities that exceed the amounts needed to restore a deficit, to pay dividends on outstanding stock, or to establish or provide for additions to reserves or surplus, or both, may be made at different rates for members and nonmembers, or may be restricted only to members, or only to members and those patrons with whom the association has contracted to pay patronage refunds, but all the distributions must be made on a patronage basis.

(b) If the reserves or surplus of an association are distributed at any time, the reserves or surplus must be distributed on a patronage basis as provided by the bylaws of the association.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-31
Redemption of stock

Sec. 31. (a) An association organized with capital stock may, at any time, unless otherwise provided in the association's articles of incorporation or bylaws, and except when the debts of the association exceed fifty percent (50%) of the assets:

(1) redeem, purchase, or acquire the association's outstanding common stock at the book value, as conclusively determined by the association's board of directors, but not to exceed par; and

(2) pay for the stock in cash within one (1) year.

(b) An association organized with capital stock may, at any time, unless otherwise provided in its articles of incorporation or bylaws, redeem, purchase, or acquire the association's outstanding preferred stock. However, an association may not redeem or purchase the association's outstanding preferred stock:

(1) when the association is insolvent; or

(2) when the redemption or purchase would render the association insolvent or would reduce the net assets of the association below the total amount payable to the holders of stock having prior or equal rights to the assets of the association upon involuntary dissolution.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-32
Issuance of various classes of stock

Sec. 32. (a) If the board of directors of an association, under authority expressly vested in the board by the articles of incorporation, adopts a resolution that determines and states the relative rights, preferences, limitations, or restrictions of any class or classes of shares, or of any series of any class or classes, the association may not issue any of such shares unless the association first presents in duplicate in the office of the secretary of state, accompanied by the fees prescribed by this chapter, a certificate signed by the secretary or assistant secretary, and verified under oath by the president or a vice president of the association, setting forth the resolution so adopted and the time and manner of its adoption.

(b) Upon presentation of a certificate under subsection (a), the secretary of state, if the secretary of state finds that the certificate conforms to law and to the articles of incorporation of the association:

(1) shall endorse the secretary of state's approval on each copy of the certificate; and

(2) when all fees have been paid as required by law, shall:

(A) file one (1) copy of the certificate in the secretary of state's office;

(B) issue the secretary of state's certificate of approval and

filing; and

(C) forward to the association the secretary of state's certificate, together with the other copy of the certificate of the officers of the association bearing the endorsement of the secretary of state's approval.

After the secretary of state takes the actions under subdivisions (1) and (2), the association may issue the shares.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-33

Officers and director; charges; removal

Sec. 33. (a) A member of an association may bring charges against an officer or a director by filing the charges in writing with the secretary of the association, together with a petition that is signed by five percent (5%) of the members and that requests the removal of the officer or director.

(b) The removal of the officer or director shall be voted upon at the next regular or special meeting of the association. The association may by a vote of a majority of the members of the association remove the officer or director and fill the vacancy.

(c) The director or officer against whom the charges have been brought must:

(1) be informed in writing of the charges before the meeting described in subsection (b); and

(2) have an opportunity at the meeting to be heard in person or by counsel and to present witnesses.

The person or persons bringing the charges against the director or officer are entitled to the same opportunity to be heard in person or by counsel and to present witnesses.

(d) If the bylaws provide for the election of directors by districts with primary elections in each district, a petition for removal of a director must be signed by twenty percent (20%) of the members residing in the district from which the director was elected. The board of directors must call a special meeting of the members residing in that district to consider the removal of the director. The director in question may be removed from office by a vote of the majority of the members of that district.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-34

Marketing contracts

Sec. 34. (a) An association and its members may make and execute marketing contracts requiring the members to sell, for any period that is not more than ten (10) years:

(1) all or any specified part of the members' agricultural products; or

(2) specified commodities;

exclusively to or through the association or any facilities to be

created by the association.

(b) If a member contracts a sale to the association, it shall be conclusively held that title to the products passes absolutely and unreservedly, except for recorded liens, to the association:

(1) upon delivery; or

(2) at any other specified time, if expressly and definitely agreed in the contract.

(c) A contract authorized under this section may provide that the association may:

(1) sell or resell the products delivered by the association's members, with or without taking title to the products; and

(2) pay over to the association's members the resale price, with or without pooling, actual or proportionate, after deducting all necessary selling, overhead, and other costs and expenses, including:

(A) interest on preferred stock, not exceeding eight percent (8%) per year;

(B) reserves for retiring the stock, if any;

(C) other proper reserves;

(D) interest not exceeding eight percent (8%) per year on common stock; and

(E) any other deductions specified in the contract.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-35

Remedies for breach of contract

Sec. 35. (a) The bylaws or a marketing contract of an association may do the following:

(1) Fix, as liquidated damages, specific amounts to be paid by the members or stockholders to the association upon the breach of any provision of the marketing contract regarding the sale, delivery, or withholding of products.

(2) Provide that the contracting member will pay all costs, premiums for bonds, expenses, and fees if any action is brought upon the contract by the association.

A provision described in this subsection is valid and enforceable, and a clause providing for liquidated damages is enforceable and is not regarded as a penalty.

(b) If there is a breach or threatened breach of a marketing contract regarding the sale, delivery, or withholding of products by a member, the association is entitled to:

(1) an injunction to prevent the further breach of the contract; and

(2) a decree of specific performance of the contract.

(c) Pending the adjudication of an action under subsection (b) and upon:

(1) filing a verified complaint showing the breach or threatened breach; and

(2) filing a sufficient bond;

the association is entitled to a temporary restraining order and preliminary injunction against the member.

(d) Subsections (a), (b), and (c) are applicable to, and the rights and remedies described in subsections (a), (b), and (c) are available to, any corporation that is organized under any agricultural cooperative law of any other state of the United States and is admitted to do business in Indiana.

(e) A grower of agricultural products that signs a marketing agreement with a cooperative marketing association organized under this chapter is permitted to place crop mortgages on the grower's crops. However, the crop mortgages and other liens are subordinate to the right of the association to take delivery of any such crops covered by the marketing agreement. In such cases, if the mortgagee or lien holder serves proper notice on the association, the proportionate proceeds due or payable to that grower become subject to the mortgages or liens instead of the crops originally covered by the mortgages or liens. If any deficiency remains at the end of the season, the grower is liable for the deficiency under the present practice, and the mortgagee or lienholder has the same rights against the grower for the deficiency as the grower possesses.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-36

Purchase of property or stock in another entity

Sec. 36. If an association that is organized under or governed by this chapter with capital stock purchases:

(1) the stock;

(2) any property; or

(3) any interest in any property;

of any person, firm, corporation, or association, the association may discharge the obligations incurred in the purchase, wholly or in part, by exchanging for the acquired interest, shares of the association's capital stock to an amount that at par value would equal the fair market value of the stock or interest purchased, as determined by the board of directors. In that case, the transfer to the association of the stock or interest purchased must be equivalent to payment in cash for the shares of stock issued.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-37

Biennial report; contents; form; delivery

Sec. 37. (a) During April of every other year, each association organized or reorganized under this chapter shall prepare and file a biennial report setting forth the following information:

(1) The name of the association and the state or country under whose law the association is incorporated.

(2) The address of the association's registered office and the

name of the association's registered agent at that office in Indiana.

(3) The address of the association's principal office.

(4) The names and business or residence addresses of the association's directors, secretary, and highest executive officer.

(b) The biennial report of each association must be:

(1) made on a form prescribed and furnished by the secretary of state;

(2) signed by any current officer of the association or, if the association is in the hands of a receiver or a trustee, by the receiver or trustee;

(3) verified and affirmed subject to the penalties for perjury; and

(4) filed in the office of the secretary of state, accompanied by the fees prescribed by law.

(c) Information in the biennial report must be current as of the date the biennial report is executed on behalf of the association.

(d) The first biennial report of the association must be delivered to the secretary of state in the second year following the calendar year in which the association was organized. Subsequent biennial reports must be delivered to the secretary of state every second year following the year in which the last biennial report was filed.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-38
Disclosure of financial condition; offense

Sec. 38. (a) If, upon receipt of a biennial report delivered under section 37 of this chapter, the secretary of state determines or has reason to believe that the association filing the report is not disclosing the association's true financial condition or is violating this chapter, the secretary of state may require the association to disclose all material facts by:

(1) submitting a verified audit bearing the certificate under oath of a qualified public accountant approved by the secretary of state;

(2) replying to interrogatories; or

(3) reporting under oath on any matters requested by the secretary of state.

(b) An officer or a director of an association who knowingly distributes, publishes, or files with the secretary of state a written report, certificate, or statement of the condition or business of the association that is false in any material respect commits a Level 6 felony.

As added by P.L.2-2008, SEC.3. Amended by P.L.158-2013, SEC.206.

IC 15-12-1-39
Application of other laws

Sec. 39. A law in conflict with this chapter may not be construed to apply to an association provided for in this chapter.
As added by P.L.2-2008, SEC.3.

IC 15-12-1-40
Limitation on the use of the term "cooperative"

Sec. 40. A person, or a firm, a limited liability company, a corporation, or an association organized in Indiana after February 23, 1925, may not use the word "cooperative" as part of its corporate or other business name or title for cooperative activities of producers of agricultural products unless it has complied with this chapter.
As added by P.L.2-2008, SEC.3.

IC 15-12-1-41
Membership of association in other corporations or associations

Sec. 41. An association may organize, form, operate, own, control, have an interest in, own stock of, or be a member of any corporation or corporations, or association or associations, with or without capital stock, that are engaged in:

(1) any activity in connection with the producing, marketing, selling, preserving, harvesting, drying, processing, manufacturing, canning, packing, grading, storing, transportation, handling, or use of any:
(A) agricultural products; or
(B) byproducts of any agricultural products;
handled by the association or the association's patrons;

(2) any activity in connection with the manufacturing, assembling, selling, supplying, purchasing, hiring, transportation, or use of supplies, machinery, or equipment that the association or the association's patrons use; or

(3) the financing of any activities described in subdivision (1) or (2) or in performing or furnishing economic or educational service for persons engaged in agriculture.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-42
Joint activities with other associations

Sec. 42. (a) An association may, upon resolution adopted by the association's board of directors:

(1) enter into all necessary and proper contracts and agreements; and

(2) make all necessary and proper stipulations, agreements, and contracts and arrangements with any other cooperative corporation, association, or associations formed in Indiana or in any other state;

for the cooperative and more economical performance of all or any part of the association's business.

(b) Any two (2) or more associations may, by agreement between

them:

(1) unite in employing and using; or

(2) separately employ and use;

the same personnel, methods, means, and agencies for carrying on and conducting the associations' respective businesses.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-43

Vote by existing cooperatives for governance under chapter

Sec. 43. (a) A corporation or an association organized under statutes in effect before February 23, 1925, may by a majority vote of its stockholders or members, elect to be governed by this chapter by:

(1) limiting its stockholders or membership; and

(2) adopting the other restrictions provided in this chapter.

(b) The corporation or association shall make out in duplicate a statement signed and sworn to by its directors specifying that the corporation or association has, by a majority vote of the stockholders or members:

(1) decided to accept the benefits of and be bound by this chapter; and

(2) authorized the changes.

Articles of incorporation must be filed as required in section 12 of this chapter, except that the articles of incorporation must be signed by the current members of the board of directors. The filing fee is the same as for filing an amendment to articles of incorporation.

As added by P.L.2-2008, SEC.3. Amended by P.L.86-2008, SEC.7.

IC 15-12-1-44

Breach of marketing contract; penalty; injunction

Sec. 44. A person or corporation whose officers or employees knowingly induce or attempt to induce any member or stockholder of an association:

(1) organized under this chapter; or

(2) organized under any agricultural cooperative law of any other state of the United States and admitted to do business in Indiana;

to breach the member's or stockholder's marketing contract with the association is liable to the aggrieved association in a civil suit in the penal sum of one hundred dollars ($100) for each offense. In addition, the person or corporation shall pay to the association reasonable attorney's fees and all costs involved in the litigation or proceedings at law.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-45

Warehouse or elevator operator; breach of marketing contract; penalty; injunction

Sec. 45. (a) A person, firm, limited liability company, or corporation that:

(1) operates a warehouse, an elevator, or other receiving place or deals in any agricultural products within Indiana; and

(2) solicits, persuades, or permits any member of an association:

(A) organized under this chapter; or

(B) organized under any agricultural cooperative law of any other state of the United States and admitted to do business in Indiana;

to breach the member's marketing contract with the association by accepting or receiving the member's products for sale, for auction, or for display for sale, contrary to the terms of a marketing agreement of which the person, a member of the firm, the manager of the limited liability company, or an active officer or manager of the corporation has knowledge or notice;

is liable to the aggrieved association in a civil suit in the penal sum of one hundred dollars ($100) for each offense, and the aggrieved association is entitled to an injunction against the warehouseman or other person to prevent further breaches and a multiplicity of actions on the breach.

(b) Pending the adjudication of an action under subsection (a) and upon filing:

(1) a verified complaint showing the breach or threatened breach of a marketing contract by reason of any acts described in subsection (a); and

(2) a sufficient bond or undertaking;

the aggrieved association is entitled to a temporary restraining order and a temporary injunction against the person, firm, limited liability company, or corporation. In addition, the warehouseman or other person, firm, limited liability company, or corporation shall pay to the association reasonable attorney's fees and all costs involved in the litigation or legal proceedings.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-46

Exemption from conspiracy and monopoly laws; legality of marketing contracts

Sec. 46. (a) An association that is organized under this chapter or that is organized under an agricultural cooperative law of another state and is admitted to do business in Indiana is not:

(1) a conspiracy or a combination in restraint of trade;

(2) an illegal monopoly; or

(3) an attempt to:

(A) lessen competition;

(B) fix prices arbitrarily; or

(C) create a combination or pool;

in violation of any Indiana law.

(b) The marketing contracts and agreements between an

association described in subsection (a) and the association's members and any agreements authorized in this chapter are not:

(1) illegal;

(2) in restraint of trade; and

(3) contrary to any law enacted against pooling or combinations.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-47

Application of corporation laws; exceptions

Sec. 47. IC 23-1 and all powers and rights under IC 23-1 apply to associations organized under or governed by this chapter, except where IC 23-1 conflicts with or is inconsistent with this chapter.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-48

Secretary of state; fees

Sec. 48. (a) The secretary of state shall charge and collect for the benefit of the state the following fees:

(1) For filing with the secretary of state the articles of incorporation of an association organized or a corporation reorganized under this chapter, five dollars ($5).

(2) For filing with the secretary of state any certificate not specified in this section, five dollars ($5) each.

(3) For filing a biennial report, two dollars ($2), to be paid biennially.

(b) Fees collected under subsection (a) shall be deposited in the state general fund.

As added by P.L.2-2008, SEC.3. Amended by P.L.106-2008, SEC.48; P.L.119-2015, SEC.1.

IC 15-12-1-49

Foreign cooperative associations; application for admission

Sec. 49. (a) Any nonprofit cooperative association organized under the agricultural cooperative law of any state of the United States other than Indiana and not admitted to do business in Indiana before March 12, 1935, must submit the following to the secretary of state at the secretary of state's office before transacting any business in Indiana:

(1) A copy of the nonprofit cooperative association's articles of incorporation, with all amendments to the articles of incorporation. The copy of the nonprofit cooperative association's articles of incorporation must be authenticated by the proper officer of the state where the nonprofit cooperative association is incorporated.

(2) An application for admission, which must contain the same information as required in the articles of incorporation of an association seeking to be incorporated under this chapter,

together with any additional information that the secretary of state may require, which must include a statement of assets and liabilities as of a date not earlier than thirty (30) days before the filing of the application for admission. The information shall be submitted in triplicate originals on forms prescribed by the secretary of state.

(3) The prescribed fees.

(b) An application submitted under subsection (a) must be signed and verified under oath by:

(1) the president or vice president; and

(2) the secretary or assistant secretary;

of the association.

(c) The fee for a filing under this section is ten dollars ($10).

As added by P.L.2-2008, SEC.3. Amended by P.L.119-2015, SEC.2.

IC 15-12-1-50

Foreign cooperative associations; certificate of admission

Sec. 50. (a) If the secretary of state finds that an application for admission submitted under section 49 of this chapter conforms to law and that all patrons of the association who reside in Indiana will be entitled to receive substantially the same rights, benefits, and privileges from the association as though the association were incorporated under this chapter, the secretary of state shall:

(1) endorse the secretary of state's approval upon each of the triplicate copies; and

(2) if all fees required by law have been paid:

(A) file one (1) copy of the application for admission and an authenticated copy of the articles of incorporation of the association in the secretary of state's office; and

(B) issue to the association an original and a duplicate certificate of admission, accompanied by two (2) copies of the application bearing the endorsement of the secretary of state's approval.

(b) A certificate of admission issued under subsection (a) must set forth the following:

(1) The name of the association, the state where the association was incorporated, and the location of the association's principal office in that state.

(2) The character of business the association is authorized to transact in Indiana.

(3) The amount of the association's authorized capital stock, if any, and the amount of capital stock issued and outstanding.

(4) The amount of the fee paid for the association's admission.

(5) The address of the corporation in Indiana.

(6) The name and address of the association's resident agent in Indiana for service of legal process.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-51

Admitted foreign cooperative associations; rights and restrictions

Sec. 51. Any nonprofit cooperative association organized under the agricultural cooperative law of another state and admitted to do business in Indiana:

(1) may transact business as set forth in the certificate of admission issued to the association by the secretary of state;

(2) has the same rights, privileges, powers, and remedies at law or in equity possessed by an association incorporated under this chapter; and

(3) is subject to the same liabilities, restrictions, duties, and penalties imposed on an association incorporated under this chapter.

As added by P.L.2-2008, SEC.3.

IC 15-12-1-52

Governance of certificates of stock and membership

Sec. 52. Certificates of stock or of membership issued, transferred, redeemed, or canceled by an association are governed by this chapter and the articles of incorporation and bylaws of the association.

As added by P.L.2-2008, SEC.3.

IC 15-12-2
Chapter 2. Indiana Rural Rehabilitation Corporation

IC 15-12-2-1
"Director"

Sec. 1. As used in this chapter, "director" means the director of the Indiana state department of agriculture.

As added by P.L.2-2008, SEC.3. Amended by P.L.120-2008, SEC.34.

IC 15-12-2-2
State official; trust assets of the rural rehabilitation corporation

Sec. 2. The director is designated as the state official to make application to and receive from the United States Secretary of Agriculture, or any other proper federal official, under and subject to Public Law 499, 81st Congress, approved May 3, 1950, the trust assets, either funds or property, held by the United States as trustee on behalf of the Indiana rural rehabilitation corporation.

As added by P.L.2-2008, SEC.3.

IC 15-12-2-3
Agreements for federal administration

Sec. 3. (a) The director may enter into agreements with the United States Secretary of Agriculture under Section 2(f) of Public Law 499, 81st Congress, upon the terms and conditions and for periods as may be mutually agreeable, authorizing the United States Secretary of Agriculture to accept, administer, expend, and use in Indiana all or any part of the trust assets or any other funds of the state of Indiana that may be appropriated to use in carrying out the purposes of Titles 1 and 2 of the Bankhead-Jones Farm Tenant Act, in accordance with the applicable provisions of Title 4 of the Bankhead-Jones Farm Tenant Act, as amended.

(b) The director shall provide in an agreement with the United States Secretary of Agriculture under this section:

(1) that all of the funds shall be administered through the Farmer's Home Administration;

(2) that only three percent (3%) of the book value of the assets transferred may be used for administrative purposes; and

(3) that the Farmer's Home Administration may do any and all things necessary to effectuate and carry out the purposes of agreements under this section.

As added by P.L.2-2008, SEC.3.

IC 15-12-2-4
Deposit and expenditure of funds

Sec. 4. Notwithstanding any other law, funds and the proceeds of the trust assets that are not authorized to be administered by the United States Secretary of Agriculture under section 3 of this chapter shall be received by the director under an application made under

section 2 of this chapter. The director shall deposit the funds with the treasurer of state. The funds shall be held in a special fund for expenditure on proper voucher and warrant by the director for purposes of section 3 of this chapter.
As added by P.L.2-2008, SEC.3.

IC 15-12-2-5
Director's powers; delegation

Sec. 5. (a) The director may do the following:

(1) Collect, compromise, adjust, or cancel claims and obligations arising out of or administered under:

(A) this chapter; or

(B) any mortgage, lease, contract, or agreement entered into or administered under this chapter.

(2) If in the director's judgment it is necessary and advisable, pursue a claim or an obligation described in subdivision (1) to final collection in any court having jurisdiction.

(3) Bid for and purchase at any execution, foreclosure, or other sale or otherwise acquire property:

(A) on which the director has a lien by reason of a judgment or execution; or

(B) that is pledged, mortgaged, or conveyed to secure or that otherwise secures any loan or other indebtedness owing to or acquired by the director under this chapter.

(4) Accept title to any property purchased or acquired under this section, operate or lease the property for a period considered necessary to protect the investment in the property, and sell or dispose of the property in a manner consistent with this chapter.

(b) The authority under this section shall be delegated by the director to the United States Secretary of Agriculture with respect to funds or assets authorized to be administered and used by the director under agreements entered into under section 3 of this chapter.
As added by P.L.2-2008, SEC.3.

IC 15-12-2-6
Exemption from liability

Sec. 6. The United States and the United States Secretary of Agriculture may not be held liable for the transfer of assets to the director under this chapter.
As added by P.L.2-2008, SEC.3.

IC 15-12-3

Chapter 3. Repurchase of Farm or Industrial Machinery Inventory

IC 15-12-3-1

Application of chapter

Sec. 1. (a) This chapter applies to the following:

(1) Contracts that may be terminated or altered at will.

(2) Contracts formed or renewed after June 30, 1989.

(b) This chapter may not be construed to impair the obligation of a contract in violation of Article 1, Section 24 of the Constitution of the State of Indiana.

(c) This chapter does not affect a security interest that a wholesaler, manufacturer, or distributor may have in a retailer's inventory.

As added by P.L.2-2008, SEC.3.

IC 15-12-3-2

"All terrain vehicle"

Sec. 2. As used in this chapter, "all terrain vehicle" has the meaning set forth in IC 14-8-2-5.7.

As added by P.L.2-2008, SEC.3. Amended by P.L.86-2010, SEC.9.

IC 15-12-3-3

"Current net price"

Sec. 3. As used in this chapter, "current net price" means:

(1) the price listed by a wholesaler, manufacturer, or distributor of inventory in effect at the time a contract is terminated; minus

(2) an applicable trade or cash discount.

As added by P.L.2-2008, SEC.3.

IC 15-12-3-4

"Farm or industrial machinery"

Sec. 4. (a) As used in this chapter, "farm or industrial machinery" means any of the following:

(1) A farm implement.

(2) A tractor.

(3) Farm machinery.

(4) Utility and industrial equipment.

(5) Construction machinery, including a track and wheel tractor, a motor grader, and an excavator.

(6) An attachment or repair part for a machine listed in subdivisions (1) through (5).

(b) The term does not include an all terrain vehicle.

As added by P.L.2-2008, SEC.3.

IC 15-12-3-5

"Inventory"

Sec. 5. As used in this chapter, "inventory" means farm or industrial machinery held by a retailer.
As added by P.L.2-2008, SEC.3.

IC 15-12-3-6
"Net cost"
Sec. 6. As used in this chapter, "net cost" means:
(1) the price a retailer paid to a wholesaler, manufacturer, or distributor for inventory; minus
(2) any discounts, retainage, and prepaid freight or return freight.
As added by P.L.2-2008, SEC.3.

IC 15-12-3-7
"Person"
Sec. 7. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, a trust, or an unincorporated association.
As added by P.L.2-2008, SEC.3.

IC 15-12-3-8
"Retailer"
Sec. 8. (a) As used in this chapter, "retailer" means a person engaged in the business of selling, at retail, farm or industrial machinery.
(b) The term does not include a retail seller of:
(1) petroleum products, if the sale of petroleum products is the primary purpose of the retail seller's business;
(2) motor vehicles (as defined in IC 9-13-2-105(a)); or
(3) automotive care and replacement products.
(c) The term includes the heirs, personal representative, guardian, or receiver of a retailer.
As added by P.L.2-2008, SEC.3.

IC 15-12-3-9
"Retainage"
Sec. 9. As used in this chapter, "retainage" refers to various purchase, invoice, and other discounts held by the supplier and due the retailer at a later time.
As added by P.L.2-2008, SEC.3.

IC 15-12-3-10
Repurchase of inventory; exceptions
Sec. 10. (a) Upon the termination of a written or an unwritten contract between a retailer and a wholesaler, manufacturer, or distributor of farm or industrial machinery under which the retailer had agreed to maintain an inventory, the wholesaler, manufacturer, or distributor shall repurchase the inventory of the retailer under

section 11 of this chapter.

(b) If the retailer has an outstanding debt to the wholesaler, manufacturer, or distributor, the amount to be paid in repurchase of the inventory may be credited to the retailer's account.

(c) The requirement under subsection (a) that a wholesaler, manufacturer, or distributor repurchase inventory does not apply when a contract is terminated based upon:

(1) the conviction of the retailer (or a principal owner or operator of the retailer) of an offense involving theft, dishonesty, or false statement; or

(2) a fraudulent misrepresentation by the retailer to the wholesaler, manufacturer, or distributor that is material to the contract.

As added by P.L.2-2008, SEC.3.

IC 15-12-3-11

Farm and industrial machinery repurchased; proof of purchase

Sec. 11. (a) Except as provided in section 14 of this chapter, a wholesaler, manufacturer, or distributor shall repurchase farm or industrial machinery that:

(1) the retailer previously purchased from the wholesaler, manufacturer, or distributor; and

(2) the retailer held as inventory on the date of the termination of the contract.

(b) For purposes of subsection (a)(1), proof of purchase from the supplier may include retail invoices from the supplier or a reference to an item in a current or past supplier price book.

As added by P.L.2-2008, SEC.3.

IC 15-12-3-12

Repurchase price; packaging

Sec. 12. (a) The price for a repurchase under this chapter must equal the sum of:

(1) one hundred percent (100%) of the net cost of all new, unsold, undamaged, and complete farm or industrial machinery (except repair parts); plus

(2) one hundred percent (100%) of the current net price of all new, unused, and undamaged repair parts.

(b) Except as provided in subsection (c), a wholesaler, manufacturer, or distributor that is required to repurchase farm or industrial machinery from a retailer under this chapter shall pay freight charges incurred in shipping the farm or industrial machinery (except repair parts) back to the wholesaler, manufacturer, or distributor.

(c) A retailer shall pay freight charges incurred in shipping repair parts that are repurchased under this chapter back to the wholesaler, manufacturer, or distributor.

(d) A retailer is responsible for the packaging of all farm or

industrial machinery that is repurchased from the retailer under this chapter in preparation for the shipment of the machinery back to the wholesaler, manufacturer, or distributor.
As added by P.L.2-2008, SEC.3.

IC 15-12-3-13
Title to inventory

Sec. 13. Upon the payment to the retailer of the repurchase price under section 12 of this chapter, the title to the inventory passes to the wholesaler, manufacturer, or distributor.
As added by P.L.2-2008, SEC.3.

IC 15-12-3-14
Repurchase exceptions

Sec. 14. This chapter does not require the repurchase of any of the following:

(1) A repair part that has a limited storage life or is subject to deterioration, including rubber items, gaskets, batteries, solvents, and lubricants.

(2) A single repair part that is priced as a set of two (2) or more items.

(3) Inventory for which the retailer is unable to furnish evidence, satisfactory to the wholesaler, manufacturer, or distributor, of clear title, free and clear of all claims, liens, and encumbrances.

(4) Inventory that the retailer desires to keep, provided the retailer has a contractual right to keep the inventory.

(5) Inventory that is not in a new, unused, and undamaged condition.

(6) Inventory that was ordered by the retailer on or after the date of notification of termination of the contract.

(7) Inventory that was acquired by the retailer from a source other than the wholesaler, manufacturer, or distributor.

(8) Complete farm and industrial machinery, except repair parts, that was purchased at least thirty-six (36) months before the date of termination.

(9) A repair part that is in a broken or damaged package, if the package is necessary for the resale of the repair part to a customer by a retailer.

As added by P.L.2-2008, SEC.3.

IC 15-12-3-15
Civil liability

Sec. 15. A wholesaler, manufacturer, or distributor that fails or refuses to repurchase inventory as required under this chapter within ninety (90) days after the termination of a contract is liable in a civil action to the retailer for:

(1) one hundred percent (100%) of the current net price of

repair parts;

(2) one hundred percent (100%) of the net cost of all other inventory;

(3) the retailer's reasonable attorney's fees;

(4) court costs; and

(5) interest on the amounts determined under subdivisions (1) through (2), computed at a simple interest rate that is set by the court at not less than six percent (6%) per year and not more than ten percent (10%) per year, and beginning to accrue on the sixty-first day after the termination of the contract.

As added by P.L.2-2008, SEC.3.

IC 15-12-3-16

Repurchase after death, incapacity, or insolvency

Sec. 16. (a) If a retailer:

(1) is an individual who dies or is incapacitated; or

(2) is a corporation that becomes insolvent;

the retailer's heirs, personal representative, guardian, or receiver may compel a wholesaler, manufacturer, or distributor to repurchase the retailer's inventory under this chapter as if the retailer's contract had terminated.

(b) The retailer's heirs, personal representative, guardian, or receiver must exercise the right provided by this section not later than one hundred eighty (180) days after the retailer's death, incapacitation, or insolvency. However, this section does not require the repurchase of inventory if the heirs, personal representative, guardian, or receiver enters into a new contract with the wholesaler, manufacturer, or distributor.

As added by P.L.2-2008, SEC.3.

IC 15-12-3-17

Inspection of inventory

Sec. 17. A retailer, wholesaler, manufacturer, or distributor may, in person or through a representative, inspect all inventory and certify its acceptability when it is packed for shipment to the wholesaler, manufacturer, or distributor for repurchase under this chapter.

As added by P.L.2-2008, SEC.3.

IC 15-12-4

Chapter 4. Mediation Program

IC 15-12-4-1

"Director"; "remediation program"

Sec. 1. The following definitions apply throughout this chapter:

(1) "Director" refers to the director of the Indiana state department of agriculture or the director's designee.

(2) "Remediation program" refers to the program established under section 2 of this chapter.

As added by P.L.2-2008, SEC.3. Amended by P.L.120-2008, SEC.35.

IC 15-12-4-2

Establishment of program

Sec. 2. The director may establish a program under 7 U.S.C. 6991 et seq. (the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994) to provide procedures for mediating adverse decisions by agencies of the United States Department of Agriculture.

As added by P.L.2-2008, SEC.3.

IC 15-12-4-3

Certification

Sec. 3. The remediation program may be certified by the United States Department of Agriculture.

As added by P.L.2-2008, SEC.3.

IC 15-12-4-4

Financial assistance

Sec. 4. The director may apply to the Secretary of the United States Department of Agriculture for financial assistance for the operation and administration of the remediation program.

As added by P.L.2-2008, SEC.3.

IC 15-12-4-5

Rules

Sec. 5. The director may adopt rules under IC 4-22-2 that are necessary to administer the remediation program.

As added by P.L.2-2008, SEC.3.

IC 15-12-4-6

Mediator approval

Sec. 6. (a) The director must approve each mediator who serves in the remediation program.

(b) Before a mediator may be approved, the director shall provide adequate training to the mediator to ensure that the mediator:

(1) has a reasonable expertise in agriculture, including a basic understanding of federal and state agricultural programs; and

(2) is not biased, prejudiced, or personally interested in the outcome of a proceeding.

As added by P.L.2-2008, SEC.3.

IC 15-12-5

Chapter 5. Indiana Land Resources Council

IC 15-12-5-1

"Council"

Sec. 1. As used in this chapter, "council" refers to the Indiana land resources council established by section 3 of this chapter.

As added by P.L.2-2008, SEC.3.

IC 15-12-5-2

"Director"

Sec. 2. As used in this chapter, "director" refers to the director of the Indiana state department of agriculture.

As added by P.L.2-2008, SEC.3. Amended by P.L.120-2008, SEC.36.

IC 15-12-5-3

Indiana land resources council established

Sec. 3. The Indiana land resources council is established.

As added by P.L.2-2008, SEC.3.

IC 15-12-5-4

Staff and administrative support

Sec. 4. The director shall provide the necessary staff and administrative support for the council.

As added by P.L.2-2008, SEC.3.

IC 15-12-5-5

Council; purpose

Sec. 5. The purpose of the council is to:

(1) collect information; and

(2) provide:

(A) educational assistance;

(B) technical assistance; and

(C) advice;

to local governments regarding land use strategies and issues across the state.

As added by P.L.2-2008, SEC.3.

IC 15-12-5-6

Council; powers

Sec. 6. The council may do the following:

(1) Provide technical assistance and information about land use strategies.

(2) Facilitate collaboration among commonly affected state, county, and local government units.

(3) Compile and maintain a land planning information library, both hard copy and electronic, that includes current data on land resources in Indiana.

(4) Establish or coordinate educational programs for governmental units, nongovernmental entities, and the public with special consideration for local planning commission members and county commissioners.
(5) Provide counties and local communities conducting land use planning with access to technical and legal assistance through a referral service.
(6) Provide information to local authorities on model ordinances for programs and techniques on land use.
(7) Obtain grants and assist counties and local communities in locating additional funding sources for planning projects.
(8) Make recommendations to the general assembly and other governmental bodies concerning land resources.
(9) When requested, advise the general assembly on proposals relating to land resources.

As added by P.L.2-2008, SEC.3.

IC 15-12-5-7
Council; membership; terms

Sec. 7. (a) The council consists of the following members:
(1) The director or the director's designee.
(2) Nine (9) members appointed by the governor as follows:
(A) One (1) member representing county government.
(B) One (1) member representing municipal government.
(C) One (1) member representing farm owners.
(D) One (1) member representing home building and land development.
(E) One (1) member representing business.
(F) One (1) member representing the environment.
(G) One (1) member with expertise in land use issues representing academia.
(H) One (1) member representing soil and water conservation districts.
(I) One (1) member representing forestry.

(b) Not more than five (5) of the members appointed by the governor under subsection (a)(2) may be of the same political party.

(c) The term of a member is four (4) years.

(d) Each member appointed by the governor under subsection (a)(2) is entitled to hold office for the term of the member's appointment and is entitled to continue to serve after expiration of the member's appointment until a successor is appointed and qualified.

(e) A member is eligible for reappointment.

(f) A member appointed by the governor under subsection (a)(2) may be removed from office by the governor and serves at the pleasure of the governor.

(g) If a vacancy occurs among the members of the council appointed by the governor under subsection (a)(2), the governor shall

appoint an individual to serve for the unexpired term of the vacating member.
As added by P.L.2-2008, SEC.3.

IC 15-12-5-8
Chairperson
Sec. 8. The director or the director's designee serves as chairperson of the council.
As added by P.L.2-2008, SEC.3.

IC 15-12-5-9
Quorum
Sec. 9. (a) A quorum of the council for transacting business consists of six (6) members.
(b) The affirmative vote of at least six (6) members is necessary for any action to be taken by the council.
(c) A vacancy in the membership of the council does not impair the right of a quorum to exercise all rights and perform all duties of the council.
As added by P.L.2-2008, SEC.3.

IC 15-12-5-10
Meetings
Sec. 10. The council shall meet at the call of the chairperson.
As added by P.L.2-2008, SEC.3.

IC 15-12-5-11
Records
Sec. 11. The council's records and information shall be kept at the office of the director.
As added by P.L.2-2008, SEC.3.

IC 15-12-5-12
Per diem and traveling expenses
Sec. 12. (a) Each member of the council who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.
(b) Each member of the council who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.
As added by P.L.2-2008, SEC.3.

IC 15-13

ARTICLE 13. STATE FAIR

IC 15-13-1

Chapter 1. Definitions

IC 15-13-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2008, SEC.4.

IC 15-13-1-2

"Advisory committee"

Sec. 2. "Advisory committee" refers to the state fair advisory committee established by IC 15-13-6-1.

As added by P.L.2-2008, SEC.4.

IC 15-13-1-3

"Agricultural interest"

Sec. 3. "Agricultural interest" means any of the following:

(1) The Indiana Farm Bureau, Inc.
(2) The Farmers' Union.
(3) The Grange.
(4) The National Farmers Organization.
(5) A county or another regularly organized agricultural fair, including a county 4-H fair.
(6) The beef cattle industry.
(7) The dairy cattle industry.
(8) The grain growers' industry.
(9) Home economic clubs.
(10) The horticulture industry.
(11) Horse associations.
(12) The poultry industry.
(13) The sheep industry.
(14) The swine industry.
(15) The vegetable growers' industry.
(16) A county cooperative extension board.
(17) A soil and water conservation district.

As added by P.L.2-2008, SEC.4.

IC 15-13-1-4

"Barn"

Sec. 4. "Barn" refers to the center for agricultural science and heritage established by IC 15-13-11-1.

As added by P.L.2-2008, SEC.4.

IC 15-13-1-5

"Barn director"

Sec. 5. "Barn director" refers to the individual who administers the educational programs and operations of the barn.

As added by P.L.2-2008, SEC.4.

IC 15-13-1-6

"Board"

Sec. 6. "Board" refers to the state fair board established by IC 15-13-5-1.

As added by P.L.2-2008, SEC.4.

IC 15-13-1-7

"Bond"

Sec. 7. "Bond" means a revenue bond issued by the commission under IC 15-13-10.

As added by P.L.2-2008, SEC.4.

IC 15-13-1-8

"Commission"

Sec. 8. "Commission" refers to the state fair commission established by IC 15-13-2-1.

As added by P.L.2-2008, SEC.4.

IC 15-13-1-9

"Cost of project"

Sec. 9. "Cost of a project", for purposes of IC 15-13-10, has the meaning set forth in IC 15-13-10-1.

As added by P.L.2-2008, SEC.4.

IC 15-13-1-10

"District"

Sec. 10. "District" means any of the following districts:

(1) District 1 consists of the following counties:
Benton County
Carroll County
Jasper County
Lake County
Newton County
Porter County
Pulaski County
Starke County
White County.

(2) District 2 consists of the following counties:
Cass County
Elkhart County
Fulton County
Howard County
Kosciusko County

LaPorte County
Marshall County
Miami County
St. Joseph County
Whitley County.

(3) District 3 consists of the following counties:
Adams County
Allen County
Blackford County
DeKalb County
Delaware County
Grant County
Huntington County
Jay County
LaGrange County
Noble County
Steuben County
Wabash County
Wells County.

(4) District 4 consists of the following counties:
Bartholomew County
Dearborn County
Decatur County
Fayette County
Franklin County
Hamilton County
Hancock County
Henry County
Jennings County
Johnson County
Madison County
Ohio County
Randolph County
Ripley County
Rush County
Shelby County
Switzerland County
Union County
Wayne County.

(5) District 5 consists of the following counties:
Clark County
Crawford County
Daviess County
Dubois County
Floyd County
Gibson County
Harrison County
Jackson County

Jefferson County
Knox County
Lawrence County
Martin County
Orange County
Perry County
Pike County
Posey County
Scott County
Spencer County
Vanderburgh County
Warrick County
Washington County.

(6) District 6 consists of the following counties:
Boone County
Brown County
Clay County
Clinton County
Fountain County
Greene County
Hendricks County
Monroe County
Montgomery County
Morgan County
Owen County
Parke County
Putnam County
Sullivan County
Tippecanoe County
Tipton County
Vermillion County
Vigo County
Warren County.

(7) District 7 consists of the following county:
Marion County.

As added by P.L.2-2008, SEC.4.

IC 15-13-1-11
"Fair"

Sec. 11. "Fair" refers to the fair held by the board under IC 15-13-7.

As added by P.L.2-2008, SEC.4.

IC 15-13-1-12
"Fairgrounds"

Sec. 12. "Fairgrounds" means the real estate owned by the commission that was originally conveyed to the state by the Indiana state board of agriculture by warranty deed dated May 31, 1921, and

recorded in the office of the recorder of Marion County on April 21, 1923, in Land Record 74, page 347.
As added by P.L.2-2008, SEC.4.

IC 15-13-1-13
"Fund"
Sec. 13. "Fund" refers to the state fair fund established by IC 15-13-8-1.
As added by P.L.2-2008, SEC.4.

IC 15-13-1-14
"Political subdivision"
Sec. 14. "Political subdivision" has the meaning set forth in IC 36-1-2-13.
As added by P.L.2-2008, SEC.4.

IC 15-13-1-15
"Project"
Sec. 15. "Project", for purposes of IC 15-13-10, has the meaning set forth in IC 15-13-10-2.
As added by P.L.2-2008, SEC.4.

IC 15-13-1-16
"Property"
Sec. 16. "Property" has the meaning set forth in IC 35-31.5-2-253.
As added by P.L.2-2008, SEC.4. Amended by P.L.114-2012, SEC.38.

IC 15-13-1-17
"Trustees"
Sec. 17. "Trustees" refers to the board of trustees for the barn established by IC 15-13-11-2.
As added by P.L.2-2008, SEC.4.

IC 15-13-2

Chapter 2. State Fair Commission

IC 15-13-2-1

State fair commission established

Sec. 1. (a) The state fair commission is established.

(b) The commission:

(1) is a separate body, corporate and politic;

(2) is not a state agency; and

(3) performs essential governmental functions.

As added by P.L.2-2008, SEC.4.

IC 15-13-2-2

Membership of commission

Sec. 2. (a) The commission consists of eight (8) members as follows:

(1) Five (5) members appointed by the governor.

(2) The presiding officer of the board.

(3) The director of the Indiana state department of agriculture appointed under IC 15-11-3-1 or the director's designee.

(4) The presiding officer of the trustees elected under IC 15-13-11-7 or the presiding officer's designee who must be selected from the membership of the trustees.

(b) The chairperson of the advisory committee appointed under IC 15-13-6-2(d) or a member of the advisory committee designated by the chairperson may serve as an ex officio nonvoting member of the commission.

(c) Not more than:

(1) one (1) member appointed under subsection (a)(1) may reside in the same district; and

(2) three (3) members appointed under subsection (a)(1) may be affiliated with the same political party.

Each district is not required to have a member of the commission represent it.

(d) Two (2) members appointed under subsection (a)(1) must have a recognized interest in agriculture or agribusiness.

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.37.

IC 15-13-2-3

Commission; terms; reappointment

Sec. 3. (a) Except as provided in subsection (d), the term of an individual appointed under section 2(a)(1) of this chapter begins on the later of the following:

(1) October 1 after the expiration of the term of the member whom the individual is appointed to succeed.

(2) The day the individual is appointed by the governor.

(b) The term of a member appointed under section 2(a)(1) of this chapter expires on September 30 of the fourth year after the

expiration of the term of the member's immediate predecessor.

(c) Except as provided in subsection (d), the governor may reappoint a member appointed under section 2(a)(1) of this chapter for a new term. A member reappointed by the governor is the member's own:

(1) successor for purposes of subsection (a); and

(2) immediate predecessor for purposes of subsection (b).

(d) An individual may not serve as a member under section 2(a)(1) of this chapter for more than eight (8) years in any twelve (12) year period, except as provided in section 4(c) of this chapter.

(e) The member serving under section 2(a)(2) of this chapter serves until the member is not the presiding officer of the board.

As added by P.L.2-2008, SEC.4.

IC 15-13-2-4

Commission; appointments; unexpired terms

Sec. 4. (a) The governor shall appoint an individual qualified under sections 2 and 3 of this chapter to fill a vacancy on the commission.

(b) An individual appointed by the governor under subsection (a) serves the remainder of the unexpired term of the member the individual replaces.

(c) The period of the unexpired term for which an individual serves after appointment under this section is not considered in determining the number of years that a member has served in a twelve (12) year period for purposes of section 3(d) of this chapter.

As added by P.L.2-2008, SEC.4.

IC 15-13-2-5

Appointment of officers

Sec. 5. (a) The governor shall appoint a member appointed under section 2(a)(1) of this chapter to be the presiding officer of the commission. The presiding officer of the commission serves until the earlier of the following:

(1) The member's term expires.

(2) The member is replaced as presiding officer by the governor.

(b) The commission may elect other officers for the commission from the commission's membership.

As added by P.L.2-2008, SEC.4.

IC 15-13-2-6

Per diem and traveling expenses

Sec. 6. (a) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided

in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.2-2008, SEC.4.

IC 15-13-2-7

Quorum

Sec. 7. A majority of the members of the commission constitutes a quorum for the transaction of business.

As added by P.L.2-2008, SEC.4.

IC 15-13-2-8

Administration of article

Sec. 8. The commission shall administer this article.

As added by P.L.2-2008, SEC.4.

IC 15-13-2-9

Rules

Sec. 9. The commission may adopt rules under IC 4-22-2 to implement this article.

As added by P.L.2-2008, SEC.4.

IC 15-13-2-10

Executive director

Sec. 10. (a) The commission shall employ an executive director who is the chief administrative officer of the commission.

(b) The executive director shall implement the policies of the commission.

(c) The commission may delegate to the executive director any of the commission's powers. The commission may make a delegation under this subsection by either of the following:

(1) A resolution adopted by the commission.

(2) A rule adopted by the commission under IC 4-22-2.

As added by P.L.2-2008, SEC.4.

IC 15-13-2-11

Staff

Sec. 11. The executive director may hire staff for the commission.

As added by P.L.2-2008, SEC.4.

IC 15-13-2-12

Executive director; delegation of powers

Sec. 12. The executive director may delegate a power or duty of

the executive director to a member of the staff.
As added by P.L.2-2008, SEC.4.

IC 15-13-2-13
Repealed
(As added by P.L.2-2008, SEC.4. Repealed by P.L.177-2011, SEC.5.)

IC 15-13-2-14
Expenses of the commission
Sec. 14. The commission shall pay the expenses of the commission from the money of the commission, including the fund.
As added by P.L.2-2008, SEC.4.

IC 15-13-2-15
Surety bonds
Sec. 15. (a) Before the issuance of any bonds under this chapter:
(1) the executive director of the commission;
(2) each member of the commission; and
(3) any other employee or agent of the commission authorized by resolution of the commission to handle funds or sign checks;
shall execute a surety bond in the penal sum of fifty thousand dollars ($50,000).
(b) If an individual described in subsection (a)(1) through (a)(3) is already covered by a bond required by state law, the individual does not need to obtain another bond if the bond required by state law:
(1) is in at least the penal sum specified in subsection (a); and
(2) covers the individual's activities for the authority.
(c) Instead of the surety bond required under subsection (a), the chairperson of the commission may execute a blanket surety bond covering each member, the executive director, and the employees or other officers of the commission.
(d) A surety bond required under this section must be:
(1) conditioned upon the faithful performance of the individual's duties; and
(2) issued by a surety company authorized to transact business in Indiana as a surety.
(e) After the issuance of any surety bonds, the surety bonds must be maintained in full force and effect at all times.
(f) The commission shall pay the costs of the surety bonds issued under this section.
As added by P.L.2-2008, SEC.4.

IC 15-13-3

Chapter 3. Powers and Duties of the Commission

IC 15-13-3-1

Maintenance and development of fairgrounds and property

Sec. 1. The commission shall maintain and develop the:

(1) fairgrounds; and

(2) other property owned by the commission.

As added by P.L.2-2008, SEC.4.

IC 15-13-3-2

Administration of fairgrounds and property

Sec. 2. The commission shall administer the:

(1) fairgrounds; and

(2) property owned by the commission;

to provide for maximum use of the fairgrounds and property of the commission for the benefit of the citizens of Indiana.

As added by P.L.2-2008, SEC.4.

IC 15-13-3-3

Holding fair, expositions, and exhibitions

Sec. 3. (a) The commission is responsible for holding the fair. Holding the fair shall be given priority over all other activities by the commission during the period the fair is held.

(b) In addition to holding the fair, the commission may:

(1) hold expositions;

(2) hold exhibitions; and

(3) engage in any other lawful activity that does not interfere with the operation of the fair.

As added by P.L.2-2008, SEC.4.

IC 15-13-3-4

Commission; powers

Sec. 4. The commission may do the following:

(1) Enter into contracts related to the commission's powers and duties under this article.

(2) Receive gifts.

(3) Charge admissions.

(4) Purchase, lease, and sell real and personal property.

(5) Make improvements to the fairgrounds and property owned by the commission.

As added by P.L.2-2008, SEC.4.

IC 15-13-3-5

Unlawful activities

Sec. 5. The commission may not permit unlawful activities to be conducted on any of the following:

(1) The fairgrounds.

(2) Property owned by the commission.
As added by P.L.2-2008, SEC.4.

IC 15-13-3-6
Use of fairgrounds and other property
Sec. 6. The commission has complete control over the use of the:
(1) fairgrounds; and
(2) property owned by the commission.
As added by P.L.2-2008, SEC.4.

IC 15-13-3-7
Accounting system; audit
Sec. 7. (a) The commission shall adopt a cost accounting system that is governed by generally accepted accounting principles.
(b) The commission is subject to audit by the state board of accounts.
As added by P.L.2-2008, SEC.4.

IC 15-13-3-8
Rules
Sec. 8. The commission shall adopt rules under IC 4-22-2 relating to the following:
(1) Procurement of property.
(2) Disposition of property owned by the commission.
(3) Contracting procedures.
As added by P.L.2-2008, SEC.4.

IC 15-13-3-9
Report to the advisory committee
Sec. 9. At the first meeting each year of the advisory committee, the commission shall report the following:
(1) The activities of the commission during the previous calendar year.
(2) The financial condition of the commission for the commission's most recently completed fiscal year.
(3) The commission's plans for the current calendar year.
(4) The activities and financial condition of any nonprofit subsidiary corporation established under section 11 of this chapter for the subsidiary corporation's most recent fiscal year.
As added by P.L.2-2008, SEC.4. Amended by P.L.20-2011, SEC.1.

IC 15-13-3-10
Annual report
Sec. 10. (a) Promptly following the close of a fiscal year, the commission shall submit an annual report of the commission's activities for the preceding year to the:
(1) governor;
(2) budget committee; and

(3) general assembly.

(b) The annual report submitted under this section to the general assembly must be in an electronic format under IC 5-14-6.

(c) The annual report must set forth a complete operating and financial statement of the commission during that year.

As added by P.L.2-2008, SEC.4.

IC 15-13-3-11

State fair subsidiary corporation

Sec. 11. (a) The commission may establish a nonprofit subsidiary corporation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code, to solicit and accept private funding, gifts, donations, bequests, devises, and contributions.

(b) A subsidiary corporation established under this section:

(1) shall use money received under subsection (a) to carry out in any manner the purposes and programs under this article;

(2) shall report to the budget committee each year concerning:

(A) the use of money received under subsection (a); and

(B) the balances in any accounts or funds established by the subsidiary corporation; and

(3) may deposit money received under subsection (a) in an account or fund that is:

(A) administered by the subsidiary corporation; and

(B) not part of the state treasury.

(c) A subsidiary corporation established under this section is governed by a board of directors comprised of the members of the commission.

(d) Employees of the commission shall provide administrative support for a subsidiary corporation established under this section.

(e) The state board of accounts shall audit a subsidiary corporation established under this section.

As added by P.L.20-2011, SEC.2. Amended by P.L.6-2012, SEC.108; P.L.181-2015, SEC.38.

IC 15-13-4
Chapter 4. Property of the Commission

IC 15-13-4-1
Title to property

Sec. 1. The commission holds title to property in the commission's name.

As added by P.L.2-2008, SEC.4.

IC 15-13-4-2
Fairgrounds held in trust; disposal of fairground property

Sec. 2. (a) The commission holds the fairgrounds in trust for the state.

(b) The commission may not dispose of any part of the fairgrounds except as authorized by a statute specifically providing for disposal of that part of the fairgrounds.

As added by P.L.2-2008, SEC.4.

IC 15-13-4-3
Disposal of real property; consent of governor

Sec. 3. The commission may not dispose of real property owned by the commission not covered under section 2 of this chapter without the consent of the governor.

As added by P.L.2-2008, SEC.4.

IC 15-13-4-4
Exemptions; taxes, fees, and licenses

Sec. 4. The fairgrounds and property of the commission are exempt from the following:

(1) State taxes.
(2) Local taxes.
(3) License fees.
(4) Special assessments.

As added by P.L.2-2008, SEC.4.

IC 15-13-4-5
Interest in fairgrounds or property

Sec. 5. The following may not take an interest in the fairgrounds or property owned by the commission without the consent of the commission:

(1) A political subdivision.
(2) A utility.

As added by P.L.2-2008, SEC.4.

IC 15-13-5
Chapter 5. State Fair Board

IC 15-13-5-1
State fair board established
Sec. 1. The state fair board is established.
As added by P.L.2-2008, SEC.4.

IC 15-13-5-2
Membership of board; qualifications
Sec. 2. (a) The board consists of seventeen (17) members as follows:
(1) The governor or the governor's designee.
(2) The director of the Indiana state department of agriculture or the director's designee.
(3) The director of the cooperative extension service of Purdue University or the director's designee.
(4) Seven (7) members appointed under this chapter by the governor, one (1) from each district.
(5) One (1) member elected under this chapter from each district.
(b) Not more than one (1) member appointed under subsection (a)(4) may reside in the same district.
(c) Not more than four (4) members appointed under subsection (a)(4) may be affiliated with the same political party.
(d) Each member appointed under subsection (a)(4) must have a recognized interest in agriculture or agribusiness.
(e) When an appointment of a member under subsection (a)(4) is required, the appointment may not be made until after the election of members under subsection (a)(5) for that year is certified under section 22 of this chapter.
As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.38.

IC 15-13-5-3
Board; terms; reappointment
Sec. 3. (a) Except as provided in subsection (d), the term of an individual as a member under section 2(a)(4) or 2(a)(5) of this chapter begins on the later of the following:
(1) October 1 after the expiration of the term of the member whom the individual is appointed or elected to succeed.
(2) For an individual appointed under section 2(a)(4) of this chapter, the day the individual is appointed by the governor.
(b) The term of a member under section 2(a)(4) or 2(a)(5) of this chapter expires on September 30 of the fourth year after the expiration of the term of the member's immediate predecessor.
(c) Except as provided in subsection (d), a member of the board may be reappointed or reelected for a new term. A member reappointed or reelected is the member's own:

(1) successor for purposes of subsection (a); and
(2) immediate predecessor for purposes of subsection (b).

(d) An individual may not serve as a member under section 2(a)(4) or 2(a)(5) of this chapter for more than eight (8) years in any twelve (12) year period, except as provided in section 4(c) of this chapter.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-4
Board; vacancy

Sec. 4. (a) The governor shall appoint an individual qualified under sections 2 and 3 of this chapter to fill a vacancy on the board.

(b) The individual appointed by the governor under subsection (a) serves the remainder of the unexpired term of the member the individual replaces.

(c) The period of the unexpired term for which an individual serves after appointment under this section is not considered in determining the number of years that a member has served in a twelve (12) year period for purposes of section 3(d) of this chapter.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-5
Presiding officer; other officers

Sec. 5. (a) The board shall elect a member serving under section 2(a)(5) of this chapter to be the presiding officer of the board. The member elected under this section is the presiding officer of the board until the earlier of the following:

(1) The date the member's term expires.
(2) The date the member is replaced as presiding officer by the board.

(b) The board may elect other officers for the board from the board's membership.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-6
Per diem and travel expenses

Sec. 6. (a) Subject to subsection (c), each member of the board who is not a state employee is entitled to receive the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
(2) Subject to subsection (c), reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Subject to subsection (c), each member of the board who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's

duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) The commission shall adopt a policy for:

(1) the number of meetings the board may hold; and

(2) payment of per diem and travel expenses:

(A) for board meetings; and

(B) during the time the fair is held.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-7

Expenses of the board

Sec. 7. The commission shall pay the expenses of the board approved by the commission from the money of the commission.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-8

Holding property in name of board prohibited

Sec. 8. The board may not hold property in the board's name.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-9

Certification of organization to vote

Sec. 9. If an organization wants to be certified to vote in an election under this chapter, the organization must apply to the director of the Indiana state department of agriculture.

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.39.

IC 15-13-5-10

Requirements for certification of organization to vote

Sec. 10. (a) Subject to sections 11 through 13 of this chapter, the director of the Indiana state department of agriculture shall certify an organization that applies under section 9 of this chapter as eligible to vote in a district election under this chapter only if the organization:

(1) is an agricultural interest;

(2) is regularly organized within the district;

(3) has at least ten (10) active members;

(4) has elected officers;

(5) has an annual meeting;

(6) has been in existence for at least one (1) year before the application for certification is filed with the director of the Indiana state department of agriculture; and

(7) before July 1 of the year of the election in which the organization wants to participate, files with the director of the Indiana state department of agriculture:

(A) the name of the organization;

(B) the names and addresses of the organization's officers;

(C) the name, address, and title of the individual who is

authorized by the organization to vote for the organization in an election under this chapter;

(D) the number of the organization's active members;

(E) a certification that the organization is eligible to be certified under this chapter; and

(F) other information required by the director of the Indiana state department of agriculture.

(b) A certification under subsection (a) expires July 1 of the fourth year after the certification is issued by the director of the Indiana state department of agriculture.

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.40.

IC 15-13-5-11

State organizations; certification

Sec. 11. (a) If an organization organized on a statewide basis has an affiliated organization in any county of a district:

(1) the affiliated organization may be certified; and

(2) the organization organized on a statewide basis may not be certified;

for the district under section 10 of this chapter.

(b) If subsection (a) does not apply, but the organization organized on a statewide basis has an affiliated organization within the district:

(1) the affiliated organization may be certified; and

(2) the organization organized on a statewide basis may not be certified;

for the district under section 10 of this chapter. The affiliated organization may cast only one (1) vote in a district election.

(c) If subsections (a) and (b) do not apply, the organization organized on a statewide basis:

(1) may be certified for the district under section 10 of this chapter; and

(2) may cast only one (1) vote in a district election.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-12

District organizations; certification

Sec. 12. (a) If an organization organized only on a district level basis has an affiliated organization in any county of a district:

(1) the affiliated organization may be certified; and

(2) the organization organized only on a district level basis may not be certified;

for the district under section 10 of this chapter.

(b) If subsection (a) does not apply, the organization organized only on a district level basis:

(1) may be certified for the district under section 10 of this chapter; and

(2) may cast only one (1) vote in a district election.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-13
Certification when more than one organization represents county agriculture

Sec. 13. (a) The director of the Indiana state department of agriculture may not certify for a district under section 10 of this chapter more than two (2) organizations in a county in the district that satisfy the requirements of section 10 of this chapter.

(b) If more than two (2) organizations in a county in a district that satisfy the requirements of section 10 of this chapter apply for certification, the director of the Indiana state department of agriculture may certify any two (2) of those organizations, considering the following criteria:

(1) Order of application for certification.

(2) Number of members of each organization.

(3) How long each organization has been in existence.

(4) Activity of each organization in promotion of agricultural interests.

(5) Diversity of representation of interests within the agricultural community.

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.41.

IC 15-13-5-14
Convention to elect committee member; notice

Sec. 14. (a) Before September 1 of the year the term of a member representing a district expires, the director of the Indiana state department of agriculture shall notify each organization certified for the district under section 10 of this chapter that a district convention will be held to elect the member to represent the district.

(b) Subject to section 17 of this chapter, the director of the Indiana state department of agriculture shall:

(1) state in the notice required by subsection (a) the date, time, and place of the district convention and the name of the presiding officer; and

(2) choose a date, time, and place that will encourage maximum participation in the district convention by organizations referred to in subsection (a).

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.42.

IC 15-13-5-15
Convention elections; credentials; copies

Sec. 15. The director of the Indiana state department of agriculture shall send copies of the credentials of each individual entitled to vote in a district convention to the following:

(1) The board member representing the district.

(2) The individual who will preside over the district convention.

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.43.

IC 15-13-5-16
Presiding officer at convention

Sec. 16. (a) The director of the Indiana state department of agriculture shall choose from among the members of the commission the individual to preside at a district convention.

(b) The presiding officer of the convention may vote in the case of a tie vote on any matter.

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.44.

IC 15-13-5-17
Election of member's successor

Sec. 17. (a) During September before the term of a member representing a district expires, the individuals designated under section 10(a)(7)(C) of this chapter for each organization certified under section 10 of this chapter for the district shall meet in a district convention to elect the member's successor.

(b) Voting under subsection (a) is by voice concurrent with the submission of a signed written ballot by each person voting indicating the person's vote.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-18
District convention rules

Sec. 18. The director of the Indiana state department of agriculture shall adopt rules for the business of a district convention. Rules adopted under this section may not be inconsistent with this chapter.

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.45.

IC 15-13-5-19
Credentials to vote at convention; contesting credentials

Sec. 19. (a) Except as provided in subsection (b), the credentials of an individual issued under this chapter are conclusive of the right of the individual to vote at the district convention.

(b) A person may contest the validity of the credentials of an individual by alleging facts constituting fraud or misrepresentation in securing the credentials. The affidavit must be filed with the presiding officer of the district convention not later than the date of the district convention.

(c) If a person contests the validity of the credentials of an individual under subsection (b), the validity of the individual's credentials shall be determined by a majority vote of all individuals representing the county of the individual whose credentials are contested.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-20
Voting at district convention

Sec. 20. Except as provided in section 16 of this chapter, an individual may not vote at a district convention if the individual does not have valid credentials issued under this chapter.
As added by P.L.2-2008, SEC.4.

IC 15-13-5-21
District representative; qualifications

Sec. 21. (a) To be elected as a member to represent a district, an individual must:

(1) be a resident within the district; and
(2) have the other qualifications to be a member of the board under this chapter.

(b) If an individual receives a majority of the votes cast at a district convention, the individual is elected as a member to represent the district.
As added by P.L.2-2008, SEC.4.

IC 15-13-5-22
Certified election results

Sec. 22. The presiding officer of a district convention shall certify the results of the election under section 21 of this chapter to the commission and to the board.
As added by P.L.2-2008, SEC.4.

IC 15-13-5-23
Rules; forms

Sec. 23. The director of the Indiana state department of agriculture may:

(1) adopt rules under IC 4-22-2; and
(2) prescribe forms;

to implement sections 9 through 22 of this chapter.
As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.46.

IC 15-13-6

Chapter 6. State Fair Advisory Committee

IC 15-13-6-1

State fair advisory committee established

Sec. 1. The state fair advisory committee is established.

As added by P.L.2-2008, SEC.4.

IC 15-13-6-2

Advisory committee; members; vacancy; appointments

Sec. 2. (a) The advisory committee consists of the following members:

(1) Four (4) members of the senate, not more than two (2) of whom are members of the same political party, appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom are members of the same political party, appointed by the speaker of the house of representatives.

(b) A member appointed under subsection (a) serves until the first day of the first regular session of the next general assembly following the member's appointment.

(c) A vacancy on the advisory committee shall be filled for the unexpired term by the appointing authority who appointed the member whose position is vacant.

(d) After appointment of the members of the advisory committee under subsection (a), the:

(1) speaker of the house of representatives shall name one (1) of the members as chairperson; and

(2) president pro tempore of the senate shall name another member as vice chairperson.

The chairperson and the vice chairperson serve until the first day of the second regular session of that general assembly. The vice chairperson during the first session then becomes the chairperson, and the chairperson during the first session becomes the vice chairperson. The appointing authority may name a different chairperson or vice chairperson at any time.

As added by P.L.2-2008, SEC.4.

IC 15-13-6-3

Meetings

Sec. 3. The advisory committee shall meet:

(1) at the times the advisory committee determines; or

(2) more frequently if the chairperson considers a meeting necessary.

As added by P.L.2-2008, SEC.4.

IC 15-13-6-4

Powers and duties

Sec. 4. The advisory committee shall do the following:

(1) Serve as a liaison between the:

(A) commission;

(B) board of trustees of the barn;

(C) board; and

(D) general assembly.

(2) Review policies affecting the activities of the:

(A) commission;

(B) barn;

(C) state fair;

(D) facilities at the fairgrounds; and

(E) property owned by the commission.

(3) Provide long range guidance for the:

(A) commission;

(B) board of trustees of the barn; and

(C) board.

(4) Review annually the:

(A) commission's;

(B) board of trustees of the barn's; and

(C) board's;

budgets and other accounts and report financial conditions to the legislative council. A report under this subdivision to the legislative council must be in electronic format under IC 5-14-6.

(5) Further advise the budget committee regarding appropriations and other financial matters concerning the:

(A) commission;

(B) board of trustees of the barn; and

(C) board.

(6) Propose, review, and make recommendations concerning legislation affecting the:

(A) commission;

(B) barn; and

(C) board.

As added by P.L.2-2008, SEC.4.

IC 15-13-6-5

Duty to provide information; staff

Sec. 5. (a) As requested by the advisory committee, the:

(1) commission;

(2) board; or

(3) board of trustees of the barn;

shall provide to the advisory committee information relating to the operation of each, respectively.

(b) The department of agriculture shall provide staff for the advisory committee.

As added by P.L.2-2008, SEC.4. Amended by P.L.53-2014, SEC.132.

IC 15-13-7

Chapter 7. Annual Agricultural Fair

IC 15-13-7-1

Annual state agriculture fair; required

Sec. 1. The board shall hold one (1) state agricultural fair each year. The fair must emphasize agriculture and agribusiness.

As added by P.L.2-2008, SEC.4.

IC 15-13-7-2

Policies of the commission

Sec. 2. In holding the fair, the board is subject to the policies of the commission.

As added by P.L.2-2008, SEC.4.

IC 15-13-7-3

Operation of the fair

Sec. 3. The executive director employed under IC 15-13-2-10 is responsible for the day to day operation of the fair.

As added by P.L.2-2008, SEC.4.

IC 15-13-8
Chapter 8. State Fair Fund

IC 15-13-8-1
State fair fund established
Sec. 1. The state fair fund is established.
As added by P.L.2-2008, SEC.4.

IC 15-13-8-2
Administration of fund
Sec. 2. The commission shall administer the fund.
As added by P.L.2-2008, SEC.4.

IC 15-13-8-3
Tax levy; prohibition on tax levy after December 31, 2008
Sec. 3. (a) The fund consists of the following:
(1) Revenue from the property tax imposed under IC 15-13-9 (repealed) before January 1, 2009.
(2) Appropriations made by the general assembly.
(3) Interest accruing from investment of money in the fund.
(4) Certain proceeds from the operation of the fair.
(b) The fund is divided into the following accounts:
(1) Agricultural fair revolving contingency account.
(2) Other accounts established by the commission.
(c) The money credited to the agricultural fair revolving contingency account may be used only to pay start-up expenses for the fair each year. Money used to pay the start-up expenses from the account must be replaced using proceeds from the operation of the fair before the proceeds may be used for any other purpose.
As added by P.L.2-2008, SEC.4. Amended by P.L.146-2008, SEC.431; P.L.1-2010, SEC.65.

IC 15-13-8-4
Investment; interest
Sec. 4. (a) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.
(b) Interest that accrues from investments of the fund shall be deposited in the fund.
As added by P.L.2-2008, SEC.4.

IC 15-13-8-5
Nonreversion of fund
Sec. 5. Money in the fund at the end of a state fiscal year does not revert to the state general fund.
As added by P.L.2-2008, SEC.4.

IC 15-13-8-6

Fund uses

Sec. 6. The fund may be used to:

(1) pay the expenses, including administrative expenses, of the commission; and

(2) make lease payments under IC 15-13-10-11.

As added by P.L.2-2008, SEC.4.

IC 15-13-8-7

Allotment

Sec. 7. The money in the fund is subject to allotment under IC 4-13-2-18.

As added by P.L.2-2008, SEC.4.

IC 15-13-8-8

Deposit of funds; audit

Sec. 8. (a) The commission may deposit revenues not set forth in section 3 of this chapter in funds:

(1) other than the fund; and

(2) created under the commission's accounting system.

(b) Funds created under the commission's accounting system are subject to audit by the state board of accounts.

As added by P.L.2-2008, SEC.4.

IC 15-13-8-9

Use of money

Sec. 9. The commission may use money in funds created under section 8 of this chapter for activities of the commission authorized under this article.

As added by P.L.2-2008, SEC.4.

IC 15-13-9
Repealed

(Repealed by P.L.1-2010, SEC.156.)

IC 15-13-9.1

Chapter 9.1. Effect of the Expiration of IC 15-13-9

IC 15-13-9.1-1

Effect of expiration of IC 15-13-9

Sec. 1. IC 1-1-5-1 applies to the expiration of IC 15-13-9, as amended by P.L.146-2008.

As added by P.L.220-2011, SEC.301.

IC 15-13-9.1-2

Liability and penalties for delinquent tax payments

Sec. 2. Liability and penalties for delinquent tax payments for a property tax imposed under IC 15-13-9 before January 1, 2009, are not extinguished as a result of the expiration of IC 15-13-9 under P.L.146-2008.

As added by P.L.220-2011, SEC.301.

IC 15-13-9.1-3

Deposit of delinquent property taxes

Sec. 3. Delinquent property taxes collected after December 31, 2008, from a property tax imposed under IC 15-13-9 before January 1, 2009, shall be deposited and used after December 31, 2008, as provided in IC 15-13-9, as effective December 30, 2008.

As added by P.L.220-2011, SEC.301.

IC 15-13-10
Chapter 10. Revenue Bonds

IC 15-13-10-1
"Cost of project"

Sec. 1. (a) As used in this chapter, "cost of a project" includes the following:

(1) The cost of construction and purchase.

(2) The cost of acquisition of all land, rights-of-way, property, rights, easements, and other legal or equitable interests acquired by the commission for construction, including the cost of any relocations incidental to the acquisition.

(3) The cost of demolishing or removing any buildings, structures, or improvements on property acquired by the commission, including the cost of:

(A) acquiring any property to which the buildings, structures, or improvements may be moved; or

(B) acquiring any property that may be exchanged for property acquired by the commission.

(4) Financing charges.

(5) The cost of issuance of bonds or notes, including cost of credit enhancement, such as bond or note insurance.

(6) Remarketing or conversion fees.

(7) Bond or note discount.

(8) Capitalized interest.

(9) The cost of funding any reserves to secure the payment of bonds or notes.

(10) Engineering and legal expenses, and the cost of plans, specifications, surveys, estimates, and any necessary feasibility studies.

(11) Other expenses necessary or incidental to determining the feasibility or practicability of constructing any project.

(12) Administrative expenses of the commission relating to any project financed by bonds or notes.

(13) Reimbursement of the commission for any cost, obligation, or expense incurred by the commission relating to a project.

(14) Other expenses the commission finds necessary or incidental to the construction or purchase of the project, the financing of the construction or purchase of the project, and the placing of the project in operation.

(b) As used in this chapter, "cost of a project" does not include the construction of facilities for pari-mutuel horse racing.

As added by P.L.2-2008, SEC.4.

IC 15-13-10-2
"Project"

Sec. 2. As used in this chapter, "project" means any of the following concerning property at the fairgrounds:

(1) Acquisition.
(2) Construction.
(3) Repair.
(4) Refurbishing.

As added by P.L.2-2008, SEC.4.

IC 15-13-10-3
Bond purposes; form; duration; sale

Sec. 3. (a) Subject to the approval of the governor, the commission may, by resolution, authorize and issue revenue bonds to:

(1) pay all or part of the cost of a project; or
(2) refund outstanding revenue bonds.

(b) The principal of and the interest on bonds must be payable solely from the revenues specifically pledged to the payment of the principal and the interest on the bonds.

(c) The bonds of each issue must:

(1) be dated; and
(2) mature at a time not exceeding thirty (30) years from the date of the bonds.

(d) The bonds may be made redeemable before maturity, at the option of the commission, at a price and under terms and conditions fixed by the commission.

(e) The commission shall:

(1) determine the form of the bonds; and
(2) fix:
    (A) the denomination of the bonds; and
    (B) the place of payment of principal and interest, which may be at any bank or trust company in the United States.

(f) The bonds must be signed in the name of the commission by:

(1) the commission chairperson; or
(2) the facsimile signature of the commission chairperson.

(g) The official seal of the commission, or a facsimile of the seal, must be:

(1) affixed to the bonds; and
(2) attested by the executive director of the commission.

(h) If an officer whose signature or a facsimile of whose signature appears on a bond ceases to be an officer before the delivery of the bonds, the signature or facsimile is valid and sufficient for all purposes as if the officer had remained in office until the delivery.

(i) Bonds issued under this chapter have all the qualities and incidents of negotiable instruments under the laws of Indiana.

(j) Bonds may be issued in registered form.

(k) Bonds must be sold in accordance with IC 21-32-3.

(l) The commission shall cooperate with and use the assistance of the Indiana finance authority established under IC 4-4-11 in the issuance of the bonds.

As added by P.L.2-2008, SEC.4.

IC 15-13-10-4
Use of bond proceeds; replacement

Sec. 4. (a) The proceeds of the bonds of each issue must be:

(1) used solely for the payment of the cost of the project for which the bonds were issued; and

(2) disbursed in the manner and under those restrictions that the commission provides in the resolution authorizing the issuance of the bonds or in a trust agreement securing the bonds.

(b) If the proceeds of an issue of bonds are less than the cost of the project, additional bonds may be issued to provide the amount of the deficit. Unless specifically provided in the resolution authorizing the issuance of the bonds or in a trust agreement securing the bonds, the additional bonds:

(1) are considered to be bonds of the same issue as the initially issued bonds; and

(2) are entitled to payment from the fund from which the initially issued bonds are paid without preference or priority of the initially issued bonds.

(c) If the proceeds of the bonds of an issue exceed the cost of the project for which the bonds were issued, the surplus must be deposited to the credit of the sinking fund for the bonds. However, if there is not a sinking fund, the surplus must be held for the payment of the principal of and the interest on the bonds.

(d) The commission may provide for the replacement of bonds that become mutilated, destroyed, or lost.

(e) Bonds may not be issued under this chapter without the consent of the governor.

As added by P.L.2-2008, SEC.4.

IC 15-13-10-5
Security for bonds; pledge and assignment; trust agreements

Sec. 5. (a) Bonds issued under this chapter may be secured by a trust agreement between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company in Indiana.

(b) A resolution adopted by the commission providing for the issuance of bonds, and any trust agreement under which the bonds are issued, may pledge or assign all or any part of the revenues received by the commission except that part necessary:

(1) to pay the cost of the commission's administrative operation, maintenance, and repair expenses, and to provide reserves for those expenses; and

(2) for depreciation reserves required by a bond resolution or trust agreement of the commission.

(c) The commission may not mortgage any property.

(d) When authorizing the issuance of bonds for a project, the commission may:

(1) limit the amount of bonds that may be issued as a first lien

and charge against the revenues pledged to the payment of the bonds; or

(2) authorize the later periodic issuance of additional bonds secured by the same lien to provide funds:

(A) for the completion of the project on account of which the original bonds were issued; or

(B) to pay the cost of additional projects.

The commission may issue additional bonds only on terms and conditions provided in the bond resolution adopted by the commission, in a trust agreement, or in a supplemental agreement. The additional bonds may be secured equally and ratably without preference, priority, or distinction with the original issue of bonds or may be made junior to the original issue.

(e) A pledge or an assignment made by the commission is valid and binding from the time the pledge or assignment is made. Revenues pledged and received by the commission are immediately subject to the lien of the pledge or assignment without physical delivery or further act. The lien of the pledge or assignment is valid and binding against all parties having claims of any kind against the commission, whether or not the parties have notice. Neither the resolution nor a trust agreement by which a pledge is created or assignment made need be filed or recorded except in the records of the commission.

(f) A trust agreement or a resolution providing for the issuance of bonds may contain reasonable provisions for protecting and enforcing the rights and remedies of the bondholders.

(g) A bank or trust company incorporated under the laws of the state and acting as the depository of the proceeds of bonds or other funds of the commission may furnish indemnifying bonds or pledge securities as required by the commission.

(h) A trust agreement may do the following:

(1) Set forth the rights and remedies of the bondholders and the trustee.

(2) Restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds or debentures of private corporations.

(3) Contain other provisions the commission considers reasonable and proper for the security of the bondholders.

(i) All expenses incurred in carrying out the provisions of a trust agreement may be treated as a part of the cost of the operation of the project.

As added by P.L.2-2008, SEC.4.

IC 15-13-10-6

Investment and use of funds

Sec. 6. (a) All money received under this chapter must be held and applied solely as provided in this chapter. Until the time the money is needed for use, the money may be invested or kept in depositories

designated by the commission in the manner provided by IC 5-13.

(b) The resolution authorizing the issuance of bonds or the trust agreement securing the bonds must provide that any officer or any bank or trust company entrusted with money under this chapter shall:

(1) act as trustee of the money; and

(2) hold and apply the money for the purposes of this chapter, under this chapter and the authorizing resolution or trust agreement.

As added by P.L.2-2008, SEC.4.

IC 15-13-10-7

Bondholder rights; enforcement

Sec. 7. (a) A holder of a bond issued under this chapter may, subject to the authorizing resolution or trust agreement:

(1) protect and enforce the holder's rights under the laws of Indiana, the trust agreement, or the resolution authorizing the issuance of the bonds; and

(2) enforce and compel the performance of the duties required under this chapter, by the trust agreement, or by resolution to be performed by the commission or by any officer of the commission.

(b) The trust agreement or resolution authorizing the issuance of the bonds may include provisions requiring the fixing, charging, and collecting of fees, rentals, or other charges by the commission.

As added by P.L.2-2008, SEC.4.

IC 15-13-10-8

Bonds; not a state or political subdivision obligation

Sec. 8. (a) Bonds issued under this chapter:

(1) do not constitute:

(A) a debt of the state or of any political subdivision of the state; or

(B) a pledge of the faith and credit of the state or of any political subdivision; and

(2) are payable solely from the funds pledged for payment of the bonds under this chapter.

(b) Each bond must contain on the face of the bond a statement to the effect that the bonds, as to both principal and interest, are not an obligation of the state or of any political subdivision of the state, but are payable solely from revenues pledged for payment of the bonds. Those revenues may not include:

(1) proceeds or interest derived from funds of the state; or

(2) any proceeds received by the commission derived from the levy of any tax.

(c) All expenses incurred in carrying out this chapter are payable solely from funds provided under the authority of this chapter.

(d) This chapter may not be construed to authorize the commission to incur indebtedness or liability on behalf of or payable

by:

(1) the state; or

(2) any political subdivision of the state.

As added by P.L.2-2008, SEC.4.

IC 15-13-10-9

Bonds; legal investment

Sec. 9. Bonds issued by the commission under this chapter constitute legal investments for:

(1) any private trust funds; and

(2) the funds of any banks, trust companies, insurance companies, building and loan associations, credit unions, banks of discount and deposit, savings banks, loan and trust and safe deposit companies, rural loan and savings associations, guaranty loan and savings associations, mortgage guaranty companies, small loan companies, industrial loan and investment companies, and any other financial institutions organized under the laws of Indiana.

As added by P.L.2-2008, SEC.4.

IC 15-13-10-10

Exemption of interest from taxes

Sec. 10. Interest paid on bonds issued under this chapter is exempt from taxation for all purposes, except:

(1) the inheritance tax under IC 6-4.1; and

(2) for determining financial institution tax liabilities under IC 6-5.5.

As added by P.L.2-2008, SEC.4.

IC 15-13-10-11

"Lessor"; leases

Sec. 11. (a) As used in this section, "lessor" has the meaning set forth for "leasing body" in IC 5-1-1-1. The term includes the Indiana bond bank.

(b) The commission may enter into a lease of any property that could be financed with the proceeds of bonds issued under this chapter with a lessor for a term not to exceed thirty (30) years. The lease may provide for payments from revenues under this chapter, taxes in the fund, any other funds that may be legally pledged by the commission, or any combination of these sources. Money in the fund may be used to make lease payments.

(c) A lease may provide that payments by the commission to the lessor are required only to the extent and only for the period that the lessor is able to provide the leased project in accordance with the lease. The terms of each lease must be based upon the value of the project leased and may not create a debt of the commission for purposes of the Constitution of the State of Indiana. Property tax revenues may not be used to make lease payments unless those

revenues have been appropriated by the general assembly. A lease under this section that is wholly or partly payable from property tax revenues must include the following:

(1) A statement that the term of the lease is for:

(A) a period coextensive with the biennium used for state budgetary and appropriation purposes; and

(B) a fractional period when the lease begins, if necessary.

(2) A statement that the term of the lease is extended from biennium to biennium, with the extensions not to exceed a lease term of thirty (30) years, unless either the commission or the lessor gives notice of nonextension at least six (6) months before the end of a biennium, in which case the lease expires at the end of the biennium in which the notice is given.

(d) The commission may approve the execution of a lease if the commission finds that the service to be provided throughout the term of the lease will serve the public purpose of the commission and is in the best interests of the citizens of Indiana. Upon execution of the lease, the commission may publish notice of the adoption one (1) time each week for two (2) weeks in two (2) newspapers published and of general circulation in Marion County. If notice is published, any action or proceeding in any court to set aside the lease or to obtain relief upon the ground that the action of the commission in entering into the lease is invalid must be filed not more than thirty (30) days after the first publication of notice of the execution of the lease. After the expiration of the thirty (30) day period, a right of action may not be asserted and the validity of the lease or any of the provisions of the lease may not be questioned in any court or agency upon any grounds.

(e) If the commission exercises an option to buy a leased project from a lessor, the commission may subsequently sell the leased project, without regard to any other statute, to the lessor at the end of the lease term at:

(1) a price set forth in the lease; or

(2) the fair market value established at the time of the sale by the commission through auction, appraisal, or arms length negotiation.

As added by P.L.2-2008, SEC.4.

IC 15-13-11
Chapter 11. Center for Agricultural Science and Heritage

IC 15-13-11-1
Center for agricultural science and heritage established; purposes

Sec. 1. (a) The center for agricultural science and heritage (the barn) is established.

(b) The barn is established for the following purposes:

(1) To educate the public concerning the past, present, and future of American agriculture and rural life.

(2) To educate youth and the general public about American agriculture and food systems.

(3) To provide educational programming for youth that complements school curricula, both onsite and in the classroom.

(4) To create a synergy between Indiana's institutions of education and agriculture related industries.

(5) To generate economic vitality, convention activity, and tourism activity for Indiana.

(6) To become:

(A) a center for agricultural business and thinking;

(B) a clearinghouse of agricultural information;

(C) a resource center for educators and the public; and

(D) a repository for agricultural artifacts and history.

(7) To create a central, prominent partner with whom agricultural organizations can launch, collaborate on, and coordinate programs.

(8) To position Indiana as the recognized agricultural center of the nation.

As added by P.L.2-2008, SEC.4.

IC 15-13-11-2
Board of trustees established

Sec. 2. The board of trustees for the barn is established.

As added by P.L.2-2008, SEC.4.

IC 15-13-11-3
Board of trustees; membership

Sec. 3. (a) The trustees govern the barn. The trustees consist of seventeen (17) members as follows:

(1) The governor or the governor's designee.

(2) The director of the Indiana state department of agriculture or the director's designee.

(3) The dean of agriculture of Purdue University or the dean's designee.

(4) The president of the Purdue University Agriculture Alumni Association or the president's designee.

(5) The state superintendent of public instruction or the state superintendent's designee.

(6) The state veterinarian or the state veterinarian's designee.
(7) The presiding officer of the commission or the presiding officer's designee selected from the membership of the commission.
(8) The presiding officer of the board or the presiding officer's designee selected from the membership of the board.
(9) One (1) member appointed by the largest Indiana organization representing agricultural interests in Indiana, as determined by the number of members of the organization. The member serves at the pleasure of the member's organization.
(10) One (1) member appointed by the second largest Indiana organization representing agricultural interests in Indiana, as determined by the number of members of the organization. The member serves at the pleasure of the member's organization.
(11) Seven (7) members appointed by the governor.

(b) Of the members appointed under subsection (a)(11), not more than four (4) may be affiliated with the same political party.

(c) Each member appointed under subsection (a)(11) must have a recognized interest in the barn.

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.47.

IC 15-13-11-4
Board; terms

Sec. 4. (a) The term of a member appointed to the trustees under section 3(a)(11) of this chapter:
(1) is four (4) years;
(2) begins on the later of:
(A) October 1 after the expiration of the term of the trustee whom the member is appointed to succeed; or
(B) the day the member is appointed; and
(3) expires September 30 of the fourth year after the expiration of the term of the member's immediate predecessor.

(b) Except as provided in subsection (c), a member appointed under section 3(a)(11) of this chapter:
(1) may be reappointed for a new term;
(2) if reappointed, is the member's own successor or predecessor for purposes of subsection (a); and
(3) may not serve as a trustee for more than eight (8) years in a twelve (12) year period, except as provided in section 6(c) of this chapter.

(c) A member appointed under section 3(a)(11) of this chapter before October 1, 2005, may not serve as a trustee more than nine (9) years in a twelve (12) year period.

As added by P.L.2-2008, SEC.4.

IC 15-13-11-5
Board; powers

Sec. 5. The trustees may do the following, with approval by the

commission:

(1) Enter into contracts related to the trustees' powers and duties under this chapter.

(2) Receive gifts.

(3) Charge admissions.

(4) Purchase, lease, and sell personal property.

As added by P.L.2-2008, SEC.4.

IC 15-13-11-6

Board; vacancy

Sec. 6. (a) The governor shall appoint an individual to fill a vacancy among the trustees.

(b) The individual appointed by the governor under subsection (a) serves the remainder of the unexpired term of the trustee whom the individual replaces.

(c) The period of the unexpired term for which an individual serves after appointment is not considered in determining the number of years that a trustee has served in a twelve (12) year period for purposes of section 4(b)(3) of this chapter.

As added by P.L.2-2008, SEC.4.

IC 15-13-11-7

Presiding officer; other officers

Sec. 7. (a) The trustees shall elect a member of the trustees serving under section 3(a)(11) of this chapter to be the presiding officer of the trustees. The trustee elected under this subsection is the presiding officer of the trustees until the earlier of the following:

(1) The expiration of the trustee's term.

(2) The replacement of the trustee as presiding officer by the trustees.

(b) The trustees may elect other officers for the trustees from the trustees serving under section 3(a)(11) of this chapter.

As added by P.L.2-2008, SEC.4.

IC 15-13-11-8

Executive director

Sec. 8. (a) The trustees shall recommend an individual to be employed by the commission as the barn director, subject to approval by the commission.

(b) The barn director shall implement the policies of the trustees and the commission.

(c) The commission may delegate any of the commission's powers to the barn director. The commission may make a delegation under this subsection by either of the following:

(1) A resolution adopted by the commission.

(2) A rule adopted by the commission under IC 4-22-2.

(d) With approval by the commission, commission employees:

(1) may be compensated in full or in part by the nonprofit entity

established under section 13 of this chapter; and

(2) may perform services that support the purposes of the nonprofit entity established under section 13 of this chapter.

As added by P.L.2-2008, SEC.4.

IC 15-13-11-9

Staff

Sec. 9. (a) The barn director may hire staff for the barn subject to the budget approved by the trustees and the commission.

(b) The staff of the barn are:

(1) employees of the commission; and

(2) accountable to the commission directly or through the executive director of the commission.

As added by P.L.2-2008, SEC.4.

IC 15-13-11-10

Delegation of powers

Sec. 10. The barn director may delegate a power or duty of the barn director to a member of the barn staff.

As added by P.L.2-2008, SEC.4.

IC 15-13-11-11

Quorum

Sec. 11. A majority of the trustees constitutes a quorum for the transaction of business.

As added by P.L.2-2008, SEC.4.

IC 15-13-11-12

Majority vote required

Sec. 12. A majority vote of the trustees is necessary to take official action.

As added by P.L.2-2008, SEC.4.

IC 15-13-11-13

Nonprofit fund raising entity

Sec. 13. (a) The trustees may establish a nonprofit entity to solicit, raise, and accept funds.

(b) The nonprofit entity established under this section may receive proceeds from the operations of the barn, subject to approval by the commission.

(c) The nonprofit entity established under this section is governed by a board of directors. The directors include:

(1) the presiding officer of the trustees of the barn, who may act as presiding officer of the board of directors; and

(2) four (4) individuals appointed by the trustees.

As added by P.L.2-2008, SEC.4.

IC 15-13-11-14

Payment of expenses

Sec. 14. The commission shall pay the operating expenses of the barn from the funds allocated by the commission to the barn.

As added by P.L.2-2008, SEC.4.

IC 15-13-11-15

Annual report

Sec. 15. At the first meeting each year of the advisory committee, the trustees shall report the following:

(1) The activities of the barn during the previous calendar year.

(2) The financial condition of the barn for the barn's most recently completed fiscal year.

(3) The trustees' plans for the barn for the current calendar year.

As added by P.L.2-2008, SEC.4.

IC 15-13-11-16

Per diem and travel expenses

Sec. 16. (a) Subject to subsection (b):

(1) each member of the trustees who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b) and is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties; and

(2) each member of the trustees who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties;

as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) The commission shall adopt a policy for:

(1) the number of meetings the trustees may hold; and

(2) payment of per diem and travel expenses:

(A) for trustees' meetings; and

(B) during the time of other required activities.

As added by P.L.2-2008, SEC.4.

IC 15-13-11-17

Holding real property in trustee's name prohibited

Sec. 17. The trustees may not hold real property in the trustees' name.

As added by P.L.2-2008, SEC.4.

IC 15-14

ARTICLE 14. AGRICULTURAL FAIRS, ASSOCIATIONS, AND SOCIETIES

IC 15-14-1

Chapter 1. Organization of Interstate Fairs

IC 15-14-1-1

Organization of fair; articles of incorporation

Sec. 1. (a) At least thirty (30) individuals who are residents of at least two (2) states may organize themselves into a society to locate and conduct a fair in any county in Indiana.

(b) Individuals who have organized a society under subsection (a) may organize themselves into a corporation by filing written articles of incorporation under section 2 of this chapter. The articles must:

(1) be signed by each individual who is a member at the time of organization;

(2) specify the:

(A) purpose of the corporation;

(B) corporate name that is adopted;

(C) name and residential address of each member or stockholder; and

(D) manner in which individuals are appointed or elected to manage the business and concerns of the corporation; and

(3) bear an impression and description of the corporate seal.

As added by P.L.2-2008, SEC.5.

IC 15-14-1-2

Filing articles

Sec. 2. (a) A society organized as a corporation under section 1 of this chapter shall file its articles of incorporation in the recorder's office of the county of incorporation.

(b) After the expenses of filing and recording have been paid, the county recorder shall record the articles of incorporation in the miscellaneous book of records in the office of the recorder. A certified copy of the articles of incorporation or the recorded articles are conclusive evidence of the matters and things contained in the articles.

(c) A duplicate of the articles of incorporation must be filed with the secretary of state.

As added by P.L.2-2008, SEC.5.

IC 15-14-1-3

Corporation powers

Sec. 3. A corporation incorporated under this chapter:

(1) has all the rights, powers, and privileges given to corporations by common law;

(2) may sue and be sued;

(3) may borrow and secure payment of money by:
(A) notes and mortgage; and
(B) bonds or deeds of trust upon the corporation's personal and real property; and
(4) may rent, lease, purchase, hold, sell, and convey real and personal property necessary and proper:
(A) to erect buildings; and
(B) for other purposes of a corporation organized under section 1(a) of this chapter.
As added by P.L.2-2008, SEC.5.

IC 15-14-1-4
Shares
Sec. 4. A corporation incorporated under this chapter may:
(1) divide its corporate property into shares; and
(2) designate the manner that the shares may be held, sold, conveyed, assigned, or transferred.
As added by P.L.2-2008, SEC.5.

IC 15-14-1-5
Officers; rules; records
Sec. 5. (a) A corporation incorporated under this chapter:
(1) shall elect officers or agents necessary to carry into operation the purposes of its organization;
(2) may prescribe and adopt rules for the direction of its officers and members; and
(3) shall keep a fair record of its proceedings and accounts in proper books.
(b) The corporation's records or copies of the records that:
(1) are certified by the secretary or clerk of the corporation; and
(2) have affixed the corporate seal;
may be used as evidence in a court proceeding.
As added by P.L.2-2008, SEC.5.

IC 15-14-1-6
Authority to receive gifts; intent
Sec. 6. Real or personal property may be:
(1) bequeathed;
(2) devised; or
(3) given;
to a corporation incorporated under this chapter by will if the corporation name is stated or the purpose for the transfer leaves no reasonable doubt as to the corporation or purpose for which the transfer was intended.
As added by P.L.2-2008, SEC.5.

IC 15-14-1-7
Restrictions on property ownership

Sec. 7. (a) The amount of real estate that a corporation incorporated under this chapter may purchase or own may not exceed:

(1) one hundred sixty (160) acres; and

(2) five hundred thousand dollars ($500,000) in value.

(b) A corporation incorporated under this chapter may sell any land that it possesses or may possess.

As added by P.L.2-2008, SEC.5.

IC 15-14-1-8

Capital stock

Sec. 8. (a) Except as provided in subsection (b), the capital stock of a corporation incorporated under this chapter may not exceed five hundred thousand dollars ($500,000).

(b) The capital stock of a corporation incorporated under this chapter may be increased by the vote of the stockholders at:

(1) an annual meeting of the stockholders; or

(2) a meeting called especially to increase the capital stock;

to an amount not exceeding one million dollars ($1,000,000).

As added by P.L.2-2008, SEC.5.

IC 15-14-1-9

Awards; promotions

Sec. 9. (a) A corporation incorporated under this chapter shall annually offer and present cash awards for the improvement of soils, tillage, crops, manures, improvement of stock, articles of domestic industry, and other articles, productions, and improvements the corporation considers proper. The awards must be provided in different amounts and grades so that large and small manufacturers and farmers have an opportunity to compete for the awards.

(b) A corporation incorporated under this chapter may perform any acts the corporation considers best to promote the agricultural and household manufacturing interests of the county and of the states whose residents have organized the corporation.

(c) When a corporation organized under this chapter makes its awards, special attention must be given to the profits that may or are likely to accrue from:

(1) the improved method of raising the crop;

(2) improving the soil or stock; or

(3) the fabrication of the articles offered;

with the intention that the award be given for the most economical method of improvement.

(d) Before an award is made under this section, a person competing for a cash award for improved:

(1) tillage methods;

(2) manufacturing methods; or

(3) production of any crop or other articles;

must deliver to the awarding committee a full and correct statement

of the process of the tillage method, manufacturing method, or production. The statement must show the expense and value of the process to show accurately the profits derived or expected to be derived.
As added by P.L.2-2008, SEC.5.

IC 15-14-1-10
Publishing list of awards; report

Sec. 10. A corporation incorporated under this chapter shall:

(1) annually publish a list of the awards made by the corporation under section 9 of this chapter and a summary of the treasurer's account in a newspaper of the county; and

(2) make a:

(A) report of its proceedings during the year;

(B) synopsis of the awards made by the corporation under section 9 of this chapter for improvements in agricultural and household manufactures, along with summary descriptions of the improvements; and

(C) report of the condition of agriculture in the county or district of the corporation, which must:

(i) comply with the rules of the state fair commission; and

(ii) be forwarded to the state fair commission at its annual meeting in January of each year.

A subsequent payment may not be made from the county treasury unless a certificate is presented to the auditor from the secretary of the state fair commission showing that the report has been made.
As added by P.L.2-2008, SEC.5.

IC 15-14-1-11
Power to borrow; interest; mortgages; bond issue

Sec. 11. (a) A corporation incorporated under this chapter may do the following:

(1) Borrow not more than two hundred thousand dollars ($200,000) at a rate of interest not to exceed six percent (6%) per annum.

(2) Mortgage its property to secure the repayment of the loan.

(3) Issue bonds for not more than two hundred thousand dollars ($200,000).

(b) Bonds issued under subsection (a) must:

(1) not exceed a duration of twenty (20) years;

(2) have interest bearing coupons affixed; and

(3) be secured by mortgage on the property of the corporation.
As added by P.L.2-2008, SEC.5.

IC 15-14-1-12
County allowance to association; lien; repayment

Sec. 12. (a) As used in this section, "county executive" means the

board of commissioners of a county elected under IC 36-2-2-2.

(b) The county executive may make an allowance out of the general fund of the county to a corporation incorporated under this chapter.

(c) Before an allowance under subsection (b) is made, the president or secretary of the association shall file a sworn statement with the county executive showing the:

(1) name and date of organization of the association; and

(2) amount expended for fairgrounds and permanent improvements needed for the fairgrounds and the amount necessary to complete the improvements.

(d) After receiving a sworn statement under subsection (c), the county executive may make an allowance that the county executive considers necessary, but that does not exceed either of the following:

(1) Ten thousand dollars ($10,000).

(2) One-half (1/2) the amount shown by the statement to be expended on the grounds and improvements.

(e) The amount appropriated under this section is a lien on the real and personal property of the association.

(f) Dividends may not be declared or paid to the incorporators or stockholders until the appropriation made by the board is repaid to the county treasurer with interest.

As added by P.L.2-2008, SEC.5. Amended by P.L.86-2008, SEC.8.

IC 15-14-2

Chapter 2. State Horticultural Associations

IC 15-14-2-1

Horticulture associations; methods of incorporation; body corporate and politic; property

Sec. 1. (a) A state, district, or county society of persons associated for horticultural purposes may incorporate in the following manner:

(1) A state horticultural society may incorporate by depositing a certified copy of the society's articles of association, with its name and a description and an impress of the seal adopted by the society, in the office of the secretary of state.

(2) A district or county horticultural association may incorporate by depositing, under the seal of the state horticultural association, a statement showing that the district or county association:

(A) was organized for horticultural purposes and is entitled to representation; and

(B) has consented to elect at least one (1) delegate to represent the association;

in the state horticultural association at its annual and official meetings, in the office of the recorder of the county where the district or county horticultural association is organized, along with the name by which the association will be known and a description of the seal adopted. The recorder shall record the statement in the miscellaneous record. A fee of fifty cents ($0.50) may be charged and collected to record the statement.

(b) A state, district, or county horticultural association:

(1) is a body corporate and politic, with perpetual succession; and

(2) may:

(A) sue and be sued;

(B) enter into contracts;

(C) plead and be impleaded;

(D) take, hold, and convey real and personal property; and

(E) make bylaws and rules for the governance of the association and the management of its affairs and property consistent with Indiana law.

(c) A state, district, or county horticultural association may:

(1) purchase;

(2) improve; or

(3) sell, not exceeding, at any one (1) time, one hundred (100) acres of land;

for the use and purposes of the association, and may erect buildings on the land necessary for the use of the association and the improvement of the land.

As added by P.L.2-2008, SEC.5.

IC 15-14-2-2
Annual meeting; representatives; reports

Sec. 2. (a) The state horticultural association organized under section 1 of this chapter shall hold, in Indianapolis or another location in Indiana to be selected by the association at the preceding meeting, an annual meeting, for the purpose of deliberating and consulting as to the wants, prospects, and conditions of the horticultural interests of the people of Indiana.

(b) At the annual meeting, the district and county horticultural associations may be represented by one (1) or more delegates each, as the state association provides. The district and county associations shall forward, by representatives, the report of the condition and prospects of the district or county associations to the state horticultural society.

As added by P.L.2-2008, SEC.5.

IC 15-14-2-3
State horticulture association; maintenance of collections

Sec. 3. (a) When the state horticultural association has complied with this chapter, the association is entitled to the occupancy and use of any unappropriated room in the state capitol or other building used or occupied by the state.

(b) The room described in subsection (a) shall be designated as the department of horticulture.

(c) An association occupying the room described in subsection (a) may maintain in the room:

(1) a library;

(2) specimens and representations of horticultural industry;

(3) collections of insect specimens or birds that are injurious or beneficial to horticultural products in Indiana; and

(4) floral specimens and representations collected by the association.

Those items and other items that the association collects and deposits in the room must be available for public inspection and examination under rules adopted by the association.

(d) The association:

(1) shall hold the items described in subsection (c) until ordered under rules adopted by the association or the interests of horticulture require; and

(2) may adopt bylaws for the association's protection and good order that are considered necessary and not inconsistent with Indiana law.

As added by P.L.2-2008, SEC.5.

IC 15-14-3

Chapter 3. County and District Agricultural Societies

IC 15-14-3-1

Agricultural societies; subscription or membership fees; county funds

Sec. 1. (a) If:

(1) at least thirty (30) individuals who are residents of any county or a district containing two (2) Indiana counties have:

(A) organized themselves into a society for the improvement of agriculture within the county or district;

(B) adopted a constitution and bylaws that comply with the rules furnished by the state fair commission;

(C) appointed the usual and proper officers; and

(D) raised and paid to the treasurer of the society, by voluntary subscription or by fees imposed on its members, at least fifty dollars ($50); and

(2) the president of the society described in subdivision (1)(A) certifies to the respective county auditors the amounts paid, attested by the oath or affirmation of the treasurer before a person authorized to administer oaths;

the county auditors within the district in which the society is organized shall draw a warrant on the treasurer of the respective counties in favor of the president and treasurer of the society for the amount of funds that were received during the previous year for licenses issued to persons exhibiting menageries, circuses, theatrical performances, or other shows.

(b) A warrant issued under subsection (a) may not exceed the amount raised and paid in by the society by voluntary subscriptions or fees.

(c) The treasurer of the county shall pay the warrant issued under this section.

As added by P.L.2-2008, SEC.5.

IC 15-14-3-2

Awards; promotions

Sec. 2. (a) A county or district society formed under section 1 of this chapter shall annually offer and present cash awards for:

(1) the improvement of soils, tillage, crops, and manures;

(2) the improvement of stock and articles of domestic industry; and

(3) other articles, productions, and improvements;

the society considers proper. The awards must be provided in different amounts and grades so that large and small manufacturers and farmers have an opportunity to compete for the awards.

(b) A society formed under section 1 of this chapter may perform acts the society considers best to promote agricultural and household manufacturing interests of the district and of the state.

(c) When a society formed under section 1 of this chapter makes an award under subsection (a), special attention must be given to the profits that may or are likely to accrue from:

(1) the improved method of raising the crop;

(2) improving the soil or stock; or

(3) the fabrication of the articles offered;

with the intention that the award be given for the most economical method of improvement.

(d) Before an award is made under subsection (a), a person offering to compete for a cash award on improved:

(1) tillage methods; or

(2) production of any crop or other articles;

must deliver to the awarding committee a full and correct statement of the process of the tillage or production method. The statement must show the expense and value of the process to show accurately the profits derived or expected to be derived.

As added by P.L.2-2008, SEC.5.

IC 15-14-3-3

Publishing list of awards; reports

Sec. 3. A society organized under section 1 of this chapter shall:

(1) annually publish a list of the awards made by the society under section 2 of this chapter and a summary of the treasurer's account in a newspaper of the county or district; and

(2) make a:

(A) report of its proceedings during the year;

(B) synopsis of the awards made by the society under section 2 of this chapter for improvements in agriculture and household manufactures, along with summary descriptions of the improvements; and

(C) report of the conditions of agriculture in the county or district of the society, which must:

(i) comply with the rules of the state fair commission; and

(ii) be forwarded to the state fair commission at its annual meeting in January of each year.

A subsequent payment may not be made from the county treasury unless a certificate is presented to the auditor from the state fair commission showing that the report has been made.

As added by P.L.2-2008, SEC.5.

IC 15-14-4
Chapter 4. Incorporation of State Associations

IC 15-14-4-1
Authority to incorporate state associations; procedure

Sec. 1. Associations of persons for the advancement of the agricultural interests of the state known as:

(1) the state corn growers' association;
(2) the state livestock breeders' association; and
(3) the state dairymen's association;

may become incorporated by depositing in the office of the secretary of state a certified copy of the articles of the association, including the name assumed and a description and impress of the seal adopted by the association.

As added by P.L.2-2008, SEC.5.

IC 15-14-4-2
Meetings; participation

Sec. 2. An association organized under section 1 of this chapter shall hold, in Indianapolis, or some other place in Indiana selected by the association at its preceding meeting, or by its executive committee before the date of the meeting, an annual meeting and any auxiliary meetings that may be desired, for the purpose of deliberating and consulting as to the wants, prospects, and conditions of the corn, livestock, or dairy interests of the people of Indiana. A person interested in any of these lines of industry may participate at the meetings.

As added by P.L.2-2008, SEC.5.

IC 15-14-4-3
State appropriations; purposes; officer's compensation

Sec. 3. (a) The following entities, upon their compliance with sections 1 and 2 of this chapter, are entitled to receive from the state treasury, out of money in the state general fund not otherwise appropriated, sums of money the general assembly appropriates:

(1) The state corn growers' association.
(2) The state livestock breeders' association.
(3) The state dairymen's association.

(b) An appropriation under subsection (a) may be used only for the following purposes:

(1) Obtaining speakers for association meetings.
(2) Payment of traveling expenses for the speakers and officers of the association.
(3) Advertising association meetings.
(4) Publishing and distributing an annual report.
(5) Obtaining medals, trophies, dies, premium ribbons, awards, postage stamps, and clerical services.

An officer may not receive compensation for the officer's services

other than the actual expenses incurred in engaging in the business of the association.

As added by P.L.2-2008, SEC.5.

IC 15-14-5

Chapter 5. Agricultural Societies, Associations, and Corporations

IC 15-14-5-1

Application of chapter

Sec. 1. (a) This chapter applies to a society, an association, or a corporation:

(1) organized:

(A) for the improvement of agriculture; or

(B) to conduct fairs or agricultural exhibits; or

(2) owning or operating fairgrounds or other real estate for similar purposes.

(b) This chapter does not apply to:

(1) the state fair commission; or

(2) the property owned by the commission.

As added by P.L.2-2008, SEC.5.

IC 15-14-5-2

Powers to borrow money, mortgage property, and issue bonds

Sec. 2. A society, an association, or a corporation described in section 1 of this chapter, with authority of its board of directors, may:

(1) borrow money;

(2) mortgage its property; and

(3) issue notes, bonds, and other obligations without restrictions other than those applying to corporations generally.

As added by P.L.2-2008, SEC.5.

IC 15-14-5-3

Authority to sell property, pay obligations, and distribute proceeds to shareholders

Sec. 3. A society, an association, or a corporation described in section 1 of this chapter may:

(1) upon authority granted by the votes of those holding two-thirds (2/3) of the shares of stock:

(A) sell; and

(B) convey by deed all or any part of its grounds and property at any time; and

(2) use the proceeds obtained from the sale in payment of its obligations, or for other and usual corporate purposes, in the same manner as corporations generally are authorized to do.

After payment of its obligations the society, association, or corporation may distribute the proceeds among the shareholders.

As added by P.L.2-2008, SEC.5.

IC 15-14-5-4

Dissolution and liquidation

Sec. 4. A society, an association, or a corporation described in

section 1 of this chapter may:

(1) dissolve; and

(2) liquidate;

the affairs of the society, association, or corporation in the same manner as corporations generally are authorized to do.

As added by P.L.2-2008, SEC.5.

IC 15-14-6

Chapter 6. Corporate Status for County and District Agricultural Societies

IC 15-14-6-1

Corporate status; authority to issue capital stock and hold real estate

Sec. 1. (a) A county or district agricultural society, an agricultural and mechanical society, and a horticultural society must be a body corporate with perpetual succession.

(b) A society described in subsection (a) may:

(1) issue capital stock not to exceed ten thousand dollars ($10,000), in shares not to exceed twenty-five dollars ($25) each; and

(2) hold real estate, by purchase, gift, or devise, not to exceed eighty (80) acres.

As added by P.L.2-2008, SEC.5.

IC 15-14-6-2

Transferability of capital stock

Sec. 2. Shares in the capital stock of a society described in section 1 of this chapter are transferable for consideration from a person to another person, subject to the bylaws that the society adopts.

As added by P.L.2-2008, SEC.5.

IC 15-14-6-3

Voting rights

Sec. 3. (a) In all meetings of stockholders of a society, described in section 1 of this chapter, held for the:

(1) election of:

(A) trustees; or

(B) directors; or

(2) purpose of expressing the will of the stockholders by vote on any question;

a stockholder is entitled to cast one (1) vote for each share the stockholder owns and has fully paid for.

(b) A stockholder is not entitled to vote on more than ten (10) shares in a vote held under subsection (a).

As added by P.L.2-2008, SEC.5.

IC 15-14-7

Chapter 7. Allowance for Tax Levy Procedure for Support of County 4-H Clubs

IC 15-14-7-1

"Executive"

Sec. 1. As used in this chapter, "executive" means the board of commissioners of a county under IC 36-2-2-2.

As added by P.L.2-2008, SEC.5.

IC 15-14-7-2

County appropriation for 4-H clubs

Sec. 2. Subject to section 3 of this chapter, the executive of a county may make an appropriation from the county general fund to a 4-H club that promotes the agricultural and horticultural interests of the county.

As added by P.L.2-2008, SEC.5.

IC 15-14-7-3

Petition; notice; remonstrance; duration

Sec. 3. (a) The president or secretary of a 4-H club described in section 2 of this chapter may file a petition signed by at least thirty (30) resident freeholders of the county with the county auditor of the county requesting that the executive make an appropriation provided for in section 2 of this chapter.

(b) The county auditor shall have the petition, without the signatures, printed in a newspaper of general circulation that is published in the county.

(c) The notice must state the date and time when the petition will be considered by the executive. The auditor shall set the date, time, and place at which the petition will be considered, which must be at least thirty (30) days after the publication of the notice.

(d) If not later than the date and time published in the notice for the consideration of the petition by the executive, a remonstrance signed by more resident freeholders of the county than the number signing the petition is filed with the county auditor protesting the allowance, the executive shall consider the remonstrance. If the executive finds that the remonstrance is signed by a greater number of resident freeholders than the petition asking for an allowance, the executive:

(1) may not make an appropriation for the purposes set forth in section 2 of this chapter; and

(2) shall dismiss the petition and take no further action.

(e) After final acceptance by the executive, a petition under this section is effective for one (1) to five (5) years, as determined by the executive.

As added by P.L.2-2008, SEC.5. Amended by P.L.86-2008, SEC.9.

IC 15-14-7-4
Tax levy; duration

Sec. 4. The county council may levy an annual tax of not more than three and thirty-three hundredths cents ($0.0333) on each one hundred dollars ($100) of assessed valuation to:

(1) construct;
(2) operate; or
(3) maintain;

a building owned and operated by a 4-H club described in section 2 of this chapter. The tax may be levied only until the building has been constructed or for not more than five (5) years, whichever occurs first. After the building has been constructed, the county council may levy an annual tax of not more than sixty-seven hundredths of one cent ($0.0067) on each one hundred dollars ($100) of assessed valuation to operate and maintain the building.
As added by P.L.2-2008, SEC.5.

IC 15-14-7-5
Contributions

Sec. 5. A 4-H club described in section 2 of this chapter may solicit and accept any kind of contribution for the development and maintenance of the club's projects.
As added by P.L.2-2008, SEC.5.

IC 15-14-7-6
Lien on property; repayment

Sec. 6. (a) An amount appropriated under section 2 of this chapter is a lien on the real and personal property of the 4-H club.

(b) A dividend may not be declared or paid to the incorporators or stockholders of the 4-H club until the appropriation made by the board is repaid with interest to the county treasury.
As added by P.L.2-2008, SEC.5.

IC 15-14-8

Chapter 8. Issuance of Mortgage Bonds by County Agricultural or Horticultural Societies

IC 15-14-8-1

Authority to issue first mortgage bonds

Sec. 1. All:

(1) agricultural or horticultural societies; or

(2) county fairs having a state charter;

owning at least fifty (50) acres of real estate in fee simple may issue first mortgage bonds in a maximum amount of seventy-five percent (75%) of the value of the real estate unimproved to pay off a current incumbrance or make permanent improvements on the society's or fair's grounds.

As added by P.L.2-2008, SEC.5.

IC 15-14-8-2

Bonds; tax exemption; duration; sale price

Sec. 2. (a) Bonds issued under section 1 of this chapter:

(1) are free from state tax; and

(2) may not be issued for a period longer than the life of the charter of the society or fair.

(b) The bonds may be sold at a price less than the par value if the action is endorsed by a full meeting of the board of directors of the society or fair.

As added by P.L.2-2008, SEC.5.

IC 15-14-8-3

Surplus; use to retire bonds

Sec. 3. If bonds have been issued under section 1 of this chapter and there is a surplus in the treasury of the society or fair, funds not needed for improvements on the grounds must be used to retire the bonds. Bonds must be retired in the order of their seniority, and a clause stating this privilege must be inserted in all bonds.

As added by P.L.2-2008, SEC.5.

IC 15-14-9

Chapter 9. Tax Levy for County Fairs

IC 15-14-9-1

County appropriation; purposes; restrictions

Sec. 1. (a) The county council and board of county commissioners of a county may appropriate and pay to:

(1) an agricultural fair, exhibition, or association; or

(2) an organized county 4-H club in which the residents of the county are interested;

a sum not exceeding four cents ($0.04) on each one hundred dollars ($100) valuation of the taxable property of the county, to be paid out of the county general fund.

(b) An appropriation under subsection (a) may be used only for necessary costs and expenses:

(1) incidental to the conduct and carrying out the purposes of organized:

(A) 4-H clubs; and

(B) boys' and girls' club work;

(2) for cash awards on:

(A) agricultural and horticultural products;

(B) livestock; and

(C) boys' and girls' club work; and

(3) for judging products, livestock, and club work described in this subsection.

(c) An appropriation under subsection (a) applies to regularly organized:

(1) fair associations; and

(2) boys' and girls' clubs, 4-H clubs, or agricultural clubs;

if the fair or exhibition is given only for the promotion of the interests of agriculture, horticulture, and stock raising. The appropriation does not apply to a person, an association, or a corporation conducting the fair or exhibition for profit or to street fairs or exhibitions.

(d) An appropriation under subsection (a) may not be used or given for contests of speed.

As added by P.L.2-2008, SEC.5.

IC 15-14-9-2

Multiple fairs and exhibitions; appropriations

Sec. 2. (a) Subject to subsections (b) and (c), in a county where two (2) or more fairs or exhibitions are conducted as provided in section 1 of this chapter, the county council may appropriate to each of the fairs or associations an amount that the county council considers proper and equitable.

(b) The amount appropriated under subsection (a) must be computed by the ratio that the cash awards and judging expenses of each fair bears to the total amount spent for awards and judging by

the fairs sharing in the division.

(c) The total amount appropriated under subsection (a) may not exceed a sum equal to one cent ($.01) on each one hundred dollars ($100) valuation of the taxable property located in the county.

As added by P.L.2-2008, SEC.5.

IC 15-14-10

Chapter 10. Appropriation to County Corn Growers' Association or Horticultural Society in a County Without a County Fair

IC 15-14-10-1

Appropriation for cash awards

Sec. 1. (a) This section applies to a county corn growers' association or horticulture society with at least:

(1) fifty (50) members in the local association or society; and

(2) ten (10) members in the state association or society.

(b) In a county where an agricultural fair or association:

(1) does not exist; or

(2) is not active;

the county council and the board of county commissioners may annually appropriate and pay to any county corn growers' association or horticultural society up to two hundred dollars ($200) to be used in the payment of cash awards.

As added by P.L.2-2008, SEC.5.

IC 15-15

ARTICLE 15. HORTICULTURE PRODUCTS

IC 15-15-1

Chapter 1. Indiana Seed Law

IC 15-15-1-1

"Advertisement"

Sec. 1. As used in this chapter, "advertisement" means any representation, other than those on the label, relating to seed covered by this chapter, disseminated in any manner or by any means.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-2

"Agricultural seed"

Sec. 2. As used in this chapter, "agricultural seed" means the seeds of legume, grass, forage, cereal, fiber, or oil crops. The term includes other kinds of seeds commonly recognized in Indiana as agricultural seeds, lawn seeds, and mixtures of such seeds.

As added by P.L.2-2008, SEC.6. Amended by P.L.75-2010, SEC.1.

IC 15-15-1-3

"Brand"

Sec. 3. As used in this chapter, "brand" means a word, name, number, or design used to identify seed of one (1) person to distinguish it from seed of another person.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-4

"Bulk lot"; "in bulk"

Sec. 4. As used in this chapter, "bulk lot" or "in bulk" refers to seed in an unpackaged form. The term does not include seed in bags.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-5

"Certifying agency"

Sec. 5. As used in this chapter, "certifying agency" refers to either of the following:

(1) An agency authorized under the laws of a state, territory, or possession of the United States to officially certify seed.

(2) An agency of a foreign country determined by the state seed commissioner to adhere to procedure and standards for seed certification generally adhered to by certification agencies described in subdivision (1).

As added by P.L.2-2008, SEC.6.

IC 15-15-1-5.5

"Cool season lawn and turf grasses"

Sec. 5.5. As used in this chapter, "cool season lawn and turf grasses" includes:

(1) Kentucky bluegrass, red fescue, chewings fescue, hard fescue, tall fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass, colonial bentgrass, or creeping bentgrass; and

(2) mixtures of any of the grasses referred to in subdivision (1).

As added by P.L.75-2010, SEC.2.

IC 15-15-1-6
"Distribute"

Sec. 6. As used in this chapter, "distribute" means to sell, offer to sell, barter, or supply or transport for sale agricultural or vegetable seed for sowing and seeding purposes in Indiana.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-7
"Effective"

Sec. 7. As used in this chapter, "effective", as applied to inoculants, means that under laboratory tests at least two (2) nodules must be produced on or adjacent to the primary root on at least sixty-six percent (66%) of the plants in the test.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-8
"Hybrid"

Sec. 8. As used in this chapter, "hybrid" means the first generation of a cross made under controlled conditions between strains of different parentage and of satisfactory purity.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-9
"Kind"

Sec. 9. As used in this chapter, "kind" means one (1) or more related species or subspecies of plant that singly or collectively are known by one (1) common name, including corn, oats, alfalfa, and timothy.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-10
"Label"

Sec. 10. As used in this chapter, "label" means the display or displays of written, printed, or graphic matter on or attached to a seed container or accompanying seed sold in bulk quantities.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-11
"Labeling"

Sec. 11. As used in this chapter, "labeling" refers to the use of

labels or other written, printed, or graphic representations in any form accompanying or associated with a lot of seed whether in bulk or in containers. The term includes any representations on an invoice.
As added by P.L.2-2008, SEC.6.

IC 15-15-1-12
"Legume inoculant"
Sec. 12. As used in this chapter, "legume inoculant" means a pure or mixed culture of bacteria of the genus Rhizobium capable of effectively inoculating a specific kind or specific kinds of legume plants.
As added by P.L.2-2008, SEC.6.

IC 15-15-1-13
"Lot"
Sec. 13. As used in this chapter, "lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors that appear in the labeling.
As added by P.L.2-2008, SEC.6.

IC 15-15-1-14
"Noxious weed seed"
Sec. 14. As used in this chapter, "noxious weed seed" means either of the following:
(1) Prohibited noxious weed seed.
(2) Restricted noxious weed seed.
As added by P.L.2-2008, SEC.6.

IC 15-15-1-15
"Percent"; "percentage"
Sec. 15. As used in this chapter, "percent" or "percentage" refers to the percentage by weight.
As added by P.L.2-2008, SEC.6.

IC 15-15-1-15.5
"Permit"
Sec. 15.5. As used in this chapter, "permit" means a written authorization granted by the seed commissioner and required under this chapter before a person may distribute agricultural or vegetable seed in Indiana subject to this chapter.
As added by P.L.75-2010, SEC.3.

IC 15-15-1-16
"Person"
Sec. 16. As used in this chapter, "person" means an individual, a partnership, a company, or a corporation.
As added by P.L.2-2008, SEC.6.

IC 15-15-1-17
"Pre-inoculated seed"

Sec. 17. As used in this chapter, "pre-inoculated seed" means seed to which has been applied before sale an application of a legume inoculant to effectively nodulate the resultant plant until the expiration date of the inoculant.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-18
"Prohibited noxious weed seed"

Sec. 18. As used in this chapter, "prohibited noxious weed seed" means:

(1) the seeds of perennial weeds that not only reproduce by seed but also spread by underground roots, stems, and other reproductive parts; and

(2) seeds, which when well established, are highly destructive and difficult to control by ordinary good cultural practice.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-19
"Record"

Sec. 19. As used in this chapter, "record" means all information relating to the shipment or distribution of a lot of seed. The term includes a file sample of each lot of seed.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-20
"Restricted noxious weed seed"

Sec. 20. As used in this chapter, "restricted noxious weed seed" means:

(1) seeds of weeds that are very objectionable in fields, lawns, and gardens of Indiana; and

(2) seeds of weeds that can be controlled by good cultural practices.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-20.5
"Special use permit"

Sec. 20.5. As used in this chapter, "special use permit" means authorization issued by the seed commissioner to a person subject to section 27(c) of this chapter for the use of seeds of plant species for the purpose of research, development, production, or education.

As added by P.L.75-2010, SEC.4.

IC 15-15-1-21
"Treated"

Sec. 21. As used in this chapter, "treated" refers to seed that has been subjected to an application of a substance or a process to:

(1) reduce, control, or repel certain disease organisms, insects, or other pests attacking the seed or seedlings growing from the seed; or

(2) change the appearance, growth pattern, or performance of the seed or seedlings growing from the seed.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-22
"Type"

Sec. 22. As used in this chapter, "type" means the general physiological and morphological characters common to a number of varieties, which varieties cannot be differentiated except under special conditions.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-23
"Variety"

Sec. 23. As used in this chapter, "variety" means a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics, by which a plant can be differentiated from other plants of the same kind.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-24
"Vegetable seed"

Sec. 24. As used in this chapter, "vegetable seed" means the seeds:

(1) of crops grown commercially or in home gardens; and

(2) commonly known and sold in Indiana as vegetable seeds.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-25
"Weed seed"

Sec. 25. As used in this chapter, "weed seed" means the seeds of all plants commonly recognized as weeds in Indiana. The term includes noxious weed seeds.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-26
State seed commissioner

Sec. 26. The state chemist is the state seed commissioner by virtue of office.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-27
Commissioner's duties; agent's authority

Sec. 27. (a) The state seed commissioner shall administer this chapter. The state seed commissioner may authorize an agent to act

for the state seed commissioner under this chapter.

(b) The state seed commissioner may do any of the following to administer this chapter:

(1) Sample, inspect, analyze, and test agricultural and vegetable seed distributed within Indiana for seeding and sowing purposes, when, where, and to the extent the state seed commissioner considers necessary to determine whether the agricultural or vegetable seed is in compliance with this chapter.

(2) Notify a seed distributor of any violations of this chapter.

(3) Adopt rules:

(A) governing:

(i) methods of sampling, inspecting, analyzing, testing, and examining agricultural and vegetable seed; and

(ii) tolerances to be followed in the administration of this chapter; and

(B) necessary for the efficient enforcement of this chapter.

(4) Adopt rules to establish lists of prohibited and restricted noxious weeds.

(5) Adopt rules to establish reasonable standards of germination (as defined by rule adopted under section 28 of this chapter) for vegetable seed.

(6) Adopt rules to establish standards for the effectiveness of legume inoculant applied to pre-inoculated seed.

(7) Adopt rules to govern the treatment of seed and the labeling and distribution of treated seed.

(8) Publish at least one (1) time each year, in the form the seed commissioner considers proper, information concerning:

(A) the sales of agricultural and vegetable seed; and

(B) the results of the analysis of official samples of agricultural and vegetable seed sold within Indiana as compared with the analysis guaranteed on the label.

Information concerning production and use of agricultural and vegetable seed may not disclose the operation of any person.

(9) Enter any:

(A) public or private property during regular business hours; or

(B) vehicle that transports seed, whether by land, water, or air, at any time the vehicle is accessible;

to inspect seed and the records relating to the seed, subject to this chapter and the rules adopted under this chapter.

(10) As used in this subdivision, "stop sale order" refers to a written order issued by the state seed commissioner to the owner or custodian of a lot of agricultural or vegetable seed that the state seed commissioner has found violates this chapter or rules adopted under this chapter. The state seed commissioner may issue and enforce stop sale orders. A stop sale order prohibits the future sale, processing, and movement of the seed

until the state seed commissioner issues a release from the stop sale order. The owner or custodian of the seed is entitled to appeal a stop sale order to a court with jurisdiction in the locality in which the seed is found, as provided in IC 4-21.5, seeking a judgment as to the justification for the order for the discharge of the seed from the stop sale order in accordance with the findings of the court. This subdivision does not limit the right of the state seed commissioner to proceed as otherwise authorized by this chapter.

(11) Establish and maintain or make provisions for seed testing facilities.

(12) Employ qualified persons.

(13) Incur necessary expenses.

(14) Test or provide for testing seed for purity and germination (as defined by rule adopted under section 28 of this chapter) for farmers and dealers on request of a farmer or dealer, prescribe rules governing such testing, and charge for the tests made.

(15) Cooperate with the United States Department of Agriculture and other agencies in seed law enforcement.

(16) Enter the property of a producer of hybrid seed to determine whether the seed produced is as the seed is represented.

(17) Issue a written special use permit to a person to use a prohibited noxious weed seed or a restricted noxious weed seed for purposes of research, development, production, or education, subject to subsection (c).

(18) Adopt rules under IC 4-22-2 to establish fees that are necessary for the administration of this chapter, including costs of inspections, analysis, and publications.

(19) Adopt rules under IC 4-22-2 to establish civil fines for the following:

(A) Failure to submit a report required under this chapter.

(B) Failure to pay a fee required under this chapter.

(c) The seed commissioner, in response to an application for the issuance of a special use permit under subsection (b)(17), may:

(1) issue a special use permit;

(2) issue a special use permit subject to conditions; or

(3) deny a special use permit request.

In determining whether to issue a special use permit, the seed commissioner shall consider each species of prohibited noxious weed or restricted noxious weed separately. The seed commissioner may revoke a special use permit at any time if it appears that the permit holder is not complying with the conditions established under the special use permit.

As added by P.L.2-2008, SEC.6. Amended by P.L.75-2010, SEC.5.

IC 15-15-1-28
Rules; pure seed and germination

Sec. 28. (a) The state seed commissioner may by rule define seed labeling and testing terms in common usage such as "pure seed" and "germination".

(b) A rule adopted by the state seed commissioner under this section must be based on published sources such as the rules of the Association of Official Seed Analysts.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-29

Rules; purity of hybrid seed

Sec. 29. The state seed commissioner may, by rule, define controlled conditions and satisfactory purity for the production of hybrid seed of any kind. A hybrid designation shall be treated as a variety name.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-30

Label; pre-inoculated seed

Sec. 30. The label of seed that has been pre-inoculated must indicate that the seed has been pre-inoculated.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-31

Exceptions from labeling requirements

Sec. 31. (a) Sections 32 and 33 of this chapter do not apply to the following:

(1) Seed or grain not intended for seeding and sowing purposes. However, treated agricultural seed must be labeled in accordance with section 32 of this chapter when sold to any person for any purpose whether the seed is in containers or in bulk.

(2) Seed in storage or seed that is being transported or consigned to a seed cleaning or processing establishment for cleaning or processing if the invoice or labeling accompanying a shipment of the seed contains the statement "Seed For Processing". Any labeling or other representation that may be made with respect to uncleaned or unprocessed seed is subject to this chapter.

(3) A carrier in respect to seed transported or delivered for transportation in the ordinary course of its business as a carrier if the carrier is not engaged in producing, processing, or distributing agricultural or vegetable seed subject to this chapter.

(4) Seed that satisfies all the following:

(A) The seed is grown on the property owned by the seller of the seed.

(B) The seed is sold and delivered to the purchaser on the property on which the seed is grown.

(C) The seed does not contain prohibited noxious weed seed.

(D) The seed contains not more than one-fourth of one percent (0.25%) of restricted noxious weed seed.

(E) The seed contains not more than two and one-half percent (2.5%) of all weed seed.

If seed is advertised for sale through the medium of the public press, by circular, by catalog, or by exposing a sample of the seed or a printed or written statement about the seed in a public place or place of business, or if the seed is delivered by a common carrier, (except when transported for the purpose of being recleaned as provided in this section), the producer is considered to be a vendor, and the seed must meet all requirements of this chapter, including complete labeling of the seed. For cereal and soybean seed where the purpose for which the seed is intended may be in question, seed advertised for sale by variety name, as processed, tested, treated, or offered at a price substantially higher than current market prices, is presumed to be offered for seeding purposes and subject to the labeling provisions of this chapter.

(b) A person is not subject to the penalties of this chapter for distributing agricultural or vegetable seed incorrectly labeled or represented as to kind, variety, or origin and that cannot be identified by examination of the seed unless the person fails to:

(1) obtain an invoice, genuine grower's declaration, or other labeling information; and

(2) take other precautions reasonable to ensure the identity of the seed as stated.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-32

Agricultural seeds; information for purchaser; label; bulk purchase

Sec. 32. (a) A container of agricultural seed of any size consisting of more than one (1) pound distributed in Indiana for sowing and seeding purposes must contain or have attached in a conspicuous place on the outside of the container a plainly written or printed tag or label in English giving the information required by this section. If the seed is distributed in bulk, the information required by this section must accompany delivery and be supplied to the purchaser at the time of delivery.

(b) The labeling required for seed sold in bags and packages, and in bulk as required by this section, must include the following statements on the labeling attached to the container:

(1) The commonly accepted name of each kind and variety of each agricultural seed component that exceeds five percent (5%) of the whole and the percentage by weight of each in the order of its predominance. However, the variety designation may be omitted if the label states the name of the kind and the

words "variety not stated". If more than one (1) component is required to be named, the word "mixture" or the word "mixed" must be shown conspicuously on the label. A mixture consisting of two (2) or more varieties of the same kind may be designated as a "blend".

(2) Lot number or other lot identification.

(3) Origin (state or foreign country where grown) for all seed except hybrid corn. If the origin is unknown, that fact must be stated.

(4) The percentage of all weed seed.

(5) The name and rate of occurrence per pound of each kind of restricted noxious weed seed present.

(6) The percentage of all other agricultural or vegetable seed, which may be designated as "other crop seeds" or "crop seeds".

(7) The percentage of inert matter.

(8) For each named agricultural seed:

(A) the percentage of germination (as defined by rule adopted under section 28 of this chapter), exclusive of hard seed;

(B) the percentage of hard seed, if present; and

(C) the calendar month and year the test was completed to determine the percentages.

(9) The name and address of the person who labeled the seed or who distributed it within Indiana.

(10) For all seed named and treated (for which a separate label may be used):

(A) a word or statement indicating that the seed has been treated;

(B) the commonly accepted coined chemical or abbreviated chemical (generic) name of any applied pesticide;

(C) a description of the process or the commonly accepted name of the substance applied if other than a pesticide; and

(D) if the substance in the amount present with the seed is harmful to human or other vertebrate animals, a caution statement such as "Do Not Use For Food Or Feed Or Oil Purposes". A poison statement or symbol must be used as the caution for mercurials and similarly toxic substances.

(11) For pre-inoculated seed, in addition to other labeling requirements of this section (for which a separate label may be used):

(A) a word or statement indicating that the seed has been pre-inoculated; and

(B) the date beyond which the inoculant is not to be considered effective.

(12) For cool season lawn and turf grasses, the following statements on the labeling:

(A) For single kinds of grasses, the name of the kind or the kind and variety.

(B) For grass mixtures:

(i) the word "mix", "mixed", "mixture", or "blend" must be stated with the name of the mixture;

(ii) the headings "Pure Seed" and "Germination" or "Germ" must be used in the proper places; and

(iii) the commonly accepted name of the kind or the kind and variety of each agricultural seed component that exceeds five percent (5%) of the whole, and the percentage by weight of pure seed in order of its predominance and in columnar form.

(C) The percentage by weight of agricultural seed other than those required to be named on the label (which must be designated as "crop seed").

(D) The percentage by weight of inert matter.

(E) The percentage by weight of all weed seeds. The maximum weed seed content may not exceed two and five-tenths percent (2.5%) by weight.

(F) The name and rate of occurrence per pound of each kind of restricted noxious weed seed present and listed under the heading "Noxious Weed Seeds". Restricted noxious weed seed may not exceed twenty-five hundredths of one percent (0.25%) by weight.

(G) For each agricultural seed named under clause (A) or (B), the following:

(i) The percentage of germination, exclusive of hard seed.

(ii) The percentage of hard seed, if present.

(iii) The calendar month and year the test was completed to determine the required percentages. The oldest test date must be used.

(iv) The statement "Sell by (month/year)". The date may not exceed fifteen (15) months from the date that must be stated on the labeling under item (iii), exclusive of the month of the test.

The total of the percentages by weight under clauses (B)(iii), (C), (D), and (E) must equal one hundred percent (100%).

(c) The statements required by this section may not be modified or denied.

(d) The total of the percentages that are stated on the labeling under subsection (b)(1), (b)(4), (b)(6), and (b)(7) must equal one hundred percent (100%).

As added by P.L.2-2008, SEC.6. Amended by P.L.75-2010, SEC.6.

IC 15-15-1-33

Vegetable seeds; label information

Sec. 33. (a) For vegetable seeds in packets as prepared for use in home gardens or household plantings or vegetable seeds in preplanted containers, mats, tapes, or other planting devices in containers that do not exceed one (1) pound, the labeling must

include the following information:

(1) The name of the kind and variety of seed.

(2) The name and address of the person who labeled or who distributed the seed.

(3) For seed that germinates less than the standard most recently established under this chapter:

(A) the percentage of germination (as defined by rule adopted under section 28 of this chapter), exclusive of hard seed;

(B) the percentage of hard seed, if present;

(C) the calendar month and year the test was completed to determine the percentages; and

(D) the words "Below Standard" in not less than 8 point type.

(4) For seed that has been treated, the same labeling information required for agricultural seeds.

(5) The number of noxious weed seeds per pound of vegetable seed, if any weed seed is present.

(6) Lot number or other lot identification.

(7) Germination test information in any of the following forms:

(A) The calendar month and year the germination test was completed and the statement "Sell by (month/year)". The date may not exceed twelve (12) months from the date of the test, exclusive of the month of the test.

(B) The year for which the seed was packaged for sale, as "Packed for (year)". The date must be for a calendar year and include the statement "Sell by (month/year)". The date may not exceed twelve (12) months from the date of the test, exclusive of the month of the test.

(C) The percentage of germination and the calendar month and year the test was completed to determine the percentages. However, the germination test must have been completed within the previous twelve (12) months, exclusive of the month of the test.

(b) For vegetable seeds sold in containers that are more than one (1) pound, the labeling must include the following:

(1) The name of each kind and variety present that exceeds five percent (5%) and the percentage by weight of each in order of its predominance.

(2) Lot number or other lot identification.

(3) For each named vegetable seed:

(A) the percentage of germination, exclusive of hard seed;

(B) the percentage of hard seed, if present; and

(C) the calendar month and year the test was completed to determine the percentages. The date may not be later than twelve (12) months after the date of the test, exclusive of the month of the test.

(c) For seeds placed in a germination medium, mat, tape, or

another device and in a way to make it difficult to determine the quantity of seed without removing the seed from the medium, mat, tape, or other device, the labeling must include a statement to indicate the minimum number of seeds in the container.
As added by P.L.2-2008, SEC.6. Amended by P.L.75-2010, SEC.7.

IC 15-15-1-34
Fees; permits; reporting

Sec. 34. (a) A distributor of agricultural seed in packages of not more than one (1) pound shall pay not later than January 15 of each year an annual fee of forty-five dollars ($45) for each brand of seed distributed. Payment of an annual fee is not required of retailers who furnish quantities of not more than one (1) pound from a properly labeled container of seed on which the inspection fee has been paid.

(b) A person who distributes agricultural or vegetable seed in Indiana may apply to the state seed commissioner for a permit to use the person's own labeling, report the quantity of seed sold, and pay the inspection fee on the basis of the report.

(c) In making application for a permit under subsection (b), the distributor must agree to the following:

(1) Label the seed with the information required by law.

(2) Keep the records the state seed commissioner considers necessary to indicate accurately the number and size of containers of each kind of agricultural and vegetable seed distributed and the quantity of such seed distributed in bulk.

(3) Grant the state seed commissioner or the state seed commissioner's authorized representative permission to examine the records described in subdivision (2) and verify the statement of quantity of seed distributed.

(4) Report under oath to the state seed commissioner on forms furnished by the state seed commissioner the quantity of agricultural and vegetable seed sold during the period covered.

(d) The state seed commissioner may grant a permit under subsection (b) if the state seed commissioner determines that the applicant's proposed report of the quality of agricultural and vegetable seed sold will lead to efficient enforcement of this chapter. The state seed commissioner may revoke the permit at any time if it appears to the state seed commissioner that the distributor is not complying with the agreement described in subsection (c) or this chapter. If:

(1) the report is not filed and the inspection fee not paid before ten (10) days following the due date;

(2) the report of volume is false; or

(3) the labeling requirements of this chapter have not been complied with;

the state seed commissioner may revoke the permit. If the inspection fee is unpaid after the ten (10) day grace period, a penalty shall be assessed in the amount of ten percent (10%) in addition to the

amount due.

(e) The report of quantity sold required under subsection (c)(4) is due, and the inspection fees required under this chapter are payable, semiannually on the last day of the month following the end of the semiannual period. The first half reporting period ends June 30 and the second half reporting period ends December 31.

As added by P.L.2-2008, SEC.6. Amended by P.L.75-2010, SEC.8.

IC 15-15-1-35

Deposit of collected fees; disposition of fees

Sec. 35. (a) The state seed commissioner shall pay all fees collected under this chapter to the treasurer of Purdue University.

(b) The board of trustees of Purdue University shall expend the fees on proper vouchers filed with the treasurer of Purdue University. The treasurer shall pay vouchers for the following expenses:

(1) The employment of inspectors and seed analysts.

(2) Procuring samples.

(3) Printing bulletins giving the results of inspection.

(4) Any other expenses of the Purdue University agricultural programs authorized by law and for implementing this chapter.

(c) The dean of agriculture of Purdue University shall make a financial report to the governor in such form as the state board of accounts requires, showing the total receipts and expenditures of all fees received under this chapter.

(d) Excess funds from the collection of fees under this chapter are subject to IC 15-16-2-36.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-36

Fees and samples

Sec. 36. (a) Each person whose name appears on the label as distributing agricultural or vegetable seed subject to this chapter shall do the following:

(1) Keep for two (2) years complete records of each lot of agricultural or vegetable seed distributed.

(2) Keep for one (1) year a file sample of each lot of seed that is distributed after final disposition of the lot.

(b) All records and samples relating to the shipments involved must be accessible for inspection by the state seed commissioner or the state seed commissioner's agent during customary business hours.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-37

Repealed

(As added by P.L.2-2008, SEC.6. Repealed by P.L.60-2015, SEC.2.)

IC 15-15-1-38

Seizure of agricultural or vegetable seed; court disposition of seed

Sec. 38. (a) The state seed commissioner may file an action for the seizure of any lot of agricultural or vegetable seed that violates this chapter.

(b) An action filed under this section must be filed in a court with jurisdiction in the locality in which the seed is located.

(c) If the court finds the seed to be in violation of this chapter and orders the condemnation of the seed, the seed shall be denatured, processed, destroyed, relabeled, or disposed of in compliance with Indiana law. The court may not order the disposition of the seed unless the claimant is given an opportunity to apply to the court for release of the seed or permission to process or relabel the seed to bring it into compliance with this chapter.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-39

Injunctions

Sec. 39. (a) The state seed commissioner may apply for, and the court may grant, a temporary or permanent injunction to restrain a person from violating or continuing to violate this chapter, or a rule adopted under this chapter, notwithstanding the existence of other remedies at law.

(b) The court may not require a bond as a condition of granting an injunction under this section.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-40

Unlawful distribution

Sec. 40. A person may not distribute agricultural or vegetable seed within Indiana if any of the following apply:

(1) If the test to determine the percentage of germination (as defined by rule adopted under section 28 of this chapter) required by sections 32 and 33 of this chapter has not been completed within a twelve (12) month period, not including the calendar month in which the test was completed immediately before distribution. However, the state seed commissioner may by rule designate:

(A) a shorter period for a kind of agricultural or vegetable seed that the state seed commissioner finds under ordinary conditions of handling will not maintain, during a twelve (12) month period, a germination within the established tolerance limits; or

(B) a longer period for a kind of agricultural or vegetable seed that is packaged in such container materials and under such conditions prescribed by the state seed commissioner that the state seed commissioner finds will, during the longer period, maintain the viability of the seed under ordinary conditions of handling.

(2) If the seed is not labeled in accordance with this chapter.
(3) If the seed carries labeling that is false or misleading in any particular.
(4) If the seed contains or consists of prohibited noxious weed seed.
(5) If the seed consists of or contains restricted noxious weed seed in excess of one-fourth of one percent (0.25%). If less than one-fourth of one percent (0.25%) of weed seed by weight is present, the number per pound must be declared on the labeling.
(6) If the seed contains more than two and one-half percent (2.5%) of all weed seed.
(7) If the seed is represented to be "certified seed", "registered seed", or "foundation seed", the seed has not been produced and labeled in accordance with the procedures and in compliance with rules of an official or officially recognized seed certification or registration agency.
(8) If the inoculant applied to pre-inoculated seed is ineffective as determined by standards established by rule.

As added by P.L.2-2008, SEC.6. Amended by P.L.17-2014, SEC.1.

IC 15-15-1-41
Unlawful acts

Sec. 41. A person may not do any of the following:
(1) Detach, alter, deface, or destroy any label provided for in this chapter or the rules adopted under this chapter.
(2) Alter or substitute seed in a manner that may defeat the purpose of this chapter.
(3) Disseminate false or misleading advertisements concerning agricultural or vegetable seed.
(4) Hinder or obstruct in any way an authorized person in the performance of the person's duties under this chapter.
(5) Fail to comply with a stop sale order issued under section 27 of this chapter.
(6) Use the word:
(A) "trace" as a substitute for any statement required by this chapter; or
(B) "type" in any labeling in connection with the name of any seed variety.
(7) Use a state seed commissioner tag or label more than once.
(8) Sell grain or other seed that has been treated to any person for any purpose unless the grain or seed is clearly labeled as required in sections 32 and 33 of this chapter.
(9) Distribute seed colored so that it does not contrast with the natural color of the seed.
(10) Distribute noxious weed seed without a special use permit issued by the seed commissioner under section 27(b)(17) of this chapter.
(11) Assign the same brand designation to more than one (1)

variety or blend of the same kind of seed, if not sold by variety name.

(12) Use relabeling stickers unless the relabeling stickers state:

(A) both the calendar month and year the germination test was completed and the sell-by date, as required under sections 32 and 33 of this chapter; and

(B) the lot number that matches the existing original lot number.

(13) Relabel a seed lot using stickers more than once.

As added by P.L.2-2008, SEC.6. Amended by P.L.75-2010, SEC.9.

IC 15-15-1-42

Violations

Sec. 42. Except as provided in section 39 of this chapter, a person who violates this chapter commits a Class C infraction.

As added by P.L.2-2008, SEC.6.

IC 15-15-1-43

Regulation of seed by political subdivision prohibited; waiver; hearing

Sec. 43. (a) Except as provided in subsection (c), a political subdivision (as defined in IC 36-1-2-13) may not regulate the advertising, labeling, distribution, sale, transportation, storage, or use of seed.

(b) A political subdivision may, by resolution, petition the state seed commissioner for a hearing to allow a waiver to adopt an ordinance because of special circumstances relating to the advertising, labeling, distribution, sale, transportation, storage, or use of seed. If a petition is received, the state seed commissioner shall hold a public hearing to consider granting the waiver requested. The public hearing must be conducted in an informal manner. IC 4-21.5 does not apply to a public hearing under this section.

(c) If the state seed commissioner, after a public hearing under subsection (b), grants a political subdivision's petition for a waiver, the political subdivision may regulate the advertising, labeling, distribution, sale, transportation, storage, or use of seed to the extent allowed by the waiver.

As added by P.L.2-2008, SEC.6.

IC 15-15-2
Chapter 2. Sale and Transfer of Plant Cultures

IC 15-15-2-1
Application of chapter

Sec. 1. This chapter does not apply to commercial fertilizers, barnyard manure, marl, lime, wood ashes, or plaster.
As added by P.L.2-2008, SEC.6.

IC 15-15-2-2
"Person"

Sec. 2. As used in this chapter, "person" means an individual, a firm, a limited liability company, a corporation, a trustee, a receiver, or an assignee for the benefit of creditors.
As added by P.L.2-2008, SEC.6.

IC 15-15-2-3
Materials for plant growth; samples; statement; registration certificate; permit; grounds for refusal or cancellation of permit

Sec. 3. (a) Before pure or mixed cultures of microorganisms or materials used for promoting plant growth are sold or offered for sale in Indiana, the manufacturer, dealer, importer, agent, or person that causes the materials to be sold, offered for sale, or provided by sample shall:

(1) file with the state chemist a:
(A) statement of desire to offer for sale in Indiana the materials; and
(B) certificate for registration stating the:
(i) name of the manufacturer;
(ii) location of the principal office of the manufacturer;
(iii) name under which the product will be sold;
(iv) name or names of the plants for which the product is to be used;
(v) composition of the substance; and
(vi) kinds of microorganisms contained in the product that promote the growth of plants; and
(2) obtain a permit from the state chemist.

(b) The state chemist may:
(1) refuse to issue a permit to an applicant described in subsection (a); or
(2) cancel a permit issued under subsection (a);

if the state chemist is satisfied that a culture of microorganisms or another material used for promoting the growth of plants is sold under false or misleading claims.
As added by P.L.2-2008, SEC.6.

IC 15-15-2-4
Label; information required

Sec. 4. A person who manufactures, offers for sale, sells, displays for sale, or provides by sample, a pure or mixed culture of microorganisms or materials used for promoting plant growth shall affix or cause to be affixed, in a conspicuous place on the outside of every package or sample of the material, a label on which is plainly printed in English the:

(1) name of the manufacturer;

(2) location of the principal office of the manufacturer;

(3) name under which the product is sold;

(4) name or names of the plants for which the product is to be used;

(5) composition of the substance; and

(6) kinds of microorganisms contained in the product that promote the growth of plants.

As added by P.L.2-2008, SEC.6.

IC 15-15-2-5
Violations; exceptions

Sec. 5. (a) A person that:

(1) offers for sale, sells, or provides by sample a package, a sample, or a quantity of a pure or mixed culture of microorganisms or materials used for promoting plant growth to which the label prescribed by section 4 of this chapter is not affixed;

(2) labels a substance described in subdivision (1) with a false or inaccurate label; or

(3) offers for sale or sells a substance described in subdivision (1) that is not registered with the state chemist;

as required by this chapter commits a Class C infraction.

(b) This chapter does not prevent:

(1) the state chemist;

(2) the Purdue University office of agricultural research programs; or

(3) a person deputized by the state chemist;

from making experiments with pure or mixed cultures of microorganisms or materials used for promoting plant growth for the advancement of the science of agriculture.

As added by P.L.2-2008, SEC.6.

IC 15-15-2-6
Fees; disposition

Sec. 6. (a) The state chemist shall charge, collect, and receive the sum of twenty-five dollars ($25):

(1) at the time of registering a pure or mixed culture of microorganisms or materials described in section 3 of this chapter for each material or culture registered; and

(2) not later than the fifteenth day of January of each succeeding year until the pure or mixed cultures of

microorganisms or material is no longer sold, distributed, offered, or displayed for sale in Indiana.

(b) Money received under subsection (a) must be forwarded to the treasurer of Purdue University, who shall expend the money on vouchers to be filed with the auditor of state to pay all necessary expenses incurred in implementing this chapter, including:

(1) the employment of inspectors, chemists, and bacteriologists;

(2) the expenses incurred in procuring samples;

(3) printing bulletins; and

(4) giving the results of inspections, as provided by this chapter;

and for any other expenses of Purdue University agricultural programs, as authorized by law and in support of the purposes of this chapter.

(c) The dean of agriculture of Purdue University shall submit to the governor an annual classified report showing the total receipts and expenditures of all fees received under this chapter.

(d) Excess funds from the collection of fees under this chapter are subject to IC 15-16-2-36.

As added by P.L.2-2008, SEC.6.

IC 15-15-2-7

Taking samples

Sec. 7. (a) The state chemist or a person deputized by the state chemist may procure a suitable sample from any lot, parcel, or package of pure or mixed cultures of microorganisms or materials used for promoting plant growth that is offered for sale or found in Indiana.

(b) A sample procured under subsection (a) must be drawn or taken during reasonable business hours and in the presence of the owner of the product or a representative of the owner.

As added by P.L.2-2008, SEC.6.

IC 15-15-2-8

Interference with inspection or taking samples; violation

Sec. 8. A person who prevents the state chemist or a person deputized by the state chemist from inspecting and obtaining samples of pure or mixed cultures of microorganisms or materials as provided in this chapter commits a Class C infraction.

As added by P.L.2-2008, SEC.6.

IC 15-15-2-9

State chemist's authority; rules; permits; registration

Sec. 9. The state chemist may:

(1) prescribe and enforce rules necessary to implement this chapter;

(2) refuse to issue a permit; or

(3) refuse to register or cancel the registration of any product used for promoting plant growth or any pure or mixed cultures

of microorganisms or materials used for promoting plant growth if the state chemist believes the product, cultures, or materials:

(A) are registered under a name that would be misleading as to the materials of which they are made; or

(B) are sold under false or misleading claims.

As added by P.L.2-2008, SEC.6.

IC 15-15-3

Chapter 3. Records of Deliveries and Purchases of Seed and Grain

IC 15-15-3-1

"Buyer of grain"

Sec. 1. (a) As used in this chapter, "buyer of grain" means a person, firm, limited liability company, or corporation regularly engaged in the business of buying grain or seed produced on a farm in Indiana.

(b) The term does not include a person that purchases grain or seed if less than five (5) separate purchases are made by the person during any one (1) year.

As added by P.L.2-2008, SEC.6.

IC 15-15-3-2

Buyer's record of deliveries and purchases; information

Sec. 2. A buyer of grain or seed shall prepare, keep, and maintain a record of all deliveries and purchases of grain or seed showing the following information:

(1) The kind of grain or seed delivered or purchased, and if the grain or seed delivered or purchased is corn, whether the corn is white or yellow corn.

(2) The date on which the grain or seed is delivered by the vendor.

(3) The number of bushels of grain or seed purchased or delivered.

(4) A description of the vehicle in which the grain or seed is delivered, the name of the driver, and, if the vehicle is a motor vehicle, the license number of the motor vehicle.

(5) The name of the vendor and the name of the producer of the grain or seed.

(6) The name and address of the person to whom the money representing the purchase price of the grain or seed is paid.

As added by P.L.2-2008, SEC.6.

IC 15-15-3-3

Inspection of records

Sec. 3. (a) The records kept by buyers of grain or seed under section 2 of this chapter must be available for inspection at any time by a law enforcement officer when attempting to trace the movements of grain or seed to determine whether any criminal laws of the state have been violated.

(b) All records described in subsection (a) must be kept for at least three (3) years.

As added by P.L.2-2008, SEC.6.

IC 15-15-3-4

Offenses

Sec. 4. A person who violates or refuses to comply with this chapter commits a Class C infraction.

As added by P.L.2-2008, SEC.6.

IC 15-15-4
Chapter 4. Certification of Agricultural Seeds and Plant Parts

IC 15-15-4-1
Dean of agriculture; administration of chapter

Sec. 1. The dean of agriculture of Purdue University:

(1) shall administer and implement this chapter; and

(2) may adopt rules under IC 4-22-2 that the dean of agriculture considers necessary to carry out the purposes and secure the efficient administration of this chapter.

As added by P.L.2-2008, SEC.6.

IC 15-15-4-2
Persons subject to chapter; certification for specified crop

Sec. 2. (a) A person, a firm, an association, a limited liability company, or a corporation that issues, uses, or circulates a certificate, an advertisement, a tag, a seal, a poster, a letterhead, a marking, a circular, a written or printed representation, or a description of or pertaining to seeds or plant parts intended for propagation or sale or sold or offered for sale on which:

(1) the words "Indiana State Certified", "State Certified", "Indiana Certified", "Certified", or similar words or phrases are used or employed; or

(2) signs, symbols, maps, diagrams, pictures, words, or phrases are used or employed that expressly or impliedly state or represent that the seeds or plant parts comply with or conform to the standards or requirements for certification recommended or approved by Purdue University;

is subject to this chapter.

(b) For purposes of this chapter, an issuance, a use, or a circulation of a certificate or another instrument described in subsection (a) is considered to be certification under this chapter.

As added by P.L.2-2008, SEC.6.

IC 15-15-4-3
Compliance with rules; control of certification work by Purdue University

Sec. 3. (a) A person, a firm, an association, a limited liability company, or a corporation that is subject to this chapter shall observe, perform, and comply with all rules and requirements fixed, established, or specified by Purdue University as to the crops grown or to be grown in Indiana that are eligible for certification under this chapter and concerning:

(1) the conduct of;

(2) the standards and requirements for; and

(3) the forms of and for;

certification by Purdue University or by an authorized agent of Purdue University.

(b) Not more than one (1) agent for certification under this chapter may be designated for a specified crop.
As added by P.L.2-2008, SEC.6.

IC 15-15-4-4
Certification work on self-supporting basis; qualification of agency

Sec. 4. (a) Certification work conducted by Purdue University or an agent described in section 3 of this chapter is performed on a self-supporting basis and not for financial profit.

(b) Purdue University may designate as an agent for the certification of seeds or plant parts intended for propagation for sale a properly qualified:

(1) nonstock, nonprofit agricultural association incorporated under Indiana law; or

(2) agency.

As added by P.L.2-2008, SEC.6.

IC 15-15-4-5
Exemption of Purdue University from liability

Sec. 5. Purdue University is not financially responsible for debts incurred by, damages inflicted by, contracts broken by, or claims against certifying agencies in conducting certification work under this chapter.
As added by P.L.2-2008, SEC.6.

IC 15-15-4-6
Withholding certification for dishonest practices

Sec. 6. Purdue University or an agent of Purdue University described in this chapter may withhold certification from a grower of seeds or plant parts who is engaged in or attempting to engage in dishonest practices to evade the requirements of this chapter, including standards and rules established by Purdue University for certification under this chapter.
As added by P.L.2-2008, SEC.6.

IC 15-15-4-7
Certification of foreign seeds or plant parts

Sec. 7. (a) Except as provided in subsection (b), the term "certified" must not be used in connection with seeds or plant parts that are:

(1) produced outside Indiana; and

(2) offered for sale in Indiana.

(b) The term "certified" may be used in connection with seeds or plant parts described in subsection (a) if the seeds or plant parts have been certified by the:

(1) agency officially approved by the inspection officials of the state, province, or country in which the:

(A) seeds or plant parts originate; and

(B) certification standards are equal to Indiana certification standards; or

(2) dean of agriculture of Purdue University.

As added by P.L.2-2008, SEC.6.

IC 15-15-4-8

Offense; unauthorized use of certification

Sec. 8. It is a Class C infraction for a person to issue, make, use, or circulate a certification described in this chapter without the authority and approval of Purdue University or the authorized agent of Purdue University.

As added by P.L.2-2008, SEC.6.

IC 15-15-5

Chapter 5. Indiana Seed Arbitration Council

IC 15-15-5-1

Applicability of chapter; notice

Sec. 1. This chapter applies to civil actions against a seller for the failure of agricultural or vegetable seeds to perform if the container in which the seeds were sold included the following notice on the label:

NOTICE OF REQUIRED ARBITRATION

Under the seed laws of Indiana and some other states, arbitration is required as a precondition of maintaining certain legal actions, counterclaims, or defenses against a seller of seed. Information about this requirement, where applicable, may be obtained from a state's seed commissioner or the Indiana State Department of Agriculture.

As added by P.L.2-2008, SEC.6. Amended by P.L.120-2008, SEC.48.

IC 15-15-5-2

Uniform Arbitration Act; applicability

Sec. 2. Arbitration under this chapter is not subject to IC 34-57-2.

As added by P.L.2-2008, SEC.6.

IC 15-15-5-3

"Agricultural or vegetable seeds"

Sec. 3. As used in this chapter, "agricultural or vegetable seeds" refers to:

(1) agricultural; or

(2) vegetable;

seeds that are subject to IC 15-15-1.

As added by P.L.2-2008, SEC.6.

IC 15-15-5-4

"Arbitration"

Sec. 4. As used in this chapter, "arbitration" refers to arbitration conducted under this chapter.

As added by P.L.2-2008, SEC.6.

IC 15-15-5-5

"Buyer"

Sec. 5. As used in this chapter, "buyer" means a buyer of:

(1) agricultural; or

(2) vegetable;

seeds that are subject to IC 15-15-1.

As added by P.L.2-2008, SEC.6.

IC 15-15-5-6

"Commissioner"

Sec. 6. As used in this chapter, "commissioner" refers to the state seed commissioner.
As added by P.L.2-2008, SEC.6.

IC 15-15-5-7
"Council"
Sec. 7. As used in this chapter, "council" refers to the Indiana seed arbitration council established by section 9 of this chapter.
As added by P.L.2-2008, SEC.6.

IC 15-15-5-8
"Seller"
Sec. 8. As used in this chapter, "seller" refers to a seller of:
(1) agricultural; or
(2) vegetable;
seeds that are subject to IC 15-15-1.
As added by P.L.2-2008, SEC.6.

IC 15-15-5-9
Indiana seed arbitration council established
Sec. 9. (a) The Indiana seed arbitration council is established.
(b) The following persons or their designees are members of the council:
(1) The director of Purdue University cooperative extension service.
(2) The director of the office of agricultural research programs at Purdue University.
(3) The president of the Indiana Seed Trade Association.
(4) The president of an Indiana farmer organization selected by the commissioner.
(5) The commissioner.
(c) The council shall select a chairperson from its membership.
(d) The council may be called into session by the commissioner or by the council's chairperson to consider matters under this chapter.
As added by P.L.2-2008, SEC.6.

IC 15-15-5-10
Council's duties
Sec. 10. The council shall do the following:
(1) Assist buyers and sellers in determining the validity of complaints between the buyer and the seller.
(2) Recommend cost damages resulting from the failure of seed to perform or produce properly, whether the damages are related to:
(A) specific representations on the label;
(B) other information on the seed container; or
(C) conditions attributed to the quality of the seed.
As added by P.L.2-2008, SEC.6.

IC 15-15-5-11
Authority of council; investigations; hearings; subpoenas

Sec. 11. The council may do the following:

(1) Examine all nonprivileged records of the buyer and the seller that the council considers relevant to a complaint filed under this chapter.

(2) Investigate and conduct tests the council considers necessary to determine the validity of the complaint. The council may enter into contracts with qualified persons to perform investigations and tests under this subdivision.

(3) Hold hearings at the times and places designated by the chairperson to perform the functions described in section 10 of this chapter. Written notice of a hearing must be given to the buyer and the seller not later than twenty (20) days before the hearing. Each party must be given an opportunity to present its position at a hearing.

(4) Negotiate and recommend to the buyer and the seller conditions for settlement of a complaint.

(5) Hold hearings to present:

(A) the results of the investigation of a complaint; and

(B) the recommendations to the buyer and the seller for settlement of the complaint.

(6) Compel either or both of the following by subpoena:

(A) The attendance and testimony of witnesses.

(B) The production of documents.

If the council issues a subpoena, the circuit or superior court of the county in which a subpoena is to be served shall enforce the subpoena.

As added by P.L.2-2008, SEC.6.

IC 15-15-5-12
Conditions precedent to civil suit; tolling of limitations

Sec. 12. (a) As a condition precedent to maintaining a civil action against a seller for failure of the agricultural or vegetable seeds to produce or perform:

(1) as represented by the label required to be attached to those seeds or furnished under IC 15-15-1-32 or IC 15-15-1-33;

(2) as represented by warranty; or

(3) because of negligence;

the buyer must submit the claim to arbitration.

(b) Any applicable period of limitation with respect to a claim subject to this chapter is tolled until twenty (20) days after the filing of the report of arbitration with the commissioner.

As added by P.L.2-2008, SEC.6.

IC 15-15-5-13
Counterclaims or defenses; notice

Sec. 13. (a) As a condition precedent to asserting a counterclaim

or a defense in an action brought by a seller against a buyer, the counterclaim or defense must be submitted to arbitration.

(b) Upon the buyer's filing of a written notice of intention to assert a claim as a counterclaim or defense, accompanied by a copy of the buyer's complaint in arbitration filed under section 18 of this chapter, the action brought by the seller shall be stayed and any applicable statute of limitations is tolled with respect to the claim until twenty (20) days after filing of the report of arbitration with the commissioner.

As added by P.L.2-2008, SEC.6.

IC 15-15-5-14

Binding effect of arbitration report

Sec. 14. The report of arbitration under section 21 of this chapter is binding upon all parties to the extent that they have so agreed in a contract governing the sale of the seed.

As added by P.L.2-2008, SEC.6.

IC 15-15-5-15

Absence of agreement to be bound by arbitration; presentation of post report claims

Sec. 15. In the absence of an agreement to be bound by arbitration, a buyer may:

(1) commence legal proceedings against a seller based upon a claim subject to this chapter; or

(2) assert a claim subject to this chapter as a counterclaim or defense in any action brought by the seller;

at any time after the receipt of the report of arbitration.

As added by P.L.2-2008, SEC.6.

IC 15-15-5-16

Report of arbitration as evidence in subsequent litigation

Sec. 16. In any litigation involving a complaint that has been the subject of arbitration under this chapter, any party may introduce the report of arbitration as evidence of the facts found in the report, and the court may give such weight to the council's findings of fact and conclusions of law and recommendations as to damages and costs contained in the report as the court considers appropriate based upon all the evidence before the court. The court may also take into account any finding of the council with respect to the failure of any party to cooperate in the arbitration proceedings, including any finding as to the effect of delay in filing the arbitration claim upon the council's ability to determine the facts of the case.

As added by P.L.2-2008, SEC.6.

IC 15-15-5-17

Filing arbitration claim; filing fee; time of complaint

Sec. 17. (a) A buyer that seeks to assert a claim under this chapter

shall invoke arbitration under this chapter by filing a sworn complaint with the commissioner together with a filing fee of one hundred dollars ($100). The buyer shall serve a copy of the complaint upon the seller by certified mail.

(b) Except in the case of seed that has not been planted, the claim shall be filed within a reasonable time after the alleged defect or violation becomes apparent so as to permit effective inspection of:

(1) the crops or plants under field conditions; or

(2) the grain harvested from the crops or plants.

(c) Notwithstanding subsection (b), a claim must be filed not later than ninety (90) days after completion of the harvest of the crop of the seed at issue.

As added by P.L.2-2008, SEC.6.

IC 15-15-5-18

Answer to complaint; filing fee

Sec. 18. (a) Not later than twenty (20) days after receipt of a copy of the complaint, the seller shall file with the commissioner an answer to the complaint and serve a copy of the answer upon the buyer by certified mail.

(b) The seller shall pay a filing fee of one hundred dollars ($100) to the commissioner when the seller files the answer to the complaint under subsection (a).

As added by P.L.2-2008, SEC.6.

IC 15-15-5-19

Investigation; payment of costs; disposition of payments

Sec. 19. (a) Before beginning a complaint investigation, the commissioner shall prepare and provide to the parties an estimate of the costs to be incurred during the investigation of the complaint.

(b) Before a complaint investigation begins, the buyer and the seller shall each pay to the commissioner an amount equal to fifty percent (50%) of the costs estimated by the commissioner under subsection (a). The money required to be paid under this subsection is in addition to the filing fees required by sections 17 and 18 of this chapter.

(c) The commissioner shall deposit the money paid under subsection (b) in a separate account. The costs of the investigation shall be paid from money in the account.

(d) If the actual costs of the investigation are greater than the costs estimated under subsection (a), the buyer and the seller shall each pay fifty percent (50%) of the difference between the actual costs and the costs estimated under subsection (a).

(e) If the actual costs of the investigation are less than the costs estimated under subsection (a), the commissioner shall refund to the buyer and the seller each fifty percent (50%) of the difference between the actual costs and the costs estimated under subsection (a).

As added by P.L.2-2008, SEC.6.

IC 15-15-5-20
Council investigation of complaint

Sec. 20. The commissioner shall refer the complaint and answer to the council for investigation, findings, and recommendations.
As added by P.L.2-2008, SEC.6.

IC 15-15-5-21
Report of findings

Sec. 21. Upon referral of a complaint for investigation, the council shall make a prompt and full investigation of the matters complained of and report its findings and recommendations to the commissioner not later than sixty (60) days after the referral or a later date as the parties may determine.
As added by P.L.2-2008, SEC.6.

IC 15-15-5-22
Council report; contents

Sec. 22. The report of the council must include findings of facts, conclusions of law, and recommendations as to costs, if any.
As added by P.L.2-2008, SEC.6.

IC 15-15-5-23
Delegation of investigation

Sec. 23. The council may delegate all or any part of any investigation to one (1) or more of its members. Any delegated investigation shall be summarized in writing and considered by the council in its report.
As added by P.L.2-2008, SEC.6.

IC 15-15-5-24
Confidentiality of trade secrets and proprietary information

Sec. 24. The council shall ensure that all trade secrets and other information of a proprietary nature collected during the course of an investigation under this chapter are kept confidential to the degree necessary to ensure the property rights of the seller and the civil rights of the buyer.
As added by P.L.2-2008, SEC.6.

IC 15-15-5-25
Per diem and travel expenses

Sec. 25. A member of the council is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). A member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.
As added by P.L.2-2008, SEC.6.

IC 15-15-5-26
Transmission of report to parties

Sec. 26. After the council has made its report, the commissioner shall promptly transmit the report by certified mail to all parties.
As added by P.L.2-2008, SEC.6.

IC 15-15-5-27
Settlement recommendation; acceptance or rejection of recommendation

Sec. 27. The buyer and seller shall each give written notice to the commissioner of the acceptance or rejection of the council's recommended terms of settlement not later than thirty (30) days after the date of the council's recommendation.
As added by P.L.2-2008, SEC.6.

IC 15-15-5-28
Rules

Sec. 28. The commissioner may adopt rules under IC 4-22-2 to do the following:

(1) Describe the conditions and circumstances relating to seed to which arbitration under this chapter is applicable.

(2) Supplement the procedures of the arbitration process set forth in this chapter.

As added by P.L.2-2008, SEC.6.

IC 15-15-6
Chapter 6. Seed Contracts

IC 15-15-6-1
Application; applicable law

Sec. 1. (a) Except as provided in section 2 of this chapter, this chapter applies to a seed contract for seed that is planted in Indiana.

(b) Other applicable Indiana law not in conflict with this chapter applies to a seed contract for seed that is planted in Indiana.

As added by P.L.2-2008, SEC.6.

IC 15-15-6-2
Application to certain contracts

Sec. 2. This chapter does not apply to either of the following:

(1) A seed contract entered into before January 1, 2004.

(2) A production contract.

As added by P.L.2-2008, SEC.6.

IC 15-15-6-3
Application of certain definitions

Sec. 3. The definitions in IC 15-15-7 apply throughout this chapter.

As added by P.L.2-2008, SEC.6.

IC 15-15-6-4
Incorporation of law into seed contracts

Sec. 4. (a) The provisions of this chapter are considered to be a part of every seed contract.

(b) A seed contract is not required to contain or restate any provision of this chapter.

(c) A bag or other container used by a seed supplier to deliver seed to a farmer is not required to bear a label or any other writing containing or restating any provision of this chapter. A provision found on a label or any other writing on a seed bag or container inconsistent with this chapter is not enforceable against a farmer.

(d) The failure of a seed supplier to state any provision of this chapter in a seed contract, on a label, or in any other writing on a seed bag or container is not a violation of this chapter.

As added by P.L.2-2008, SEC.6.

IC 15-15-6-5
Conflict with law; void contracts

Sec. 5. A provision of a seed contract in conflict with this chapter is void.

As added by P.L.2-2008, SEC.6.

IC 15-15-6-6
Waiver of law void

Sec. 6. A provision of a seed contract that purports to waive a provision of this chapter is void.
As added by P.L.2-2008, SEC.6.

IC 15-15-6-7
State law governing seed contracts
Sec. 7. A seed contract subject to this chapter is governed by the laws of Indiana.
As added by P.L.2-2008, SEC.6.

IC 15-15-6-8
Choice of other law
Sec. 8. If a seed contract purports to choose the laws of a jurisdiction other than Indiana to govern the contract, the choice is not enforceable.
As added by P.L.2-2008, SEC.6.

IC 15-15-6-9
Choice of forums; unenforceable choice
Sec. 9. (a) This section applies only if a seed contract purports to choose a forum that would not otherwise have jurisdiction over a farmer.
(b) The forum selection provision of a seed contract must be printed conspicuously in immediate proximity to the space reserved for the signature of the farmer. For purposes of this subsection, a forum selection provision is printed conspicuously if any of the following apply:
(1) The provision is printed in capital letters, and other text is printed in capital and lower case letters.
(2) The provision is printed in a larger, bold, or other typeface different from other text.
(3) The provision is printed in a color that contrasts with other text.
(4) The provision is underlined.
(5) The provision is printed in any other way that highlights the provision in relation to the other text of the contract.
(c) A forum selection provision that violates this section is not enforceable.
As added by P.L.2-2008, SEC.6.

IC 15-15-6-10
Confidential communications
Sec. 10. Communications:
(1) between a farmer and:
(A) a member of the farmer's immediate family;
(B) an attorney;
(C) an accountant;
(D) a professional adviser; or

(E) a partner, an associate, or another individual engaged with the farmer in the farming enterprise for which the seed was purchased;

(2) regarding the terms of a seed contract; and

(3) made for the purpose of giving advice to the farmer;

are not a breach of a confidentiality provision in a seed contract.

As added by P.L.2-2008, SEC.6.

IC 15-15-6-11

Possession of proprietary material; effect of de minimus possession

Sec. 11. If:

(1) a product in which the seed supplier has rights is possessed by the farmer or found on real property owned or occupied by the farmer; and

(2) the presence of the product is de minimus or not intended by the farmer;

the farmer is not liable for breach of the seed contract.

As added by P.L.2-2008, SEC.6.

IC 15-15-7
Chapter 7. Inspections Under Seed Contracts

IC 15-15-7-1
Application; applicable law

Sec. 1. (a) Except as provided in section 2 of this chapter, this chapter applies to the inspection of:

(1) seed; and

(2) the crop growing from seed;

by a seed supplier under the seed supplier's rights in a seed contract.

(b) Other applicable Indiana law not in conflict with this chapter applies to a seed supplier inspecting:

(1) seed; and

(2) the crop growing from seed;

under the seed supplier's rights in a seed contract.

As added by P.L.2-2008, SEC.6.

IC 15-15-7-2
Application to production contract

Sec. 2. This chapter does not apply to an inspection by a seed supplier under a production contract.

As added by P.L.2-2008, SEC.6.

IC 15-15-7-3
"Farmer"

Sec. 3. As used in this chapter, "farmer" refers to a person who is engaged in commercial farming and who plants seed in Indiana under a seed contract to grow a commercial crop.

As added by P.L.2-2008, SEC.6.

IC 15-15-7-4
"Production contract"

Sec. 4. As used in this chapter, "production contract" refers to any of the following:

(1) A contract to grow seed for demonstration purposes.

(2) A contract to grow seed for research purposes.

(3) A contract to grow seed under which the seed supplier:

(A) retains title to the crop or a product from the crop; or

(B) has the right or obligation to purchase, receive, or direct the disposition of the crop or a product from the crop.

(4) A contract to grow seed in connection with an identity preserved crop program.

As added by P.L.2-2008, SEC.6.

IC 15-15-7-5
"Seed"

Sec. 5. As used in this chapter, "seed" refers to agricultural seed (as defined in IC 15-15-1-2) or vegetable seed (as defined in

IC 15-15-1-24) used to grow a commercial agricultural or a commercial vegetable crop.
As added by P.L.2-2008, SEC.6.

IC 15-15-7-6
"Seed contract"
Sec. 6. As used in this chapter, "seed contract" refers to a written contract between a seed supplier and a farmer that a farmer must sign to obtain the seed or the right to plant the seed.
As added by P.L.2-2008, SEC.6.

IC 15-15-7-7
"Seed supplier"
Sec. 7. As used in this chapter, "seed supplier" refers to a person engaged in commercial production or supply of either of the following:
(1) Seed.
(2) Technology genetically engineered into seed.
As added by P.L.2-2008, SEC.6.

IC 15-15-7-8
Unenforceable seed contract provisions; conflict with law
Sec. 8. A provision of a seed contract in conflict with this chapter is unenforceable against a farmer.
As added by P.L.2-2008, SEC.6.

IC 15-15-7-9
Unenforceable seed contract provisions; waiver of law
Sec. 9. A provision of a seed contract that purports to waive a provision of this chapter is unenforceable against a farmer.
As added by P.L.2-2008, SEC.6.

IC 15-15-7-10
Inspection under seed contract; procedure; court order; rules
Sec. 10. (a) As used in this section, "commissioner" refers to the state seed commissioner.
(b) A seed contract may not give or be interpreted to give a seed supplier or an agent of a seed supplier the right to enter real property owned or occupied by the farmer to acquire samples of the crop grown from the seed or any other plant growing on the real property unless all of the following apply:
(1) The seed supplier gives written notice to the farmer and the commissioner of the seed supplier's intent to enter the real property. The notice must be given not later than five (5) business days before the day the seed supplier or the seed supplier's agent enters the real property. The notice must include the following information:
(A) The date and time of the entry upon the land.

(B) The purpose for the entry upon the land.

(2) The seed supplier must permit the farmer, the commissioner, or the agents of the farmer or the commissioner to accompany the seed supplier or the seed supplier's agent while samples are taken.

(3) The seed supplier must permit the farmer, the commissioner, or the agents of the farmer or the commissioner to take matching samples or receive split samples of any samples taken by the seed supplier.

(c) The seed supplier must provide reasonable cooperation to the farmer, the commissioner, or the agents of the farmer or the commissioner during the course of activities described in subsection (b)(2) and (b)(3).

(d) If the commissioner or an agent of the commissioner accompanies the seed supplier on the real property to take samples under this section, the seed supplier and the farmer shall each pay fifty percent (50%) of the reasonable costs incurred by the commissioner or the commissioner's agent, as determined by the commissioner, in connection with the activities.

(e) In an action on the seed contract between the seed supplier and the farmer, the prevailing party may recover the costs that the prevailing party paid under subsection (d) in addition to any other damages to which the prevailing party is entitled.

(f) A seed supplier may obtain an order from a court with jurisdiction authorizing the seed supplier or the seed supplier's agent to enter real estate owned or occupied by a farmer and on which seed that is the subject of a seed contract is growing. If the court issues an order, the order must require that if any samples are taken, matching or split samples must be taken by a person who is independent from the seed supplier.

(g) The commissioner may adopt rules under IC 4-22-2 to implement this section.

As added by P.L.2-2008, SEC.6.

IC 15-15-7-11

Notice of seed contract suit; violations

Sec. 11. (a) As used in this section, "suit" refers to a suit commenced against a farmer by a seed supplier to enforce the seed supplier's rights under, or in connection with, a seed contract.

(b) If a seed supplier files suit against a farmer, the seed supplier shall provide simultaneous written notice of the suit to the director of the Indiana state department of agriculture.

(c) Failure to give notice of the suit to the director of the Indiana state department of agriculture as provided in subsection (b) does not impair the jurisdiction of the court to hear the suit.

(d) A seed supplier that fails to give notice to the director of the Indiana state department of agriculture as provided in subsection (b) commits a Class B infraction.

(e) The director of the Indiana state department of agriculture shall keep a file of all notices of suits received under this section.
As added by P.L.2-2008, SEC.6. Amended by P.L.120-2008, SEC.49.

IC 15-15-7-12
Farmer right of action for violations; damages; attorney's fees

Sec. 12. (a) A farmer has a right of action against a seed supplier if the seed supplier or an agent of the seed supplier enters real property owned or occupied by the farmer in violation of section 10 of this chapter.

(b) If a farmer prevails in an action filed under this section, the farmer is entitled to recover from the seed supplier all the following:

(1) Any actual damages proven by the farmer resulting from the seed supplier's violation of section 10 of this chapter.

(2) The farmer's reasonable attorney's fees and other litigation costs reasonably incurred in connection with the action.

As added by P.L.2-2008, SEC.6.

IC 15-15-8
Chapter 8. Indiana Organic Certification Accreditation

IC 15-15-8-1
"Applicant"

Sec. 1. As used in this chapter, "applicant" refers to a certifying agent applying for accreditation from the director in compliance with the Organic Foods Production Act.

As added by P.L.2-2008, SEC.6.

IC 15-15-8-2
"Certifying agent"

Sec. 2. As used in this chapter, "certifying agent" refers to a person or entity acting as an independent contractor who is:

(1) accredited by the director; and

(2) accredited by the United States Department of Agriculture under the Organic Foods Production Act.

As added by P.L.2-2008, SEC.6. Amended by P.L.197-2011, SEC.51.

IC 15-15-8-3
"Director"

Sec. 3. As used in this chapter, "director" refers to the director of the Indiana state department of agriculture or the director's designee.

As added by P.L.2-2008, SEC.6. Amended by P.L.120-2008, SEC.50.

IC 15-15-8-4
"Organic"

Sec. 4. As used in this chapter, "organic" refers to the method of crop production with respect to a particular crop. The term does not refer to the quality, nutritional value, or healthfulness of the crop produced.

As added by P.L.2-2008, SEC.6.

IC 15-15-8-5
"Organic Foods Production Act"

Sec. 5. As used in this chapter, "Organic Foods Production Act" means the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

As added by P.L.2-2008, SEC.6.

IC 15-15-8-6
Repealed

(As added by P.L.2-2008, SEC.6. Repealed by P.L.197-2011, SEC.153.)

IC 15-15-8-7
Accreditation of applicants

Sec. 7. (a) The director may grant accreditation to an applicant

under this chapter.

(b) The director shall make a determination and respond to the applicant not later than three (3) months after the date of receipt of the application.

As added by P.L.2-2008, SEC.6. Amended by P.L.197-2011, SEC.52.

IC 15-15-8-8

Application for accreditation required

Sec. 8. A certifying agent operating within Indiana must apply in writing to the director for accreditation.

As added by P.L.2-2008, SEC.6.

IC 15-15-8-9

Repealed

(As added by P.L.2-2008, SEC.6. Repealed by P.L.197-2011, SEC.153.)

IC 15-15-8-10

Repealed

(As added by P.L.2-2008, SEC.6. Repealed by P.L.197-2011, SEC.153.)

IC 15-15-8-11

Repealed

(As added by P.L.2-2008, SEC.6. Repealed by P.L.197-2011, SEC.153.)

IC 15-15-8-12

Implementation by director

Sec. 12. The director shall implement this chapter. The director has no regulatory authority under this chapter except as provided under section 17 of this chapter.

As added by P.L.2-2008, SEC.6. Amended by P.L.197-2011, SEC.53.

IC 15-15-8-13

Repealed

(As added by P.L.2-2008, SEC.6. Repealed by P.L.197-2011, SEC.153.)

IC 15-15-8-14

Certification required for products labeled organic

Sec. 14. A product sold in Indiana that is:

(1) labeled organic or certified organic; and

(2) produced in any other state of the United States;

must be certified in accordance with the Organic Foods Production Act.

As added by P.L.2-2008, SEC.6.

IC 15-15-8-15
Sale of products designated as organic; certification required

Sec. 15. A person may sell or label a product produced in Indiana as:

(1) organic;
(2) certified organic; or
(3) Indiana certified organic;

in Indiana only if the product has been certified by a certifying agency that has been accredited by the director.
As added by P.L.2-2008, SEC.6.

IC 15-15-8-16
Repealed

(As added by P.L.2-2008, SEC.6. Repealed by P.L.197-2011, SEC.153.)

IC 15-15-8-17
Rules

Sec. 17. The director shall adopt rules under IC 4-22-2 to implement this chapter.
As added by P.L.2-2008, SEC.6.

IC 15-15-8-18
Repealed

(As added by P.L.2-2008, SEC.6. Repealed by P.L.197-2011, SEC.153.)

IC 15-15-8-19
Violations; marketing uncertified products

Sec. 19. (a) A person:

(1) who uses the term:
    (A) organic;
    (B) certified organic; or
    (C) Indiana certified organic;
alone or in combination with other words to market a product that has not been designated "certified organic" by an accredited certifying agent under this chapter and in accordance with the Organic Foods Production Act; and
(2) who:
    (A) knows; or
    (B) reasonably should know;
that the product has not been designated "certified organic" by an accredited certifying agent under this chapter and in accordance with the Organic Foods Production Act;

commits a Class A infraction.

(b) Each label or each copy of a written public document containing the words "organic" or "certified organic" alone or in combination with other words used to market a product that has not

been designated "certified organic" by an accredited certifying agent constitutes a separate infraction.
As added by P.L.2-2008, SEC.6.

IC 15-15-9

Chapter 9. Certification of Agricultural Products

IC 15-15-9-1

"Administrator"

Sec. 1. As used in this chapter, "administrator" means the governor or the governor's designee.

As added by P.L.2-2008, SEC.6.

IC 15-15-9-2

"Agricultural product"

Sec. 2. As used in this chapter, "agricultural product" includes a plant or part of a plant or plant byproduct lawfully grown in Indiana.

As added by P.L.2-2008, SEC.6.

IC 15-15-9-3

"Buyer"

Sec. 3. As used in this chapter, "buyer" means a buyer of an agricultural product bought for direct shipment to a person in a foreign country.

As added by P.L.2-2008, SEC.6.

IC 15-15-9-4

Agricultural product certification

Sec. 4. The administrator may certify that a certain agricultural product meets the specifications of a buyer of the agricultural product.

As added by P.L.2-2008, SEC.6.

IC 15-15-9-5

Fees

Sec. 5. The administrator shall charge a fee to cover the costs of certification under this chapter.

As added by P.L.2-2008, SEC.6.

IC 15-15-9-6

Administrator's powers

Sec. 6. The administrator has all power necessary to implement this chapter.

As added by P.L.2-2008, SEC.6.

IC 15-15-9-7

Liability of the administrator and state

Sec. 7. Neither the administrator nor the state incurs any liability for lawful actions taken under this chapter.

As added by P.L.2-2008, SEC.6.

IC 15-15-9-8

Offenses; forging certification

Sec. 8. A person who intentionally or knowingly forges a certification or the identification of an agricultural product under this chapter commits a Level 6 felony.

As added by P.L.2-2008, SEC.6. Amended by P.L.158-2013, SEC.207.

IC 15-15-10
Chapter 10. Agricultural Marketing and Research

IC 15-15-10-1
Legislative declaration

Sec. 1. The general assembly declares that a sound, efficient, and privately operated system for distributing and marketing agricultural products is essential to a prosperous agriculture and is indispensable to the maintenance of high employment and to the welfare and prosperity of the state.

As added by P.L.2-2008, SEC.6.

IC 15-15-10-2
Appropriation; Purdue University's authority; purposes

Sec. 2. (a) To accomplish the objectives stated in section 1 of this chapter by making a scientific approach through research, study, experimentation, education, extension market, and news services, and through cooperation among state and federal agencies, appropriate organizations, and private industry, there is appropriated, from money in the state general fund not otherwise appropriated, to Purdue University for the use and benefit of its agricultural research programs and cooperative extension service fifty thousand dollars ($50,000) for each state fiscal year solely for purposes of this chapter and in addition to other funds appropriated to Purdue University.

(b) Purdue University may, through its agricultural research programs and cooperative extension service, conduct, assist, and foster research to improve the marketing, handling, storage, processing, transportation, and distribution of agricultural products to do the following:

(1) Improve marketing methods.

(2) Reduce distribution costs.

(3) Develop new and wider markets.

(4) Provide for the dissemination of information to implement this chapter, including more effective use of agricultural products, consumer education, and quality improvement so that agricultural products may be marketed in an orderly manner and to the best interest of the producers and consumers.

(c) Money appropriated by this chapter shall be used for payment of salaries, supplies, traveling expenses, and any other expenses considered necessary to implement this chapter, including money that Purdue University considers necessary for the expenses of appropriate organizations and private industries cooperating in the program.

As added by P.L.2-2008, SEC.6.

IC 15-15-10-3
Agency to receive federal funds

Sec. 3. Purdue University is designated and authorized as the

agency of the state to receive:

(1) cooperative funds from the United States Department of Agriculture for research, education, and marketing services as authorized in the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.); or

(2) any other cooperative funds provided by the United States Department of Agriculture for research, education, and marketing services.

As added by P.L.2-2008, SEC.6.

IC 15-15-11

Chapter 11. Promotion of Agricultural Products

IC 15-15-11-1

"Agricultural commodity"

Sec. 1. As used in this chapter, "agricultural commodity" means poultry, poultry products, cattle, dairy products, sheep, wool, goats, mint, soybeans, wheat, or small grains. The term includes flour made from wheat or small grains.

As added by P.L.2-2008, SEC.6. Amended by P.L.130-2011, SEC.1.

IC 15-15-11-2

"Commercial quality"

Sec. 2. As used in this chapter, "commercial quantity" means a quantity produced and marketed through commercial channels of trade.

As added by P.L.2-2008, SEC.6.

IC 15-15-11-3

"Commodity market development council"

Sec. 3. As used in this chapter, "commodity market development council" refers to a group representative of the agricultural commodity.

As added by P.L.2-2008, SEC.6.

IC 15-15-11-4

"Dean of agriculture"

Sec. 4. As used in this chapter, "dean of agriculture" refers to the dean of the college of agriculture of Purdue University. The term includes the dean's designee.

As added by P.L.2-2008, SEC.6. Amended by P.L.130-2011, SEC.2.

IC 15-15-11-5

"Director"

Sec. 5. As used in this chapter, "director" refers to the director of the department of agriculture.

As added by P.L.2-2008, SEC.6.

IC 15-15-11-6

"Handler"

Sec. 6. As used in this chapter, "handler" means a person who engages in the selling, marketing, or distribution of an agricultural commodity that the person:

(1) has purchased for resale; or

(2) is marketing on behalf of a producer.

The term includes a producer who distributes an agricultural commodity that the producer has produced.

As added by P.L.2-2008, SEC.6.

IC 15-15-11-7
"Processor"

Sec. 7. As used in this chapter, "processor" means a person engaged in the receiving, grading, packing, canning, freezing, drying, or other methods of preparation for market of agricultural commodities produced in Indiana for sale.

As added by P.L.2-2008, SEC.6.

IC 15-15-11-8
"Producer"

Sec. 8. As used in this chapter, "producer" means an individual, a firm, a limited liability company, a corporation, a partnership, or an unincorporated association engaged in Indiana in the business of producing for market or receiving income from an agricultural commodity in commercial quantities.

As added by P.L.2-2008, SEC.6.

IC 15-15-11-9
Marketing program; commodity market development council; establishment; fees

Sec. 9. (a) A marketing program proposed or adopted under this chapter may include any of the following:

(1) Market development and research programs.

(2) Market promotion, education, and public relations programs.

(3) Market information services.

(4) The right to contract with qualified organizations, agencies, or individuals for any of the activities described in subdivision (1), (2), or (3).

(b) A commodity market development council organized under this chapter may not do any of the following:

(1) Establish, promulgate, or fix the price of an agricultural commodity.

(2) Limit the production of an agricultural commodity in any way.

(3) Use the fees collected under this chapter for political or legislative activity of any kind.

As added by P.L.2-2008, SEC.6.

IC 15-15-11-10
Commodity market council; petition; establishment; membership

Sec. 10. (a) A representative group of at least five percent (5%) of the producers of an agricultural commodity may petition the dean of agriculture for permission to establish a commodity market development council.

(b) A petition described in subsection (a) must include the following:

(1) A statement of the area of production to be included. The area must be statewide. However, the area may be limited to a

well defined smaller area if the area is the principal commercial producer of the agricultural commodity in Indiana.

(2) A statement of the general purposes of the agricultural commodity market development council program. The purposes may include research, education, market development, publicity, sales promotion, and cooperation with other state, regional, and national organizations.

(3) The amount of the fee to be collected for each designated unit of commercial quantities of the agricultural commodity.

(4) The method to be used in the collection of the fee.

(5) The composition, qualification, terms of office, method of nomination, election, filling unexpired terms, expenses, and duties of the members of the commodity market development council. However, the following apply to the council:

(A) The council must consist of an odd number of at least five (5) but not more than fifteen (15) members. A member may not serve on the council for more than six (6) consecutive years. A majority of the council members must be producers selected by producers.

(B) The dean of agriculture serves as an ex officio member of the council.

(C) The director of the Indiana state department of agriculture or the director's designee serves as an ex officio member of the council.

(6) The method of conducting the referendum of the agricultural commodity producers. The method must be either by mail or by polling place, depending on the area and volume of the commodity.

As added by P.L.2-2008, SEC.6. Amended by P.L.120-2008, SEC.51.

IC 15-15-11-11

Hearing; findings

Sec. 11. (a) A hearing held under section 12 of this chapter must be public, and a permanent record must be made of all testimony received. The dean of agriculture shall conduct the hearing and may make the determination from the record.

(b) The dean of agriculture shall give notice of the hearing by publication in trade journals and newspapers of general circulation in each area affected not later than ten (10) days before the date of the hearing. The representative group must pay all fees for initial organization in cash to the dean. Initial organization fees may not be paid from state money.

(c) The dean of agriculture shall do the following:

(1) Make and publish findings based upon the facts, testimony, and evidence received at the public hearing.

(2) Provide for copies of the dean of agriculture's findings and decisions to be delivered or mailed to all parties of record appearing at the hearing or the parties' attorneys of record.

As added by P.L.2-2008, SEC.6.

IC 15-15-11-12
Referendum; notice; fee changes

Sec. 12. (a) If the dean of agriculture approves the petition, in whole or as revised, the dean of agriculture shall call a referendum among producers of commercial quantities of the commodity to vote upon establishment of the proposed commodity market development program.

(b) Before issuance of a notice of referendum on a proposed commodity market development program, the dean of agriculture shall establish the number of producers qualified of that particular agricultural commodity. The producers must register with the dean of agriculture, who shall maintain a list of those producers. At least twenty percent (20%) of the producers must register before a referendum may be held. The dean of agriculture shall establish a registration period for establishing, continuing, changing, or terminating a marketing program after the dean of agriculture calls for a referendum. Postdating of a registration is void. The producer or handler list established under this subsection is final and conclusive in making determinations relative to the assent of producers upon the issuance, amendment, or termination of a commodity market development program.

(c) The dean of agriculture shall publish a notice of referendum to the attention of producers in the newspapers or trade journals within the affected area that the dean of agriculture prescribes. The dean of agriculture may also mail notice to all producers or handlers on the current list of producers.

(d) If the majority of those who actually vote favor the adoption of the proposal in the petition, the dean of agriculture shall declare the proposal to be adopted.

(e) A proposal to change the amount of the fee or to make other major changes in the program may be made only if a proposal for the change is adopted by a two-thirds (2/3) vote of the commodity market development council or by petition of twenty-five percent (25%) of the agricultural commodity producers. The proposal must then be submitted to a referendum under which the same percentages of votes favoring the proposal (by number and production) are required for approval as were required for establishment of the original market development program.

(f) A proposal to terminate a commodity market development program may be made only if a proposal for termination is adopted by a majority of the commodity market development council or by petition of two percent (2%) of the agricultural commodity producers. The proposed termination must be submitted to a referendum under which a simple majority of those voting in favor of termination of the program is required for termination.

(g) A referendum to:

(1) set up a commodity market development council for a particular commodity;
(2) change the amount of fee;
(3) make other major changes; or
(4) terminate a commodity market development council;

may not be held within twelve (12) months of a referendum conducted for a similar purpose for the same agricultural commodity.

(h) If the amount of refund requests under section 18 of this chapter exceeds twenty-five percent (25%) of the amount collected under this chapter for a fiscal year, the dean of agriculture shall conduct a referendum on the continuation of the commodity market development council.

(i) Any eligible producer may register to participate in a referendum on the continuation or termination of a program. Registration for such a referendum may not be limited to those producers who registered for the referendum to establish the program.

As added by P.L.2-2008, SEC.6. Amended by P.L.130-2011, SEC.3.

IC 15-15-11-13
Commodity market development; advice to dean

Sec. 13. The dean of agriculture shall be guided by the advice, recommendations, and assistance of the commodity market development council about:

(1) the collection and expenditures of funds; and
(2) audits and refunds;

associated with the commodity market development program.

As added by P.L.2-2008, SEC.6. Amended by P.L.130-2011, SEC.4.

IC 15-15-11-14
Fee imposed

Sec. 14. (a) As used in this section, "commercial channel of trade" means that series of transactions leading directly from the final producer of the agricultural commodity to the purchase of the agricultural commodity by a processor.

(b) The fee for an agricultural commodity imposed under this chapter must be paid when the final producer places the agricultural commodity in a commercial channel of trade.

As added by P.L.2-2008, SEC.6.

IC 15-15-11-15
Fee collection; penalty; individual commodity council market development fund; accounting statement

Sec. 15. (a) Except as provided in subsection (b), the dean of agriculture shall collect the fee imposed under the commodity market development program from the producers, handlers, or processors.

(b) This subsection applies to a commodity market development program for cattle, dairy products, or soybeans. The dean of

agriculture shall collect ninety-seven percent (97%) of the fee imposed under the commodity market development program from the producers, handlers, or processors. A producer, handler, or processor may retain the remaining three percent (3%) as compensation for collecting the fee.

(c) If a market development fee is unpaid on the date that the fee was due, a penalty of one percent (1%) per month is imposed beginning on the date the fee was due until payment plus the penalty is received by the dean of agriculture. If, after notice, a person defaults in a payment of the fee or penalties imposed under this subsection, the amount due shall be collected by civil action in the name of the state of Indiana at the request of the dean of agriculture, and the person adjudged in default shall pay the costs of the action. The attorney general, at the request of the dean of agriculture, and, if requested by the attorney general, the prosecuting attorney of any county, in which a cause of action arose under the provisions for the collection of fees due and unpaid, shall institute proper action in an Indiana court for the collection of unpaid fees and penalties.

(d) The individual commodity council market development fund is established. The fund consists of all fees paid to the dean of agriculture under that agricultural commodity program. The dean of agriculture shall spend all money credited to the fund, less administration expenses, for the use and benefit of the commodity market development council for which the fund is established.

(e) The dean of agriculture shall submit an annual statement to the commodity market development council that shows all receipts, administration expenses, refunds, and the balance credited to the fund.

(f) Not more than one (1) fee may be collected for an agricultural commodity under this chapter.

As added by P.L.2-2008, SEC.6. Amended by P.L.130-2011, SEC.5.

IC 15-15-11-16

Audit of funds

Sec. 16. The state board of accounts shall audit the funds received and expended by the commodity market development council under this chapter.

As added by P.L.2-2008, SEC.6.

IC 15-15-11-17

Commodity market development council's duties

Sec. 17. The dean of agriculture shall assist a commodity market development council to do the following:

(1) Elect a chairperson and any other officers.

(2) Authorize the expenditure of a budgeted amount of the council market development fund in the administration of the commodity market development program.

(3) Collect commodity market development fees.

(4) Perform other necessary duties.

As added by P.L.2-2008, SEC.6. Amended by P.L.130-2011, SEC.6.

IC 15-15-11-18

Refunded fees

Sec. 18. (a) A producer or handler is entitled to have the fees paid by the producer or handler refunded as provided in this section.

(b) A producer or handler must file a request for refund with the dean of agriculture not later than one hundred eighty (180) days after the payment of the fees.

(c) The dean of agriculture shall provide forms for the request of refund of fees under this section. A refund form shall be made available to a producer or handler when payment is made.

(d) For the purpose of making an application for a refund, a producer is considered the agent of all persons who have an interest in the agricultural commodity. The interest of each person in the agricultural commodity must be indicated on the refund request form, and the refund shall be paid to each interested person's interest according to that person's interest.

As added by P.L.2-2008, SEC.6. Amended by P.L.130-2011, SEC.7.

IC 15-15-12

Chapter 12. Indiana Corn Market Development

IC 15-15-12-1

Application of chapter

Sec. 1. This chapter applies to all kinds and varieties of corn marketed or sold as corn by a producer in Indiana.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-2

"Bushel"

Sec. 2. As used in this chapter, "bushel" means fifty-six (56) pounds of corn by weight.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-3

"Corn"

Sec. 3. As used in this chapter, "corn" does not include sweet corn, seed corn, or popcorn.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-4

"Council"

Sec. 4. As used in this chapter, "council" refers to the Indiana corn marketing council established by section 17 of this chapter.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-5

"Dean of agriculture"

Sec. 5. As used in this chapter, "dean of agriculture" refers to the dean of agriculture of Purdue University.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-6

"Director"

Sec. 6. As used in this chapter, "director" refers to the director of the Indiana state department of agriculture or the person designated by the director of the Indiana state department of agriculture to carry out duties imposed on the director of the Indiana state department of agriculture under this chapter.

As added by P.L.2-2008, SEC.6. Amended by P.L.120-2008, SEC.52.

IC 15-15-12-7

"First purchase"

Sec. 7. As used in this chapter, "first purchase" means a sale of corn at the first point of delivery when the corn is weighed and graded and title to the corn is transferred.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-8
"First purchaser"

Sec. 8. (a) As used in this chapter, "first purchaser" means a person who is engaged in Indiana in the business of buying corn from producers. The term refers to a person buying or acquiring corn from:

(1) the producer of the corn; or

(2) the Commodity Credit Corporation, if the corn is pledged as collateral for a loan issued under a price support loan program administered by the Commodity Credit Corporation.

(b) The term does not include a buyer of corn who buys less than one hundred thousand (100,000) bushels of corn annually for the buyer's own use as seed or feed.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-9
"Grain"

Sec. 9. As used in this chapter "grain" has the meaning set forth in IC 26-4-1-13.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-10
"Market development"

Sec. 10. As used in this chapter, "market development" means to:

(1) provide for the development of new or larger domestic and foreign markets for corn;

(2) promote the production and marketing of renewable fuels and new technologies that use corn; and

(3) access federal government money available to the state to further the market development activities described in subdivisions (1) and (2).

As added by P.L.2-2008, SEC.6.

IC 15-15-12-11
"Marketing year"

Sec. 11. As used in this chapter, "marketing year" means the twelve (12) month period beginning October 1 and ending the following September 30.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-12
"Person"

Sec. 12. As used in this chapter, "person" means an individual, a partnership, a limited liability company, a public or private corporation, a political subdivision (as defined in IC 36-1-2-13), a cooperative, a society, an association, or a fiduciary.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-13
"Producer"

Sec. 13. As used in this chapter, "producer" means a person engaged in the business of producing and marketing corn in Indiana under:

(1) the producer's own name; or
(2) the name of an entity in which the producer has ownership.

As added by P.L.2-2008, SEC.6. Amended by P.L.98-2012, SEC.4.

IC 15-15-12-14
"Promotion"

Sec. 14. As used in this chapter, "promotion" means:

(1) communication directly with corn producers;
(2) technical assistance; and
(3) trade marketing activities;

to enhance the marketing opportunities of corn for corn products in domestic and foreign markets.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-15
"Research"

Sec. 15. As used in this chapter, "research" means a study to advance the:

(1) marketability;
(2) production;
(3) product development;
(4) quality; or
(5) functional or nutritional value;

of corn or corn products, including a research activity designed to identify and analyze barriers to domestic and foreign sales of corn or corn products.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-16
"Sale"

Sec. 16. As used in this chapter, "sale" means a conveyance of title to corn or the pledge or other encumbrance of corn as security for a loan extended by the Commodity Credit Corporation under a federal price support loan program.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-17
Indiana corn marketing council established; membership; residence; per diem and travel expenses

Sec. 17. (a) The Indiana corn marketing council is established. The council is a public body corporate and politic, and though it is separate from the state, the exercise by the council of its powers constitutes an essential governmental function. The council may sue

and be sued and plead and be impleaded.

(b) The council consists of seventeen (17) voting and eight (8) ex officio, nonvoting members. The elected members from districts listed under section 21(a) of this chapter must:

(1) be registered as voters in Indiana;

(2) be at least eighteen (18) years of age;

(3) be producers; and

(4) have an assessment on corn under section 32 of this chapter made during the previous two (2) years.

(c) Each elected member of the council must reside in the district identified in section 21(a) of this chapter from which the member is elected.

(d) Each member of the council is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency. However, council members are not entitled to a salary or per diem.

As added by P.L.2-2008, SEC.6. Amended by P.L.98-2012, SEC.5.

IC 15-15-12-18

Terms

Sec. 18. (a) The term of office of an elected or appointed council member is three (3) years. A member's term of office expires at the end of the final marketing year in the term. However, a member continues in office until a successor who meets the qualifications set forth in section 17(b) of this chapter is elected.

(b) An elected or appointed council member may not hold office for more than three (3) consecutive full terms.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-19

Vacancies

Sec. 19. (a) If a member of the council elected or appointed under section 21(a), 21(b), 21(c), or 21(d) of this chapter ceases to meet one (1) or more of the qualifications set forth in section 17(b) of this chapter, the member's term of office terminates and the member's office becomes vacant.

(b) Whenever an elected council member's office becomes vacant before the expiration of the member's term of office, the council shall fill the vacancy by appointing a replacement member who meets the qualifications set forth in section 17(b) of this chapter. The appointee shall serve for the remainder of the unexpired term.

(c) Whenever the office of a member appointed under section 21(e), 21(f), 21(g), or 21(h) of this chapter becomes vacant, the appointing authority who appointed the member shall fill the vacancy. An appointee under this subsection shall serve for the remainder of the unexpired term.

As added by P.L.2-2008, SEC.6. Amended by P.L.98-2012, SEC.6.

IC 15-15-12-20
Appointment of nonvoting council members

Sec. 20. (a) When necessary, the council may appoint individuals who hold offices of importance to the corn industry or have special expertise concerning that industry to participate in the work of the council. These individuals may not participate in votes taken by the council but are eligible for reimbursement for traveling expenses.

(b) A person appointed under this section serves a term of three (3) years.

(c) A person appointed under this section may not serve for more than three (3) consecutive full terms.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-21
Election districts; qualifications; appointments; ex officio members

Sec. 21. (a) One (1) council member shall be elected from each of the following districts:

DISTRICT 1. The counties of Lake, Newton, Jasper, Benton, Porter, LaPorte, Starke, White, and Pulaski.

DISTRICT 2. The counties of St. Joseph, Elkhart, Marshall, Kosciusko, Fulton, Carroll, Cass, Miami, and Wabash.

DISTRICT 3. The counties of LaGrange, Steuben, Noble, DeKalb, Whitley, Allen, Huntington, Wells, and Adams.

DISTRICT 4. The counties of Montgomery, Fountain, Warren, Tippecanoe, Vermillion, Parke, Putnam, Vigo, Clay, and Owen.

DISTRICT 5. The counties of Clinton, Boone, Tipton, Howard, Grant, Hamilton, Madison, Hendricks, Marion, Hancock, Morgan, Johnson, Shelby, Rush, Bartholomew, and Decatur.

DISTRICT 6. The counties of Blackford, Jay, Delaware, Henry, Randolph, Wayne, Fayette, and Union.

DISTRICT 7. The counties of Sullivan, Greene, Knox, Daviess, Martin, Gibson, Pike, Dubois, Posey, Vanderburgh, Warrick, and Spencer.

DISTRICT 8. The counties of Monroe, Brown, Lawrence, Jackson, Orange, Washington, Perry, Crawford, Harrison, and Floyd.

DISTRICT 9. The counties of Franklin, Jennings, Jefferson, Ripley, Dearborn, Ohio, Clark, Switzerland, and Scott.

(b) Six (6) council members shall be elected to represent all counties in Indiana.

(c) The dean of agriculture shall appoint one (1) representative of the largest general farm organization in Indiana to serve as a member of the council.

(d) The dean of agriculture shall appoint one (1) representative of the second largest general farm organization in Indiana to serve as a member of the council.

(e) The director shall appoint two (2) representatives of first purchaser organizations to serve as nonvoting members of the council.

(f) Four (4) members serve on the council, to be appointed as nonvoting members as follows:

(1) One (1) member appointed by the president pro tempore of the senate.

(2) One (1) member appointed by the minority leader of the senate.

(3) One (1) member appointed by the speaker of the house of representatives.

(4) One (1) member appointed by the minority leader of the house of representatives.

The members appointed under this subsection are ex officio members of the council. The members of the senate must be of different political parties. The members of the house of representatives must be of different political parties. Notwithstanding any other law, the members appointed under this section are entitled to receive the per diem of members of the general assembly for time spent in attendance at the meetings of the council. Per diem of these members shall be paid by the council upon approval of the director.

(g) The dean of agriculture or the dean's designee shall serve as an ex officio, nonvoting member of the council.

(h) The secretary of agriculture or the secretary's designee shall serve as an ex officio, nonvoting member of the council.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-22

Date of election; notice

Sec. 22. An election of a council member shall be held in a district in the year in which the term of the district's council member is to expire. Between January 1 and March 15 of that year, the council shall notify the producers of the district of the impending election by publishing one (1) notice in a statewide agricultural publication and by making information available to the news media in the district.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-23

Ballots; petitions; forms

Sec. 23. (a) The ballot for the election of a district council member must include the name of each producer who:

(1) meets the qualifications set forth in section 17(b) of this chapter; and

(2) files with the council, not later than June 30 of the year of the election, a petition in support of candidacy signed by ten (10) other producers who reside in the district.

(b) The council shall provide petition forms upon request and shall make forms available:

(1) at cooperative extension service offices located in the district; and

(2) via the council's Internet web site.

(c) The council shall allow a producer to request a ballot through the council's Internet web site.

(d) A name other than the names of the producers who have qualified under this section may not be printed on the ballot by the council. All names on the ballot must be listed in alphabetical order based on the producer's surname.

(e) The council shall require each producer who submits a ballot to provide a separate attestation that the person is an eligible producer.

As added by P.L.2-2008, SEC.6. Amended by P.L.98-2012, SEC.7.

IC 15-15-12-24

Absentee ballots

Sec. 24. (a) For purposes of the election of a district council member, the council shall provide an absentee ballot to every producer who:

(1) resides outside Indiana or expects to be absent from the district in which the producer resides on the day of the election; and

(2) requests an absentee ballot from the council at least five (5) days but not more than thirty (30) days before the election.

(b) A producer's absentee ballot is not valid unless the council receives the ballot from the producer at least two (2) days before the election.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-25

Election judges; teller committee; traveling expenses

Sec. 25. (a) The director shall appoint election judges for the election of council members. The director shall also appoint a teller committee to count absentee ballots and to canvass and certify results of elections of council members.

(b) Each election judge or teller committee member appointed under this section is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with official duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency, but is not entitled to any salary or per diem.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-26

Election; date and location

Sec. 26. The election of a district council member must be conducted by the council in August at voting places located in the

district. The winner of an election takes office on the following October 1.
As added by P.L.2-2008, SEC.6.

IC 15-15-12-27
Council's duties

Sec. 27. (a) The council shall do the following:

(1) Elect a president, vice president, secretary, treasurer, and other officers the council considers necessary.

(2) Employ personnel and contract for services that are necessary for the proper implementation of this chapter.

(3) Bond the treasurer and such other persons as necessary to ensure adequate protection of funds received and administered by the council.

(4) Authorize the expenditure of funds and the contracting of expenditures to conduct proper activities under this chapter.

(5) Annually establish priorities and prepare and approve a budget consistent with the estimated resources of the council and the scope of this chapter.

(6) Annually publish an activities report and audit and present the report and audit to the director, the dean of agriculture, and the legislative council. The report and audit must be:

(A) sent to the legislative council in an electronic format under IC 5-14-6; and

(B) available on the council's Internet web site.

(7) Procure and evaluate data and information necessary for the proper implementation of this chapter.

(8) Formulate and execute assessment procedures and methods of collection.

(9) Receive and investigate, or cause to be investigated, complaints and violations of this chapter and take necessary action within the council's authority.

(10) Adopt bylaws and operating procedures governing operations of the council.

(11) Keep accurate accounts of all receipts and disbursements of funds handled by the council and have the receipts and disbursements audited annually by a certified public accountant.

(12) Establish and maintain an Internet web site.

(13) Take any other action necessary for the proper implementation of this chapter.

(b) A majority of the voting members of the council constitutes a quorum. The affirmative votes of at least a majority of the quorum, and at least nine (9) affirmative votes, are required for the council to take action.
As added by P.L.2-2008, SEC.6.

IC 15-15-12-28
Council meetings

Sec. 28. (a) The council shall meet at least three (3) times in each marketing year at the call of the president or at the request of two-thirds (2/3) of the members of the council.

(b) The council shall comply with the requirements under IC 5-14-1.5 (open door law).

As added by P.L.2-2008, SEC.6.

IC 15-15-12-29

Payment of expenses; investments; market development

Sec. 29. (a) The council shall pay all expenses incurred under this chapter with money from the assessments remitted to the council under this chapter.

(b) The council may invest all money the council receives under this chapter, including gifts or grants that are given for the express purpose of implementing this chapter, in the same way allowed by law for public funds.

(c) The council may expend money from assessments and from investment income not needed for expenses for market development, promotion, and research.

(d) The council may not use money received, collected, or accrued under this chapter for any purpose other than the purposes authorized by this chapter. The amount of money expended on administering this chapter in the council's fiscal year may not exceed ten percent (10%) of the average amount of assessments, grants, and gifts received by the council as calculated under subsection (e).

(e) The council shall determine the amount that it may expend to administer this chapter, using the following formula:

STEP ONE: Determine the amount of assessments, grants, and gifts received by the council in each of the preceding five (5) fiscal years beginning with the immediately preceding fiscal year.

STEP TWO: Determine the average annual amount of assessments, grants, and gifts received by the council in each fiscal year using three (3) of the five (5) fiscal years described in STEP ONE after excluding the two (2) years in which the amount of assessments, grants, and gifts received by the council were the highest and lowest totals.

STEP THREE: Divide the amount in STEP TWO by ten (10).

The amount in STEP THREE is the maximum amount that the council may expend on administering this chapter for the current fiscal year.

(f) The cost of processing refunds and applying for grants is not an administrative expense under this section.

As added by P.L.2-2008, SEC.6. Amended by P.L.148-2009, SEC.4; P.L.98-2012, SEC.8.

IC 15-15-12-30

Repealed

(As added P.L.2-2008, SEC.6. Repealed by P.L.148-2009, SEC.12.)

IC 15-15-12-30.5
Repealed

(As added by P.L.148-2009, SEC.5. Repealed by P.L.98-2012, SEC.9.)

IC 15-15-12-31
Liability for debts and actions of the council

Sec. 31. (a) Obligations incurred by the council and other liabilities and claims against the council may be enforced only against the assets of the council in the same manner as if the council were a corporation. Liabilities for the debts or actions of the council may not arise against:

(1) the state;

(2) a political subdivision (as defined in IC 34-6-2-110); or

(3) a member, an officer, an employee, or an agent of the council in an individual capacity.

(b) The members and employees of the council may not be held responsible individually in any way to any person for errors in judgment, mistakes, or other acts either of commission or omission, as principal, agent, or employee, except for their own individual acts that result in the violation of any law.

(c) An employee of the council may not be held responsible individually for the act or omission of any member of the council.

(d) Any liability of the members of the council is several and not joint. A member of the council may not be held liable for the default of any other member.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-32
Assessments; collection; handling fee

Sec. 32. (a) An assessment of one-half cent ($0.005) per bushel must be collected on all corn sold in Indiana. The assessment may be imposed and collected on a quantity of corn only once and must be collected by the first purchaser. A buyer of corn who purchases more than one hundred thousand (100,000) bushels annually for the buyer's own use as seed or feed is responsible only for collecting checkoff assessments on corn purchases made after the buyer exceeds the one hundred thousand (100,000) bushel threshold and becomes a first purchaser. The rate of the assessment imposed by this section may be changed only by the general assembly.

(b) The first purchaser of a quantity of corn shall deduct the assessment on the corn from the money to be paid to the producer based on the sale of the corn. A first purchaser shall accumulate assessments collected under this subsection throughout each of the following periods:

(1) January, February, and March.
(2) April, May, and June.
(3) July, August, and September.
(4) October, November, and December.

(c) At the end of each period, the first purchaser shall remit to the council all assessments collected during the period. A first purchaser who remits all assessments collected during a period within thirty (30) days after the end of the period is entitled to retain three percent (3%) of the total of the assessments as a handling fee.

(d) The assessment on the sale of the corn must occur when the payment for the corn is received by the producer.

(e) A first purchaser who is not subject to the assessment under this section shall sign and date an exemption form. The council shall prepare the exemption form.

As added by P.L.2-2008, SEC.6. Amended by P.L.98-2012, SEC.10.

IC 15-15-12-32.5
Repealed

(As added by P.L.148-2009, SEC.6. Repealed by P.L.98-2012, SEC.11.)

IC 15-15-12-33
Refunds to producers; application; proof of deduction of assessment from corn sale price; deadline for payment of refund

Sec. 33. (a) If a producer has sold corn and the state assessment was deducted from the sale price of the corn, the producer may secure a refund equal to the amount deducted upon filing a written application.

(b) A producer's application for a refund under this section must be made to the council not more than one hundred eighty (180) days after the state assessment is deducted from the sale price of the producer's corn.

(c) The council shall provide application forms to a first purchaser for purposes of this section upon request and make application forms available on the council's Internet web site. A first purchaser shall make application forms available in plain view at the first purchaser's place of business.

(d) Proof that an assessment has been deducted from the sale price of a producer's corn must be attached to each application for a refund submitted under this section by a producer. The proof that an assessment was deducted may be in the form of a duplicate or an original copy of the purchase invoice or settlement sheet from the first purchaser. The refund form and proof of assessment may be mailed or faxed to the council. The refund form must clearly state how to request a refund, the address where the form may be mailed, and the fax number where the form may be faxed.

(e) If a refund is due under this section, the council shall remit the refund to the producer as follows:

(1) For:
(A) refunds of more than twenty-five dollars ($25); or
(B) multiple refunds that total more than twenty-five dollars ($25);
not later than thirty (30) days after the date the producer's completed application and proof of assessment are received.
(2) For refunds of twenty-five dollars ($25) or less:
(A) on March 31 if the producer's completed application and proof of assessment are received before March 1; or
(B) on September 30 if the producer's completed application and proof of assessment are received on or after March 1 and before September 1.

As added by P.L.2-2008, SEC.6. Amended by P.L.148-2009, SEC.7; P.L.98-2012, SEC.12.

IC 15-15-12-34
Information to be included in checkoff refund form

Sec. 34. The checkoff refund form must:
(1) contain the address and fax number of the location to which the assessment refund form may be sent;
(2) contain information concerning procedures to claim an assessment refund; and
(3) contain any other information determined necessary by the council.

As added by P.L.2-2008, SEC.6. Amended by P.L.148-2009, SEC.8.

IC 15-15-12-35
Maintaining records and supplying information by first purchaser; audit by council; qualifications of auditor

Sec. 35. (a) A first purchaser shall keep detailed records of all assessments collected and remitted under this chapter for at least three (3) years.

(b) Upon request, a first purchaser shall supply the council with any information from records kept under subsection (a).

(c) The council may periodically audit a first purchaser's checkoff assessment and remittance records kept under subsection (a). An audit must be conducted by:
(1) a qualified public accountant of the council's choosing; or
(2) an auditor who is familiar with the:
(A) storage;
(B) conditioning;
(C) shipping; and
(D) handling;
of agricultural commodities.

The costs of the audit shall be paid by the council.

As added by P.L.2-2008, SEC.6. Amended by P.L.148-2009, SEC.9.

IC 15-15-12-36

Failure to remit assessments; hearing; civil action; penalty

Sec. 36. (a) If a first purchaser fails to remit the assessments collected during a period specified in section 32 of this chapter within thirty (30) days after the end of the period, the council shall contact the first purchaser and allow the first purchaser to present comments to the council concerning:

(1) the status and amount of the assessments due; and

(2) reasons why the council should not bring legal action against the first purchaser.

(b) After allowing a first purchaser the opportunity to present comments, the council:

(1) may adjust the amount of the assessments due, if the first purchaser's comments reveal that the council's figure is inaccurate;

(2) may assess a penalty against the first purchaser;

(3) shall:

(A) assess a fee for an unpaid assessment due the council, from a person responsible for remitting assessments, at the rate of two percent (2%) of the amount of the unpaid assessment each month, beginning with the day following the date the assessment is due under this subsection; and

(B) if there is any remaining amount due after the assessment of the fee under clause (A), assess a fee at the same rate on the corresponding day of each month thereafter until the entire amount of the unpaid assessment is paid;

(4) shall compute the amounts payable on unpaid assessments under this section monthly and include any unpaid late charges previously applied under this section; and

(5) shall determine the date of a payment for purposes of this subsection by the postmark applied to the remitting envelope.

(c) If a first purchaser fails to remit assessments after being allowed to present comments under subsection (a) or to pay any penalty assessed under subsection (b), the council may bring a civil action against the first purchaser in a circuit, superior, or municipal court of any county. The action shall be tried and a judgment rendered as in any other proceeding for the collection of a debt. In an action under this subsection, the council may obtain:

(1) a judgment in the amount of all unremitted assessments and any unpaid penalty; and

(2) an award of the costs of bringing the action.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-37

Restrictions on use of assessment

Sec. 37. (a) Proceeds of the checkoff assessment collected by the council under this chapter may not be used to influence legislation or governmental action or policy.

(b) Proceeds of the assessment collected under this chapter may

be used to communicate information related to the:

(1) conduct;

(2) implementation; or

(3) results;

of promotion, research, and market development activities to appropriate government officials.

(c) After January 1, 2009, proceeds of the assessment collected under this chapter may be used for action designed to market corn or corn products directly to a foreign government or a political subdivision of a foreign government. However, not more than five percent (5%) of the annual amount collected may be used under this subsection.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-38

Procedures for termination if refunds are greater than 25%

Sec. 38. (a) For the marketing year beginning October 1, 2009, if at least twenty-five percent (25%) of the assessment is refunded during the marketing year, the council shall:

(1) cease collecting the assessment on January 1 of the subsequent year;

(2) maintain a sufficient amount of money to pay any refunds requested by producers; and

(3) request that the legislative council have legislation prepared to repeal the corn market law.

(b) If for the marketing year beginning October 1, 2009, less than twenty-five percent (25%) of the assessments are refunded, the council shall review the refunds for each year beginning with the marketing year beginning October 1, 2010. If refunds exceed twenty-five percent (25%) in two (2) consecutive marketing years, the council shall:

(1) cease collecting the assessment on January 1 of the subsequent year;

(2) maintain a sufficient amount of money to pay any refunds requested by producers; and

(3) request that the legislative council have legislation prepared to repeal the corn market law.

(c) The dean of agriculture and the council shall report to the legislative council the amounts collected and refunded. The report to the legislative council must be in an electronic format under IC 5-14-6.

As added by P.L.2-2008, SEC.6.

IC 15-15-12-39

Injunctions

Sec. 39. (a) If a person fails to discharge a duty imposed by this chapter other than remitted assessments, the council shall allow the person an opportunity to present comments to the council concerning

reasons why the council should not bring legal action against the person. If it is necessary to obtain compliance with this chapter, the council may bring an action against the person in a circuit, superior, or municipal court of any county seeking an injunction mandating compliance and any other appropriate legal remedies.

(b) In an action under this section, the council may be granted injunctive relief without establishing the absence of an adequate remedy at law.

As added by P.L.2-2008, SEC.6.

IC 15-15-13
Chapter 13. Industrial Hemp

IC 15-15-13-0.5
Administration of chapter
Sec. 0.5. The state seed commissioner shall administer this chapter.
As added by P.L.165-2014, SEC.1.

IC 15-15-13-1
Application of chapter
Sec. 1. Nothing in this chapter authorizes any person to violate any federal law or regulation.
As added by P.L.165-2014, SEC.1.

IC 15-15-13-2
"Agricultural hemp seed"
Sec. 2. As used in this chapter, "agricultural hemp seed" means Cannabis sativa seed that meets any labeling, quality, and other standards set by the state seed commissioner and that is intended for sale or is sold to, or purchased by, licensed growers for planting.
As added by P.L.165-2014, SEC.1.

IC 15-15-13-3
"Crop"
Sec. 3. As used in this chapter, "crop" means any industrial hemp grown under a single license.
As added by P.L.165-2014, SEC.1.

IC 15-15-13-4
"Grower"
Sec. 4. As used in this chapter, "grower" means:
(1) an individual, a partnership, a company, or a corporation that produces industrial hemp for commercial purposes; or
(2) a person, as part of an industrial hemp research program conducted by a state educational institution (as defined by IC 21-7-13-32).
As added by P.L.165-2014, SEC.1.

IC 15-15-13-5
"Handler"
Sec. 5. As used in this chapter, "handler" means an individual, a partnership, a company, or a corporation that receives industrial hemp for scientific research, or for processing into commodities, products, or agricultural hemp seed.
As added by P.L.165-2014, SEC.1.

IC 15-15-13-6

"Industrial hemp"

Sec. 6. As used in this chapter, "industrial hemp" means:

(1) all nonseed parts and varieties of the Cannabis sativa plant, whether growing or not, that contain a crop wide average tetrahydrocannabinol (THC) concentration that does not exceed the lesser of:

(A) three-tenths of one percent (0.3%) on a dry weight basis; or

(B) the percent based on a dry weight basis determined by the federal Controlled Substances Act (21 U.S.C. 801 et seq.); or

(2) any Cannabis sativa seed that is:

(A) part of a growing crop;

(B) retained by a grower for future planting; or

(C) for processing into, or use as, agricultural hemp seed.

The term does not include industrial hemp commodities or products.

As added by P.L.165-2014, SEC.1.

IC 15-15-13-7

Industrial hemp regulations; rules; licenses; license applications

Sec. 7. (a) Subject to section 15 of this chapter, the production of, possession of, scientific study of, and commerce in industrial hemp is authorized in Indiana. Industrial hemp is an agricultural product that is subject to regulation by the state seed commissioner. The state seed commissioner shall adopt rules to oversee the licensing, production, and management of:

(1) industrial hemp; and

(2) agricultural hemp seed;

to ensure integrity of audits and security of field sites of each commodity.

(b) All growers and handlers must have an industrial hemp license issued by the state seed commissioner. Growers and handlers engaged in the production of agricultural hemp seed must also have an agricultural hemp seed production license.

(c) An application for an industrial hemp license or agricultural hemp seed production license must include the following:

(1) The name and address of the applicant.

(2) The name and address of the industrial hemp operation of the applicant.

(3) The global positioning system coordinates and legal description of the property used for the industrial hemp operation.

(4) If the industrial hemp license or agricultural hemp seed production license application is made by a grower, the acreage size of the field where the industrial hemp will be grown.

(5) A statement signed by the applicant, under penalty of perjury, that the person applying for the industrial hemp license or agricultural hemp seed production license has not been

convicted of a drug related felony or misdemeanor in the previous ten (10) years.

(6) A written consent allowing the state police department to conduct a state or national criminal history background check.

(7) A written consent allowing the state police department, if a license is issued to the applicant, to enter the premises on which the industrial hemp is grown to conduct physical inspections of industrial hemp planted and grown by the applicant, and to ensure the plants meet the definition of industrial hemp as set forth in section 6 of this chapter. Not more than two (2) physical inspections may be conducted under this subdivision per year, unless a valid search warrant for an inspection has been issued by a court of competent jurisdiction.

(8) A nonrefundable application fee, which must include the amount necessary to conduct a state or national criminal history background check, in an amount determined by the state seed commissioner.

(9) Any other information required by the state seed commissioner.

As added by P.L.165-2014, SEC.1.

IC 15-15-13-8

Processing applications; issuance of license; renewal

Sec. 8. (a) Each license application received under this chapter must be processed as follows:

(1) Upon receipt of a license application, the state seed commissioner shall forward a copy of the application to the state police department. The state police department shall do the following:

(A) Perform a state or national criminal history background check of the applicant.

(B) Determine if the requirements under section 7(c)(5) of this chapter concerning prior criminal convictions have been met.

(C) Return the application to the state seed commissioner along with the state police department's determinations and a copy of the state or national criminal history background check.

(2) The state seed commissioner shall review the license application returned from the state police department.

(b) If the state seed commissioner determines that all the requirements under this chapter have been met and that a license should be granted to the applicant, the state seed commissioner shall approve the application for issuance of a license.

(c) An industrial hemp license or agricultural hemp seed production license is valid for a one (1) year term unless revoked. An industrial hemp license or agricultural hemp seed production license may be renewed in accordance with rules adopted by the state seed

commissioner and is nontransferable.
As added by P.L.165-2014, SEC.1.

IC 15-15-13-9
Hemp seed; records; audit; inspections

Sec. 9. (a) An agricultural hemp seed production license issued under this chapter authorizes a grower or handler to produce and handle agricultural hemp seed for sale to licensed industrial hemp growers and handlers. A seller of agricultural hemp seed shall ensure that the seed complies with any standards set by the state seed commissioner. The state seed commissioner shall make available to growers information that identifies sellers of agricultural hemp seed.

(b) All growers and handlers must keep records in accordance with rules adopted by the state seed commissioner. Upon at least three (3) days notice, the state seed commissioner may audit the required records during normal business hours. The state seed commissioner may conduct an audit for the purpose of ensuring compliance with:

(1) this chapter;
(2) rules adopted by the state seed commissioner; or
(3) industrial hemp license or agricultural hemp seed production license requirements, terms, and conditions.

(c) In addition to an audit conducted in accordance with subsection (b), the state seed commissioner may inspect independently, or in cooperation with the state police department, a federal law enforcement agency, or a local law enforcement agency, any industrial hemp crop during the crop's growth phase and take a representative composite sample for field analysis. If a crop contains an average tetrahydrocannabinol (THC) concentration exceeding the lesser of:

(1) three-tenths of one percent (0.3%) on a dry weight basis; or
(2) the percent based on a dry weight basis determined by the federal Controlled Substance Act (21 U.S.C. 801 et seq.);

the state seed commissioner may detain, seize, or embargo the crop.
As added by P.L.165-2014, SEC.1. Amended by P.L.139-2016, SEC.1.

IC 15-15-13-10
Fees

Sec. 10. The amount of any fees charged growers and handlers by the state seed commissioner under this chapter must be sufficient to cover the cost of the administration of this chapter, including the cost of conducting audits and testing.
As added by P.L.165-2014, SEC.1.

IC 15-15-13-11
Transporting industrial hemp

Sec. 11. Only an industrial hemp licensee, the licensee's designee,

or the licensee's agents may be permitted to transport industrial hemp off a production site. When transporting industrial hemp off the production site, the industrial hemp licensee, designee, or agent shall have in the licensee's, designee's, or agent's possession the licensing documents from the state seed commissioner evidencing that the industrial hemp is from certified seed produced by a licensed grower.
As added by P.L.165-2014, SEC.1.

IC 15-15-13-12
State seed commissioner duties

Sec. 12. The state seed commissioner is responsible for the following:

(1) Monitoring the industrial hemp grown by any license holder.
(2) Conducting random testing of the industrial hemp for compliance with tetrahydrocannabinol (THC) levels.
(3) Establishing necessary testing criteria and protocols.
(4) Establishing the minimum number of acres to be planted under each license issued under this chapter.

As added by P.L.165-2014, SEC.1.

IC 15-15-13-13
Penalties

Sec. 13. (a) In addition to any other liability or penalty provided by law, the state seed commissioner may revoke or refuse to issue or renew an industrial hemp license or an agricultural hemp seed production license and may impose a civil penalty for a violation of:

(1) a license requirement;
(2) license terms or conditions; or
(3) a rule relating to growing or handling industrial hemp.

(b) The state seed commissioner may not impose a civil penalty under this section that exceeds two thousand five hundred dollars ($2,500).

(c) The state seed commissioner may revoke or refuse to issue or renew an industrial hemp license or an agricultural hemp seed production license for a violation of any rule of the state seed commissioner that pertains to agricultural operations or activities other than industrial hemp growing or handling.
As added by P.L.165-2014, SEC.1.

IC 15-15-13-14
Rules

Sec. 14. The state seed commissioner shall adopt rules under IC 4-22-2 to implement and administer this chapter.
As added by P.L.165-2014, SEC.1.

IC 15-15-13-15
Federal waivers; implementation of chapter

Sec. 15. (a) Notwithstanding any other law, the state seed

commissioner may not grant any license until the state seed commissioner has secured any necessary permissions, waivers, or other form of legal status by the United States Drug Enforcement Agency or other appropriate federal agency concerning industrial hemp.

(b) The state seed commissioner shall apply for any necessary permissions, waivers, or other forms of legal status by the United States Drug Enforcement Agency or other appropriate federal agency that are necessary to implement this chapter before January 1, 2015.

(c) The state seed commissioner may not implement a waiver under this section until the state seed commissioner files an affidavit with the governor attesting that the federal permission or waiver applied for under this section is in effect. The state seed commissioner shall file the affidavit under this subsection not later than five (5) days after the state seed commissioner is notified that the waiver is approved.

(d) If the state seed commissioner receives a waiver permission under this section from all the appropriate federal agencies and the governor receives the affidavit filed under subsection (c), the state seed commissioner shall implement this chapter, subject to the terms and conditions of the permission or waiver received, not more than sixty (60) days after the governor receives the affidavit.

As added by P.L.165-2014, SEC.1.

IC 15-15-13-16

Fees collected; expenditures; financial report; excess funds

Sec. 16. (a) The state seed commissioner shall pay all fees collected under this chapter to the treasurer of Purdue University.

(b) The board of trustees of Purdue University shall expend the fees on proper vouchers filed with the treasurer of Purdue University. The treasurer shall pay vouchers for the following expenses:

(1) The employment of inspectors and seed analysts.

(2) Procuring samples.

(3) Printing bulletins giving the results of inspection.

(4) Any other expenses of the Purdue University agricultural programs authorized by law and for implementing this chapter.

(c) The dean of agriculture of Purdue University shall make and submit a financial report to the governor in such form as the state board of accounts requires, showing the total receipts and expenditures of all fees received under this chapter.

(d) Excess funds from the collection of fees under this chapter are subject to IC 15-16-2-36.

As added by P.L.165-2014, SEC.1.

IC 15-15-13-17

Information to be kept by the seed commissioner

Sec. 17. (a) The seed commissioner may keep the:

(1) names of growers and handlers who are licensed under this

chapter; and

(2) locations of licensed industrial hemp crops;

confidential for purposes of IC 5-14-3.

(b) The seed commissioner may share confidential information under subsection (a) with the state police department and law enforcement officers.

As added by P.L.134-2015, SEC.1.

IC 15-16

ARTICLE 16. HORTICULTURE CONTROL

IC 15-16-1

Chapter 1. Agricultural Ammonia

IC 15-16-1-1

Application of chapter

Sec. 1. Except as provided in this chapter, this chapter applies to all facilities for the distribution of ammonia or ammonia solutions that are located in Indiana.

As added by P.L.2-2008, SEC.7.

IC 15-16-1-2

"Ammonia"

Sec. 2. As used in this chapter, "ammonia" means agricultural anhydrous ammonia (NH_3) fertilizer.

As added by P.L.2-2008, SEC.7.

IC 15-16-1-3

"Ammonia solution"

Sec. 3. As used in this chapter, "ammonia solution" means an agricultural ammonia solution that:

(1) contains by weight at least ten per cent (10%) free ammonia; or

(2) has a vapor pressure of at least one (1) pound per square inch gauge (PSIG) at one hundred four (104) degrees Fahrenheit.

As added by P.L.2-2008, SEC.7.

IC 15-16-1-3.5

"Board"

Sec. 3.5. As used in this chapter, "board" refers to the Indiana fertilizer advisory board established by IC 15-16-2-25.

As added by P.L.99-2012, SEC.1.

IC 15-16-1-4

"Distribute"

Sec. 4. As used in this chapter, "distribute" means to:

(1) offer for sale;

(2) sell;

(3) barter; or

(4) supply;

ammonia or ammonia solutions to a person for agricultural purposes as a fertilizer. The term does not include a shipment made to a point or points outside Indiana.

As added by P.L.2-2008, SEC.7.

IC 15-16-1-5
"Person"

Sec. 5. As used in this chapter, "person" means:

(1) an individual;
(2) a firm;
(3) a partnership;
(4) an association;
(5) a corporation;
(6) a company;
(7) a joint stock association;
(8) a body politic;
(9) an organized group of persons whether incorporated or not incorporated;
(10) a trustee;
(11) an assignee; or
(12) any other representative of an entity described in subdivisions (1) through (11).

As added by P.L.2-2008, SEC.7.

IC 15-16-1-6
Administration of chapter

Sec. 6. The state chemist or the state chemist's agent shall administer this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-1-7
Uniform rules; zoning regulations and building codes

Sec. 7. (a) The rules adopted under this chapter must be uniform in force and effect throughout Indiana.

(b) This chapter does not impair the power of a municipality or other political subdivision of this state to regulate the use of land by zoning regulations or building codes.

As added by P.L.2-2008, SEC.7.

IC 15-16-1-8
Ammonia distribution facilities; approval of location; existing facilities

Sec. 8. (a) Before installing facilities for the distribution of ammonia or ammonia solutions, a person shall, on forms provided by the state chemist, apply for approval of the location of the proposed distribution facilities. The application must include a statement that the installation will comply with all local zoning regulations and building codes.

(b) If the state chemist determines that the location meets the requirements of this chapter and the rules adopted under this chapter, the state chemist shall issue written approval of the location not later than thirty (30) days after receipt of the application. If the state chemist determines that the location does not meet the requirements

of this chapter and the rules adopted under this chapter, the state chemist shall issue written disapproval of the location not later than thirty (30) days after receipt of the application.

(c) Distribution facilities installed before December 30, 1965, are exempt from the requirements for location approval.

(d) A public way may not be placed closer to an existing distribution facility than the distance required by rules adopted under this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-1-9

Inspection of facilities; entry onto premises

Sec. 9. (a) The state chemist or the state chemist's agent shall inspect distribution facilities and operating procedures at reasonable times and to the extent reasonably necessary to determine whether the distribution facility complies with this chapter and the rules adopted under this chapter.

(b) The state chemist or the state chemist's agent may enter any public or private premises at reasonable hours in order to:

(1) have access to and inspect facilities, equipment, and vehicles of transport not principally engaged in interstate commerce; and

(2) observe procedures used in the distribution, application, or use of ammonia or ammonia solutions.

As added by P.L.2-2008, SEC.7.

IC 15-16-1-10

Minimum safety standards

Sec. 10. (a) Except as provided in subsection (d), the state chemist shall adopt rules establishing the minimum safety standards for the design, construction, location, installation, and operation of equipment for storage, handling, use, and transportation (not otherwise regulated) of ammonia and ammonia solutions.

(b) The rules described in subsection (a) must be:

(1) reasonably necessary to protect the safety of the public, including persons handling or using the materials; and

(2) in substantial conformity with the current nationally accepted standards of safety that apply to the equipment described in subsection (a).

(c) The state chemist shall adopt the rules described in subsection (a) only after a notice and public hearing.

(d) The state chemist may allow the use of technologies or methods other than those specified in rules adopted under subsection (a) if the technologies or methods provide similar protection to the public and persons handling or using ammonia or ammonia solutions.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.3.

IC 15-16-1-11

Installation of equipment

Sec. 11. All equipment for the storage, handling, distribution, and use of ammonia or ammonia solutions must be installed and maintained:

(1) in a safe operating condition; and

(2) in conformity with the rules adopted under section 10 of this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-1-12

Violations; order to correct; extension of time

Sec. 12. (a) If the state chemist or the state chemist's agent finds a violation of this chapter or the rules adopted under this chapter, the state chemist or the state chemist's agent may issue an order to the owner, the owner's agent, or the operator of the facility or equipment involved directing that the violation be corrected immediately.

(b) The state chemist or the state chemist's agent shall grant a request for a reasonable extension of time to comply with an order described in subsection (a) if:

(1) there is practical difficulty in complying with the order; and

(2) the time extension will not cause a safety hazard to the public, including persons who use the facility or equipment.

(c) An order issued under this section must be in writing.

As added by P.L.2-2008, SEC.7.

IC 15-16-1-13

Violations

Sec. 13. A person may not:

(1) install facilities for distribution of ammonia or ammonia solutions without first obtaining written approval of the state chemist for the location;

(2) distribute ammonia or ammonia solutions from an unapproved location for which approval is required under this chapter;

(3) distribute, store, transport, or use ammonia or ammonia solutions in violation of this chapter or the rules adopted under this chapter;

(4) violate a correction order issued under section 12 of this chapter; or

(5) use an ammonia or ammonia solutions container for any purpose without the prior authorization of the owner of the container.

As added by P.L.2-2008, SEC.7.

IC 15-16-1-14

Violations; penalties

Sec. 14. (a) If a person violates this chapter or a rule adopted under this chapter, the state chemist may:

(1) warn, issue a citation to, or impose a civil penalty on the person; or

(2) deny, suspend, revoke, or amend the person's license, certificate, registration, permit, or application under this chapter.

(b) The state chemist may adopt by rule, under IC 4-22-2, a schedule of civil penalties that may be imposed under subsection (a). The state chemist may impose a civil penalty only according to a schedule of civil penalties recommended by the board.

(c) A person who knowingly or intentionally violates this chapter commits a Class C misdemeanor.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.4; P.L.99-2012, SEC.2.

IC 15-16-1-15

Injunctions

Sec. 15. In addition to any other remedy provided by law, the state chemist may apply for a temporary or permanent injunction restraining a person from violating or continuing to violate this chapter or any rule adopted under this chapter. An injunction shall be issued without bond.

As added by P.L.2-2008, SEC.7.

IC 15-16-1-16

Subpoenas

Sec. 16. The state chemist may request a court to issue subpoenas to compel:

(1) the attendance of witnesses; or

(2) the production of books, documents, and records;

as part of an authorized investigation or a hearing located in Indiana affecting the authority or privilege granted by a license, certificate, application, registration, or permit issued under this chapter.

As added by P.L.99-2012, SEC.3.

IC 15-16-2
Chapter 2. Commercial Fertilizers

IC 15-16-2-1
State chemist; appointment

Sec. 1. Because the department of biochemistry at Purdue University is particularly conversant with the purpose and procedures provided by this chapter, the general assembly desires that the governor appoint a professor of biochemistry at Purdue University as the state chemist.

As added by P.L.2-2008, SEC.7.

IC 15-16-2-2
Construction of chapter

Sec. 2. This chapter may not be construed:

(1) to restrict or avoid sales or exchanges of commercial fertilizers among importers, manufacturers, or blenders who mix commercial fertilizer for sale; or

(2) as preventing the free and unrestricted shipments of commercial fertilizers to manufacturers or blenders who have registered their brands as required by this chapter.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.5.

IC 15-16-2-2.5
"Ammonium nitrate"

Sec. 2.5. As used in this chapter, "ammonium nitrate" means the ammonium salt of nitric acid, which must contain not less than thirty-three percent (33%) nitrogen, fifty percent (50%) of which is in the ammonium form and fifty percent (50%) of which is in the nitrate form.

As added by P.L.120-2008, SEC.53.

IC 15-16-2-3
"Blender"

Sec. 3. As used in this chapter, "blender" means a person or system engaged in the business of blending commercial fertilizer.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.54; P.L.81-2009, SEC.6.

IC 15-16-2-4
"Blending"

Sec. 4. As used in this chapter, "blending" means the physical mixing or combining:

(1) of one (1) or more commercial fertilizers and one (1) or more filler materials;

(2) of two (2) or more commercial fertilizers; or

(3) of two (2) or more commercial fertilizers and filler materials;

including mixing through the simultaneous or sequential application of any of the combinations referred to in subdivision (1), (2), or (3) to produce a uniform mixture.
As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.55; P.L.81-2009, SEC.7.

IC 15-16-2-5
"Board"
Sec. 5. As used in this chapter, "board" refers to the Indiana fertilizer advisory board established by section 25 of this chapter.
As added by P.L.2-2008, SEC.7.

IC 15-16-2-6
"Brand"
Sec. 6. As used in this chapter, "brand" means a term, design, or trademark used in connection with at least one (1) grade of commercial fertilizer.
As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.8.

IC 15-16-2-7
"Bulk fertilizer"
Sec. 7. As used in this chapter, "bulk fertilizer" means a commercial fertilizer distributed in nonpackaged form.
As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.9.

IC 15-16-2-8
"Commercial fertilizer"
Sec. 8. As used in this chapter, "commercial fertilizer" means mixed fertilizer or fertilizer materials. The term does not include nonprocessed manure, marl, lime, wood ashes, or plaster.
As added by P.L.2-2008, SEC.7.

IC 15-16-2-9
"Custom blend"
Sec. 9. As used in this chapter, "custom blend" means a commercial fertilizer blended:
(1) according to specifications provided to a blender in a soil test nutrient recommendation; or
(2) to meet specific requests of a consumer (who is the end user) before blending.
As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.56; P.L.81-2009, SEC.10.

IC 15-16-2-10
"Distributor"
Sec. 10. As used in this chapter, "distributor" means a person who:
(1) offers for sale;

(2) sells;
(3) barters; or
(4) supplies;
commercial fertilizers.
As added by P.L.2-2008, SEC.7.

IC 15-16-2-11
"Fertilizer material"
Sec. 11. As used in this chapter, "fertilizer material" means any substance containing nitrogen, phosphate, potash, or any recognized plant nutrient that:
(1) is used for the plant nutrient content; and
(2) has nutrient value in promoting plant growth.
The term includes unmanipulated animal and vegetable manures.
As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.11.

IC 15-16-2-12
"Grade"
Sec. 12. As used in this chapter, "grade" means the minimum percentages of the following elements stated in the following order:
(1) Total nitrogen (N).
(2) Available phosphate (P_2O_5).
(3) Soluble potash (K_2O).
As added by P.L.2-2008, SEC.7.

IC 15-16-2-13
"Mixed fertilizer"
Sec. 13. As used in this chapter, "mixed fertilizer" means any combination or mixture of commercial fertilizers:
(1) designed for use; or
(2) claimed to have nutrient value;
in promoting plant growth.
As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.12.

IC 15-16-2-14
"Official sample"
Sec. 14. As used in this chapter, "official sample" means any sample of commercial fertilizer taken by the state chemist or the state chemist's agent.
As added by P.L.2-2008, SEC.7.

IC 15-16-2-15
"Permit"
Sec. 15. As used in this chapter, "permit" refers to a permit issued under section 34 of this chapter to report the tonnage of commercial fertilizer sold.
As added by P.L.2-2008, SEC.7.

IC 15-16-2-16
"Percent"; "percentage"

Sec. 16. As used in this chapter, "percent" or "percentage" means the percentage by weight.

As added by P.L.2-2008, SEC.7.

IC 15-16-2-17
"Person"

Sec. 17. As used in this chapter, "person" means:

(1) an individual;
(2) a partnership;
(3) an association;
(4) a firm;
(5) a limited liability company; or
(6) a corporation.

As added by P.L.2-2008, SEC.7.

IC 15-16-2-18
"Registrant"

Sec. 18. As used in this chapter, "registrant" means a person who registers commercial fertilizer under this chapter.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.13.

IC 15-16-2-19
"Sell"; "sale"

Sec. 19. As used in this chapter, "sell" or "sale" includes exchange.

As added by P.L.2-2008, SEC.7.

IC 15-16-2-20
"Specialty fertilizer"

Sec. 20. As used in this chapter, "specialty fertilizer" means a commercial fertilizer distributed for nonfarm use.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.14.

IC 15-16-2-21
"Storage"

Sec. 21. As used in this chapter, "storage" means the storage of bulk fertilizer by a person who:

(1) manufactures or distributes bulk fertilizer; or
(2) stores bulk fertilizer for personal use.

As added by P.L.2-2008, SEC.7.

IC 15-16-2-22
"Ton"

Sec. 22. As used in this chapter, "ton" means a net weight of two thousand (2,000) pounds avoirdupois.

As added by P.L.2-2008, SEC.7.

IC 15-16-2-23
"Use"

Sec. 23. As used in this chapter, "use" means the placement or usage of fertilizer materials on a targeted growing area.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.57; P.L.81-2009, SEC.15.

IC 15-16-2-24
Office of the state chemist established; appointment; administration

Sec. 24. (a) The office of state chemist is established.

(b) The governor shall appoint the state chemist, who serves at the pleasure of the governor.

(c) The state chemist shall administer this chapter.

(d) The state chemist may designate an agent to discharge duties imposed on the state chemist by law.

As added by P.L.2-2008, SEC.7.

IC 15-16-2-25
Fertilizer advisory board; establishment; membership

Sec. 25. (a) The Indiana fertilizer advisory board is established to:

(1) study the regulation of fertilizer material; and

(2) advise the state chemist on the administration of this chapter.

(b) The board consists of the following members:

(1) Two (2) representatives of the retail fertilizer industry.

(2) One (1) representative of fertilizer manufacturing, distributing, or manufacturing and distributing.

(3) Two (2) representatives of producers of agricultural crops.

(4) One (1) representative of the lawn care industry.

(5) One (1) representative of the Purdue School of Agriculture.

(6) One (1) representative of a public conservation organization.

(7) One (1) representative of the livestock industry.

(8) The president of the Indiana Plant Food and Agricultural Chemicals Association, who serves as a nonvoting member.

(9) One (1) representative of the department of environmental management, who serves as a nonvoting member.

(10) The fertilizer administrator for the office of the state chemist, who serves as a nonvoting member.

(11) The engineer specialist for the office of the state chemist, who serves as a nonvoting member.

(12) One (1) representative of the Indiana state department of agriculture, who shall serve as a nonvoting member.

(c) The state chemist shall appoint the voting members of the board, who serve for terms of four (4) years.

(d) Voting members of the board may be appointed for successive terms at the discretion of the state chemist.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.58;

P.L.81-2009, SEC.16.

IC 15-16-2-26
Members; removal; vacancies

Sec. 26. (a) The state chemist may remove a voting member of the board for cause before the expiration of the member's term.

(b) Vacancies created by the death, resignation, or removal for cause of a member of the board must be filled in the manner prescribed for appointment to that board position. Vacancies must be filled not later than thirty (30) days after the death, resignation, or removal for cause.

As added by P.L.2-2008, SEC.7.

IC 15-16-2-27
Chairperson

Sec. 27. The board shall elect one (1) of its voting members chairperson to serve for a term of two (2) years, unless the chairperson's appointment expires before the expiration of the term, in which case the term is for the duration of the chairperson's appointment.

As added by P.L.2-2008, SEC.7.

IC 15-16-2-28
Nonvoting members

Sec. 28. The board shall invite nonvoting members to serve at the pleasure of the board.

As added by P.L.2-2008, SEC.7.

IC 15-16-2-29
Meetings; quorum

Sec. 29. (a) The board may meet at times specified by the chairperson or by a majority of the board, but shall meet at least once a year.

(b) Five (5) voting members of the board constitutes a quorum. Official actions require a majority of the voting members. The chairperson may actively participate in all decisions of the board.

As added by P.L.2-2008, SEC.7.

IC 15-16-2-30
Per diem and travel expenses

Sec. 30. (a) Each member of the board who is not a state employee is entitled to receive both:

(1) the minimum salary per diem; and

(2) reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties;

as provided in the Purdue University travel policies and procedures established by the Purdue University department of transportation and approved by the Purdue University vice president of business

services.

(b) Each member of the board who is a state employee is entitled to reimbursement for travel expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.17.

IC 15-16-2-31

Commercial fertilizer; label; application; fee; registration; information; analysis; exemptions

Sec. 31. (a) Before distributing commercial fertilizer in Indiana, the person whose name appears on the label of each brand and grade of the commercial fertilizer must submit:

(1) an application for registration to the state chemist on a form furnished by the state chemist; and

(2) the appropriate filing fee set forth in subsection (b).

(b) The filing fee for commercial fertilizers sold in packages weighing more than twelve (12) pounds is twenty dollars ($20) for each grade of each brand. The filing fee for commercial fertilizers sold in packages weighing not more than twelve (12) pounds is fifty dollars ($50) for each grade of each brand.

(c) Upon approval of the application, the state chemist shall furnish a copy of the registration to the applicant.

(d) All registrations expire on June 30 each year.

(e) In addition to the appropriate filing fee set forth in subsection (b), a late filing fee equal to one hundred percent (100%) of the appropriate filing fee is assessed when:

(1) an application to renew the registration of a commercial fertilizer under this section is received after July 31; or

(2) a product that must be registered under this section is found to be in distribution before registration.

(f) An application under subsection (a) must include the following information:

(1) The name and address of the registrant.

(2) The brand and grade.

(3) The guaranteed analysis showing the minimum percentage of plant food claimed in the following order and form:

Total Nitrogen (N)	percent
Available Phosphate (P_2O_5)	percent
Soluble Potash (K_2O)	percent

(g) The minimum percentage of plant food in mixed fertilizers under subsection (f)(3) must be given in whole numbers only. However, the state chemist may allow fractional numbers to be used under subsection (f)(3) for specialty fertilizers or if plant food elements or other additives are added.

(h) For unacidulated mineral phosphatic materials and basic slag:

(1) the total phosphate;
(2) the available phosphate; and
(3) the degree of fineness;

must be guaranteed. For bone, tankage, and other natural organic phosphate materials, only the total phosphate must be guaranteed.

(i) Additional plant food elements or other additives that are determinable by chemical methods may be guaranteed only by permission of the state chemist. The state chemist shall grant permission only if the state chemist determines, with the advice of the dean of agriculture of Purdue University or the dean's designee, that the guarantee would not constitute a misrepresentation and is correct. Additional plant foods that are guaranteed:

(1) must be included in the guarantee in the form of the element; and
(2) are subject to inspection and analysis in accordance with the methods that the state chemist prescribes.

(j) A distributor is not required to register a brand of commercial fertilizer that is registered under this chapter by another person if the label used by the distributor does not differ in any respect from that used by the registrant.

(k) A distributor who acts as a blender is not required under subsection (a) to register a custom blend that the distributor produces if the commercial fertilizers blended together to produce the custom blend are registered under subsection (a). However, a distributor who acts as a blender shall provide the state chemist with the following information about each custom blend that the distributor produces:

(1) The name and address of the distributor.
(2) The brand and grade of the custom blend.
(3) The guaranteed analysis of the custom blend showing the minimum percentage of plant food claimed in the following order and form:
    (A) The percent of total nitrogen (N).
    (B) The percent of available phosphate (P_2O_5).
    (C) The percent of soluble potash (K_2O).

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.18.

IC 15-16-2-32
Labeling requirements

Sec. 32. (a) The bag or other container in which any commercial fertilizer is offered for sale, sold, or distributed in Indiana must have a written or printed statement of the net weight and the information required by section 31 of this chapter directly on or affixed to the package.

(b) If the commercial fertilizer is distributed in bulk, the written or printed statement required by section 31 of this chapter must:

(1) accompany the commercial fertilizer at delivery; and
(2) be supplied to the purchaser at time of delivery.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.19.

IC 15-16-2-33
Inspection fee; exemptions

Sec. 33. (a) Except as provided in subsection (c), a person who distributes commercial fertilizers:

(1) in bulk; or

(2) in packages weighing more than twelve (12) pounds;

in Indiana to a person who is not a registrant or permit holder under this chapter shall pay to the state chemist an inspection fee computed under subsection (b).

(b) The inspection fee charged under subsection (a) is forty-five cents ($0.45) per ton for each ton of commercial fertilizer distributed. If a fertilizer tonnage report is required under this chapter, the minimum inspection fee is ten dollars ($10) payable semiannually.

(c) Sales or exchanges between importers, manufacturers, distributors, or registrants are exempt from the inspection fee.

As added by P.L.2-2008, SEC.7.

IC 15-16-2-34
Permit to report commercial fertilizer sold; fee

Sec. 34. (a) Each registrant shall apply to the state chemist for a permit to report the tonnage of commercial fertilizer sold and pay the inspection fee of forty-five cents ($0.45) per ton on the basis of the report. In making the application, the registrant must agree to the following:

(1) To keep records that the state chemist requires to indicate accurately the tonnage and kinds of commercial fertilizers sold in Indiana.

(2) To grant the state chemist permission to examine those records and verify the statement of tonnage.

(3) To report under oath to the state chemist on forms furnished by the state chemist the tonnage of commercial fertilizer sold during the period covered.

(b) The state chemist:

(1) may grant the permit if the state chemist determines that the application of the permit to report tonnage of commercial fertilizer described in subsection (a) will lead to efficient enforcement of this chapter; and

(2) may revoke the permit at any time if it appears to the state chemist that the registrant is not complying with:

(A) the terms of the agreement entered into at the time of the issuance of the permit; or

(B) this chapter.

(c) The report of tonnage is due and the inspection fees are payable semiannually on the last day of the month following the end of the semiannual period.

(d) If:

(1) the report of tonnage is not filed and the inspection fee paid by the fifteenth day following the due date;

(2) the report of tonnage is false; or

(3) the permit holder has not complied with labeling requirements of this chapter;

the state chemist may revoke the permit.

(e) If the inspection fee is unpaid after the fifteen (15) day grace period described in subsection (d), a penalty shall be assessed in the amount of:

(1) fifty dollars ($50); or

(2) ten percent (10%) of the amount due;

whichever is greater, in addition to the amount due.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.20.

IC 15-16-2-35

Disposition of inspection fees

Sec. 35. (a) The state chemist shall pay to the treasurer of Purdue University all inspection fees collected under this chapter.

(b) Inspection fees collected under this chapter must be used to pay all necessary expenses incurred in carrying out this chapter, including the following:

(1) Employing inspectors and chemists.

(2) Procuring samples.

(3) Printing bulletins.

(4) Giving the results of inspections as provided for by this chapter.

(5) Any other expenses incurred by Purdue University agricultural programs:

(A) authorized by law; and

(B) in support of the purposes of this chapter.

(c) The dean of agriculture of Purdue University shall make an annual classified report to the governor showing the total receipts and expenditures of all fees received under this chapter.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.21.

IC 15-16-2-36

Excess funds from fees collected; disposition

Sec. 36. (a) Notwithstanding any other law, all excess funds accumulated from the fees collected by:

(1) the state chemist, under this chapter, IC 15-15-2, IC 15-16-4, and IC 15-19-7; and

(2) the state seed commissioner under IC 15-15-1 and IC 15-15-13;

shall be paid to the treasurer of Purdue University. The funds shall be administered by the board of trustees of Purdue University.

(b) On approval of the governor and the budget agency, the board of trustees may spend the excess funds for the construction, operation, rehabilitation, and repair of buildings, structures, or other facilities used for:

(1) carrying out the purposes of those chapters referred to in

subsection (a) under which the fees are collected; or

(2) the agricultural programs authorized by law and in support of the purposes of the chapters referred to in subsection (a).

As added by P.L.2-2008, SEC.7. Amended by P.L.165-2014, SEC.2.

IC 15-16-2-37

Annual publication by state chemist; information required

Sec. 37. (a) The state chemist shall publish at least annually in a form that the state chemist considers proper, information concerning the following:

(1) The sales of commercial fertilizers, including any data on sales that the state chemist considers advisable.

(2) The results of the analyses conducted under section 38 of this chapter based on official samples of commercial fertilizers sold within the state compared with the analysis guaranteed under sections 31 and 32 of this chapter.

(b) The information published by the state chemist concerning the sale of commercial fertilizers:

(1) must show separately the fall season and spring season of each year; and

(2) may not disclose the operations of any person.

As added by P.L.2-2008, SEC.7.

IC 15-16-2-38

Inspection, analysis, and tests; entry onto premises; subpoenas

Sec. 38. (a) The state chemist shall:

(1) sample, inspect, make analysis of, and test commercial fertilizers distributed within Indiana; and

(2) inspect the storage of bulk fertilizers in Indiana at a time and place and to such an extent as necessary to determine whether the bulk fertilizers and their storage are in compliance with this chapter.

(b) The state chemist may enter upon any public or private premises during regular business hours in order to have access to:

(1) fertilizer materials; and

(2) plans and records relating to the transportation, storage, sale, and use of fertilizer materials;

subject to this chapter and the rules adopted under this chapter.

(c) The state chemist shall adopt methods of sampling and analysis for commercial fertilizers from sources that may include AOAC International. In cases of dispute, AOAC International's methods prevail if AOAC International's methods are available.

(d) The state chemist shall determine for administrative purposes whether a commercial fertilizer is deficient in plant foods using only the official sample obtained and analyzed as provided in subsection (c).

(e) The state chemist may request a court to issue subpoenas to compel:

(1) the attendance of witnesses; or

(2) the production of books, documents, and records;

as part of an authorized investigation or a hearing located in Indiana affecting the authority or privilege granted by a license, certificate, application, registration, or permit issued under this chapter.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.22; P.L.99-2012, SEC.4.

IC 15-16-2-39

Official commercial fertilizer analysis; report

Sec. 39. If an official commercial fertilizer analysis conducted by the state chemist under section 38 of this chapter results in a determination that the registrant of a commercial fertilizer is subject to a penalty or other legal action under this chapter, the state chemist shall forward a report of the results of the analysis to the registrant at least thirty (30) days before the report is submitted to the purchaser of the commercial fertilizer. If the analysis was requested by a person other than the state chemist, the results of the analysis shall be forwarded to the registrant and purchaser immediately. If, during the thirty (30) day period, the state chemist does not receive adequate evidence contesting the results in the report, the report becomes an official report at the expiration of the thirty (30) day period. Upon the registrant's request, the state chemist shall furnish to the registrant part of the commercial fertilizer sample analyzed by the state chemist to determine that the registrant is subject to a penalty or other legal action under this chapter.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.23.

IC 15-16-2-40

Noncompliance with analysis; order for refund to purchaser; appeal

Sec. 40. (a) If an analysis conducted by the state chemist under section 38 of this chapter shows that a commercial fertilizer fails in any respect to meet the guaranteed analysis filed by a registrant under section 31 of this chapter, the state chemist may require the payment of a refund to the purchaser equal to the difference between:

(1) the price the purchaser paid for the commercial fertilizer; and

(2) the current value of the commercial fertilizer after the state chemist's analysis.

(b) The registrant must forward receipts for payment of refunds required under subsection (a) promptly to the state chemist. If the purchaser cannot be found, the registrant shall pay the refund to a local charitable or educational organization of the registrant's choice and forward the receipts promptly to the state chemist.

(c) This section does not prevent the appeal of the imposition of any penalty assessed by the state chemist under this chapter to a court with jurisdiction.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.24.

IC 15-16-2-41
Storage of bulk fertilizers

Sec. 41. Bulk fertilizers must be stored in a manner that:

(1) minimizes the release of bulk fertilizer; and

(2) protects the waters of the state.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.25.

IC 15-16-2-42
Misbranded and adulterated commercial fertilizers; unlawful distribution

Sec. 42. (a) A commercial fertilizer is misbranded if:

(1) the commercial fertilizer carries any false or misleading statement upon or attached to the container; or

(2) false or misleading statements concerning the commercial fertilizer's nutrient value are made:

(A) on the container; or

(B) in any advertising media accompanying or associated with the commercial fertilizer.

It is unlawful to distribute a misbranded commercial fertilizer.

(b) It is unlawful to distribute an adulterated commercial fertilizer. For purposes of this subsection, a commercial fertilizer is adulterated if:

(1) the commercial fertilizer contains any deleterious or harmful substance in a sufficient amount to render the commercial fertilizer injurious to beneficial plant life, animals, humans, aquatic life, soil, or water when applied in accordance with directions for use on the label; or

(2) the label does not include adequate warning statements or directions for use that may be necessary to protect plant life, animals, humans, aquatic life, soil, or water.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.26.

IC 15-16-2-43
Fraudulent or deceptive practices; cancellation of registration; refusal to register; notice; hearing

Sec. 43. (a) The state chemist may:

(1) cancel the registration of any brand of commercial fertilizer; or

(2) refuse to register any brand of commercial fertilizer in accordance with this chapter;

if the state chemist receives satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasion or attempted evasion of this chapter or any rule adopted under this chapter.

(b) The state chemist may not revoke or refuse a registration under subsection (a) until the registrant receives notice and has the opportunity to appear for a hearing.

As added by P.L.2-2008, SEC.7.

IC 15-16-2-44
Rules; certification and education programs; fees; waivers

Sec. 44. (a) The state chemist may adopt rules under IC 4-22-2 concerning the following:

(1) The distribution and use of fertilizer material, including standards to protect waters of the state.

(2) The distribution and storage of bulk fertilizers, including standards for the storage of bulk fertilizers to protect the waters of the state.

(b) The state chemist shall adopt rules under IC 4-22-2 concerning the following:

(1) Subject to subsection (e), the establishment of certification and educational programs, as determined by the state chemist, relating to the application of fertilizer material, the transportation of fertilizer material, or both for the following:

(A) Persons who apply fertilizer material for hire, transport fertilizer material for hire, or both.

(B) Persons who apply fertilizer material, transport fertilizer material, or both from the following:

(i) Confined feeding operations (as defined in IC 13-11-2-40).

(ii) Operations outside Indiana that would be confined feeding operations (as defined in IC 13-11-2-40) if they were located in Indiana.

(2) The establishment of fees for the certification and education programs established under subdivision (1).

(c) The state chemist shall adopt rules under IC 4-22-2 before July 1, 2012, concerning the staging, management, and land application of fertilizer material.

(d) Any fees collected for a certification and educational programs under subsection (b)(1) shall be collected by the state chemist and deposited and administered under section 44.5 of this chapter.

(e) The state chemist may waive all or part of the certification requirements established under subsection (b)(1) on a reciprocal basis with any state agency or federal agency that has substantially the same certification standards.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.27; P.L.189-2011, SEC.14.

IC 15-16-2-44.5
Disposition of fees

Sec. 44.5. (a) The state chemist shall pay to the treasurer of Purdue University all certification and educational program fees collected under section 44 of this chapter.

(b) Certification and educational program fees collected under section 44 of this chapter must be used to pay all necessary expenses

incurred in carrying out and administering the certification and educational programs.

(c) The dean of agriculture of Purdue University shall make an annual classified report to the governor showing the total receipts and expenditures of all fees received under this section.

As added by P.L.81-2009, SEC.28.

IC 15-16-2-45

Use of technologies to protect waters from release of bulk fertilizers

Sec. 45. The state chemist may allow the use of technologies or methods other than those specified in the administrative rules adopted by the state chemist under section 44 of this chapter if the technologies or methods provide substantially similar protection to the waters of the state from the release of bulk fertilizer as provided by the rules.

As added by P.L.2-2008, SEC.7.

IC 15-16-2-46

Stop sale, use, or removal orders

Sec. 46. (a) If the state chemist determines that a commercial fertilizer is being offered for sale in violation of this chapter, the state chemist may issue to and enforce upon the owner or custodian:

(1) a written or printed stop sale, use, or removal order; and

(2) a written or printed order to hold the commercial fertilizer at a designated place until:

(A) the owner or custodian complies with this chapter;

(B) the state chemist releases the commercial fertilizer in writing; or

(C) the violation is legally disposed of by written authority.

(b) The state chemist shall release commercial fertilizer withdrawn under subsection (a) when:

(1) the owner or custodian complies with this chapter; and

(2) all costs and expenses incurred in connection with the withdrawal have been paid.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.29.

IC 15-16-2-47

Seizure of commercial fertilizer; condemnation and disposal; release of commercial fertilizer

Sec. 47. (a) Any commercial fertilizer not in compliance with this chapter is subject to seizure based on a complaint of the state chemist filed in a court with jurisdiction in the area in which the commercial fertilizer is located.

(b) Subject to subsection (a), if the court finds the commercial fertilizer is in violation of this chapter and orders the condemnation of the commercial fertilizer, the commercial fertilizer must be disposed of in any manner consistent with the quality of the

commercial fertilizer and the laws of the state.

(c) A court may not order the disposition of the commercial fertilizer without first giving the claimant an opportunity to apply to the court for:

(1) release of the commercial fertilizer; or

(2) permission to process or relabel the commercial fertilizer to bring it into compliance with this chapter.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.30.

IC 15-16-2-48
Repealed

(As added by P.L.2-2008, SEC.7. Repealed by P.L.81-2009, SEC.33.)

IC 15-16-2-49
Injunctions

Sec. 49. The state chemist may apply for a temporary or permanent injunction restraining any person from violating or continuing to violate this chapter or any rule adopted under this chapter. The injunction shall be issued without bond. The remedies under this subsection are supplemental to other remedies allowed under this section or other law.

As added by P.L.2-2008, SEC.7.

IC 15-16-2-49.5
Violations; penalties

Sec. 49.5. (a) If a person violates this chapter or a rule adopted under this chapter, the state chemist may:

(1) warn, issue a citation to, or impose a civil penalty on the person; or

(2) deny, suspend, revoke, or amend the person's registration under this chapter.

(b) The state chemist shall adopt by rule, under IC 4-22-2, a schedule of civil penalties that may be imposed under subsection (a). The state chemist may impose a civil penalty only according to a schedule of civil penalties recommended by the board.

(c) A person who knowingly or intentionally violates this chapter commits a Class A misdemeanor.

As added by P.L.120-2008, SEC.59. Amended by P.L.81-2009, SEC.31.

IC 15-16-2-50
Regulation by political subdivision prohibited; petition; hearing

Sec. 50. (a) Except as provided in subsection (b), a political subdivision (as defined in IC 36-1-2-13) does not have authority to regulate by ordinance the storage or use of fertilizer material.

(b) A political subdivision may, by resolution, petition the state chemist for a hearing to allow a waiver to adopt an ordinance

because of special circumstances relating to the storage or use of fertilizer material. If a petition is received, the state chemist shall hold a public hearing to consider allowing the waiver requested. The public hearing must be conducted in an informal manner. IC 4-21.5 does not apply to a public hearing under this section.

As added by P.L.2-2008, SEC.7. Amended by P.L.81-2009, SEC.32.

IC 15-16-3

Chapter 3. Commercial Lawn Care Service Fertilizers

IC 15-16-3-1

Application of IC 15-16-2; exemptions

Sec. 1. (a) Except as provided in subsection (b), IC 15-16-2 applies to a licensee.

(b) A licensee is not required to:

(1) register tank mixed liquid fertilizer grades under IC 15-16-2-31; and

(2) pay an inspection fee and file for a permit to report tonnage under IC 15-16-2-33 and IC 15-16-2-34;

when the licensee is engaged in lawn care service.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-2

Application of definitions

Sec. 2. The definitions in IC 15-16-2 apply throughout this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-3

"Label"

Sec. 3. As used in this chapter, "label" means:

(1) written material;

(2) printed material;

(3) graphic material; or

(4) any other statement;

accompanying a fertilizer.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-4

"Lawn care service"

Sec. 4. As used in this chapter, "lawn care service" means service provided to private, institutional, or commercial entities for compensation to maintain and nourish:

(1) turf;

(2) shrubbery;

(3) trees; and

(4) other plants;

commonly associated with private, institutional, or commercial lawns. The term includes the application of commercial fertilizer individually or in combination with a pesticide (as defined in IC 15-16-4-30).

As added by P.L.2-2008, SEC.7.

IC 15-16-3-5

"Licensee"

Sec. 5. As used in this chapter, "licensee" means a person who has been issued a license under this chapter.
As added by P.L.2-2008, SEC.7.

IC 15-16-3-6
"Tank mixed liquid fertilizer"

Sec. 6. As used in this chapter, "tank mixed liquid fertilizer" means a fluid mixture of commercial fertilizer and water in which the total nutrient content of the mixture does not exceed the amount determined under rules adopted by the state chemist under IC 4-22-2 in accordance with current practices of the lawn care service industry.
As added by P.L.2-2008, SEC.7.

IC 15-16-3-7
License to distribute tank mixed liquid fertilizer

Sec. 7. A person:
(1) who is engaged in lawn care service; and
(2) whose name must appear on the label of a fertilizer under this chapter;
must obtain a license from the state chemist before the person may distribute a tank mixed liquid fertilizer to another person.
As added by P.L.2-2008, SEC.7.

IC 15-16-3-8
Application for license; fee

Sec. 8. (a) To obtain a license described under section 7 of this chapter, a person must:
(1) submit an application; and
(2) pay a fee of one hundred dollars ($100) for each location from which the person distributes tank mixed liquid fertilizer:
(A) in Indiana; and
(B) outside Indiana that conducts operations in Indiana;
to the state chemist.

(b) An application for a license issued under this chapter must include:
(1) the name and address of the person applying for the license; or
(2) if the application submitted applies to at least one (1) location described under subsection (a)(2), the name and address of each location.
As added by P.L.2-2008, SEC.7.

IC 15-16-3-9
Rules; licensee qualifications and training

Sec. 9. The state chemist may adopt rules under IC 4-22-2 to establish qualifications for licenses issued under this chapter, including a training requirement necessary to assure that a person

responsible for a location described under section 8(a)(2) of this chapter is in compliance with this chapter.
As added by P.L.2-2008, SEC.7.

IC 15-16-3-10
Name and location of licensee

Sec. 10. A license issued under this chapter shall be issued in the name of the person that distributes tank mixed liquid fertilizer at the location described under section 8(a)(2) of this chapter.
As added by P.L.2-2008, SEC.7.

IC 15-16-3-11
License expiration and renewal

Sec. 11. A license issued under this chapter:
(1) expires December 31 of each year; and
(2) may be renewed by the state chemist.
As added by P.L.2-2008, SEC.7.

IC 15-16-3-12
Information on labels and invoices

Sec. 12. A licensee shall display the name and address shown on a license issued under this chapter on labels and invoices for fertilizers distributed in Indiana by the licensee.
As added by P.L.2-2008, SEC.7.

IC 15-16-3-13
Change to information; inform state chemist

Sec. 13. A licensee shall inform the state chemist in writing of:
(1) the addition of a location described under section 8(a)(2) of this chapter; and
(2) a change in:
(A) the name of the licensee's facilities; and
(B) the principal personnel associated with the licensee;
made during the time the licensee holds a license issued under this chapter.
As added by P.L.2-2008, SEC.7.

IC 15-16-3-14
Labeling requirements

Sec. 14. (a) A fertilizer distributed as part of lawn care service must:
(1) be labeled under IC 15-16-2-32; and
(2) include the name and address of the licensee distributing the fertilizer.

(b) The information described under subsection (a) shall be supplied in written or printed form to a purchaser of fertilizer at the time the fertilizer is delivered to the purchaser.
As added by P.L.2-2008, SEC.7.

IC 15-16-3-15
Annual report to state chemist; information

Sec. 15. (a) A licensee that distributes or sells fertilizer to a person in Indiana shall furnish the state chemist with an annual report showing the:

(1) quantity in tons; and
(2) grade;

of each fertilizer material used in tank mixed liquid fertilizer in each county.

(b) A report described under subsection (a) must include the:

(1) name; and
(2) range of concentration;

of each pesticide incorporated with tank mixed liquid fertilizer.

(c) A report described under this section must be made:

(1) on a form provided by the state chemist; or
(2) by any other method approved by the state chemist.

(d) A report required under this section must be filed with the state chemist before January 31 of the year following the year for which the report must be made.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-16
Sales information; annual report

Sec. 16. (a) The state chemist shall annually record information concerning the sale of commercial fertilizers used for lawn care service based on the tonnage reports required under section 15 of this chapter.

(b) An annual report issued under this section:

(1) may be made available upon written request; and
(2) may not disclose the operations of any person.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-17
State chemist; agent; duties

Sec. 17. The state chemist, who may act through an agent authorized by the state chemist, shall do the following:

(1) Administer this chapter.
(2) Adopt rules under IC 4-22-2:
    (A) concerning the distribution of commercial fertilizers used in lawn care service; and
    (B) necessary to implement this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-18
Fraudulent and deceptive practices; license refusal or revocation; hearing

Sec. 18. (a) If:

(1) a person applying for a license under this chapter uses

fraudulent or deceptive practices to evade or attempt to evade compliance with this chapter or rules adopted under this chapter, the state chemist may refuse to issue a license to the person; or

(2) a licensee uses fraudulent or deceptive practices to evade or attempt to evade compliance with this chapter or rules adopted under this chapter, the state chemist may revoke the licensee's license.

(b) The state chemist may not:

(1) refuse to issue a license to a person; or

(2) revoke a licensee's license;

until the person or the licensee has had an opportunity to appear at a hearing conducted by the state chemist.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-19

Revocation or suspension of license

Sec. 19. If a licensee:

(1) does not submit a report required to be submitted under section 15 of this chapter by February 15 of a year;

(2) submits a false report under this chapter; or

(3) does not comply with label requirements under this chapter;

the state chemist may revoke the licensee's license or refuse to renew the licensee's license.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-20

Violations; minor violations; injunctions

Sec. 20. (a) A person that:

(1) knowingly makes a false application for a license issued under this chapter; or

(2) violates this chapter;

commits a Class C infraction.

(b) The state chemist is not required to report minor violations of this chapter for:

(1) prosecution; or

(2) the implementation of seizure proceedings;

if the state chemist believes that the public interest will be best served by a suitable written notice of warning.

(c) The state chemist may apply for a temporary or permanent injunction restraining a person from violating or continuing to violate this chapter or a rule adopted under this chapter. An injunction issued under this subsection shall be issued without bond.

As added by P.L.2-2008, SEC.7.

IC 15-16-4
Chapter 4. Pesticides

IC 15-16-4-1
Application of chapter; exported pesticides

Sec. 1. A pesticide product is not in violation of this chapter when the product is:

(1) intended solely for export to a foreign country; and

(2) prepared or packed according to the specifications or directions of the purchaser.

However, this chapter applies if the pesticide product is not exported.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-2
"Active ingredient"

Sec. 2. As used in this chapter, "active ingredient" means:

(1) in the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient that will:

(A) prevent;

(B) destroy;

(C) repel; or

(D) mitigate;

insects, nematodes, fungi, rodents, weeds, or other pests;

(2) in the case of a plant regulator, an ingredient that, through physiological action, will accelerate or retard the rate of growth or rate of maturation or alter the behavior of:

(A) ornamental or crop plants; or

(B) the produce of ornamental or crop plants;

(3) in the case of a defoliant, an ingredient that will cause the leaves or foliage to drop from a plant;

(4) in the case of a desiccant, an ingredient that will artificially accelerate the drying of plant tissue; and

(5) in the case of a nitrogen stabilizer, an ingredient that will prevent or hinder the process of nitrification, denitrification, ammonia volatilization, or urease production through an action affecting soil bacteria.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.60.

IC 15-16-4-3
"Adulterated"

Sec. 3. As used in this chapter, "adulterated" refers to a pesticide or pesticide product if:

(1) the strength or purity of the pesticide falls below the professed standard or quality as expressed on its labeling under which it is sold;

(2) any substance has been substituted wholly or in part for the pesticide product; or

(3) any valuable constituent of the pesticide product has been

wholly or in part removed.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-4
"Antidote"
Sec. 4. As used in this chapter, "antidote" means the most practical immediate treatment in case of poisoning, including first aid treatment.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-5
"Aquatic ecologist"
Sec. 5. As used in this chapter, "aquatic ecologist" means a scientist with a degree in, extensive training in, or experience in at least one (1) of the following:
(1) Aquatic ecology.
(2) Limnology.
(3) Invertebrate zoology.
(4) Invertebrate ecology.
(5) Ichthyology.
(6) Aquatic botany.
(7) Algology.
(8) Primary production ecology.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-6
"Board"
Sec. 6. As used in this chapter, "board" means the Indiana pesticide review board established by section 42 of this chapter.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-7
"Bulk pesticide"
Sec. 7. As used in this chapter, "bulk pesticide" means any pesticide or mixture of pesticides that is transported or held in a reusable immediate container in undivided quantities greater than:
(1) one hundred (100) pounds net dry weight; or
(2) fifty-five (55) U.S. gallons liquid measure.
The term does not include a pesticide that is in the custody of the ultimate user and has been prepared for application by the ultimate user by diluting the pesticide according to the label directions for that pesticide.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-8
"Defoliant"
Sec. 8. As used in this chapter, "defoliant" means any:
(1) substance; or

(2) mixture of substances;
intended to cause leaves or foliage to drop from a plant with or without causing abscission.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-9
"Desiccant"
Sec. 9. As used in this chapter, "desiccant" means any:
(1) substance; or
(2) mixture of substances;
intended for artificially accelerating the drying of plant tissues.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-10
"Device"
Sec. 10. As used in this chapter, "device" means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents or destroying, repelling, or mitigating any pest. The term does not include:
(1) equipment used for the application of pesticides when sold separately from the pesticides;
(2) firearms; or
(3) simple mechanical devices, including barriers, traps, or adhesives, or other simple contrivances that are not subject to this chapter as determined by the pesticide review board.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-11
"Distribute"
Sec. 11. As used in this chapter, "distribute" means to:
(1) offer for sale;
(2) sell;
(3) exchange;
(4) barter; or
(5) supply or offer to supply;
a pesticide product.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-12
"Final printed labeling"
Sec. 12. As used in this chapter, "final printed labeling" means the printed label or other labeling that will appear on or accompany a pesticide product.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-13
"Front panel"
Sec. 13. As used in this chapter, "front panel" means the part of

a label that is visible to a purchaser under normal conditions of sales displays.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-14
"Fungi"
Sec. 14. As used in this chapter, "fungi" means all nonchlorophyll-bearing thallophytes (all nonchlorophyll-bearing plants of a lower order than mosses and liverworts), including:
(1) rusts;
(2) smuts;
(3) mildews;
(4) molds;
(5) yeasts;
(6) bacteria; and
(7) viruses;
except those on or in a living human or other animal.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-15
"Fungicide"
Sec. 15. As used in this chapter, "fungicide" means any substance or mixture of substances intended for:
(1) preventing;
(2) destroying;
(3) repelling; or
(4) mitigating;
any fungi.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-16
"Herbicide"
Sec. 16. As used in this chapter, "herbicide" means any substance or mixture of substances intended for:
(1) preventing;
(2) destroying;
(3) repelling; or
(4) mitigating;
any weed.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-17
"Highly volatile herbicide"
Sec. 17. As used in this chapter, "highly volatile herbicide" means a herbicide that the board has determined to be capable of emitting vapors that may cause serious injury to desired plants by reason of movement of the vapors from the area of application of the herbicide to areas inhabited by the desired plants.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-18
"Immediate container"

Sec. 18. As used in this chapter, "immediate container" means the part of a container that is in direct contact with a pesticide product.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-19
"Inert ingredient"

Sec. 19. As used in this chapter, "inert ingredient" means an ingredient that is not an active ingredient.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-20
"Ingredient statement"

Sec. 20. As used in this chapter, "ingredient statement" means any of the following:

(1) A statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the pesticide.

(2) A statement of the name of each active ingredient in decreasing order of abundance and the total percentage of active ingredients, together with the name of each and total percentage of the inert ingredients, if any, in the pesticide.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.61.

IC 15-16-4-21
"Insect"

Sec. 21. As used in this chapter, "insect" means any small invertebrate animal:

(1) generally having the body more or less obviously segmented;

(2) for the most part belonging to the class Insecta; and

(3) comprising:

(A) six (6) legged usually winged forms, including beetles, bugs, bees, flies; or

(B) other allied classes of arthropods whose members are wingless and usually have more than six (6) legs, including spiders, mites, ticks, centipedes, and wood lice.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-22
"Insecticide"

Sec. 22. As used in this chapter, "insecticide" means any substance or mixture of substances intended for:

(1) preventing;

(2) destroying;

(3) repelling; or
(4) mitigating;
any insects.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-23
"Label"
Sec. 23. As used in this chapter, "label" means:
(1) the:
(A) written;
(B) printed; or
(C) graphic;
matter on, or attached to, a pesticide product or the immediate container of the pesticide product; and
(2) any outside container or wrapper of the retail package of the pesticide product.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-24
"Labeling"
Sec. 24. As used in this chapter, "labeling" means all labels and other written, printed, or graphic matter:
(1) upon the pesticide product or any of its containers or wrappers;
(2) accompanying the pesticide product at any time; or
(3) to which reference is made on the label or in literature accompanying the pesticide product, except when accurate, nonmisleading reference is made to current official publications of:
(A) the United States Department of Agriculture;
(B) the United States Department of Interior;
(C) the United States Department of Health and Human Services;
(D) the United States Environmental Protection Agency;
(E) state experiment stations;
(F) state agricultural colleges; or
(G) other similar federal institutions or official agencies of Indiana or other states authorized by law to conduct research in the field of pesticides.
As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.62.

IC 15-16-4-25
"Misbranded"
Sec. 25. As used in this chapter, "misbranded" refers to any of the following:
(1) Any pesticide product if its labeling bears any:
(A) statement;
(B) design; or

(C) graphic representation;

relative to the pesticide product or to its ingredients that is false or misleading.

(2) Any pesticide product if any of the following apply:

(A) It is an imitation of or is offered for sale under the name of another pesticide product.

(B) Its labeling bears any reference to registration under this chapter.

(C) The labeling accompanying it does not contain instructions for use that are necessary and, if complied with, adequate for the protection of the public.

(D) The label does not contain a warning or caution statement that may be necessary and, if complied with, adequate to prevent injury to humans and other vertebrate animals.

(E) The label does not bear an ingredient statement on that part of the immediate container and on any outside container or wrapper through which the ingredient statement on the immediate container cannot be clearly read of the retail package that is presented or displayed under customary conditions of purchase. However, a pesticide product is not misbranded under this definition if the size or form of the immediate container or the outside container or wrapper of the retail package makes it impracticable to place the ingredient statement on the part that is presented or displayed under customary conditions of purchase and the ingredient statement appears prominently on another part of the immediate container, outside container or wrapping, or labeling, as permitted by the state chemist.

(F) Any word, statement, or other information required under this chapter or the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) to appear on the labeling is not prominently placed on the labeling with conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in terms that make it likely to be read and understood by the average individual under customary conditions of purchase and use.

(G) In the case of an insecticide, nematocide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized practice, it is injurious to humans or other vertebrate animals, vegetation, except weeds to which it is applied, or the individual applying the pesticide.

(H) In the case of a plant regulator, defoliant, or desiccant when used as directed, it is injurious to humans or other vertebrate animals, vegetation to which it is applied, or the individual applying the pesticide. However, physical or physiological effects on plants or parts of plants are not considered to be injurious, if that is the purpose for which

the plant regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations.

(I) The immediate container does not clearly display the United States Environmental Protection Agency establishment number indicating the specific location where the pesticide product was produced.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-26
"Nematocide"

Sec. 26. As used in this chapter, "nematocide" means any substance or mixture of substances intended for:

(1) preventing;
(2) destroying;
(3) repelling; or
(4) mitigating;

nematodes.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-27
"Nematode"

Sec. 27. As used in this chapter, "nematode", commonly known as a nema or an eelworm, means an invertebrate animal of the phylum nemathelminthes and class Nematoda that is an unsegmented roundworm:

(1) with an elongated, fusiform, or saclike body covered with cuticle; and
(2) that inhabits soil, water, plants, or plant parts.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-28
"Person"

Sec. 28. As used in this chapter, "person" means any:

(1) individual;
(2) partnership;
(3) association;
(4) fiduciary;
(5) corporation; or
(6) organized group of persons;

whether incorporated or not.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-29
"Pest"

Sec. 29. As used in this chapter, "pest" has the meaning set forth in IC 15-16-5-24.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-30
"Pesticide"

Sec. 30. As used in this chapter, "pesticide" means:

(1) any substance or mixture of substances intended for:

(A) preventing;

(B) destroying;

(C) repelling; or

(D) mitigating;

a pest; and

(2) any substance or mixture of substances intended for use as a:

(A) plant regulator;

(B) defoliant; or

(C) desiccant.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-31
"Pesticide for use by prescription only"

Sec. 31. As used in this chapter, "pesticide for use by prescription only" means any pesticide that the board has found to be more hazardous than a restricted use pesticide so that any specific use and application must be determined and prescribed by a qualified pest management specialist approved by the state chemist.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-32
"Pesticide formulation"

Sec. 32. As used in this chapter, "pesticide formulation" means a pesticide product comprised of all active ingredients and inert ingredients.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-33
"Pesticide product"

Sec. 33. As used in this chapter, "pesticide product" means a pesticide or device offered for distribution or use, including any labeling.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-34
"Plant regulator"

Sec. 34. As used in this chapter, "plant regulator" means any substance or mixture of substances, intended through physiological action, for:

(1) accelerating or retarding the rate of growth or rate of maturation; or

(2) altering the behavior of ornamental or crop plants or the produce of ornamental or crop plants.

The term does not include substances to the extent they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-35
"Produce"
Sec. 35. As used in this chapter, "produce" means:
(1) to:
(A) manufacture;
(B) prepare;
(C) compound;
(D) process;
(E) formulate; or
(F) change;
a pesticide product or an active ingredient that is used in producing a pesticide product; or
(2) to:
(A) package;
(B) repackage;
(C) label;
(D) relabel; or
(E) otherwise change;
the container of a pesticide product.
The term does not include the dilution of formulated pesticides by an individual for the individual's use done according to the directions on the pesticide label.
As added by P.L.2-2008, SEC.7. Amended by P.L.99-2012, SEC.5.

IC 15-16-4-36
"Registrant"
Sec. 36. As used in this chapter, "registrant" means a person who registers a pesticide product under this chapter.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-37
"Restricted use pesticide"
Sec. 37. As used in this chapter, "restricted use pesticide" means:
(1) any pesticide classified as a restricted use pesticide by the administrator of the United States Environmental Protection Agency; or
(2) a pesticide that the board has determined to be unduly hazardous to persons, animals, plants, wildlife, waters, or lands other than the pests it is intended to prevent, destroy, control, or mitigate.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-38

"Rodenticide"

Sec. 38. As used in this chapter, "rodenticide" means any substance or mixture of substances intended for:

(1) preventing;
(2) destroying;
(3) repelling; or
(4) mitigating;

rodents or any other vertebrate animal that the board declares to be a pest.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-39
"Terrestrial ecologist"

Sec. 39. As used in this chapter, "terrestrial ecologist" means a scientist with a degree in, extensive training in, or experience in at least one (1) of the following:

(1) Animal ecology.
(2) Plant ecology.
(3) Vertebrate natural history.
(4) Herpetology.
(5) Ornithology.
(6) Mammalogy.
(7) Field zoology.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-40
"Weed"

Sec. 40. As used in this chapter, "weed" means any plant that grows where the plant is not wanted.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-41
"Wildlife"

Sec. 41. As used in this chapter, "wildlife" has the meaning set forth in IC 15-16-5-38.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-42
Pesticide review board; establishment; membership; terms

Sec. 42. (a) The Indiana pesticide review board is established. The board consists of the following members:

(1) One (1) representative of the state department of health.
(2) One (1) representative of the department of natural resources.
(3) One (1) representative of the department of environmental management.
(4) One (1) representative of the Purdue University office of agricultural research programs.

(5) One (1) representative of the Purdue University cooperative extension service.
(6) Two (2) ecologists:
(A) one (1) a terrestrial ecologist; and
(B) one (1) an aquatic ecologist.
Not more than one (1) ecologist may be a plant ecologist.
(7) One (1) public representative.
(8) One (1) representative of the pesticide producing or manufacturing industry.
(9) Two (2) representatives of producers of agricultural crops or products on which pesticides are applied or that may be affected by the application of pesticides:
(A) one (1) of whom represents producers of agronomic crops; and
(B) one (1) of whom represents producers of specialty crops.
(10) One (1) public representative from a conservation organization.
(11) Three (3) qualified scientists, one (1) each in the fields of entomology, plant pathology, and weed science. One (1) scientist must be the representative of either the Purdue University office of agricultural research programs or the Purdue University cooperative extension service.
(12) Three (3) certified and licensed commercial applicators of pesticides who must represent three (3) different certificate or license categories established under IC 15-16-5-45.
(13) The state chemist, who is an ex officio member and shall serve as a nonvoting member.
(14) The pesticide administrator for the office of the state chemist, who shall serve as a nonvoting member.
(15) The pesticide training coordinator, who shall serve as a nonvoting member.

(b) The voting members shall be appointed by the governor for terms of four (4) years and, subject to subsection (d), continue until the member's successor is approved and qualified. Appointments shall be made so that not more than five (5) terms expire annually.

(c) Voting members may be appointed for successive terms at the discretion of the governor.

(d) The governor may remove a voting member of the board prior to the expiration of the member's term for cause.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.63; P.L.99-2012, SEC.6.

IC 15-16-4-43
Vacancies

Sec. 43. A vacancy on the board created by death, resignation, or removal for cause of a member shall be filled by the governor not later than thirty (30) days after the occurrence. The new member serves for the remainder of the vacated term and must meet the

qualifications to be appointed to the board.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-44
Chairperson
Sec. 44. The board shall elect a member to serve as chairperson for a term of two (2) years. However, if the chairperson's appointment ends before the expiration of the term, the term is for the duration of the chairperson's appointment.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-45
Meetings
Sec. 45. (a) The board shall meet at least annually.
(b) The board may meet at other times and at a location specified by the chairperson or a majority of the board.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-46
Board; quorum
Sec. 46. (a) Nine (9) members of the board constitute a quorum.
(b) Official actions are subject to approval by a simple majority of board members present at a called meeting.
(c) The chairperson shall actively participate in all decisions of the board.
As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.64.

IC 15-16-4-47
Board; per diem and travel expenses
Sec. 47. The following individuals appointed to the board shall serve without compensation but are entitled to receive per diem payments at rates and under conditions incident to these positions:
(1) State officials.
(2) Staff members of state offices.
(3) Staff members of the Purdue University office of agricultural research programs.
(4) Cooperative extension service staff members.
Other members are entitled to reimbursement for traveling and other expenses as provided in the Purdue University travel policies and procedures, established by the Purdue University department of transportation and approved by the Purdue University vice president of business services.
As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.65.

IC 15-16-4-48
Board; information concerning pesticides
Sec. 48. The board may:
(1) collect;

(2) analyze; and
(3) interpret;
information on matters relating to the registration and use of pesticides.
As added by P.L.2-2008, SEC.7. Amended by P.L.99-2012, SEC.7.

IC 15-16-4-49
Declaration of injurious pests
Sec. 49. (a) The board may, after notice and public hearing as provided in IC 4-22-2, declare as a pest any form of:
(1) plant;
(2) animal life; or
(3) virus;
that is injurious to plants, humans, domestic animals, articles, or substances.
(b) When a hearing is held by the board, the board may designate one (1) or more persons as the board's agent or representative to conduct the hearing.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-50
Rules
Sec. 50. (a) The board may adopt rules under IC 4-22-2 to do the following:
(1) Establish a list of restricted use pesticides and pesticides for use by prescription only for all of Indiana or designated areas within Indiana, if the board finds that the characteristics of a pesticide require that rules restricting the:
(A) sale;
(B) distribution; or
(C) use;
of the pesticide by any person are necessary to prevent undue hazards to persons, animals, wildlife, lands, or waters, other than the pests that they are intended to prevent, destroy, control, or mitigate.
(2) Provide for the safe:
(A) handling;
(B) transportation;
(C) storage;
(D) display;
(E) distribution;
(F) disposal; and
(G) production;
of pesticide products and pesticide containers.
(3) Restrict or prohibit the use of certain types of containers or packages for specific pesticides. The restrictions may apply to the:
(A) type of construction;

(B) strength; or
(C) size;
to alleviate danger of spillage, breakage, or misuse.

(b) The board may adopt by reference the restricted use classification of a pesticide that is maintained by the United States Environmental Protection Agency.

(c) The board may adopt rules to do the following:

(1) Determine the time and conditions of the:
(A) sale;
(B) distribution; or
(C) use;
of pesticide products.

(2) Require that any or all pesticide products be purchased, possessed, or used only under:
(A) permit;
(B) certificate;
(C) license; or
(D) registration;
of the state chemist or under certain conditions or in certain quantities or concentrations.

(3) Require all persons issued:
(A) permits;
(B) certificates;
(C) licenses; or
(D) registrations;
under this subsection to maintain records as to the use of the pesticide products.

As added by P.L.2-2008, SEC.7. Amended by P.L.99-2012, SEC.8.

IC 15-16-4-51
Administration; state chemist

Sec. 51. The state chemist shall administer this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-52
Rules

Sec. 52. The state chemist may adopt rules under IC 4-22-2 to administer this chapter, including rules providing for the following:

(1) The collection and examination of samples of pesticide products.

(2) Determining whether a pesticide product is highly toxic to humans or wildlife.

(3) The issuance of permits to purchase, possess, or use "restricted use pesticides" and "pesticides for use by prescription only".

(4) Determining standards of coloring or discoloring for pesticide products and to subject pesticide products to the requirements of section 57 of this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-53
Delegation of duties

Sec. 53. The state chemist may delegate to an employee or agent any function that is vested in the state chemist by this chapter.
As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.66.

IC 15-16-4-54
Agreements with other agencies

Sec. 54. The state chemist may cooperate with and enter into agreements with:

(1) any other agency of this state;
(2) any federal agency; and
(3) any other state or agency of another state;

to carry out this chapter and apply uniform rules.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-55
Access to pesticide products

Sec. 55. The state chemist or the state chemist's agent may do the following:

(1) Enter any public or private premises, including any vehicle of transport during regular business hours:
  (A) to:
    (i) have access to; and
    (ii) obtain samples of;
  pesticide products; and
  (B) to:
    (i) examine; and
    (ii) copy;
  records relating to the production, use, transportation, and sale of pesticide products, subject to this chapter, the rules adopted under this chapter, and the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).
(2) Enter at a reasonable time in or upon any:
  (A) private; or
  (B) public;
  property for the purpose of inspection and investigating conditions possibly resulting from the use or misuse of a pesticide product.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.67; P.L.99-2012, SEC.9.

IC 15-16-4-56
Pesticide products that are considered to be the same

Sec. 56. For more than one (1) pesticide product to be considered the same pesticide product, each pesticide product must exhibit the

same:

(1) product name;

(2) registrant name;

(3) United States Environmental Protection Agency registration number; and

(4) labeling.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-57

Prohibited acts; production, distribution, display, and sale

Sec. 57. Except as provided in section 58 of this chapter, a person may not produce, distribute, display, sell, or offer for sale within Indiana or deliver for transportation or transport in intrastate commerce or between points within Indiana through any point outside Indiana any of the following:

(1) Any pesticide product that has not been registered under section 61 of this chapter.

(2) Any pesticide product if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration.

(3) A pesticide product if the composition of the product differs from the composition as represented in connection with its registration. However, at the discretion of the state chemist, a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product.

(4) Any pesticide product (except a bulk pesticide or a pesticide in a container designed and constructed to accommodate the return and refill of the container) unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to that container, and to any outside container or wrapper of the retail package through which the required information on the immediate container cannot be clearly read, a label bearing:

(A) the name and address of the manufacturer, registrant, or person for whom manufactured;

(B) the name, brand, or trademark under which the pesticide product is sold; and

(C) the net weight or measure of the content, subject, however, to reasonable variations as the state chemist may permit.

(5) Any pesticide product that is adulterated or misbranded.

(6) Any pesticide product in containers violating rules adopted under section 50(a)(3) of this chapter. Pesticides found in containers that are unsafe due to damage may be seized and impounded.

(7) A highly volatile herbicide except on written permission by the state chemist.

(8) Any bulk pesticide unless it is accompanied in all transfers of custody or ownership by or held in storage vessels to which is affixed a label bearing the information specified in subdivision (4).

(9) Any pesticide that violates the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) or regulations adopted under the Act.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.68; P.L.99-2012, SEC.10.

IC 15-16-4-58

Exemptions; transporting; public officials

Sec. 58. Section 57 of this chapter does not apply to:

(1) any carrier while lawfully engaged in transporting a pesticide product in Indiana if the carrier, upon request, permits the state chemist or the state chemist's designated agent to copy all records showing the transactions in and movement of the pesticide products; or

(2) public officials of Indiana and the federal government engaged in the performance of their official duties.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-59

Prohibited acts; use

Sec. 59. A person may not:

(1) detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this chapter or rules adopted under this chapter;

(2) add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of this chapter;

(3) use for the person's own advantage or reveal, other than to:

(A) the state chemist;

(B) proper officials;

(C) employees of the state;

(D) the courts of this state in response to a subpoena;

(E) physicians; or

(F) pharmacists and other qualified persons for use in emergencies in the preparation of antidotes;

any information relative to formulas of products acquired by authority of section 61 or 64 of this chapter;

(4) use or cause to be used any pesticide contrary to section 50 of this chapter;

(5) use a highly volatile herbicide except on written permission by the state chemist; or

(6) neglect, or after notice, refuse to comply with this chapter, the rules adopted under this chapter, or a lawful order of the state chemist or board.

As added by P.L.2-2008, SEC.7. Amended by P.L.99-2012, SEC.11.

IC 15-16-4-60
Exemptions; used for research

Sec. 60. Section 59(4) of this chapter does not apply to pesticides used in research by:

(1) the United States Department of Agriculture;
(2) the United States Department of Interior;
(3) the Purdue University agricultural research programs; or
(4) other persons who are qualified researchers as approved by the board.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-61
Pesticide registration

Sec. 61. (a) Each pesticide product that is:

(1) produced, distributed, sold, displayed, or offered for sale within Indiana; or
(2) delivered for transportation or transported:
    (A) in intrastate commerce; or
    (B) between points within Indiana through any point outside Indiana;

must be registered in the office of the state chemist.

(b) The application for registration must be made on a form provided by the state chemist that includes the following information:

(1) The name and address of the:
    (A) applicant; and
    (B) person whose name will appear on the label, if a person other than the applicant.
(2) The complete brand name of the pesticide.
(3) A complete copy of the labeling accompanying the pesticide.
(4) A statement of all claims to be made for it, including directions for use.
(5) If requested by the state chemist, a full description of the tests made and the results of the tests upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information that is different from that furnished when the pesticide was registered or last reregistered.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-62
Fees; disposition

Sec. 62. (a) Each registrant shall pay an annual, nonrefundable fee of one hundred seventy dollars ($170) for each application for each pesticide product submitted for registration.

(b) Each registration expires January 1 of each year.

(c) All fees collected by the state chemist under this chapter shall

be paid to the treasurer of Purdue University, who shall deposit the fees in a special restricted account designated by the treasurer of the board of trustees of Purdue University.

(d) From the account described in subsection (c), the treasurer shall pay all expenses incurred in administering this chapter, including expenses for the following:

(1) The employment of:
(A) inspectors;
(B) investigators;
(C) researchers;
(D) analysts;
(E) administrators; and
(F) clerical and service staff.

(2) Expenses in procuring samples and printing results of inspections.

(3) Purchasing:
(A) supplies;
(B) equipment; and
(C) services.

(4) Necessary remodeling.

(5) Other expenses of the office of the state chemist.

(6) The transfer of ten dollars ($10) from each fee paid under subsection (a) on an annual basis to the office of Purdue pesticide programs to provide education about the safe and effective use of pesticides.

The treasurer is not required to use any other funds, except those collected as registration fees, to pay any expenses incurred in the administration of this chapter. The dean of agriculture shall make an annual financial report to the governor showing total receipts and expenditures of all fees received under this chapter.

(e) A registrant who registers or pays an annual fee after December 31 of any year shall pay a late fee of one hundred seventy dollars ($170) as well as the annual fee.

(f) Excess funds from the collection of fees under this chapter are subject to IC 15-16-2-36.

As added by P.L.2-2008, SEC.7. Amended by P.L.99-2012, SEC.12.

IC 15-16-4-63

Registration fees apply to commercial fertilizers that contain pesticides

Sec. 63. The registration fee provisions of section 62 of this chapter apply to commercial fertilizers containing pesticides.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-64

Submission of pesticide formula; registration; notification; penalties

Sec. 64. (a) The state chemist shall require the submission of the

complete formula of any pesticide product, including the:

(1) confidential statement of formula;

(2) analytical methods for the analysis of the pesticide formulation and the analysis of residues of the pesticide product in environmental media; and

(3) analytical standards of the pesticide product.

In the case of a federally registered product, this requirement may be waived.

(b) The state chemist shall register a pesticide product if:

(1) the state chemist determines that the composition of the pesticide product warrants the proposed claims for the pesticide product;

(2) the pesticide product, its labeling, and other material required to be submitted comply with the requirements of section 61 of this chapter; and

(3) the state chemist determines that the person submitting the application for registration has complied with the requirements of this chapter.

(c) The state chemist shall notify the applicant that the pesticide product, labeling, or other material required to be submitted fails to comply with the law if the state chemist determines:

(1) that the proposed claims for the pesticide product; or

(2) the pesticide product, its labeling, and other material required to be submitted;

does not comply with this chapter.

(d) If the state chemist notifies an applicant under subsection (c), the state chemist shall give the applicant an opportunity to make the necessary corrections. If upon receipt of notice, the applicant does not make the corrections, the state chemist may refuse to register the pesticide product.

(e) The state chemist, in accordance with the procedures specified in this section, may deny, suspend, or cancel the registration of a pesticide whenever the state chemist determines that:

(1) the pesticide product;

(2) the pesticide product's labeling; or

(3) the person submitting the application for registration of the pesticide product;

does not comply with this chapter.

(f) If:

(1) an application for registration is refused; or

(2) the state chemist proposes to deny, suspend, or cancel a registration;

notice of the action and information concerning the person's right to obtain a review under section 64.5 of this chapter must be given to the applicant or registrant.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.69.

IC 15-16-4-64.5

Appeals

Sec. 64.5. (a) A person who is:

(1) regulated under this chapter; and

(2) aggrieved by any decision of the state chemist;

may obtain a review by the board if the person files a written petition with the board not later than thirty (30) days after the state chemist's decision.

(b) The board shall provide a copy of a petition filed under subsection (a) to the state chemist not later than seven (7) days after receiving the petition.

(c) Not more than fifteen (15) days after receiving a petition under subsection (b), the state chemist shall certify and file with the board a transcript of any record related to the petition, including a transcript of any evidence received.

(d) Whenever a hearing is held under this section, the board may designate one (1) or more persons as the board's agent or representative to conduct the hearing. The agent or representative shall conduct the hearing in the manner provided by IC 4-21.5-3.

(e) After hearing the appeal, the board shall affirm, set aside, or modify the action of the state chemist. However, the state chemist's finding of facts that are supported by the substantial evidence is considered conclusive.

(f) A person aggrieved by any action of the board may obtain judicial review under IC 4-21.5-5.

As added by P.L.120-2008, SEC.70.

IC 15-16-4-65

Confidential information

Sec. 65. The state chemist may, by rule, declare that information required under this chapter is confidential.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-66

Distribution of unregistered, adulterated, and misbranded products prohibited

Sec. 66. A person may not distribute:

(1) an unregistered pesticide product;

(2) an adulterated pesticide product; or

(3) a misbranded pesticide product.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-67

Handling and storage

Sec. 67. A person may not produce, handle, transport, store, display, or distribute pesticide products in a manner as to endanger:

(1) humans;

(2) the environment;

(3) food;

(4) feed; or
(5) any other products that may be:
(A) transported;
(B) stored;
(C) displayed; or
(D) distributed;
with pesticide products.
As added by P.L.2-2008, SEC.7. Amended by P.L.99-2012, SEC.13.

IC 15-16-4-68
Disposal and storage
Sec. 68. A person may not dispose of, discard, or store any pesticide products or pesticide containers in a manner that may cause injury to:
(1) humans;
(2) plants;
(3) animals;
(4) wildlife;
(5) lands; or
(6) waters;
except the pests that pesticide products are intended to prevent, destroy, control, or mitigate.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-69
Violations; penalties; disposition of penalties
Sec. 69. (a) Subject to this section, if a person violates this chapter or a rule adopted under this chapter, the state chemist under IC 4-21.5-3-6 may warn, cite, or impose a civil penalty on the person or:
(1) deny;
(2) suspend;
(3) revoke; or
(4) amend;
the person's registration under this chapter.
(b) The state chemist may impose civil penalties only in accordance with the schedule of civil penalties adopted by the board. The board shall establish a schedule of the civil penalties that may be imposed under subsection (a) by rule adopted under IC 4-22-2. The rule adopted under this subsection may not provide for a civil penalty that exceeds the following:
(1) Two hundred fifty dollars ($250) for a person's first violation.
(2) Five hundred dollars ($500) for a person's second violation.
(3) One thousand dollars ($1,000) for a person's third violation and each subsequent violation.
(c) If a violation is of a continuing nature, the state chemist may impose a civil penalty for each day that the violation occurred.

(d) A proceeding under IC 4-21.5-3 that involves the imposition of a civil penalty may be consolidated with any other proceeding commenced under IC 4-21.5 to enforce this chapter or the rules adopted under this chapter.

(e) Money collected for civil penalties imposed under this section shall be credited to the office of Purdue pesticide programs. The money may be used only to provide education about pesticides.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-70

Examination of pesticide products; proceedings; prosecution

Sec. 70. (a) The examination of pesticide products shall be made under the direction of the state chemist to determine whether the pesticide products comply with this chapter.

(b) If it appears after an examination that a pesticide product fails to comply with this chapter and the state chemist contemplates instituting proceedings against any person, the state chemist shall give appropriate notice to the person.

(c) A person notified under subsection (b) shall be given an opportunity to present the person's views, either orally or in writing, with regard to the contemplated proceedings to the state chemist.

(d) Subject to subsection (e), if the state chemist determines that a person violated this chapter, the state chemist may refer the facts to the prosecuting attorney for the county in which the violation occurred with a copy of the results of the analysis or the examination of the pesticide product.

(e) This chapter may not be construed to require the state chemist to report for prosecution or for the institution of other proceedings minor violations of this chapter whenever the state chemist believes that the public interests will be best served by other action.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.71.

IC 15-16-4-71

Injunctions

Sec. 71. (a) The state chemist may apply for a:

(1) temporary; or

(2) permanent;

injunction restraining any person from violating or continuing to violate this chapter or any rule adopted under the chapter notwithstanding the existence of other remedies at law.

(b) A court may grant a:

(1) temporary; or

(2) permanent;

injunction that the state chemist applies for under subsection (a).

(c) An injunction granted under this section shall be issued without bond.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-72
Publication of judgments

Sec. 72. The state chemist shall publish, in a form the state chemist considers proper, notice of all the judgments entered in actions instituted under the authority of this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-73
Stop sale orders; notification

Sec. 73. (a) Except as provided in subsection (f), if the state chemist:

(1) finds any pesticide product:
(A) upon any premises; or
(B) in any means of conveyance;
where it is held for purposes of, or during or after, distribution or sale; and
(2) determines that the pesticide product:
(A) is in violation of this chapter; or
(B) has been or is intended to be:
(i) distributed;
(ii) sold; or
(iii) used;
in violation of this chapter;

the state chemist may issue an order under subsection (b).

(b) The state chemist may issue a written or printed:
(1) stop sale;
(2) use; or
(3) removal;
order to the owner or custodian of a pesticide product.

(c) Except as provided in subsection (d), after receiving an order under subsection (b), the owner or custodian of a pesticide product may not:
(1) sell;
(2) use; or
(3) remove;
the pesticide product described in the order.

(d) The owner or custodian of a pesticide product who receives an order under subsection (b) may:
(1) sell;
(2) use; or
(3) remove;
the pesticide product only in accordance with the order or until the pesticide product is released in writing by the state chemist or by order of a court.

(e) When a stop sale order is issued under subsection (b), the state chemist shall immediately issue a notification to the dealer or registrant of the pesticide product that states the following:
(1) A stop sale order has been issued on the pesticide product.

(2) A reference to the specific language of the law or rule that is believed to have been violated.

(f) Labels of pesticide devices may be submitted to the state chemist for approval before the sale of the pesticide device.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.72.

IC 15-16-4-74

Condemnation and confiscation

Sec. 74. (a) The state chemist may file a claim in accordance with subsection (b) to condemn any pesticide product that is:

(1) distributed, sold, or offered for sale in Indiana; or

(2) delivered for transportation or transported:

(A) in intrastate commerce; or

(B) between points;

within Indiana through any point outside Indiana;

in any court with jurisdiction in any county of the state where the product is found and seized.

(b) A claim may be filed under subsection (a) if:

(1) the pesticide product is adulterated or misbranded;

(2) the pesticide product has not been registered under section 61 or 62 of this chapter;

(3) the pesticide product fails to bear on its label the information required by this chapter;

(4) the pesticide product is a white powder pesticide product and is not colored as required under this chapter; or

(5) any of the claims made for the pesticide product or any of the directions for its use differ in substance from the representations made in connection with its registration.

As added by P.L.2-2008, SEC.7.

IC 15-16-4-75

Condemned pesticides disposal

Sec. 75. (a) If a pesticide product is condemned under this chapter, the court shall enter a decree ordering the:

(1) disposal;

(2) destruction; or

(3) sale;

as the court may direct.

(b) If the pesticide product is sold under subsection (a), the proceeds, less legal costs, shall be paid to the state chemist.

(c) A pesticide product described in subsection (a) may not be sold except as provided for in this chapter.

(d) After:

(1) payment of costs; and

(2) execution and delivery of a good and sufficient bond that stipulates that the pesticide product may not be disposed of unlawfully;

the court may direct that the pesticide product be delivered to the

owner of the pesticide product for relabeling or reprocessing.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-76
Condemnation costs

Sec. 76. Whenever a decree of condemnation is entered under section 75(a) of this chapter against a pesticide product:

(1) court costs;
(2) fees;
(3) storage costs; and
(4) other proper expenses;

shall be awarded against the person, if any, intervening as claimant of the pesticide product.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-77
Offenses

Sec. 77. A person who recklessly, knowingly, or intentionally:

(1) violates this chapter; or
(2) impedes or prevents the state chemist or the state chemist's authorized agent in performance of the state chemist's duty in connection with this chapter;

commits a Class C misdemeanor, except as provided in section 78 of this chapter.
As added by P.L.2-2008, SEC.7.

IC 15-16-4-78
Offenses; fraud

Sec. 78. A person who, with intent to defraud:

(1) uses; or
(2) reveals;

information relative to formulas of products acquired under authority of section 64 of this chapter commits a Class A misdemeanor.
As added by P.L.2-2008, SEC.7.

IC 15-16-5

Chapter 5. Pesticide Use and Application

IC 15-16-5-1

"Agricultural commodity"

Sec. 1. As used in this chapter, "agricultural commodity" means any plant or part of a plant and animals or animal products produced primarily for sale, consumption, propagation, or other use by humans or animals.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-2

"Animal"

Sec. 2. As used in this chapter, "animal" means all vertebrate and invertebrate species, including humans and other mammals, birds, fish, and shellfish.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-3

"Beneficial insects"

Sec. 3. As used in this chapter, "beneficial insects" means insects that, during some part of their life cycles, are effective pollinators of plants, are parasites or predators of pests, or are useful to humans.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-4

"Board"

Sec. 4. As used in this chapter, "board" means the Indiana pesticide review board established by IC 15-16-4-42.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-5

"Certificate of financial responsibility"

Sec. 5. As used in this chapter, "certificate of financial responsibility" means a notarized statement from an officer of a bank or other financial institution attesting to the fact that a licensee under this chapter has adequate financial resources equal to the amount of liability insurance or bonding required by rule under section 58 of this chapter to protect persons who may suffer legal damages as a result of the applicator's pesticide operations or the pest inspector's inspections.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-6

"Certified applicator"

Sec. 6. As used in this chapter, "certified applicator" means any individual who is certified under this chapter as qualified to use or supervise the use of pesticides and has been issued a license or

permit as evidence of the individual's qualifications.
As added by P.L.2-2008, SEC.7.

IC 15-16-5-7
"Commercial applicator"

Sec. 7. As used in this chapter, "commercial applicator" means a certified applicator, whether or not a private applicator with respect to some uses, who uses or supervises the use of pesticides for any purpose or on any property other than as provided by section 30 of this chapter.
As added by P.L.2-2008, SEC.7.

IC 15-16-5-8
"Defoliant"

Sec. 8. As used in this chapter, "defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.
As added by P.L.2-2008, SEC.7.

IC 15-16-5-9
"Desiccant"

Sec. 9. As used in this chapter, "desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.
As added by P.L.2-2008, SEC.7.

IC 15-16-5-10
"Device"

Sec. 10. As used in this chapter, "device" means any instrument or contrivance, other than a firearm, that is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life other than bacteria, viruses, or other microorganisms on or in living humans or other living animals. The term does not include equipment used for the application of pesticides when sold separately from the pesticides.
As added by P.L.2-2008, SEC.7.

IC 15-16-5-11
"Distribute"

Sec. 11. As used in this chapter, "distribute" means to offer for sale, sell, exchange, or barter, or supply or offer to supply a pesticide.
As added by P.L.2-2008, SEC.7.

IC 15-16-5-12
"Environment"

Sec. 12. As used in this chapter, "environment" includes water, air, land, and all plants and humans and other animals living in water,

air, or on land and the interrelationships that exist among these.
As added by P.L.2-2008, SEC.7.

IC 15-16-5-13
"Equipment"

Sec. 13. As used in this chapter, "equipment" means any type of ground, water, or aerial apparatus or contrivance using motorized, mechanical, or pressurized power to apply any pesticide.
As added by P.L.2-2008, SEC.7.

IC 15-16-5-14
"Fungus"

Sec. 14. As used in this chapter, "fungus" means any nonchlorophyll-bearing plant of a lower order than mosses and liverworts, including:

(1) rust;
(2) smut;
(3) mildew;
(4) mold;
(5) yeast; and
(6) bacteria;

except those on or in living humans or other animals, and those on or in processed food, beverages, or pharmaceuticals.
As added by P.L.2-2008, SEC.7.

IC 15-16-5-15
"Insect"

Sec. 15. As used in this chapter, "insect" means any small invertebrate animal:

(1) generally having the body more or less obviously segmented;
(2) for the most part belonging to the class Insecta; and
(3) comprising:
    (A) six (6) legged usually winged forms, including beetles, bugs, bees, flies; or
    (B) other allied classes of arthropods whose members are wingless and usually have more than six (6) legs, including spiders, mites, ticks, centipedes, and wood lice.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-16
"Licensed applicator for hire"

Sec. 16. As used in this chapter, "licensed applicator for hire" means any licensed certified commercial applicator who is employed by a licensed pesticide business to use or to supervise the use of any pesticide on the property of another and who has assumed direct responsibility for the use or supervision of the use of pesticides by the business.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-17
"Licensed applicator not for hire"

Sec. 17. As used in this chapter, "licensed applicator not for hire" means a licensed certified commercial applicator who is employed by a private employer to use or supervise the use of a restricted use pesticide only on the property of the employer. The term includes a commercial applicator using a pesticide in a potentially hazardous situation or site as determined by the board.
As added by P.L.2-2008, SEC.7.

IC 15-16-5-18
"Licensed pest inspector"

Sec. 18. As used in this chapter, "licensed pest inspector" means an individual licensed under this chapter to make diagnostic inspections or reports to determine infestations of wood destroying pests on the property of another person and meets the requirements under section 58 of this chapter.
As added by P.L.2-2008, SEC.7.

IC 15-16-5-19
"Licensed pesticide business"

Sec. 19. As used in this chapter, "licensed pesticide business" means any licensed person that owns, operates, or manages a business that is engaged in or professes to be engaged in:

(1) using any pesticide, including restricted use pesticides; or
(2) making diagnostic inspections or reports to determine infestations of wood destroying pests.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-20
"Licensed public applicator"

Sec. 20. As used in this chapter, "licensed public applicator" means a licensed certified commercial applicator who uses or supervises the use of a restricted use pesticide as an employee of a state agency, municipal corporation, or other governmental agency. The term includes a commercial applicator using a pesticide in a potentially hazardous situation or site as determined by the board.
As added by P.L.2-2008, SEC.7.

IC 15-16-5-21
"Nematode"

Sec. 21. As used in this chapter, "nematode", commonly known as a nema or an eelworm, means an invertebrate animal of the phylum nemathelminthes and class nematoda that is an unsegmented roundworm:

(1) with an elongated, fusiform, or saclike body covered with

cuticle; and

(2) that inhabits soil, water, plants, or plant parts.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-22

"Permit"

Sec. 22. As used in this chapter, "permit" means a written certificate issued by the state chemist or the state chemist's agent to a private applicator, authorizing the purchase, possession, or use of restricted use pesticides.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-23

"Person"

Sec. 23. As used in this chapter, "person" means any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-24

"Pest"

Sec. 24. As used in this chapter, "pest" means:

(1) any insect, rodent, nematode, fungus, or weed; or

(2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism (except viruses, bacteria, or other microorganisms on or in living humans or other living animals) that is declared to be a pest by the administrator of the United States Environmental Protection Agency or by the board.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-25

"Pesticide"

Sec. 25. As used in this chapter, "pesticide" means:

(1) any substance or mixture of substances intended for:

(A) preventing;

(B) destroying;

(C) repelling; or

(D) mitigating;

a pest; or

(2) any substance or mixture of substances intended for use as a:

(A) plant regulator;

(B) defoliant; or

(C) desiccant.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-26

"Pesticide consultant"

Sec. 26. As used in this chapter, "pesticide consultant" means a person engaged in the retail sale of pesticides who:

(1) offers or supplies technical advice to;

(2) aids; or

(3) makes recommendations to;

another person concerning the use of a pesticide as part of business.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-27

"Pesticide formulation"

Sec. 27. As used in this chapter, "pesticide formulation" means a pesticide product comprised of all active ingredients and inert ingredients.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-28

"Pesticide product"

Sec. 28. As used in this chapter, "pesticide product" means a pesticide or device offered for distribution or use, including any labeling.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-29

"Plant regulator"

Sec. 29. As used in this chapter, "plant regulator" means any substance or mixture of substances intended, through physiological action, for:

(1) accelerating or retarding the rate of growth or rate of maturation; or

(2) altering the behavior of plants or the produce of plants.

The term does not include substances to the extent they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-30

"Private applicator"

Sec. 30. As used in this chapter, "private applicator" means a certified applicator who uses or supervises the use of pesticides for purposes of producing any agricultural commodity on property owned, rented, or managed by the employer or the applicator, if applied without compensation on the property of another person.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-31

"Property"

Sec. 31. As used in this chapter, "property" means all:

(1) land and water areas, including airspace; and
(2) plants, animals, structures, buildings, contrivances, vehicles, and machinery, appurtenant to or situated on land and water areas, fixed or mobile, including any used for transportation.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.73.

IC 15-16-5-32
"Registered pesticide dealer"

Sec. 32. As used in this chapter, "registered pesticide dealer" means any person who distributes any restricted use pesticide.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-33
"Registered technician"

Sec. 33. As used in this chapter, "registered technician" means a person who:
(1) is not licensed under this chapter;
(2) has registered with the state chemist; and
(3) is authorized to engage in pesticide use and related activities under the direct supervision of a licensed and certified applicator.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-34
"Restricted use pesticide"

Sec. 34. As used in this chapter, "restricted use pesticide" means:
(1) any pesticide classified as restricted by the administrator of the United States Environmental Protection Agency; or
(2) a pesticide that the board has determined to be unduly hazardous to persons, animals, plants, wildlife, waters, or lands other than the pests the pesticide is intended to prevent, destroy, control, or mitigate.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-35
"Unreasonable adverse effects on the environment"

Sec. 35. As used in this chapter, "unreasonable adverse effects on the environment" means an unreasonable risk to humans or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-36
"Use"

Sec. 36. As used in this chapter, "use" means an act of handling, releasing, or exposing individuals or the environment to a pesticide. The term includes the following:
(1) Application or supervision of an application of a pesticide,

including mixing or loading the pesticide.

(2) Storage of pesticides and pesticide containers by the intended applicator of the pesticides.

(3) Transportation of pesticides and pesticide containers by the intended applicator of the pesticides.

(4) Disposal of pesticides and pesticide containers by the intended applicator of the pesticides.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-37
"Weed"

Sec. 37. As used in this chapter, "weed" means any plant that grows where the plant is not wanted.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-38
"Wildlife"

Sec. 38. As used in this chapter, "wildlife" means all living things that are not human, domesticated, or pests. This term includes mammals, birds, reptiles, and aquatic life.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-39
Administration of chapter

Sec. 39. This chapter shall be administered by the state chemist.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-40
Delegation of powers

Sec. 40. The state chemist may delegate to an employee or agent any function that is vested in the state chemist by this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-41
Rules; confidentiality

Sec. 41. The state chemist may adopt rules to declare that information required to be submitted under this chapter is confidential.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-42
Reciprocity; waiver of requirements

Sec. 42. The state chemist may waive all or part of the requirements provided for in sections 45, 46, 48, 49, 50, 51, 52, 54, 56, and 57 of this chapter on a reciprocal basis with any other state agency or federal agency that has substantially the same standards.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.74; P.L.99-2012, SEC.14.

IC 15-16-5-43
Instruction and training in pesticide use

Sec. 43. In concurrence with the state chemist, the Purdue University cooperative extension service shall organize and conduct programs of instruction and training in areas of knowledge required in this chapter. Where appropriate and feasible, the Purdue University cooperative extension service shall draw upon the resources and expertise of other educational institutions and the private sector in this effort.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-44
Rules; use; application; inspections

Sec. 44. (a) The board may adopt rules under IC 4-22-2 prescribing policies and procedures relating to:

(1) the use and application of pesticides; and

(2) diagnostic inspections and reports for wood destroying pests.

(b) For the purpose of uniformity and in order to enter into both cooperative and reciprocal agreements, the board may adopt restricted use pesticide classifications as determined by the United States Environmental Protection Agency. The state chemist may adopt additional rules under IC 4-22-2 as required to accomplish the purpose of this chapter.

(c) Rules adopted under this chapter may not permit any pesticide use that is prohibited by federal law and regulations or orders issued under federal law.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-45
Rules; categories and classifications for certification and licensure; certification of applicators

Sec. 45. (a) The state chemist shall adopt rules to establish categories and qualifications to certify and license persons to use pesticides and to make diagnostic inspections and reports for wood destroying pests under this chapter. Each category is subject to separate testing procedures and requirements. A person is not required to pay an additional license fee if the person desires to be licensed in more than one (1) of the license categories provided for by the state chemist under this section.

(b) The state chemist, in adopting rules under this section, shall establish standards for the certification of persons who use pesticides or who make diagnostic inspections and reports for wood destroying pests. The standards must relate to the use and handling of pesticides, or to the use and handling of the pesticide or class of pesticides covered by the individual's certification and must be relative to the hazards involved. In determining standards, the state chemist shall consider the characteristics of the pesticide formulation, including

the acute dermal and inhalation toxicity, the persistence, mobility, and susceptibility to biological concentration, the use experience that may reflect an inherent misuse or an unexpected good safety record that does not always follow laboratory toxicological information, the relative hazards of patterns of use, including granular soil applications, ultra-low volume or dust aerial applications, or air blast sprayer applications, and the extent of the intended use. The state chemist shall observe the relevant regulations of Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.).

(c) The state chemist may require a person certified under this chapter as a commercial applicator or a private applicator to renew the person's certification, under requirements and standards established by the state chemist, to assure that the person maintains a level of competence and ability to use pesticides safely and properly.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-46

Certification and registration requirements; compliance

Sec. 46. A person required to be certified or registered under this chapter may not:

(1) use or supervise the use of any pesticide; or

(2) make diagnostic inspections or reports to determine infestations of wood destroying pests;

unless the person complies with the certification or registration requirements under this chapter and any other requirements determined by the state chemist to be necessary to prevent unreasonable adverse effects on the environment.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-47

Licenses and certificates not transferable

Sec. 47. (a) A license issued under this chapter is not transferable except in the event of disability or death of the licensee. The state chemist may transfer a license by issuing a temporary permit to provide for the operation of the business until the expiration of the permanent license.

(b) A certificate issued under this chapter is not transferable.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-48

Pesticide business license

Sec. 48. (a) Subject to section 55 of this chapter, a person may not engage in or profess to engage in the business of:

(1) using a pesticide; or

(2) making diagnostic inspections or reports to determine infestations of wood destroying pests;

on the property of another for hire at any time without a pesticide business license issued by the state chemist. The state chemist shall require an annual license fee of forty-five dollars ($45) for each pesticide business license that is issued.

(b) A pesticide business license must be obtained for each business location from which pesticide use or application is conducted.

(c) The application for a license must be on a form provided by the state chemist. Each application must contain information necessary for the administration of this chapter.

(d) The state chemist may not issue a pesticide business license until the applicant or a pesticide applicator in the applicant's hire who uses or supervises the use of a pesticide on the property of another is certified by passing an examination to demonstrate to the state chemist the applicant's or applicator's knowledge of the:

(1) use of pesticides under the category for which the applicant or applicator has applied; and

(2) nature and effect of pesticides the applicant or applicator may apply under the categories.

At least one (1) licensed applicator for hire must be associated with each location from which pesticides are used for hire.

(e) The state chemist may renew any pesticide business license.

(f) Subject to subsections (a), (b), (c), and (d) and section 65 of this chapter, if:

(1) the state chemist finds the applicant qualified to engage in the business of using pesticides or making diagnostic inspections or reports to determine infestations of wood destroying pests on the property of another;

(2) the applicant files evidence of financial responsibility required under section 58 of this chapter; and

(3) the applicant applying for a license involving aerial application of pesticides has met all of the requirements of:

(A) the Federal Aviation Administration;

(B) the Indiana department of transportation; and

(C) any other applicable federal or state statutes or regulations to operate the equipment described in the application;

the state chemist may issue a pesticide business license limited to the categories for which the applicant or a pesticide applicator in the applicant's hire is qualified. The license expires January 1 of the year following issue unless it has been invalidated, revoked, or suspended earlier by the state chemist. A surety bond or certificate of liability insurance in force or certificate of financial responsibility required under section 58 of this chapter must be maintained and in effect on a continuing basis.

(g) The state chemist may limit a license or the operation of a business to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified.

(h) If a license is not issued as applied for, the state chemist shall inform the applicant in writing of the reasons the license was not issued.
As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.75.

IC 15-16-5-49
Licensed applicators and pest inspectors; licensed applicator for hire and licensed pest inspector

Sec. 49. A person may not:

(1) act as an employee of a licensed pesticide business and use or supervise the use of a pesticide on another person's property; or

(2) make diagnostic inspections or reports to determine infestations of wood destroying pests on another person's property;

without having obtained a license to act as a licensed applicator for hire or a licensed pest inspector from the state chemist. However, a competent person who is not a licensed applicator for hire may use a pesticide under the direct supervision of a licensed applicator. An applicator's license and a pest inspector's license does not relieve the person from the responsibility of obtaining any other license or permit required for the operation or use of any equipment.
As added by P.L.2-2008, SEC.7.

IC 15-16-5-50
Licensed applicators not for hire

Sec. 50. (a) Except as provided in subsection (b), a person may not act as a licensed applicator not for hire unless the person has obtained a license from the state chemist.

(b) A person who is not a licensed applicator not for hire may use a pesticide if the person is under the direct supervision of a licensed applicator not for hire.
As added by P.L.2-2008, SEC.7.

IC 15-16-5-51
Public employees; public applicator

Sec. 51. (a) All state agencies, municipal corporations, and other governmental agencies are subject to this chapter and rules adopted under this chapter concerning the application of pesticides.

(b) Except as provided in subsection (c), a person may not act as a licensed public applicator unless the person has obtained a license from the state chemist.

(c) A person who is not a licensed public applicator may use a pesticide if the person is under the direct supervision of a licensed public applicator.

(d) The public applicator's license is valid only when the applicator is using or supervising the use of pesticides by public agencies. Government research personnel are not exempt from the

licensing requirement when using pesticides.
As added by P.L.2-2008, SEC.7.

IC 15-16-5-52
Applications for licensure; denials; expiration; renewal

Sec. 52. (a) A person applying for a license described under section 49, 50, or 51 of this chapter must:

(1) submit an application to the state chemist on a form provided by the state chemist;

(2) pass the appropriate examination provided under section 45 of this chapter;

(3) except for a person who is:

(A) applying for a licensed public applicator's license; or

(B) an employee of a nonprofit organization;

submit a fee of forty-five dollars ($45) to the state chemist; and

(4) if the person will engage in the aerial application of pesticides, submit proof to the state chemist that the person has satisfied aerial application requirements under applicable state and federal laws.

(b) Subject to section 65 of this chapter, if a person meets the requirements under subsection (a), the state chemist shall issue the appropriate license to the person.

(c) If the state chemist does not issue a license to a person who applied for a license described under subsection (a), the state chemist shall inform the person in writing of the reason the license was not issued.

(d) A person who has been issued a license under subsection (b):

(1) shall notify the state chemist in writing within ten (10) days after a change in or termination of the person's employment as a licensed applicator for hire, a licensed applicator not for hire, or a licensed public applicator; and

(2) may apply to the state chemist to transfer or amend the person's license by submitting an updated application form described under subsection (a)(1).

(e) A license issued under subsection (b):

(1) expires January 1 of each year; and

(2) subject to section 65 of this chapter, may be renewed by the person holding the license if the person:

(A) submits a renewal application on a form provided by the state chemist; and

(B) except for a person renewing a licensed public applicator's license or an employee of a nonprofit organization, pays a forty-five dollar ($45) renewal fee;

before January 1.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.76; P.L.99-2012, SEC.15.

IC 15-16-5-53

Repealed

(As added by P.L.2-2008, SEC.7. Repealed by P.L.99-2012, SEC.16.)

IC 15-16-5-54

Private applicator; certification

Sec. 54. (a) A private applicator may not be issued a permit to use a restricted use pesticide without first complying with the certification requirements, including passing an examination, determined by the state chemist necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons.

(b) Certification standards to determine a person's competency with respect to the use and handling of the pesticide or class of pesticides that the private applicator is to be certified to use must be relative to hazards as described in section 45 of this chapter. In determining these standards, the state chemist shall observe those standards for private applicator certification provided by the U.S. Environmental Protection Agency.

(c) A fee of twenty dollars ($20) must be paid to the state chemist by each person applying for a certification as a private applicator under this section.

(d) If the state chemist does not certify the private applicator under this section, the state chemist shall inform the applicant of the reasons the applicant was not certified and return the applicant's application fee.

(e) The state chemist may require additional knowledge to ensure that applicators continue to meet the requirements of changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-55

Exemptions from licenses

Sec. 55. Section 48 of this chapter relating to licenses and requirements for their issuance does not apply to the following:

(1) A farmer who applies pesticides for the farmer's own use or with ground equipment or manually for the farmer's neighbors if:

(A) the farmer operates farm property and operates and maintains pesticide application equipment primarily for the farmer's own use;

(B) the farmer is not engaged in the business of applying pesticides for hire and the farmer does not publicly profess to be a pesticide business;

(C) the farmer operates the farmer's pesticide application equipment only in the vicinity of the farmer's own property and for the accommodation of the farmer's neighbors; and

(D) the farmer is certified as a private applicator if the farmer uses restricted use pesticides.

(2) A veterinarian who uses pesticides as an incidental part of the veterinarian's practice, if the veterinarian is not regularly engaged in or does not profess to be engaged in the business of using pesticides for hire.

(3) Research personnel applying pesticides only to bona fide experimental plots.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-56

Registration of registered technicians

Sec. 56. The state chemist shall establish and administer a program to register individuals as registered technicians.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-57

Restricted use pesticide dealer; registration; fees; exemptions

Sec. 57. (a) Each person who is a restricted use pesticide dealer shall register with the state chemist. Registration shall be required for each business location distributing restricted use pesticides and shall be accomplished on a form to be provided by the state chemist. A registration expires January 1 following issuance unless the registration is renewed annually. A registration fee of forty-five dollars ($45) must accompany the application.

(b) This section does not apply to:

(1) a licensed pesticide business that sells pesticides only as an integral part of its pesticide application service when the pesticides are dispensed only through equipment used for this pesticide application;

(2) any federal, state, county, or municipal agency that provides pesticides only for its own programs; or

(3) any person who is the final purchaser of a pesticide for application to property or property rights owned, leased, or acquired by the person.

(c) Each registered pesticide dealer is responsible for the acts of each person employed by the dealer in the solicitation and sale of restricted use pesticides and all claims and recommendations for use of pesticides. The dealer's registration is subject to sections 65 and 66 of this chapter for any violation of this chapter whether committed by the dealer or by the dealer's officer, agent, or employee.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-58

Pesticide business license and pest inspector license; financial responsibility

Sec. 58. (a) The state chemist may not issue a pesticide business license or a pest inspector license until the applicant for the license

has furnished a surety bond, a certificate of liability insurance in force, or a certificate of financial responsibility to protect persons who may suffer legal damages as a result of the pesticide operations or pest inspections of the applicant. If the surety bond, liability insurance, or financial responsibility is not maintained at all times during the licensing period, the pesticide business license, pest inspector license, and any associated commercial applicator licenses and technician registrations are invalid. The applicant may not engage in or profess to be engaged in the business of using pesticides or pest inspection until the financial responsibility is in compliance and the applicant's license is reinstated by the state chemist.

(b) This chapter does not relieve any person from liability for any damage to the person or property of another caused by the use of pesticides even though the use conforms to the rules adopted under this chapter.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.77.

IC 15-16-5-59

Maintenance of records

Sec. 59. (a) Commercial applicators and licensed pest inspectors shall maintain records concerning:

(1) the application of restricted use pesticides;

(2) diagnostic inspections to determine infestations of wood destroying pests; and

(3) any relevant information that the state chemist determines by rule is necessary for purposes of this chapter.

(b) The state chemist may require certified applicators to maintain records related to applications of state restricted pesticide uses.

(c) Records required under this section must be kept for:

(1) two (2) years after the date of the inspection or the application of the pesticide; or

(2) the time specified by rule.

(d) The state chemist shall be provided access to the records by the commercial applicator or licensed pest inspector.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.78.

IC 15-16-5-60

Late fees

Sec. 60. A person who:

(1) is required to pay a fee under this chapter to the state chemist; and

(2) does not pay the fee before the date the fee is due;

shall pay a penalty fee to the state chemist equal to one hundred percent (100%) of the required fee when the person pays the required fee.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-61

Disposition of fees

Sec. 61. (a) All fees collected by the state chemist under this chapter shall be paid to Purdue University and deposited in a special restricted account designated by the treasurer of the board of trustees of Purdue University.

(b) From the account described in subsection (a), the treasurer shall pay from the special restricted account the expenses incurred in administering this chapter, including expenses for the following:

(1) The employment of:
  (A) inspectors;
  (B) investigators;
  (C) researchers;
  (D) analysts;
  (E) administrators; and
  (F) clerical and service staff.
(2) Conducting and reporting inspections and investigations.
(3) Purchasing supplies and services.
(4) Providing necessary facilities and remodeling.
(5) Any other expense of the office of the state chemist.

The treasurer is not required to use any other funds, except those collected under this chapter, to defray any expenses incurred in the administration of this chapter.

(c) The dean of agriculture of Purdue University shall make an annual financial report to the governor showing total receipts and expenditures of all fees received under this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-62

Pesticide accident reporting and claims

Sec. 62. (a) The state chemist may adopt rules to require the reporting of significant pesticide accidents or incidents.

(b) Any person:

(1) claiming damages from a pesticide accident or incident; and
(2) requesting an investigation of those damages by the state chemist;

must file a report with the state chemist. If a growing crop is alleged to have been damaged, the report must be filed before twenty-five percent (25%) of the crop has been harvested.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.79.

IC 15-16-5-63

Agreements with other agencies

Sec. 63. The state chemist may cooperate with, and enter into agreements with, any other agency of the state, any federal agency, or any other state agency or nongovernmental organization to carry out this chapter to:

(1) secure uniformity of rules;
(2) cooperate in the enforcement of the federal pesticide control

laws through the use of state or federal personnel and facilities and to implement cooperative enforcement programs;

(3) develop and administer state plans for certification of applicators consistent with federal standards;

(4) contract or cooperate with agencies or organizations for the purpose of training applicators;

(5) contract for monitoring pesticides;

(6) prepare and submit state plans to meet federal certification standards;

(7) administer and enforce requirements under this chapter; and

(8) make reports to the United States Environmental Protection Agency as the agency requires.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.80.

IC 15-16-5-64

Injury or pollution; rules

Sec. 64. (a) A person may not produce, transport, store, handle, or dispose of any pesticide product or pesticide product containers in a manner that may:

(1) cause injury to:

(A) humans;

(B) beneficial vegetation;

(C) crops;

(D) livestock;

(E) wildlife; or

(F) beneficial insects; or

(2) pollute any waterway in a way harmful to any wildlife in a waterway.

(b) The board may adopt rules governing the production, transportation, storage, handling, and disposal of pesticide products or pesticide containers. In determining these standards, the board shall take into consideration any regulations issued by the United States Environmental Protection Agency.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.81; P.L.99-2012, SEC.17.

IC 15-16-5-65

Penalty actions for violations

Sec. 65. Subject to section 66 of this chapter, the state chemist under IC 4-21.5-3-6 may warn, cite, or impose a civil penalty on a person for a violation under this chapter. The state chemist may also deny, suspend, revoke, or modify any provision of any license, permit, registration, or certification issued under this chapter if the state chemist finds that the applicant or the holder of a license, permit, registration, or certification has committed any of the following acts, each of which is a violation of this chapter:

(1) Made false or fraudulent claims either verbally or through any media misrepresenting the effect of pesticide products or

methods to be used.
(2) Recommended, used, or supervised the use of any registered pesticide product in a manner inconsistent with its labeling approved by the United States Environmental Protection Agency or Indiana state registration for that pesticide, or in violation of the United States Environmental Protection Agency or Indiana state restrictions on the use of that pesticide product.
(3) Used known ineffective or improper pesticide products or known ineffective amounts of pesticides.
(4) Operated faulty or unsafe equipment.
(5) Operated in a careless or negligent manner.
(6) Neglected or, after notice, refused to comply with this chapter, the rules adopted under this chapter, or of any lawful order of the state chemist or the board.
(7) Refused or neglected to:
(A) keep and maintain the records required by this chapter; or
(B) make reports and supply information when required or requested by the state chemist in the course of an investigation or inspection.
(8) Made false or fraudulent records, invoices, or reports.
(9) Engaged in or professed to be engaged in the business of:
(A) using a pesticide or any other product regulated under this chapter or by rules adopted under this chapter; or
(B) making a diagnostic inspection to determine infestations of a wood destroying pest;
for hire on the property of another without having a business license issued by the state chemist.
(10) Used a restricted use pesticide without having an applicator, who is licensed or permitted under this chapter, in direct supervision.
(11) Used fraud or misrepresentation in making an application for, or renewal of, a license, permit, registration, or certification.
(12) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license, permit, registration, or certification.
(13) Aided or abetted a person to evade this chapter, conspired with a person to evade this chapter, or allowed a license, permit, registration, or certification to be used by another person.
(14) Made false or misleading statements during or after an inspection concerning any infestation or infection of pests.
(15) Impersonated any federal, state, county, or city inspector, investigator, or official.
(16) Knowingly purchased or used a pesticide product that was not registered under IC 15-16-4.
(17) Failed to continuously maintain financial responsibility required under section 58 of this chapter or to provide proof of

financial responsibility to the state chemist when requested.

(18) Intentionally altered a duly issued license, permit, registration, or certification.

(19) Recklessly, knowingly, or intentionally impeded or prevented the state chemist or the state chemist's agent from performing a duty of the state chemist.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.82; P.L.99-2012, SEC.18.

IC 15-16-5-66

Violations; civil penalties; disposition of penalties

Sec. 66. (a) The state chemist may impose civil penalties only in accordance with the schedule of civil penalties adopted by the board.

(b) The board shall establish a schedule of civil penalties that may be imposed under section 65 of this chapter by rule adopted under IC 4-22-2. The rule adopted under this subsection may not provide for a civil penalty that exceeds the following:

(1) For a violation committed by a person who is required to be certified as a private applicator, one hundred dollars ($100).

(2) For a violation by a person who is not described in subdivision (1), the following:

(A) Two hundred fifty dollars ($250) for a person's first violation.

(B) Five hundred dollars ($500) for a person's second violation.

(C) One thousand dollars ($1,000) for a person's third violation and each subsequent violation.

(c) If a violation is of a continuing nature, the state chemist may impose a civil penalty for each day that the violation occurred.

(d) A proceeding under IC 4-21.5-3 that involves a civil penalty may be consolidated with any other proceeding commenced under IC 4-21.5 to enforce this chapter or the rules adopted under this chapter.

(e) Money collected for civil penalties imposed under section 65 of this chapter shall be credited to the office of Purdue pesticide programs. The money may be used only to provide education about pesticides.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-67

Review of state chemist actions; hearing

Sec. 67. (a) A person who is:

(1) subject to an action under section 65, 66, or 70 of this chapter; and

(2) aggrieved by any decision by the state chemist;

may obtain a review by the board, if the person files a written petition with the board not later than thirty (30) days after the state chemist's decision.

(b) The board shall provide a copy of a petition filed under subsection (a) to the state chemist not later than seven (7) days after receiving the petition.

(c) Not more than fifteen (15) days after receiving a petition under subsection (b), the state chemist shall certify and file with the board a transcript of any record related to the petition, including a transcript of any evidence received.

(d) Whenever a hearing is held under this section, the board may designate one (1) or more persons as the board's agent or representative to conduct the hearing. The agent or representative shall conduct the hearing in the manner provided by IC 4-21.5-3.

(e) After hearing the appeal, the board shall affirm, set aside, or modify the action of the state chemist. However, the state chemist's finding of facts that are supported by the substantial evidence is considered conclusive.

(f) A person aggrieved by any action of the board may obtain judicial review under IC 4-21.5-5.

As added by P.L.2-2008, SEC.7. Amended by P.L.109-2015, SEC.38.

IC 15-16-5-68

Subpoenas

Sec. 68. The state chemist may request a court to issue subpoenas to compel:

(1) the attendance of witnesses; or

(2) the production of books, documents, and records;

as part of an authorized investigation or a hearing located in Indiana affecting the authority or privilege granted by a license, certificate, registration, or permit issued under this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-5-69

Inspections; search warrant; prosecution; injunction

Sec. 69. (a) The state chemist may enter upon any public or private property at reasonable times to do the following:

(1) Observe the use and application of a pesticide product.

(2) Inspect equipment subject to this chapter.

(3) Inspect and sample property actually or reported to be exposed to pesticide products.

(4) Inspect storage or disposal areas.

(5) Inspect or investigate complaints of injury to humans or property.

(6) Sample pesticide products being produced, distributed, transported, stored, disposed, or used or to be used.

(7) Inspect and obtain copies of pesticide product production, sale, distribution, purchase, use, storage, and disposal records, including confidential business information. Confidential business information obtained under this subdivision is confidential for purposes of IC 5-14-3-4(a).

(b) The state chemist may, upon showing a need, apply to any court with jurisdiction for a search warrant authorizing access to the property. The court may, after receiving the application and finding a need, issue the search warrant for the purposes requested.

(c) A prosecuting attorney to whom a violation of this chapter is reported may institute and prosecute the violation in a court with jurisdiction of that county without delay. The state chemist may apply for and the court may grant a temporary or permanent injunction restraining any person from violating or continuing to violate this chapter or any rule adopted under this chapter notwithstanding the existence of other remedies at law. The injunction may be issued without bond.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.83; P.L.99-2012, SEC.19.

IC 15-16-5-70

Violations; penalty; injunction

Sec. 70. (a) A person who recklessly, knowingly, or intentionally:

(1) violates this chapter, except as provided in subsection (b); or

(2) impedes or prevents the state chemist or the state chemist's agent from performing a duty of the state chemist;

commits a Class C misdemeanor.

(b) A person who recklessly, knowingly, or intentionally violates section 65(9) of this chapter after the state chemist has issued written notification to that person regarding a previous violation of section 65(9) of this chapter commits a Class A misdemeanor.

(c) The state chemist may bring an action to enjoin the violation or threatened violation of this chapter or a rule under this chapter. A court may not allow the recovery of damages for an administrative action taken under this subsection if the court finds that there was probable cause for the action.

As added by P.L.2-2008, SEC.7. Amended by P.L.120-2008, SEC.84.

IC 15-16-5-71

Political subdivision regulation of pesticides prohibited; hearing; variance

Sec. 71. (a) A political subdivision (as defined in IC 36-1-2-13) does not have authority to regulate by ordinance the use or application of pesticides.

(b) A political subdivision may, by resolution, petition the board for a hearing to allow a variance from a rule of the board because of special circumstances relating to the use or application of a pesticide. If a petition is received, the board shall hold a public hearing to consider allowing the variance requested. The public hearing shall be conducted in an informal manner. IC 4-21.5 does not apply to the public hearing under this section.

(c) The board may grant a variance requested under this section

with or without changes.
As added by P.L.2-2008, SEC.7.

IC 15-16-6

Chapter 6. Organization of Horticultural and Quarantine Districts

IC 15-16-6-1

Authority to organize horticulture and quarantine districts; purposes

Sec. 1. (a) Horticultural and quarantine districts may be organized under this chapter for any or all of the following purposes:

(1) To prevent the spread of contagious diseases among fruit, fruit trees, and fruit bearing plants.

(2) To provide for the prevention, treatment, cure, and extirpation of:

(A) fruit pests; and

(B) diseases of fruit, fruit trees, and fruit bearing plants.

(3) To:

(A) provide for the purchase and maintenance of spraying machines, wagons, or other necessary apparatus to adequately spray fruit trees or other fruit bearing plants;

(B) hire workers and teams to perform the required labor; and

(C) incur the necessary expense to carry out the purposes of this chapter.

(4) To hire experts to:

(A) inspect fruit trees and fruit bearing plants found within a horticultural and quarantine district; and

(B) prescribe the proper methods of treatment of diseases of fruit trees or fruit bearing plants.

(b) A horticultural and quarantine district shall be administered by a voluntary association that has three (3) elected directors.

As added by P.L.2-2008, SEC.7.

IC 15-16-6-2

Organizers; articles of association; contents; amendment

Sec. 2. (a) At least ten (10) persons who are owners of land:

(1) constituting a contiguous area; and

(2) upon which are situated orchards, fruit trees, or other fruit bearing plants;

may establish a horticultural and quarantine district.

(b) The articles of association must be in writing and signed and acknowledged by each person who desires to become a member of the organization. The articles of association must specify the following:

(1) The corporate name of the association.

(2) The objectives of the association, generally.

(3) The name and residence of each incorporating member.

(4) The term of existence of the association. However, the term may not exceed ten (10) years.

(5) That three (3) directors shall manage the affairs of the association.

(c) An association may not have capital stock. The articles of association may be amended at any time by supplementary and amended articles:

(1) signed and acknowledged by a majority of the members of the association at the time of amendment; and

(2) recorded in the same manner as the original articles.

As added by P.L.2-2008, SEC.7.

IC 15-16-6-3

Notice of election; information

Sec. 3. (a) At least three (3) members of the association may give notice of an election of the board of directors of the association.

(b) The notice must contain the following information:

(1) The date and time of the election.

(2) The place where the election will be held. The election must be held at a place:

(A) convenient to voters; and

(B) located within or near the proposed horticultural and quarantine district.

(c) The notice must be:

(1) published in one (1) newspaper:

(A) in the county; and

(B) of general circulation among the members of the association; or

(2) delivered in person.

As added by P.L.2-2008, SEC.7.

IC 15-16-6-4

Directors; election; term

Sec. 4. (a) If a majority of the members of the association are present at the time and place specified in the notice described in section 3 of this chapter, the members shall elect, by ballot, three (3) directors from among the membership of the association.

(b) The directors shall immediately determine by lot the directors' initial terms of office, which are as follows:

(1) One (1) director shall serve a term of one (1) year.

(2) One (1) director shall serve a term of two (2) years.

(3) One (1) director shall serve a term of three (3) years.

(c) Except as provided in subsection (b), the term of a director is three (3) years. A director shall serve until a successor is elected and qualified.

(d) The directors shall call an annual meeting of the association members to elect a director. The directors shall provide notice of the meeting under section 3 of this chapter. The members shall meet at the time and place fixed by the directors.

As added by P.L.2-2008, SEC.7.

IC 15-16-6-5
Directors; vacancy

Sec. 5. If a vacancy occurs in the office of a director, the remaining directors shall fill the vacancy by appointing a temporary director. The temporary director shall be appointed from among the members of the association and shall hold office until the next annual election.

As added by P.L.2-2008, SEC.7.

IC 15-16-6-6
Articles filing; corporate nature and powers; assessment; bylaws

Sec. 6. (a) Before or after the election of directors, the association shall:

(1) file the articles of association in the office of the secretary of state; and

(2) record in the recorder's office of each county in which any part of the proposed horticultural and quarantine district is situated a duplicate copy of the articles of association.

(b) After the articles of association are filed and recorded, the association is a body politic and corporate, by the name and style adopted. The association has all the rights, powers, and privileges given to corporations to:

(1) sue and be sued, plead and be pleaded, answer and be answered, in any court with jurisdiction;

(2) borrow money and levy assessments upon the owners of lands, orchards, trees, and other fruit bearing plants situated in the district; and

(3) rent, lease, purchase, hold, sell, and convey personal property as is necessary and proper for the purposes and objectives of the corporation.

(c) A majority of the members of the association may:

(1) adopt bylaws for the government of the horticultural and quarantine district; and

(2) make rules as may be necessary to carry the bylaws into force and effect.

As added by P.L.2-2008, SEC.7.

IC 15-16-6-7
Boundaries; annexation; maximum size; consolidation

Sec. 7. (a) The boundary of a horticultural and quarantine district shall coincide with a line enclosing the lands owned by the association members.

(b) A person who is the owner of lands contiguous to a horticultural and quarantine district is entitled to become a member of the association at any time by signing the articles of association.

(c) Horticultural and quarantine districts may be increased in size to not more than twenty (20) square miles of territory by annexing contiguous territory under this section.

(d) Contiguous horticultural and quarantine districts may be consolidated if the combined area of the consolidating districts does not exceed twenty (20) square miles. The question of consolidation may be submitted to the members of the respective associations at a joint meeting called for that purpose. If a majority of members entitled to vote under section 8 of this chapter vote in favor of consolidation:

(1) a new district comprised of the consolidating districts is formed; and

(2) the articles of association of the new district shall be filed and recorded as prescribed in section 6 of this chapter.

(e) Directors of the new district may be chosen at the meeting called to determine the question of consolidation or at a subsequent meeting.

As added by P.L.2-2008, SEC.7.

IC 15-16-6-8

Voting rights

Sec. 8. All persons who have:

(1) signed the articles of association; and

(2) paid the assessments levied against them;

are entitled to vote at any meeting of the members of the association on any question that lawfully comes before the association. Each member is entitled to one (1) vote on any question.

As added by P.L.2-2008, SEC.7.

IC 15-16-6-9

Officers; records

Sec. 9. (a) The directors shall elect one (1) director to serve as president and one (1) director to serve as secretary.

(b) The secretary shall also serve as treasurer of the association and have custody of the the association's money. The secretary shall execute a bond, with good freehold surety, for double the amount of money that will probably be received by the secretary at any time during the secretary's term of office.

(c) The secretary shall:

(1) keep a record of the transactions of the association, including:

(A) brief minutes of meetings;

(B) the results of elections; and

(C) an itemized account of all receipts and expenditures; and

(2) present a report of the transactions of the association to the members of the association at the annual meeting.

As added by P.L.2-2008, SEC.7.

IC 15-16-6-10

Withdrawals from treasury

Sec. 10. Money may be drawn from the treasury of an association

only upon the order of a majority of the board of directors. A warrant must be:

(1) signed by the president of the board of directors; and

(2) attested by the treasurer.

As added by P.L.2-2008, SEC.7.

IC 15-16-6-11

Special meetings; quorum

Sec. 11. (a) A special meeting of the members of the association may be called at any time by:

(1) a majority of the board of directors; or

(2) five (5) members of the association.

(b) A majority of the members constitute a quorum to transact ordinary business not required by law to be transacted at the regular meeting prescribed by law.

As added by P.L.2-2008, SEC.7.

IC 15-16-6-12

Administration by directors; purposes; hiring experts

Sec. 12. (a) The board of directors of any association shall administer the affairs of an association under this chapter for any or all the following purposes:

(1) To prevent the spread of contagious diseases among fruit, fruit trees, and fruit bearing plants.

(2) To provide for the prevention, treatment, cure, and extirpation of:

(A) fruit pests; and

(B) diseases of fruit and fruit bearing plants.

(3) To:

(A) provide for the purchase and maintenance of spraying machines, wagons, or other necessary apparatus;

(B) adequately spray fruit trees or other fruit bearing plants;

(C) hire workers and teams to perform the required labor; and

(D) incur the necessary expense to carry out the purposes of this chapter.

(4) To hire experts to:

(A) inspect fruit trees and fruit bearing plants found within the horticultural and quarantine district; and

(B) prescribe the proper methods of treating a disease of the trees or plants.

(5) To periodically levy assessments on the members as necessary to administer this chapter and the purposes of the association.

(6) To actively cooperate with the state entomologist and the county agents in precautionary measures to prevent the spread of injurious insects and plant diseases within the district.

(7) To advise, direct, and encourage the activities of the

association.

(b) If directed by a majority vote of the members at any special or regular meeting, the board of directors of an association may hire experts to:

(1) inspect fruit trees and fruit bearing plants; and

(2) prescribe the proper methods of treating diseases of fruit trees or fruit bearing plants.

As added by P.L.2-2008, SEC.7.

IC 15-16-6-13

State entomologist; cooperation

Sec. 13. The state entomologist shall:

(1) cooperate with a horticultural or quarantine association in the state in efforts to prevent, locate, check, or eradicate injurious insects or fruit disease; and

(2) periodically or upon request send all available information relating to injurious insects and plant diseases, including methods of detection and treatment, to the board of directors of a horticultural or quarantine association.

As added by P.L.2-2008, SEC.7.

IC 15-16-6-14

County agricultural extension educator ex officio state entomologist; cooperation

Sec. 14. (a) In counties having a county agricultural extension educator, the county agricultural extension educator shall be an ex officio deputy state entomologist for the county and shall:

(1) carry out the instructions of the state entomologist; and

(2) under the direction of the state entomologist, cooperate with a local horticultural association or society in efforts to prevent, locate, check, or eradicate injurious insects or fruit diseases.

(b) A county agricultural extension educator may not receive additional compensation for performing the duties of the deputy state entomologist.

As added by P.L.2-2008, SEC.7.

IC 15-16-6-15

Assessments for expenses

Sec. 15. To raise money necessary to meet the expenses of horticultural and quarantine associations, the board of directors shall assess the individual members of the association in proportion to the service derived, procured, or obtained by the members from the association. The assessment must be based on the acreage or number of trees, plants, vines, or other herbaceous plants in equitable proportion as the directors consider just.

As added by P.L.2-2008, SEC.7.

IC 15-16-7

Chapter 7. Weed Control Board

IC 15-16-7-1

"Authorizing body"

Sec. 1. As used in this chapter, "authorizing body" means the body that has the power to adopt ordinances under IC 36-1-3-6.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-2

"Noxious weed"

Sec. 2. As used in this chapter, "noxious weed" refers to the following:

(1) Canada thistle (Cirsium arvense).

(2) Johnson grass (Sorghum halepense).

(3) Columbus grass (Sorghum almum).

(4) Bur cucumber (Sicyos angulatus).

(5) Shattercane (Sorghum bicolor (L.) Moench spp. drummondii (Steud.) deWet).

As added by P.L.2-2008, SEC.7.

IC 15-16-7-3

Establishment of weed control board

Sec. 3. The authorizing body of any county may establish a weed control board by adopting an ordinance:

(1) on the authorizing body's own initiative; or

(2) after receiving a petition signed by five percent (5%) of the registered voters of the county.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-4

Board members; terms; officers; traveling expenses

Sec. 4. (a) The weed control board consists of the following members to be appointed by the authorizing body:

(1) One (1) township trustee of the county.

(2) One (1) soil and water conservation district supervisor.

(3) One (1) representative from the agricultural community of the county.

(4) One (1) representative from the county highway department or an appointee of the county commissioners.

(5) One (1) cooperative extension service agent from the county to serve in a nonvoting advisory capacity.

(b) Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments.

(c) The board shall elect a chairperson and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to any traveling and other expenses that are necessary

in the discharge of the members' duties.
As added by P.L.2-2008, SEC.7.

IC 15-16-7-5
Executive director; employees

Sec. 5. The weed control board may:

(1) appoint an executive director; and

(2) employ necessary technical, professional, and other assistants.

The board shall fix the qualifications, duties, and salaries of these employees subject to the approval of the county council.
As added by P.L.2-2008, SEC.7.

IC 15-16-7-6
County highway supervisor and soil and water conservation district supervisor duties

Sec. 6. The county highway supervisor and the soil and water conservation district supervisor or employee serving the county shall:

(1) serve as inspectors for the weed control board;

(2) make periodic inspections; and

(3) report their findings to the board and the executive director, if any.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-7
Board's powers and duties

Sec. 7. The powers and duties of the weed control board include the following:

(1) Taking all necessary and proper steps to control and contain noxious weeds that have adverse significance on agricultural production in Indiana.

(2) Entering upon any land, public or private, at any reasonable time after giving forty-eight (48) hours notice to the person in possession of the land to inspect for noxious weeds, unless permission is granted to enter earlier.

(3) Purchasing supplies, material, and equipment.

(4) Acquiring by gift or purchase, holding, or disposing of, any real property in the name of the board, to include facilities as offices, laboratories, operational buildings, rights-of-way, and easements.

(5) Making contracts to carry out the duties of the board.

(6) Entering into cooperative agreements with appropriate organizations to assure technical assistance in developing and carrying out the purposes of the board.

(7) Identifying problems determined to be of importance to the public welfare and developing control programs appropriate to a situation.

(8) Undertaking investigations to determine the extent of

infestation of noxious weed species, along with the effect of the infestation on agricultural production in the county.

(9) Employing the latest technological advances to control and contain noxious weeds in the county.

(10) Accepting gifts, grants of money, services, or property for any use consistent with the objectives of the board.

(11) Exercising all other powers necessary to carry out the purposes of this chapter.

(12) Performing additional duties as the authorizing body may prescribe.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-8

Marijuana eradication program

Sec. 8. In addition to the weed control board's powers and duties under section 7 of this chapter, the weed control board may establish a marijuana eradication program to eliminate and destroy wild marijuana plants within the county. The program is funded by amounts appropriated by the county:

(1) under IC 33-37-8; and

(2) from the county general fund.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-9

Property owners; obligation to control noxious weeds; removal notice

Sec. 9. (a) The weed control board shall require persons who own:

(1) real estate; or

(2) easements, rights-of-way, or other similar interests in real estate;

in the county to control and contain noxious weeds growing on the real estate.

(b) A five (5) day written notice to remove any noxious weeds shall be issued by the board. The notice may be served:

(1) by certified or registered mail addressed to the latest address of the person or to the person's resident agent; or

(2) personally by the sheriff.

(c) The weed control board shall notify the township trustee when the board has sent a notice to a person to remove noxious weeds growing on real estate in the township.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-10

Cutting and destroying noxious weeds by board; statement of costs to property owner

Sec. 10. (a) If a person fails to begin a program recommended by the weed control board to control and contain noxious weeds within the time prescribed in section 9 of this chapter, the weed control

board may pay the following costs incurred in cutting or destroying noxious weeds under this chapter:

(1) Chemicals.

(2) Equipment.

(3) Labor at a rate per hour to be fixed by the weed control board commensurate with local hourly wages.

(b) When the work has been performed, the person doing the work shall file an itemized bill for the work in the office of the weed control board. When the bill has been approved, the weed control board shall pay the bill from the county general fund unless the county has established a separate fund for the weed control board. The weed control board shall certify the cost of the work, adding to the bill twenty dollars ($20) per day for each day that a member of the weed control board or the board's agent supervises the performance of the services required under this chapter as compensation for services. The certified statement of costs must include a description of the real estate on which the labor was performed.

(c) The certified statement of costs prepared under subsection (b) must be provided:

(1) to the owner or person possessing the real estate by:

(A) certified mail; or

(B) personal service; and

(2) by mail to the auditor of state for any real estate owned by the state or to the fiscal officer of another municipality (as defined in IC 5-11-1-16) for real estate owned by the municipality.

The statement must request that the person pay the cost of performing the service under subsection (b) to the weed control board.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-11

Failure to pay for weed removal; amount placed on tax duplicate; disposition of funds

Sec. 11. (a) If the owner or person in possession of the property does not pay the amount set forth in the statement under section 10(b) of this chapter within ten (10) days after receiving the certified statement under section 10(c) of this chapter, the weed control board shall file a copy of the certified statement in the office of the county auditor of the county where the real estate is located.

(b) The auditor shall place the amount claimed in the certified statement on the tax duplicate of the real estate. Except as provided in section 12 of this chapter, the amount claimed shall be collected as taxes are collected.

(c) After an amount described in subsection (b) is collected, the funds must be deposited in the weed control board fund, if one has been established by the county, for use at the discretion of the weed

control board. If a weed control board fund has not been established by the county, the funds collected must be deposited in the county general fund.
As added by P.L.2-2008, SEC.7.

IC 15-16-7-12
Cutting and destroying weeds by the board on governmental property

Sec. 12. (a) This subsection applies to real estate owned by the state. The auditor of state shall issue a warrant to pay the amount set forth in the certified statement under section 10(b) of this chapter for real estate owned by the state and shall charge the appropriate fund for the amount.

(b) This subsection applies to real estate owned by a municipality (as defined in IC 5-11-1-16). The fiscal officer of the municipality shall make the necessary appropriation from the appropriate fund to pay the weed control board the amount set forth in the certified statement under section 10(b) of this chapter for real estate owned by the municipality.

(c) This subsection applies to real estate that is exempt from property taxation. The owner of the tax exempt real estate shall pay the amount set forth in the certified statement under section 10(b) of this chapter for the tax exempt real estate. If the owner of the tax exempt real estate fails to pay the amount required by this chapter, the owner is ineligible for the property tax exemption, and the department of local government finance shall deny the property tax exemption for the real estate.
As added by P.L.2-2008, SEC.7.

IC 15-16-7-13
Duties of the county auditor concerning certified statement of costs

Sec. 13. Except as provided in section 12 of this chapter, the county auditor, upon receiving and filing the weed control board's certified statement as prescribed in this chapter, shall:

(1) immediately place the amounts on the tax duplicate of the county;

(2) collect the amounts at the next tax paying time, in the same manner as other state, county, or township taxes are collected, including penalties, forfeitures, and sales; and

(3) after the amount has been collected, place the amount in the proper fund.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-14
Cooperative extension service; technical assistance

Sec. 14. The Purdue University cooperative extension service shall provide technical assistance to any weed control board in order to control and contain the growth and spread of noxious weeds.

As added by P.L.2-2008, SEC.7.

IC 15-16-7-15
Violation; failure to comply with board

Sec. 15. Any person who fails to begin a program recommended by the weed control board to control and contain noxious weeds within the time prescribed under section 9 of this chapter commits a Class C infraction.

As added by P.L.2-2008, SEC.7.

IC 15-16-8
Chapter 8. Destruction of Detrimental Plants

IC 15-16-8-1
"Detrimental plant"

Sec. 1. As used in this chapter, "detrimental plant" includes the following:

(1) Canada thistle (Cirsium arvense).
(2) Johnson grass (Sorghum halepense).
(3) Columbus grass (Sorghum almum).
(4) Bur cucumber (Sicyos angulatus).
(5) Shattercane (Sorghum bicolor Moench spp. drummondii deWet).
(6) In residential areas only, noxious weeds and rank vegetation.

The term does not include agricultural crops.

As added by P.L.2-2008, SEC.7. Amended by P.L.1-2009, SEC.113.

IC 15-16-8-2
"Person"

Sec. 2. As used in this chapter, "person" means:

(1) an individual;
(2) an incorporated or unincorporated organization or association;
(3) a trustee or legal representative;
(4) the state or an agency of the state;
(5) a political subdivision (as defined in IC 36-1-2-13) or an agency of a political subdivision; or
(6) any combination of persons listed under subdivisions (1) through (5) acting in concert.

As added by P.L.2-2008, SEC.7.

IC 15-16-8-3
Duty to destroy detrimental plants

Sec. 3. A person owning or possessing real estate in Indiana shall destroy detrimental plants by:

(1) cutting or mowing and, if necessary, by plowing, cultivating, or smothering; or
(2) using chemicals in the bud stage of growth or earlier, to prevent detrimental plants from maturing on the person's real estate.

As added by P.L.2-2008, SEC.7.

IC 15-16-8-4
Township trustee; investigation of detrimental plants; notice

Sec. 4. (a) If a township trustee:

(1) has reason to believe that detrimental plants may be on real estate; and

(2) gives the owner or person in possession of the real estate forty-eight (48) hours notice under subsection (e);

the township trustee may enter the real estate to investigate whether there are detrimental plants on the real estate.

(b) Except as provided in subsection (d), if the township trustee determines by:

(1) investigating real estate located in the trustee's township; or

(2) visual inspection without entering real estate located in the trustee's township;

that a person has detrimental plants growing on real estate, the trustee shall give written notice under subsection (e) to the owner or person in possession of the real estate to destroy the detrimental plants. The owner or person in possession of the real estate shall destroy the plants in a manner provided in section 3 of this chapter not more than five (5) days after the notice is received under subsection (f).

(c) If the detrimental plants are not destroyed as provided in subsection (b), the trustee shall cause the detrimental plants to be destroyed in a manner most practical to the trustee not more than eight (8) days after notice is received by the owner or person in possession of the real estate under subsection (f). The trustee may hire a person to destroy the detrimental plants. The trustee or the person employed to destroy the detrimental plants may enter upon the real estate where the detrimental plants are growing to destroy the detrimental plants and are not civilly or criminally liable for damage to crops, livestock, or other property occurring while carrying out the work, except for gross negligence or willful or wanton destruction.

(d) If the county has established a county weed control board under IC 15-16-7, the township trustee may notify the county weed control board of the real estate containing detrimental plants, and the board shall either assume jurisdiction to control the detrimental plants or decline jurisdiction and refer the matter back to the township trustee. The county weed control board shall notify the township trustee of the board's decision.

(e) Notice required in subsection (a) or (b) may be given by:

(1) certified mail; or

(2) personal service.

(f) Notice under subsection (e) is considered received by the owner or person in possession of the real estate:

(1) if sent by mail, on the earlier of:

(A) the date of signature of receipt of the mailing; or

(B) three (3) business days after the date of mailing; or

(2) if served personally, on the date of delivery.

As added by P.L.2-2008, SEC.7.

IC 15-16-8-5
Certification of costs; use of power equipment

Sec. 5. (a) The township trustee may pay the following costs incurred in cutting or destroying detrimental plants under this chapter:

(1) Chemicals.

(2) Work.

(3) Labor, at a rate per hour to be fixed by the township trustee commensurate with local hourly wages.

(b) If the trustee believes the infestation of the real estate with detrimental plants is so great and widespread that cutting or eradication by hand methods is impractical, the trustee shall use the necessary power machinery or equipment. The trustee may pay for the work at a rate per hour fixed by the township trustee commensurate with the local hourly rate.

(c) When the work has been performed, the person doing the work shall file an itemized bill for the work in the office of the township trustee. When the bill has been approved, the trustee shall pay the bill out of the township fund. If there is no money available in the township fund for that purpose, the township board, upon finding an emergency exists, shall act under IC 36-6-6-14(b) or IC 36-6-6-15 to borrow money sufficient to meet the emergency.

(d) The trustee, when submitting estimates to the township board for action, shall include in the estimates an item sufficient to cover those expenditures.

As added by P.L.2-2008, SEC.7.

IC 15-16-8-6

Cost statement; information required; notice

Sec. 6. (a) The township trustee shall prepare a statement that contains the following:

(1) A certification of the following costs:

(A) The cost or expense of the work.

(B) The cost of the chemicals.

(C) Twenty dollars ($20) per day for each day that the trustee or the trustee's agent supervises the performance of the services required under this chapter as compensation for services.

(2) A description of the real estate on which the labor was performed.

(3) A request that the owner or person in possession of the real estate pay the costs under subdivision (1) to the township trustee.

(b) The certified statement prepared under subsection (a) shall be provided:

(1) to the owner or person possessing the real estate by:

(A) mail, using a certificate of mailing; or

(B) personal service; or

(2) by mailing the certified statement to the auditor of state for any real estate owned by the state or to the fiscal officer of

another municipality (as defined in IC 5-11-1-16) for real estate owned by the municipality.

As added by P.L.2-2008, SEC.7.

IC 15-16-8-7

Failure to pay for weed removal; amount collected as taxes; disposition of funds

Sec. 7. (a) If the owner or person in possession of the property does not pay the amount set forth in the certified statement under section 6(a) of this chapter within ten (10) days after receiving the notice under section 6(b) of this chapter, the township trustee shall file a copy of the certified statement in the office of the county auditor of the county where the real estate is located.

(b) The auditor shall place the amount claimed in the certified statement on the tax duplicate of the real estate. Except as provided in section 8 of this chapter, the amount claimed shall be collected as taxes are collected.

(c) After an amount described in subsection (b) is collected, the funds shall be deposited in the trustee's township funds for use at the discretion of the trustee.

As added by P.L.2-2008, SEC.7.

IC 15-16-8-8

Cutting and destroying weeds by the board on governmental property

Sec. 8. (a) This subsection applies to real estate owned by the state. The auditor of state shall issue a warrant to pay the amount set forth in the certified statement under section 6(a) of this chapter for real estate owned by the state and shall charge the appropriate fund for the amount.

(b) This subsection applies to real estate owned by a municipality (as defined in IC 5-11-1-16) other than the township. The fiscal officer of the municipality shall make the necessary appropriation from the appropriate fund to pay the township the amount set forth in the certified statement under section 6(a) of this chapter for real estate owned by the municipality.

(c) This subsection applies to real estate that is exempt from property taxation. The owner of the tax exempt real estate shall pay the amount set forth in the certified statement under section 6(a) of this chapter for the tax exempt real estate. If the owner of the tax exempt real estate fails to pay the amount required by this chapter, the owner is ineligible for the property tax exemption, and the department of local government finance shall deny the property tax exemption for the real estate.

As added by P.L.2-2008, SEC.7.

IC 15-16-8-9

Duties of the county auditor concerning certified statement of

costs; disposition of amounts collected

Sec. 9. Except as provided in sections 5 through 8 of this chapter, the county auditor, upon receiving and filing a certified statement under section 7(a) of this chapter, shall:

(1) immediately place the amounts on the certified statement on the tax duplicate of the county; and

(2) collect the amounts at the next tax paying time for the proper township or townships, the same as other state, county, or township taxes are collected, including penalties, forfeitures, and sales.

After the amounts are collected, the amounts shall be paid to the proper trustee and placed in the township fund.

As added by P.L.2-2008, SEC.7.

IC 15-16-8-10

Budget

Sec. 10. When the annual township budget is prepared, a sufficient amount shall be appropriated to enable the township officials to comply with this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-8-11

Exemption of land subject to program

Sec. 11. The director of the department of natural resources or the dean of agriculture of Purdue University may totally or partially exempt land that is subject to a program of the department or station from this chapter or any other statute concerning the destruction of detrimental plants.

As added by P.L.2-2008, SEC.7.

IC 15-16-8-12

Assistance to township trustees

Sec. 12. (a) The Purdue University cooperative extension service shall provide technical assistance to township trustees for the control of detrimental plants.

(b) All law enforcement agencies having jurisdiction in a township shall assist the township trustee in carrying out the duties imposed on the trustee under this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-8-13

Violation; failure of trustee to perform duties

Sec. 13. A township trustee who fails to perform the duties required of the trustee by this chapter commits a Class C infraction.

As added by P.L.2-2008, SEC.7.

IC 15-16-8-14

Violations; failure to eradicate; selling certain seed

Sec. 14. (a) A person who:

(1) knowingly allows detrimental plants to grow and mature on land owned or possessed by the person;

(2) knowing of the existence of detrimental plants on land owned or possessed by the person, fails to cut them down or eradicate the plants by chemicals each year, as prescribed in this chapter;

(3) having charge of or control over any highway:

(A) knowingly allows detrimental plants to grow or mature on the right-of-way of the highway; or

(B) knowing of the existence of the detrimental plants, fails to cut the plants down or eradicate the plants by using chemicals, as prescribed in this chapter;

(4) having charge of or control over the right-of-way of a railroad or interurban company:

(A) knowingly allows detrimental plants to grow and mature on the right-of-way; or

(B) knowing of the existence of the detrimental plants, fails to cut the plants down or eradicate the plants by using chemicals, as prescribed in this chapter; or

(5) knowingly sells Canada thistle (cirsium arvense) seed;

commits a Class C infraction. Each day this section is violated constitutes a separate infraction.

(b) All judgments collected under this section shall be paid to the trustee and placed in the trustee's township funds for use at the discretion of the trustee.

As added by P.L.2-2008, SEC.7.

IC 15-16-9

Chapter 9. Control of Johnson Grass

IC 15-16-9-1

Duties of certain public and quasi-public bodies

Sec. 1. Between July 1 and September 15:

(1) the Indiana department of transportation;
(2) railroads;
(3) drainage districts;
(4) township boards;
(5) public utilities; and
(6) other public and quasi-public corporations;

shall do anything possible to restrict the growth and seed production of all Johnson grass growing on lands for which they are responsible in a municipality or township of Indiana.

As added by P.L.2-2008, SEC.7.

IC 15-16-9-2

Cooperative extension service technical assistance

Sec. 2. The Purdue University cooperative extension service shall provide technical assistance to property owners to control the growth or spread of Johnson grass.

As added by P.L.2-2008, SEC.7.

IC 15-16-9-3

Violations; exceptions

Sec. 3. (a) Except as provided in subsection (b), a person who knowingly:

(1) contaminates uninfested land with Johnson grass; or
(2) transports Johnson grass in any form capable of germination;

commits a Class C infraction.

(b) A person does not violate this section if the person has written approval of the dean of agriculture of Purdue University or the dean's designee before performing an act described in subsection (a).

As added by P.L.2-2008, SEC.7.

IC 15-16-10
Chapter 10. Invasive Species Council

IC 15-16-10-1
"Council"
Sec. 1. As used in this chapter, "council" refers to the invasive species council established by section 3 of this chapter.
As added by P.L.23-2009, SEC.1.

IC 15-16-10-2
"Fund"
Sec. 2. As used in this chapter, "fund" refers to the invasive species council fund established by section 12 of this chapter.
As added by P.L.23-2009, SEC.1.

IC 15-16-10-3
Council established
Sec. 3. The invasive species council is established within the Purdue University College of Agriculture.
As added by P.L.23-2009, SEC.1. Amended by P.L.27-2015, SEC.1.

IC 15-16-10-4
Council's duties
Sec. 4. (a) The council has the following duties:
(1) Recommend:
(A) priorities for projects;
(B) funding; and
(C) rules and laws;
concerning invasive species to the appropriate governmental agencies and legislative committees.
(2) Recommend a lead state agency to:
(A) develop an invasive species inventory for each invasive species taxon; and
(B) develop and maintain a data management system for invasive species in Indiana.
(3) Communicate with other states, federal agencies, and state and regional organizations to enhance consistency and effectiveness in:
(A) preventing the spread of;
(B) early detection of;
(C) response to; and
(D) management of;
invasive species.
(4) Coordinate invasive species education and outreach programs.
(5) Convene or support an invasive species meeting at least once per biennium to provide information on best practices and pertinent research findings.

(6) Assist governmental agencies in:

(A) reviewing current invasive species policies and procedures; and

(B) addressing any deficiencies or inconsistencies concerning invasive species policies and procedures.

(7) Assist state agencies in reviewing the agencies' performance measures for accountability concerning the agencies' invasive species actions.

(8) Receive reports from any governmental agency regarding actions taken on recommendations of the council.

(9) Apply for grants.

(10) Provide grants for education concerning or management of invasive species.

(b) The council does not have any regulatory authority over invasive species or the authority to hear appeals of grievances.

(c) The council may create advisory committees to provide information and recommendations to the council.

(d) Beginning July 1, 2011, the council shall issue a report to the interim study committee on agriculture and natural resources established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 in every odd-numbered year. The report must include a summary of:

(1) the council's activities;

(2) the performance of the council's duties; and

(3) efforts in the state to identify and manage invasive species.

The report may include recommendations of the council.

As added by P.L.23-2009, SEC.1. Amended by P.L.53-2014, SEC.133.

IC 15-16-10-5

Membership; appointments; chairperson

Sec. 5. (a) The council consists of the following eleven (11) members:

(1) The dean of the Purdue University College of Agriculture or the dean's designee, who shall act as secretary of the council.

(2) The director of the Indiana state department of agriculture or the director's designee.

(3) The commissioner of the Indiana department of transportation or the commissioner's designee.

(4) The state veterinarian or the state veterinarian's designee.

(5) An employee of the division of fish and wildlife who is designated by the director of the division of fish and wildlife to serve as the aquatic invasive species coordinator.

(6) An employee of the division of entomology and plant pathology who is designated by the director of the division of entomology and plant pathology to serve as the terrestrial invasive species coordinator.

(7) One (1) individual representing research on invasive species.

(8) Two (2) individuals who represent organizations that are primarily concerned with any of the following:
(A) The hardwood tree industry.
(B) The horticulture industry.
(C) The agriculture industry.
(D) The aquaculture industry.
(9) Two (2) individuals who represent organizations or local governmental agencies primarily concerned with any of the following:
(A) Land trusts.
(B) Biodiversity conservation.
(C) Aquatic conservation.
(D) Local parks and recreation.

(b) The governor shall appoint the members under subsection (a)(7) through (a)(9).

(c) The council shall annually elect a member to serve as chairperson of the council.

As added by P.L.23-2009, SEC.1.

IC 15-16-10-6
Terms of members; removal

Sec. 6. (a) The term of a member of the council appointed under this chapter is three (3) years.

(b) The term of each member of the council continues until a successor has been appointed.

(c) The appointing authority who appointed a member of the council may remove the member for cause.

As added by P.L.23-2009, SEC.1.

IC 15-16-10-7
Vacancies

Sec. 7. (a) If there is a vacancy on the council, the appointing authority who appointed the member whose position is vacant shall appoint an individual to fill the vacancy. The appointing authority shall appoint a member not later than sixty (60) days after the vacancy occurs.

(b) The member appointed under this section shall fill the vacancy for the remainder of the unexpired term.

As added by P.L.23-2009, SEC.1.

IC 15-16-10-8
Travel expenses

Sec. 8. Members of the council shall serve without compensation. Subject to the availability of money in the fund, members who are not state or county employees are entitled to reimbursement for traveling expenses as provided in the Purdue University travel policies and procedures established by the Purdue University department of transportation and approved by the Purdue University

vice president of business services.
As added by P.L.23-2009, SEC.1.

IC 15-16-10-9
Quorum
Sec. 9. Six (6) members of the council constitute a quorum.
As added by P.L.23-2009, SEC.1.

IC 15-16-10-10
Meetings
Sec. 10. (a) The council shall hold at least one (1) regular meeting each year at a date, place, and time to be set by the chairperson.
(b) The chairperson may call special meetings of the council.
As added by P.L.23-2009, SEC.1.

IC 15-16-10-11
Administrative assistance to council
Sec. 11. The Purdue University College of Agriculture shall provide administrative assistance to the council.
As added by P.L.23-2009, SEC.1. Amended by P.L.27-2015, SEC.2.

IC 15-16-10-12
Invasive species council fund
Sec. 12. (a) The invasive species council fund is established as a separate fund in the Purdue University treasury to carry out the purposes of this chapter. The fund shall be administered by the council.
(b) The fund consists of any of the following:
(1) Grants.
(2) Appropriations.
(3) Gifts and donations.
(c) The expenses of administering the fund shall be paid from money in the fund.
(d) The Purdue University treasurer shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments must be deposited in the fund.
(e) Money in the fund may be used for purposes set forth in this chapter and to meet the expenses of administering this chapter.
(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.
As added by P.L.23-2009, SEC.1.

IC 15-16-10-13
Expiration of chapter
Sec. 13. This chapter expires July 1, 2023.
As added by P.L.23-2009, SEC.1. Amended by P.L.27-2015, SEC.3.

IC 15-17

ARTICLE 17. ANIMAL HEALTH AND ANIMAL PRODUCTS

IC 15-17-1

Chapter 1. Purpose

IC 15-17-1-1

Purposes of article

Sec. 1. The following are the purposes of this article:

(1) To promote, encourage, and advance the prevention, detection, control, and eradication of diseases and pests affecting:

(A) the health of animals within Indiana; and

(B) trade in animals and animal products in and from Indiana.

(2) To protect the agricultural public and all other persons who might be damaged through the purchase, sale, or exchange of animals by means of fraud, deception, dishonesty, or discrimination arising out of the marketing of animals.

(3) To safeguard the public health and welfare of the citizens of Indiana against health hazards, annoyances, and nuisances that might arise from the collection, transportation, and cooking of garbage to be fed to swine.

(4) To control and regulate the transportation over the highways of Indiana and the disposal of:

(A) the carcasses of dead animals not slaughtered and intended for human foods; and

(B) the nonedible byproducts from the slaughtering of animals and poultry for human foods;

to the end that the spread of animal diseases in Indiana is controlled and that the public health and welfare of the citizens of Indiana is conserved and protected against dangers, annoyances, and nuisances that might arise from carcasses and byproducts of slaughtering and from the transportation and disposal of carcasses and the byproducts of slaughtering if these activities were not regulated by laws designed to effectuate these purposes and public policy.

(5) To control and regulate the sanitary and health conditions under which animals are brought upon, consigned to, sold, bartered, or exchanged through, or removed from, the premises of livestock auction markets or community sales, to the end that the spread of diseases and pests of animals in Indiana is controlled and that the public health and welfare of the citizens of Indiana is conserved and protected.

(6) To regulate the production, manufacture, processing, and distribution of products derived from animals to control health

hazards that may threaten the public health and welfare of the citizens of Indiana or threaten trade in animals and animal products in and from Indiana.

As added by P.L.2-2008, SEC.8.

IC 15-17-1-2

Construction of article

Sec. 2. This article shall be liberally construed to effect and promote the purposes of this article.

As added by P.L.2-2008, SEC.8.

IC 15-17-2
Chapter 2. Definitions

IC 15-17-2-1
Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-2
"Adulterated"

Sec. 2. "Adulterated" means a food product that meets any of the following descriptions:

(1) The product bears or contains a poisonous or deleterious substance that may make the product injurious to health. However, if the substance is not an added substance, the product is not considered adulterated under this subdivision if the quantity of the substance in or on the product does not ordinarily make the product injurious to health.

(2) The product bears or contains any of the following:

(A) Any added poisonous or added deleterious substance that is unsafe within the meaning of Section 406 of the federal Food, Drug, and Cosmetic Act and the regulations adopted under that act.

(B) A pesticide chemical that is unsafe within the meaning of Section 408 of the federal Food, Drug, and Cosmetic Act or the regulations adopted under that act.

(C) A food additive that is unsafe under Section 409 of the federal Food, Drug, and Cosmetic Act or the regulations adopted under that act.

(D) A color additive that is unsafe under Section 721 of the federal Food, Drug, and Cosmetic Act or the regulations adopted under that act.

(E) A new animal drug (or conversion product of a new animal drug) that is unsafe within the meaning of Section 512 of the federal Food, Drug, and Cosmetic Act or the regulations adopted under that act.

However, a product that is not considered adulterated under clause (A), (B), (C), (D), or (E) is considered adulterated if use of the pesticide chemical, food additive, or color additive in or on the product is prohibited by rules of the board in food processing establishments.

(3) The product consists in whole or in part of a filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or unfit for human food.

(4) The product has been prepared, packed, or held under unsanitary conditions under which the product may have:

(A) become contaminated with filth; or

(B) been made injurious to health.

(5) The product is in whole or in part the product of an animal, including poultry, that has died from a cause other than slaughter.

(6) The product's container consists in whole or in part of a poisonous or deleterious substance that may make the contents injurious to health.

(7) The product has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or an exemption in effect under the federal Food, Drug, and Cosmetic Act.

(8) The product is altered because:

(A) a valuable constituent has been in whole or in part omitted or removed from the product;

(B) a substance has been substituted wholly or in part for the product;

(C) damage or inferiority has been concealed in any manner; or

(D) a substance has been added to the product or mixed or packed with the product to increase the product's bulk or weight, reduce the product's quality or strength, or make the product appear better or of greater value than the product is.

(9) The product is oleomargarine or margarine containing animal fat and any of the raw material used in the product consisted in whole or in part of a filthy, putrid, or decomposed substance or is unfit for human food.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-3
"Animal"

Sec. 3. "Animal" means a member of the animal kingdom, except humans.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-4
"Antemortem inspection"

Sec. 4. "Antemortem inspection" means the inspection of all livestock or poultry before slaughter on the day of slaughter at an official establishment.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-5
"Approved certificate of veterinary inspection"

Sec. 5. "Approved certificate of veterinary inspection" means an official certificate of veterinary inspection that contains the approval of the chief livestock sanitary official of the state of origin.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-6
"Approved slaughtering establishment"

Sec. 6. "Approved slaughtering establishment" means an establishment operating under:

(1) the federal Meat Inspection Act (21 U.S.C. 601 et seq.);
(2) the federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.); or
(3) IC 15-17-5.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-7
"Baby chick"

Sec. 7. "Baby chick" means any domestic fowl under the age of six (6) weeks.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-8
"Board"

Sec. 8. "Board" means the Indiana state board of animal health established by IC 15-17-3-1.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-9
"Brucellosis"

Sec. 9. "Brucellosis" (commonly known as abortion disease or Bang's disease) means a dangerous, communicable, and infectious disease in animals caused by brucella organisms.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-10
"Bulk milk hauler/sampler"

Sec. 10. "Bulk milk hauler/sampler" means a person who does the following:

(1) Collects official samples.
(2) May transport raw milk in bulk form.
(3) Transports milk to or from a milk plant, receiving station, or transfer station.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-11
"Bulk milk pickup tanker"

Sec. 11. "Bulk milk pickup tanker" means a vehicle, including the truck, tank, and associated equipment necessary for its use, used by a bulk milk hauler/sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-12
"Bulk milk route"

Sec. 12. "Bulk milk route" means a group of dairy farms from which milk is collected in a bulk milk pickup tanker and transported to a milk plant, receiving station, or transfer station.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-13
"Can milk hauler" or "cream hauler"

Sec. 13. "Can milk hauler" or "cream hauler" means a person who transports raw fluid milk in cans to a milk plant, receiving station, or transfer station.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-14
"Can milk route"

Sec. 14. "Can milk route" means a group of dairy farms from which milk is collected in milk cans and transported to a milk plant, receiving station, or transfer station.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-15
"Capable of use as human food"

Sec. 15. "Capable of use as human food" means any livestock or poultry carcass or part or product of a livestock or poultry carcass, unless the carcass or part or product of the carcass is:

(1) denatured or identified as not for human food as required by rules adopted by the board to deter its use as human food; or
(2) naturally inedible by humans.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-16
"Certificate" and "certificate of veterinary inspection"

Sec. 16. "Certificate" and "certificate of veterinary inspection" means an official document issued by a state or federal representative or an accredited veterinarian that records a veterinary inspection of an animal, statements about the health of an animal, tests conducted on an animal, vaccinations given an animal, and other information about an animal and the animal's movement that is required by a state or the United States to be recorded.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-17
"Certified brucellosis free herd"

Sec. 17. "Certified brucellosis free herd" means a herd that is certified as free from brucellosis as defined by rules of the board and regulations of the United States Department of Agriculture made under any cooperative agreement authorized by this article.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-17.5
"Cervidae"

Sec. 17.5. "Cervidae", for purposes of IC 15-17-14.5 and IC 15-17-14.7, means privately owned members of the cervidae family, including deer, elk, moose, reindeer, and caribou.
As added by P.L.89-2016, SEC.12.

IC 15-17-2-18
"Color additive"

Sec. 18. "Color additive" has the meaning set forth in the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).
As added by P.L.2-2008, SEC.8.

IC 15-17-2-19
"Commerce"

Sec. 19. "Commerce" means commerce within Indiana.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-20
"Concentration point"

Sec. 20. "Concentration point" means a licensed place of business under IC 15-17-14 where only feeder pigs, to which the licensee has taken title, are assembled for resale.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-21
"Consignor"

Sec. 21. (a) "Consignor" means any person consigning, shipping, or delivering animals for sale, resale, or exchange.

(b) The term includes any person who causes animals to be transported or who delivers animals to a livestock auction market for the purpose of sale.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-22
"Container"

Sec. 22. "Container" means any box, can, tin, cloth, package, plastic, or other receptacle, wrapper, or cover.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-23
"Dairy farm"

Sec. 23. "Dairy farm" means a place:

(1) where at least one (1) lactating cow, sheep, goat, water buffalo, or other hoofed mammal is kept; and

(2) from which a part or all of the milk or milk products that are

produced are provided, sold, or offered for sale to a milk plant, transfer station, or receiving station.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-24

"Dealer"

Sec. 24. (a) Except as specifically exempted or excluded by this article, "dealer" means any person who is engaged in the business of buying, selling, or negotiating the transfer of livestock:

(1) for processing into meat products in conjunction with the operation of a business enterprise; or

(2) for resale, transfer, or final disposition in any other manner.

(b) The term includes the following:

(1) Market agencies.

(2) Stockyards.

(3) Livestock auction markets.

(4) Auction markets.

(5) Buying stations.

(6) Concentration points.

(c) For purposes of IC 15-17-5, the term means a person engaged in the business of buying or selling livestock products or poultry products on commission or negotiating purchases or sales of livestock products or poultry products other than for the person's own account or as an employee of another person.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-25

"Disposal plant"

Sec. 25. (a) "Disposal plant" means any plant and all associated equipment that is constructed or intended to be operated for the disposal of the following:

(1) The bodies of dead animals not slaughtered and intended for human food.

(2) The nonedible byproducts from the slaughtering of animals for human food, including the disposal of the body of any animal slaughtered for human food that has become unsuitable for use as human food.

(3) The disposal of the bodies of dead poultry not suitable for human food and of poultry byproducts, including the viscera, heads, feet, and poultry feathers.

(b) The term includes all substations of any plant that are used in connection with a disposal business for the temporary deposit of animal bodies and nonedible byproducts pending final delivery to any disposal plant, including all vehicles and equipment used for the transportation of the bodies and nonedible byproducts.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-26

"Domestic animal"

Sec. 26. (a) "Domestic animal" means an animal that is not wild.

(b) The term is limited to:

(1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, emus, or other birds;

(2) an animal of the bovine, equine, ovine, caprine, porcine, canine, feline, avian, camelid, cervidae, or bison species; or

(3) an aquatic animal that may be the subject of aquaculture (as defined in IC 15-11-7-1).

As added by P.L.2-2008, SEC.8.

IC 15-17-2-27

"Employee"

Sec. 27. "Employee" means a person employed by the board, including the state veterinarian, assistant state veterinarian, deputies, and assistants.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-28

"Establishment"

Sec. 28. "Establishment", for purposes of IC 15-17-5, means a building, part of a building, or other location used for:

(1) slaughtering livestock or poultry; or

(2) preparing meat, poultry, meat food products, and meat byproducts capable of use as human food.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-29

"Federal acts"

Sec. 29. "Federal acts", for purposes of IC 15-17-5, means the following:

(1) The federal Meat Inspection Act (21 U.S.C. 601 et seq.).

(2) The federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

As added by P.L.2-2008, SEC.8.

IC 15-17-2-30

"Federal Food, Drug, and Cosmetic Act"

Sec. 30. "Federal Food, Drug, and Cosmetic Act" means the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

As added by P.L.2-2008, SEC.8.

IC 15-17-2-31

"Feeder pig"

Sec. 31. "Feeder pig" means swine of any breed weighing not more than one hundred eighty (180) pounds.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-32
"Food"

Sec. 32. "Food" means the following:

(1) All articles used for food, drink, confectionary, or condiment whether simple, mixed, or compound.

(2) All substances or ingredients used in the preparation of the items described in subdivision (1).

As added by P.L.2-2008, SEC.8.

IC 15-17-2-33
"Food additive"

Sec. 33. "Food additive" has the meaning set forth in the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

As added by P.L.2-2008, SEC.8.

IC 15-17-2-34
"Garbage"

Sec. 34. (a) "Garbage" means:

(1) any waste material derived in whole or in part from any animal, including fish and poultry; or

(2) refuse from the handling, preparation, cooking, or consumption of food that has been associated with waste material derived in whole or in part from any animal, including fish and poultry.

(b) The term does not include:

(1) bakery waste;

(2) candy waste;

(3) eggs;

(4) domestic dairy products;

(5) a processed product;

(6) a rendered product; or

(7) waste from ordinary household operations that is fed directly to swine on the same premises where the household is located.

As added by P.L.2-2008, SEC.8. Amended by P.L.133-2015, SEC.3; P.L.202-2015, SEC.3.

IC 15-17-2-35
"Grade A dry milk and whey products"

Sec. 35. "Grade A dry milk and whey products" means milk products that have been:

(1) produced for use in Grade A pasteurized or aseptically processed milk products; and

(2) manufactured under the federal Food and Drug Administration "Grade A Condensed and Dry Milk Products – Condensed and Dry Whey Supplement I to the Grade A Pasteurized Milk Ordinance".

As added by P.L.2-2008, SEC.8.

IC 15-17-2-36
"Grade A milk and milk products"

Sec. 36. "Grade A milk and milk products" means milk and milk products that meet the requirements for Grade A in IC 15-18-1 and in the rules adopted under IC 15-18-1.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-37
"Herd"

Sec. 37. "Herd", except as provided in IC 15-17-3-22(a), means a group or groups of animals that are:

(1) maintained on common ground; or

(2) geographically separated but under common ownership, supervision, or control.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-38
"Humane method"

Sec. 38. (a) "Humane method" means a method by which livestock is made insensible to pain by mechanical, electrical, chemical, or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut.

(b) The term does not include the use of a manually operated hammer, sledge, or poleax.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-38.5
"Hunting preserve"

Sec. 38.5. "Hunting preserve", for purposes of IC 15-17-14.7, has the meaning set forth in IC 15-17-14.7-1.

As added by P.L.89-2016, SEC.13.

IC 15-17-2-39
"Immediate container"

Sec. 39. "Immediate container" means a container, receptacle, or other covering in which milk products, livestock products, or poultry products are directly contained or wholly or partially enclosed.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-40
"Immediate slaughter"

Sec. 40. (a) "Immediate slaughter" means any animal purchased or sold for:

(1) immediate slaughter; or

(2) slaughter and will be slaughtered by the purchaser not later than seven (7) days after purchase or will be consigned to an establishment or to a properly licensed market facility for reconsignment to a slaughtering establishment not later than

seven (7) days after acquiring the animal.

(b) The term does not include an animal that is diverted for any other purpose or use besides immediate slaughter.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-41

"Inedible"

Sec. 41. "Inedible" means not suitable for human consumption.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-42

"Inspector"

Sec. 42. "Inspector" means an individual who is authorized by the board to perform any inspection functions under this article and who meets any of the following criteria:

(1) The person is authorized by the state veterinarian to do any work or perform any duty in connection with the inspection of animals and food products under this article.

(2) The person is an employee or official of the government of the county or other governmental subdivision of this state acting under an agreement between the state veterinarian and a governmental subdivision.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-43

"Label"

Sec. 43. "Label" means a display of written, printed, or graphic matter upon an article or the immediate container, excluding package liners, of an article.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-44

"Labeling"

Sec. 44. "Labeling" means all labels and other written, printed, or graphic matter:

(1) placed upon an article or any of the article's containers or wrappers; or

(2) accompanying an article.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-45

"Laboratory"

Sec. 45. "Laboratory" means:

(1) the animal disease diagnostic laboratory established by IC 21-46-3-1; or

(2) any other laboratory approved by the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-46
"Licensed and accredited veterinarian"

Sec. 46. "Licensed and accredited veterinarian" means a veterinarian:

(1) licensed by any state; and

(2) accredited by the United States Department of Agriculture under 9 CFR Subchapter J to perform official functions.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-47
"Livestock"

Sec. 47. (a) "Livestock", except as provided in subsection (b), means domestic animals, except the following:

(1) Aquatic animals.

(2) Fish.

(3) Dogs.

(4) Cats.

(5) Poultry and other birds; however, the term includes ratites that are domestic animals under section 26 of this chapter.

(b) "Livestock", for purposes of IC 15-17-5, means the following, whether live or dead:

(1) Cattle.

(2) Sheep.

(3) Swine.

(4) Goats.

(5) Bison.

(6) Farm raised cervidae.

(7) Ratitae.

(8) Horses, mules, or other equines.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-48
"Livestock auction market"

Sec. 48. "Livestock auction market" means an established place of business and contiguous surroundings where animals are consigned to be sold at public auction by the operator of the business as an agent for the consignor in exchange for a commission paid by the consignor.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-49
"Livestock product"

Sec. 49. "Livestock product" means:

(1) a carcass;

(2) part of a carcass;

(3) meat; or

(4) a meat food product;

of livestock.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-50
"Livestock transaction"

Sec. 50. "Livestock transaction", for purposes of IC 15-17-15, means the following:

(1) For market agencies selling livestock on commission, the dollar value of livestock sold on commission.

(2) For market agencies buying on commission and dealers buying livestock, the dollar value of livestock purchased.

(3) For market agencies acting as a clearing agency, the dollar value of livestock purchased by all persons for whom the market agency served as a clearer.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-51
"Manufacturing grade milk products"

Sec. 51. "Manufacturing grade milk products" means dairy products that are not considered Grade A under IC 15-18-1 or under the rules adopted under IC 15-18-1.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-52
"Manufacturing grade raw milk"

Sec. 52. "Manufacturing grade raw milk" means milk produced on a dairy farm that does not have a valid permit issued by the board to sell Grade A raw milk for pasteurization.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-53
"Market agency"

Sec. 53. "Market agency" means a person who buys or sells livestock on a commission basis.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-54
"Meat food product" and "meat product"

Sec. 54. (a) "Meat food product" and "meat product" means a product capable of use as human food that is made wholly or in part from meat or other part of the carcass of:

(1) cattle;
(2) sheep;
(3) swine;
(4) equines;
(5) bison;
(6) farm raised cervidae;
(7) ratitae; or
(8) goats.

(b) The term does not include products that:

(1) contain meat or other parts of such carcasses only in a relatively small proportion; or

(2) historically have not been considered by consumers as products of the meat food industry and that are exempted from definition as a meat food product by the state veterinarian under conditions the state veterinarian prescribes to ensure that the meat or other parts of the carcass contained in the product are not adulterated and that the products are not represented as meat food products.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-55
"Milk"

Sec. 55. "Milk" means the lacteal secretion practically free from colostrum that:

(1) is obtained by the complete milking of healthy dairy animals; and

(2) meets a definition and standard of identity for milk adopted by the board under IC 4-22-2.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-56
"Milk distributor"

Sec. 56. (a) "Milk distributor" means a person that offers for sale or sells milk or milk products to another person.

(b) The term does not include the following:

(1) A store or market that receives and sells bottled or packaged milk and milk products in the original container or package to consumers.

(2) A restaurant, soda fountain, or similar establishment serving milk or milk products.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-57
"Milk plant"

Sec. 57. (a) "Milk plant" means a place, a premises, or an establishment where milk or milk products are collected, handled, processed, stored, ultrapasteurized, bottled, aseptically processed, condensed, dried, packaged, or prepared for distribution.

(b) The term does not include soft ice cream dispensers in restaurants as defined by the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-58
"Milk producer"

Sec. 58. "Milk producer" means a person that does the following:

(1) Operates a dairy farm.

(2) Provides, sells, or offers raw milk for sale to a milk plant, receiving station, or transfer station.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-59
"Milk products"

Sec. 59. "Milk products" means those products designated by the rules of the board as:

(1) being within IC 15-18-1; and

(2) conforming to the definitions and standards of identity specified in those rules.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-60
"Milk tank truck"

Sec. 60. "Milk tank truck" means a bulk milk pickup tanker or a milk transport tank.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-61
"Milk tank truck cleaning facility"

Sec. 61. "Milk tank truck cleaning facility" means any place, premises, or establishment that is separate from a milk plant, receiving station, or transfer station where a milk tank truck is cleaned and sanitized.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-62
"Milk transport tank"

Sec. 62. "Milk transport tank" means a vehicle, including the truck and tank, used by a bulk milk hauler/sampler to transport bulk shipments of milk from a milk plant, receiving station, or transfer station to another milk plant, receiving station, or transfer station.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-63
"Milk transportation company"

Sec. 63. "Milk transportation company" means a person that is responsible for a milk tank truck.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-64
"Misbranded"

Sec. 64. "Misbranded" means a food product that meets any of the following descriptions:

(1) The product's labeling is false or misleading in any way.

(2) The product is offered for sale under the name of another food.

(3) The product is an imitation of another food, unless the product's label bears, in type of uniform size and prominence, the word "imitation" and immediately afterward, the name of the food imitated.
(4) The product's container is made, formed, or filled in a manner that is misleading.
(5) Except as provided in IC 15-17-3-22(b), the product, if in packaged form, does not bear a label containing the following:
(A) The name and place of business of the manufacturer, packer, or distributor.
(B) Except as provided in IC 15-17-3-22(c), an accurate statement of the quantity of the product in terms of weight, measure, or numerical count.
(6) A word, statement, or other information required under this chapter or the rules adopted under this chapter to appear on a product's label or other labeling is not prominently placed on the label with sufficient conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in terms making it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
(7) The product purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by the rules of the board unless:
(A) the product conforms to the definition and standard; and
(B) the product's label bears the name of the food specified in the definition and standard and, as required by rules of the board, the common names of optional ingredients other than spices, flavoring, and coloring present in the food.
(8) The product purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by rules of the board and the product falls below the applicable standard of fill of container unless the label bears, in a manner and form that the rules specify, a statement that the product falls below that standard.
(9) The product's label does not bear the following:
(A) The common or usual name of the food, if any.
(B) Except as provided in IC 15-17-3-22(d), if the product is fabricated from at least two (2) ingredients, the common or usual name of each ingredient. However, spices, flavorings, and colorings may, when authorized by the state veterinarian, be designated as spices, flavorings, and colorings without naming each ingredient.
(10) The product purports to be or is represented for special dietary uses, unless the product's label bears information concerning the product's vitamin, mineral, and other dietary properties that the board determines to be necessary to fully inform purchasers of the product's value for the special dietary

uses as set forth in rules adopted by the board.

(11) Except as provided in IC 15-17-3-22(e), the product contains artificial flavoring, artificial coloring, or a chemical preservative, unless the product bears labeling stating that fact.

(12) The product fails to bear directly on the product and on the product's containers information the board prescribes by rule, including an official mark, to ensure that the product will not have false or misleading labeling and that the public will be reasonably informed about the product.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-65
"Modified accredited or tuberculosis free area"

Sec. 65. "Modified accredited or tuberculosis free area" means an area that meets the requirements established by the board and the United States department of agriculture under a cooperative agreement as provided for by this article.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-66
"Move"

Sec. 66. "Move" means the following:

(1) To carry, enter, import, mail, ship, or transport.

(2) To aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting.

(3) To offer to carry, enter, import, mail, ship, or transport.

(4) To receive in order to carry, enter, import, mail, ship, or transport.

(5) To release into the environment.

(6) To allow any of the activities described in this section.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-67
"Nonedible"

Sec. 67. "Nonedible" means not suitable for human consumption.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-68
"Oath"

Sec. 68. "Oath" includes affirmation.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-69
"Object"

Sec. 69. "Object", for purposes of IC 15-17-1 through IC 15-17-17, means a pest or disease or a material or tangible thing that could harbor a pest or disease.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-70
"Official certificate"

Sec. 70. "Official certificate", for purposes of IC 15-17-5, means a certificate prescribed by rules of the board for issuance by an inspector or other person performing official functions under IC 15-17-5.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-71
"Official device"

Sec. 71. "Official device" means a device prescribed or authorized by the state veterinarian for use in applying an official mark.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-72
"Official establishment"

Sec. 72. "Official establishment", for purposes of IC 15-17-5, means an establishment that has been granted inspection under IC 15-17-5.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-73
"Official health certificate"

Sec. 73. "Official health certificate" or "official certificate of veterinary inspection" means an official document issued by a state or federal representative or an accredited veterinarian who records a veterinary inspection of an animal, statements about the health of an animal, tests conducted on an animal, vaccinations given an animal, and other information about an animal and the animal's movement that is required by a state or by the United States to be recorded.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-74
"Official identification"

Sec. 74. "Official identification" means the method of identification recognized or required by the board for an animal or class of animals under a rule adopted by the board under IC 4-22-2.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-75
"Official inspection legend"

Sec. 75. "Official inspection legend" means a symbol prescribed by rules of the board showing that an article was inspected and passed in accordance with IC 15-17-5.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-76

"Official laboratory"

Sec. 76. "Official laboratory" means a biological, chemical, or physical laboratory that meets the following conditions:

(1) The laboratory is under the direct supervision of the board or a state or local governmental agency designated by the board.

(2) The laboratory is authorized and certified by the board to do official work.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-77

"Official mark"

Sec. 77. "Official mark" means the official inspection legend or other symbol prescribed by rules of the board to identify the status of an article, livestock, or poultry under IC 15-17-5.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-78

"Officially designated laboratory"

Sec. 78. "Officially designated laboratory" means:

(1) a commercial laboratory authorized and certified by the board to do official work; or

(2) an industry laboratory authorized and certified by the board to do official work.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-79

"Officially vaccinated calves"

Sec. 79. "Officially vaccinated calves" means calves that were vaccinated in accordance with the state rules and federal regulations existing at the time of vaccination.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-80

"Packer"

Sec. 80. "Packer" means any person engaged in the business of:

(1) buying livestock to be slaughtered for food;

(2) manufacturing or preparing meat or meat food products for sale or shipment in commerce; or

(3) marketing meat and meat food products acting as a wholesaler, broker, dealer, or distributor.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-81

"Packers and Stock Yards Act"

Sec. 81. "Packers and Stock Yards Act" means the act of Congress designated as the Packers and Stock Yards Act of 1921 (42 U.S. Statutes at Large, page 159), all statutes amending the act, and all regulations adopted under the act.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-82
"Pasteurization", "pasteurized", and similar terms

Sec. 82. "Pasteurization", "pasteurized", and similar terms mean the following:

(1) The process of heating every particle of milk or milk products (except ice cream, ice milk, and sherbet mixture) to:

(A) at least one hundred forty-five (145) degrees Fahrenheit and holding the particle continuously at or above this temperature for at least thirty (30) minutes; or

(B) at least one hundred sixty-one (161) degrees Fahrenheit and holding the particle continuously at or above this temperature for at least fifteen (15) seconds;

in equipment that is properly operated and approved by the board.

(2) The process of heating milk products that have higher milk fat content than milk or that contain added sweeteners to:

(A) at least one hundred fifty (150) degrees Fahrenheit and held continuously at or above this temperature for at least thirty (30) minutes; or

(B) at least one hundred sixty-six (166) degrees Fahrenheit and held continuously at or above this temperature for at least fifteen (15) seconds.

(3) The process of heating every particle of ice cream, ice milk, or sherbet mixture (except fruits, fruit juices, nuts, cocoa or chocolate, maple syrup, cakes, confections, or other flavoring or color) to:

(A) one hundred fifty-five degrees (155) Fahrenheit and holding the particle continuously at or above this temperature for at least thirty (30) minutes;

(B) at least one hundred seventy-five (175) degrees Fahrenheit and holding the particle continuously at or above this temperature for at least twenty-five (25) seconds; or

(C) at least one hundred ninety-four (194) degrees Fahrenheit for at least one-half (1/2) second.

(4) Any other pasteurization process that is found to be equally efficient and that is approved by rule of the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-82.5
"Permitted animal"

Sec. 82.5. "Permitted animal", for purposes of IC 15-17-14.7, has the meaning set forth in IC 15-17-14.7-3.

As added by P.L.89-2016, SEC.14.

IC 15-17-2-83
"Person"

Sec. 83. "Person" means any individual, trustee, receiver, corporation, limited liability company, partnership, and any other firm, organization, association, cooperative, or group of individuals or persons.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-84
"Pest"
Sec. 84. "Pest" means any of the following that can directly or indirectly injure, cause damage to, or cause disease in animals:
(1) A protozoan.
(2) A plant.
(3) A bacterium.
(4) A fungus.
(5) A virus or viroid.
(6) An infectious agent or other pathogen.
(7) An arthropod.
(8) A parasite.
(9) A prion.
(10) A vector.
(11) An organism similar to or allied with any of the organisms described in this section.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-85
"Pesticide chemical"
Sec. 85. "Pesticide chemical" has the meaning set forth in the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).
As added by P.L.2-2008, SEC.8.

IC 15-17-2-86
"Postmortem inspection"
Sec. 86. "Postmortem inspection" means the inspection of livestock or poultry at the time of slaughter at an official establishment.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-87
"Poultry"
Sec. 87. "Poultry", for purposes of IC 15-17-3 and IC 15-17-5, means a domesticated bird, whether live or dead.
As added by P.L.2-2008, SEC.8. Amended by P.L.50-2010, SEC.1.

IC 15-17-2-88
"Poultry product"
Sec. 88. (a) "Poultry product", for purposes of IC 15-17-5, means a poultry carcass, part of a poultry carcass, or a product that is made wholly or in part from a poultry carcass or part of a poultry carcass.

(b) The term does not include products that:

(1) contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry; and

(2) are exempted by the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-89
"Practice of veterinary medicine"

Sec. 89. "Practice of veterinary medicine" has the meaning set forth in IC 25-38.1-1-12.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-90
"Prepared"

Sec. 90. "Prepared" means slaughtered, canned, cured, salted, smoked, stuffed, rendered, boned, cut up, frozen, dried, stored, or otherwise manufactured or processed.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-91
"Private sale"

Sec. 91. "Private sale" means any sale other than a public sale.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-91.5
"Processed product"

Sec. 91.5. "Processed product" means material derived in whole or in part from any animal, including fish and poultry, and other refuse that has been associated with any such material, that has undergone an industrial manufacturing procedure to prevent spoilage or add shelf stability that has been:

(1) at a minimum, cooked to a temperature of one hundred sixty-seven (167) degrees Fahrenheit for at least thirty (30) minutes; or

(2) subjected to another industrial process demonstrated to provide an equivalent level of inactivation of disease organisms, as approved by the board.

As added by P.L.133-2015, SEC.4; P.L.202-2015, SEC.4.

IC 15-17-2-92
"Public sale"

Sec. 92. "Public sale" means a sale where the general public is invited to participate whether held at an established place of business or at a place where sales are infrequently held.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-93

"Reactor"

Sec. 93. "Reactor" means an animal that has been tested for a certain disease and shows a positive reaction to an official test for the disease according to existing state rules or federal regulations at the time of the test.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-94

"Receiving station"

Sec. 94. (a) "Receiving station" means a place, a premises, or an establishment where milk or milk products are collected, handled, stored, or cooled and prepared for distribution.

(b) The term does not include soft ice cream dispensers in restaurants as defined by the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-95

"Rendered product"

Sec. 95. "Rendered product" means waste material derived in whole or in part from any animal, including fish and poultry, and refuse from the handling, preparation, cooking, or consumption of food that has been:

(1) ground and heated to a minimum temperature of two hundred thirty (230) degrees Fahrenheit to make products such as animal, poultry, or fish protein meal, grease, or tallow; or

(2) subject to other industrial processes demonstrated to provide an equivalent level of inactivation of disease organisms, as approved under rules adopted by the board.

As added by P.L.2-2008, SEC.8. Amended by P.L.133-2015, SEC.5; P.L.202-2015, SEC.5.

IC 15-17-2-96

"Renderer"

Sec. 96. (a) "Renderer" means a person engaged in the business of operating a disposal plant for the rendering of livestock or poultry carcasses or parts or products of such carcasses.

(b) The term does not include rendering conducted under inspection or exemption under IC 15-17-5.

As added by P.L.2-2008, SEC.8.

IC 15-17-2-97

"Sale", "sell", or "selling"

Sec. 97. (a) "Sale", "sell", or "selling" means sale, lease, donation, trade, barter, or exchange in any manner.

(b) The term includes the following:

(1) Manufacture, processing, transporting, handling, packing, canning, bottling, or any other productions, preparation, or putting up.

(2) Exposure, offer, or any other proffer.
(3) Holding, storing, or any other possession.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-98
"Stockyards"
Sec. 98. (a) "Stockyards" means a place, an establishment, or a facility conducted, operated, or managed for profit or not for profit as a public market in which livestock is assembled for purchase or sale at competitive bidding, or purchase by the persons operating the stockyards.
(b) The term includes concentration points where livestock is assembled for redistribution or resale by means other than competitive bidding.
(c) The term does not include livestock auction markets.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-99
"Transfer station"
Sec. 99. "Transfer station" means a place, a premises, or an establishment where milk or milk products are transferred directly from one (1) milk tank truck to another.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-100
"Transport vehicle"
Sec. 100. "Transport vehicle" means a vehicle used for transporting:
(1) dead animal bodies;
(2) nonedible byproducts from the slaughtering of animals and poultry; or
(3) restaurant grease.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-101
"Tuberculosis"
Sec. 101. "Tuberculosis" means tuberculosis in an animal.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-102
"Veterinarian"
Sec. 102. "Veterinarian" means a person authorized by law to practice veterinary medicine.
As added by P.L.2-2008, SEC.8.

IC 15-17-3
Chapter 3. Board of Animal Health

IC 15-17-3-0.3
Treatment of rules adopted by state department of health; transfer of records, powers, duties, liabilities; transfer of pending matters

Sec. 0.3. (a) Rules adopted by the state department of health before July 1, 1996, under IC 16-42-12 (before its repeal on July 1, 1996), IC 16-42-13 (before its repeal on July 1, 1996), and IC 16-42-16 (before its repeal on July 1, 1996) are considered rules of the Indiana state board of animal health after June 30, 1996.

(b) On July 1, 1996, all records, powers, duties, and liabilities of the state department of health under IC 16-42-12 (before its repeal on July 1, 1996), IC 16-42-13 (before its repeal on July 1, 1996), and IC 16-42-16 (before its repeal on July 1, 1996) are transferred to the Indiana state board of animal health under:

(1) IC 15-2.1-22 (as added by P.L.137-1996 and before its repeal);

(2) IC 15-2.1-23 (as added by P.L.137-1996 and before its repeal), now codified at IC 15-18-1; and

(3) IC 15-2.1-24 (as added by P.L.137-1996 and before its repeal), now codified at IC 15-17-5.

(c) All matters pending before and judgments entered by the state department of health under IC 16-42-12 (before its repeal on July 1, 1996), IC 16-42-13 (before its repeal on July 1, 1996), and IC 16-42-16 (before its repeal on July 1, 1996) are transferred to the Indiana state board of animal health under:

(1) IC 15-2.1-22 (as added by P.L.137-1996 and before its repeal);

(2) IC 15-2.1-23 (as added by P.L.137-1996 and before its repeal), now codified at IC 15-18-1; and

(3) IC 15-2.1-24 (as added by P.L.137-1996 and before its repeal), now codified at IC 15-17-5.

As added by P.L.220-2011, SEC.302.

IC 15-17-3-1
Creation

Sec. 1. The Indiana state board of animal health is established.

As added by P.L.2-2008, SEC.8.

IC 15-17-3-2
Membership

Sec. 2. The board consists of eleven (11) members appointed by the governor as follows:

(1) One (1) member from the school of veterinary medicine of Purdue University upon the recommendation of the Purdue University board of trustees.

(2) Two (2) members, each of whom must:

(A) be a graduate of a veterinary college accredited by the American Veterinarian Medical Association and licensed and accredited to practice veterinary medicine and surgery in Indiana;

(B) have at least five (5) years experience in veterinary medicine; and

(C) actually be engaged in the general practice of veterinary medicine during the member's term on the board.

The members appointed under this subdivision may not belong to the same political party.

(3) Seven (7) members with the following qualifications:

(A) One (1) member must be engaged in poultry production.

(B) One (1) member must be engaged in dairying.

(C) One (1) member must be engaged in swine production.

(D) One (1) member must be engaged in beef-type cattle production.

(E) One (1) member must be engaged in horse production.

(F) One (1) member must be engaged in sheep production.

(G) One (1) member must be:

(i) engaged in small animal veterinary medical practice; and

(ii) a veterinarian licensed and accredited to practice veterinary medicine and surgery in Indiana who has been licensed and accredited for at least five (5) years.

The members appointed under clauses (A) through (F) must be producers of livestock or poultry who are engaged in livestock or poultry production during their service on the board. Not more than four (4) of the members appointed under this subdivision may belong to the same political party.

(4) One (1) member who holds or is affiliated with an organization that holds any of the following issued by the board:

(A) A license issued under this article.

(B) A grant of inspection issued to a meat processing establishment under IC 15-17-5.

(C) A permit issued to a milk plant under IC 15-18-1.

As added by P.L.2-2008, SEC.8. Amended by P.L.133-2012, SEC.180.

IC 15-17-3-3

Conflict of interest

Sec. 3. A member of the board may not be directly or indirectly interested as director, officer, salesman, or employee of a person engaged in the manufacture or sale of any commercial product, byproduct, or biological product affecting the livestock industry.

As added by P.L.2-2008, SEC.8.

IC 15-17-3-4

Compensation

Sec. 4. A member of the board is entitled to a per diem and transportation expense as provided by law when engaged in the member's official duties.

As added by P.L.2-2008, SEC.8.

IC 15-17-3-5

Term

Sec. 5. (a) The term of a member of the board is four (4) years beginning on April 1.

(b) A member serves until the member's successor is appointed and qualified.

(c) Except as provided in subsection (d), a person is not eligible to serve as a member of the board for more than two (2) consecutive full terms.

(d) Subsection (c) does not apply to the member appointed from the school of veterinary medicine at Purdue University under section 2(1) of this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-3-6

Expiration of terms

Sec. 6. (a) The terms of:

(1) the member engaged in dairying; and

(2) the member engaged in swine production;

appointed under section 2(3) of this chapter expire March 31, 2008, and every four (4) years thereafter.

(b) The terms of:

(1) the members engaged in:

(A) poultry production; and

(B) sheep production;

appointed under section 2(3) of this chapter; and

(2) one (1) veterinarian member appointed under section 2(2) of this chapter;

expire March 31, 2009, and every four (4) years thereafter.

(c) The terms of:

(1) the member engaged in horse production appointed under section 2(3) of this chapter; and

(2) the member affiliated with a licensed livestock market appointed under section 2(4) of this chapter;

expire March 31, 2010, and every four (4) years thereafter.

(d) The terms of:

(1) the members engaged in:

(A) beef-type cattle production; and

(B) small animal veterinary medical practice;

appointed under section 2(3) of this chapter; and

(2) one (1) veterinarian member appointed under section 2(2) of this chapter;

expire March 31, 2011, and every four (4) years thereafter.
As added by P.L.2-2008, SEC.8.

IC 15-17-3-7
Appointment of successor

Sec. 7. At least thirty (30) days before the expiration of the term of office of a member of the board, the governor shall appoint a successor.
As added by P.L.2-2008, SEC.8.

IC 15-17-3-8
Vacancies

Sec. 8. In the event of a vacancy, the governor shall immediately appoint a successor to complete the unexpired term.
As added by P.L.2-2008, SEC.8.

IC 15-17-3-9
Officers

Sec. 9. The board shall elect a chairperson and vice chairperson from the board's membership each year at the board's April meeting. The chairperson and vice chairperson each serve a term of one (1) year. The state veterinarian serves as secretary of the board.
As added by P.L.2-2008, SEC.8.

IC 15-17-3-10
Meetings; quorum

Sec. 10. (a) The board:

(1) shall hold quarterly meetings at the board's office in Indianapolis, during January, April, July, and October of each year; and

(2) may hold special meetings upon the call of the chairperson or a majority of the members of the board.

(b) Six (6) members of the board constitute a quorum to transact business.
As added by P.L.2-2008, SEC.8.

IC 15-17-3-11
Duties

Sec. 11. The board has general supervision of:

(1) the prevention, detection, control, and eradication of diseases and pests affecting the health of animals within and in transit through Indiana; and

(2) the production, manufacture, processing, and distribution of products derived from animals;

to control health hazards that may threaten the public health and welfare of the citizens of Indiana.
As added by P.L.2-2008, SEC.8.

IC 15-17-3-12
Powers

Sec. 12. The board has all powers necessary to fulfill the board's duties under this article.

As added by P.L.2-2008, SEC.8.

IC 15-17-3-13
Additional powers and duties

Sec. 13. In addition to the powers and duties given the board in this article and by law, the board has the powers and duties reasonable and necessary to do the following:

(1) Provide for the quarantine of animals and objects to prevent, control, and eradicate diseases and pests of animals.

(2) Develop, adopt, and implement programs and procedures for establishing and maintaining accredited, certified, validated, or designated disease or pest free or disease or pest monitored animals, herds, flocks, or areas, including the following:

(A) The establishment and maintenance of herds that are monitored for disease or pest syndromes.

(B) The establishment and maintenance of certified or validated brucellosis free herds, animals, and areas.

(C) The establishment and maintenance of accredited tuberculosis free herds, animals, and areas.

(3) Develop, adopt, and implement programs and plans for the prevention, detection, control, and eradication of diseases and pests of animals.

(4) Control or prohibit, by permit or other means, the movement and transportation into, out of, or within Indiana of animals and objects in order to prevent, detect, control, or eradicate diseases and pests of animals. When implementing controls or prohibitions, the board may consider whether animals or objects are diseased, suspected to be diseased, or under quarantine, or whether the animals or objects originated from a country, a state, an area, or a premises that is known or suspected to harbor animals or objects infected with or exposed to a disease or pest of animals.

(5) Control or prohibit the public and private sale of animals and objects in order to prevent the spread of disease and pests of animals.

(6) Control the use, sanitation, and disinfection of:

(A) public stockyards; and

(B) vehicles used to transport animals and objects into and within Indiana;

to accomplish the objectives of this article.

(7) Control the use, sanitation, and disinfection of premises, facilities, and equipment to accomplish the objectives of this article.

(8) Control the movement of animals and objects to, from, and

within premises where diseases or pests of animals may exist.
(9) Control the movement and disposal of carcasses of animals and objects.
(10) Control the manufacture, sale, storage, distribution, handling, and use of serums, vaccines, and other biologics and veterinary drugs, except those drugs for human consumption regulated under IC 16-42-19, to be used for the prevention, detection, control, and eradication of disease and pests of animals.
(11) Control and prescribe the means, methods, and procedures for the vaccination or other treatment of animals and objects and the conduct of tests for diseases and pests of animals.
(12) Develop, adopt, and implement plans and programs for the identification of animals, objects, premises, and means of conveyances. Plans and programs may include identification:
(A) of animals or objects that have been condemned under this article; and
(B) related to classification as to disease, testing, vaccination, or treatment status.
(13) Establish the terms and method of appraisal or other determination of value of animals and objects condemned under this article, the payment of any indemnities that may be provided for the animals and objects, and the regulation of the sale or other disposition of the animals or objects.
(14) Control the sale of baby chicks.
(15) Cooperate and enter into agreements with the appropriate departments and agencies of this state, any other state, or the federal government to prevent, detect, control, and eradicate diseases and pests of animals.
(16) Control or prohibit the movement and transportation into, out of, or within Indiana of wild animals, including birds, that might carry or disseminate diseases or pests of animals.
(17) Provide for condemning or abating conditions that cause, aggravate, spread, or harbor diseases or pests of animals.
(18) Establish and designate, in addition to the animal disease diagnostic laboratory under IC 21-46-3-1, other laboratories necessary to make tests of any nature for diseases and pests of animals.
(19) Investigate, develop, and implement the best methods for the prevention, detection, control, suppression, or eradication of diseases and pests of animals.
(20) Investigate, gather, and compile information concerning the organization, business conduct, practices, and management of any registrant, licensee, permittee, applicant for a license, or applicant for a permit.
(21) Investigate allegations of unregistered, unlicensed, and unpermitted activities.
(22) Institute legal action in the name of the state of Indiana

necessary to enforce:

(A) the board's orders and rules; and

(B) this article.

(23) Control the collection, transportation, and cooking of garbage to be fed to swine or other animals and all matters of sanitation relating to the collection, transportation, and cooking of garbage affecting the health of swine or other animals and affecting public health and comfort.

(24) Adopt an appropriate seal.

(25) Issue orders as an aid to enforcement of the powers granted by this article, IC 15-18-1, and IC 15-19-6.

(26) Control disposal plants and byproducts collection services and all matters connected to disposal plants and byproducts collection services.

(27) Abate biological or chemical substances that:

(A) remain in or on any animal before or at the time of slaughter as a result of treatment or exposure; and

(B) are found by the board to be or have the potential of being injurious to the health of animals or humans.

(28) Regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten:

(A) animal health;

(B) the public health and welfare of the citizens of Indiana; and

(C) the trade in animals and animal products in and from Indiana.

(29) Cooperate and coordinate with local, state, and federal emergency management agencies to plan and implement disaster emergency plans and programs as the plans and programs relate to animals in Indiana.

(30) Assist law enforcement agencies investigating allegations of cruelty and neglect of animals.

(31) Assist organizations that represent livestock and poultry producers with issues and programs related to the care of livestock and poultry.

(32) Establish a registry of commercial dog brokers and commercial dog breeders in Indiana.

(33) Establish a registry of animal care facilities (as defined in IC 15-20-4-1).

As added by P.L.2-2008, SEC.8. Amended by P.L.111-2009, SEC.3; P.L.50-2010, SEC.2; P.L.201-2016, SEC.2.

IC 15-17-3-14

Delegation of duties to state veterinarian

Sec. 14. The board may delegate any of the board's duties to the state veterinarian, except the following:

(1) The duty to supervise the state veterinarian.

(2) The duty to hold hearings under this article and IC 4-21.5.
(3) The duty to adopt rules.

As added by P.L.2-2008, SEC.8.

IC 15-17-3-15
Inspections; entry onto property; remediation

Sec. 15. (a) The board or the board's agent:
(1) may make sanitary inspections and surveys; and
(2) may enter upon any public or private property where any animals or objects are at the time quartered, including the location of the carcass of any animal;

to inspect the property, examine the animals or objects, conduct tests in regard to the presence of diseases or pests of animals and the possible cause and sources of the disease or pest, and perform any other function authorized by this article.

(b) The board or the board's agent may hold, seize, quarantine, treat, destroy, dispose of, or take other remedial action with respect to any animal or progeny of any animal, object, or means of conveyance that the board or the board's agent:
(1) has reason to believe:
(A) may carry, may have carried, or may have been affected by or exposed to any disease or pest of animals; or
(B) violates this article or a rule adopted under this article;
(2) finds is not being maintained or has not been maintained in accordance with a quarantine or condition imposed under this article, a rule adopted under this article, or an order issued under this article; or
(3) determines must be acted upon to prevent the dissemination of a disease or pest of animals.

As added by P.L.2-2008, SEC.8.

IC 15-17-3-16
Subpoenas

Sec. 16. The board, over the signature of the chairperson or another board member authorized by the board, may do the following to accomplish the board's objectives:
(1) Subpoena and bring before the board any person in this state to take testimony either orally or by deposition or by exhibit, with the same fees and mileage, and in the same manner as prescribed by law in judicial procedure in civil cases in the circuit courts of Indiana.
(2) Subpoena and order any person to provide to board personnel for inspection and copying records, photographs, and any other type of document or data compilation, or to allow access for inspection, copying, testing, sampling, analysis, or treatment to any tangible thing, including animals, carcasses of animals, animal feed, and meat, dairy, and other human food products.

As added by P.L.2-2008, SEC.8.

IC 15-17-3-17
Oaths

Sec. 17. An agent of the board may administer oaths to witnesses at any hearing that the board is authorized by law to conduct.
As added by P.L.2-2008, SEC.8.

IC 15-17-3-18
Reports

Sec. 18. (a) The board may require, by general or special order, licensees and permittees under this article to file with the board in a prescribed form:

(1) annual, periodic, or special reports; or
(2) answers, in writing, to specific questions;

to provide information concerning the business conduct of the licensee or permittee and the practices and management of the business of the licensee or permittee as the practices and management relate to other persons in the same business.

(b) The board may require that the reports and answers under this section be made under oath and filed within a reasonable time if the requirements are determined to be essential by the board.
As added by P.L.2-2008, SEC.8.

IC 15-17-3-19
Federal laws

Sec. 19. The board may, on behalf of the state, accept or adopt, in whole or in part, federal laws, including regulations adopted by agencies of the United States that are necessary or helpful in fulfilling the board's duties under this article. The board may cooperate with the authorities of the United States government within Indiana in enforcing state and federal laws.
As added by P.L.2-2008, SEC.8.

IC 15-17-3-20
Funds from sources other than the state

Sec. 20. The board may accept, use, and expend funds or other resources from sources other than the state if:

(1) the resources are awarded for the pursuit of a specific objective that the board is authorized to accomplish under this article or that the board is qualified to accomplish by reason of the board's jurisdiction or professional expertise;
(2) the resources are expended for the pursuit of the objective for which the resources are awarded;
(3) activities connected with or occasioned by the expenditure of the resources do not interfere with or impair the performance of the board's duties and responsibilities and do not conflict with the exercise of the board's powers and duties under this

article;

(4) monetary resources are kept in separate accounts in the state treasury; and

(5) reports of the board's receipt and use of the resources are prepared periodically.

As added by P.L.2-2008, SEC.8.

IC 15-17-3-21

Rules

Sec. 21. The board shall adopt rules under IC 4-22-2 that are reasonable and necessary to discharge the duties imposed on the board by law and to implement this article, IC 15-18-1, and IC 15-19-6.

As added by P.L.2-2008, SEC.8.

IC 15-17-3-22

Allowable adoptions of rules

Sec. 22. (a) Notwithstanding IC 15-17-2-37, the board may adopt by rule a different definition of "herd" to advance a disease control program or objective.

(b) Notwithstanding IC 15-17-2-64(5), the board may adopt rules concerning livestock products that are not in containers to establish the circumstances under which those products are not considered misbranded.

(c) Notwithstanding IC 15-17-2-64(5)(B), the board may adopt rules concerning small containers to establish variations or exemptions from label quantity statements under which the containers are not considered misbranded.

(d) Notwithstanding IC 15-17-2-64(9)(B), the board shall adopt rules to establish exemptions for product labels that do not bear the common or usual name of each ingredient in a product fabricated from at least two (2) ingredients under which the products are not considered misbranded if listing the common or usual name of each ingredient is impracticable or results in deception or unfair competition.

(e) Notwithstanding IC 15-17-2-64(11), the board shall adopt rules to establish exemptions for products that contain artificial flavoring, artificial coloring, or a chemical preservative under which the products are not considered misbranded if the products do not bear a label stating that the products contain those substances if stating that fact is impracticable.

As added by P.L.2-2008, SEC.8.

IC 15-17-3-23

Livestock and poultry standards of care

Sec. 23. The board may adopt rules to establish standards governing the care of livestock and poultry. The board shall consider the following when adopting the standards:

(1) The health and husbandry of the livestock and poultry.
(2) Generally accepted farm management practices.
(3) Generally accepted veterinary standards and practices.
(4) The economic impact the standards may have on:
(A) livestock and poultry farmers;
(B) the affected livestock and poultry sector; and
(C) consumers.

As added by P.L.50-2010, SEC.3.

IC 15-17-4

Chapter 4. Personnel

IC 15-17-4-1

State veterinarian; appointment

Sec. 1. (a) The state veterinarian shall be appointed by the board with the approval of the governor.

(b) The state veterinarian serves as the chief administrative officer of the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-4-2

State veterinarian; qualifications

Sec. 2. The state veterinarian:

(1) must:

(A) be a graduate of a recognized veterinary college;

(B) be licensed and accredited to practice veterinary medicine in Indiana; and

(C) have at least five (5) years experience as a general practitioner of veterinary medicine or as a veterinary administrator, or both; and

(2) may not be a member of the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-4-3

State veterinarian; term

Sec. 3. The state veterinarian shall serve a term of four (4) years.

As added by P.L.2-2008, SEC.8.

IC 15-17-4-4

State veterinarian; vacancy

Sec. 4. A vacancy in the office of state veterinarian shall be filled for the unexpired term in the same manner as for a full term.

As added by P.L.2-2008, SEC.8.

IC 15-17-4-5

State veterinarian; duties

Sec. 5. The state veterinarian:

(1) serves as secretary of the board;

(2) provides technical advice and assistance to the board of veterinary medical examiners; and

(3) performs the duties delegated by the board to the state veterinarian.

As added by P.L.2-2008, SEC.8.

IC 15-17-4-6

Organization of board

Sec. 6. The state veterinarian may, subject to the approval of the

board:

(1) organize the personnel and functions of the board into divisions and subdivisions;

(2) delegate responsibilities to the divisions and employees; and

(3) consolidate, divide, or abolish the divisions and subdivisions;

as necessary to carry out the state veterinarian's powers and duties and the powers and duties of the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-4-7

State veterinarian; salary

Sec. 7. The salary of the state veterinarian is fixed by the board with the approval of the governor.

As added by P.L.2-2008, SEC.8.

IC 15-17-4-8

Employees; appointment

Sec. 8. The board:

(1) may appoint one (1) assistant state veterinarian; and

(2) shall appoint other employees necessary to carry out this article.

As added by P.L.2-2008, SEC.8.

IC 15-17-4-9

Employees; nonpartisan

Sec. 9. All employees of the board shall be selected on a nonpartisan basis and may not be discharged for political reasons.

As added by P.L.2-2008, SEC.8.

IC 15-17-4-10

Employees; salaries

Sec. 10. The salary of the employees of the board shall be fixed according to IC 4-12-2.

As added by P.L.2-2008, SEC.8.

IC 15-17-4-11

Employees; expenses

Sec. 11. Employees are entitled to receive necessary transportation and per diem expenses while away from the employees' official station and performing official duties.

As added by P.L.2-2008, SEC.8.

IC 15-17-4-12

Prohibited fees; private practice

Sec. 12. (a) An employee may not receive or collect any fee or other payment for any services provided as an employee.

(b) To learn professional skills and become familiar with new

developments in the field of veterinary medicine, the state veterinarian or other veterinarians employed by the board may, in an individual capacity as a licensed veterinarian but not in an official capacity as a board employee, engage in the private practice of veterinary medicine if the private practice of veterinary medicine does not interfere with the employee's performance of duties as an employee of the board or does not violate state laws governing ethics and conflicts of interest.

(c) The board may impose conditions or restrictions on the practice of veterinary medicine by the board's employees to facilitate the performance of board duties and compliance with state ethics laws.

(d) The state is not liable for any act performed by the state veterinarian or a board employee performed in the private practice of veterinary medicine.

As added by P.L.2-2008, SEC.8.

IC 15-17-4-13
Repealed

(As added by P.L.2-2008, SEC.8. Repealed by P.L.100-2012, SEC.47.)

IC 15-17-5

Chapter 5. Meat and Poultry Inspection; Humane Slaughter Act

IC 15-17-5-1

Purpose

Sec. 1. The purpose of this chapter is to do the following:

(1) Safeguard the public health and promote public welfare by:

(A) preventing the slaughter of dead, dying, disabled, or diseased livestock or poultry for human food purposes; and

(B) preventing the manufacture, processing, storage, transportation, and sale of adulterated meat and poultry products for human food purposes.

(2) Eliminate the manufacture, processing, distribution, and sale of fraudulent, misbranded, or deceptive products of livestock and poultry origin.

(3) Prohibit the use of nonhumane methods in the slaughter of livestock and poultry.

(4) Provide for humane slaughter of livestock and poultry and for meat and poultry products inspection programs that will impose and enforce requirements with respect to intrastate operations and commerce that are at least equal to those imposed and enforced under the federal Humane Slaughter Act (7 U.S.C. 1901 et seq.), the federal Meat Inspection Act (21 U.S.C. 601 et seq.), and the federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.) with respect to operations and transactions in interstate commerce.

(5) Aid in the control of livestock and poultry diseases by discovering the origins of diseased livestock and poultry found in antemortem inspections and obtaining samples of blood and tissue specimens as considered necessary for the control of livestock and poultry diseases.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-2

Administration

Sec. 2. The state veterinarian shall administer this chapter to accomplish the purposes set forth in section 1 of this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-3

Designation of board

Sec. 3. The board is designated as the appropriate state agency to cooperate with the Secretary of Agriculture of the United States in the administration of this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-4

Duties of board

Sec. 4. To accomplish the objectives of this chapter, the board or an agent of the board may do the following:

(1) Require by rules the following:

(A) Antemortem inspection and postmortem inspection of livestock and poultry slaughtered for distribution as human food.

(B) Except for the operations of establishments exempt under section 11 of this chapter, the quarantine, segregation, and inspection of livestock and poultry slaughtered, and of livestock products and poultry products processed or prepared for distribution at all establishments in Indiana.

(2) Require by rules the following:

(A) The identification of livestock and poultry for inspection purposes.

(B) The marking and labeling of livestock products, poultry products, livestock and poultry product containers, or both the product and containers as:

(i) "Indiana Inspected and Passed" if the products are found upon inspection to be not adulterated;

(ii) "Indiana Inspected and Condemned" if the products are found upon inspection to be adulterated; or

(iii) "Not for Sale" if the products are produced under an exemption from inspection.

(C) The destruction for food purposes of all condemned products under the supervision of an inspector.

(3) Prohibit the entry into official establishments of livestock products and poultry products not prepared under federal inspection or inspection under this chapter and further limit the entry of the products and other materials into official establishments under conditions that the board considers necessary to effectuate the purposes of this chapter.

(4) Require by rules that when livestock products and poultry products leave official establishments, the products bear directly on the products or on the containers, or both, as the board requires, all information necessary to prevent a product from being misbranded, and that all labeling and containers to be used for the products when sold or transported in commerce be approved by the board to ensure that the products comply with this chapter.

(5) Investigate the sanitary conditions of each establishment and withdraw or refuse to provide inspection service at an establishment where the sanitary conditions are such as to make adulterated any livestock products or poultry products prepared or handled at the establishment.

(6) Adopt rules concerning sanitation for all establishments, including custom slaughterers or processors, engaged in the slaughtering of livestock or poultry or preparing meat food

products or poultry products capable of use as human food.

(7) Require by rules that the following persons keep records that fully and correctly disclose all transactions involving meat food products and poultry products:

(A) Persons in the business of slaughtering livestock or poultry or preparing, freezing, packaging, labeling, buying, selling (as dealers, wholesalers, or other similar persons), transporting, or storing any livestock products or poultry products for human or animal food.

(B) Persons in business as renderers or in the business of buying, selling, or transporting dead, dying, disabled, or diseased livestock or poultry, or parts of the carcasses of animals, including poultry, that died other than by slaughter.

The board shall adopt rules that require persons described under clauses (A) and (B) to give the state veterinarian access to the places of business, an opportunity at all reasonable times to examine the facilities, inventory, and records, an opportunity to copy the records, and an opportunity to take reasonable samples of the inventory.

(8) If necessary to permit interstate shipment, enter into reciprocal agreements with states adjoining Indiana and the United States Department of Agriculture concerning the inspection of livestock, poultry, and other animals.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-5

Powers of board or state veterinarian

Sec. 5. To accomplish the purposes in section 1 of this chapter, the board or state veterinarian may do the following:

(1) Remove inspectors from an establishment that:

(A) fails to destroy condemned products as required under this chapter; or

(B) repeatedly violates this chapter.

(2) Refuse to provide inspection service under this chapter with respect to an establishment for violations of this chapter and causes specified in Section 401 of the Federal Meat Inspection Act or Section 18 of the Federal Poultry Products Inspection Act.

(3) Order labeling and containers to be withheld from use if the state veterinarian determines that the:

(A) labeling is false or misleading; or

(B) containers are unsafe or of a misleading size or form.

(4) Adopt rules, after consultation with the Secretary of Agriculture of the United States, to prescribe the sizes and style of type to be used for labeling information required under this chapter and definitions and standards of identity or composition or standards of fill of container identical with federal standards when the board considers this action appropriate for the

protection of the public.
(5) Adopt rules to prescribe conditions of storage and handling of livestock products and poultry products by persons engaged in the business of buying, selling, freezing, storing, or transporting the products in commerce to ensure that the products will not be adulterated or misbranded when delivered to the consumer.
(6) Require that equines be slaughtered and prepared in separate establishments from where other livestock are slaughtered or the products of other livestock are prepared.
(7) Adopt rules to require that every person who is engaged in business in commerce as a dealer, a renderer, a manufacturer of food for animals derived from livestock or poultry carcasses, or a wholesaler or public warehouseman of livestock products or poultry products, or who is engaged in the business of buying, selling, or transporting in commerce dead, dying, disabled, or diseased livestock or poultry or parts of the carcasses of such animals, including poultry, that died other than by slaughter shall register with the board the person's name and the address of each place of business and all trade names under which the person conducts the person's business.
(8) Adopt rules adopting provisions of federal regulations with changes the board considers appropriate to make the regulations applicable to operations and transactions subject to this chapter.
(9) Adopt other rules the board considers necessary for the efficient execution of this chapter, including rules of practice providing an opportunity for a hearing in connection with issuance of rules or orders under this chapter and prescribing procedure for proceedings as provided in IC 4-21.5 and this article. This subdivision and subdivision (8) do not preclude a requirement that a label or container be withheld from use or a requirement for a refusal of inspection under this chapter pending issuance of a final order in a proceeding.
(10) Appoint and prescribe the duties of inspectors and other personnel as the state veterinarian considers necessary for the efficient execution of this chapter.
(11) Cooperate with the Secretary of Agriculture of the United States in the administration of this chapter to effectuate the purposes of this chapter, accept federal assistance for that purpose, and spend state public funds appropriated for the administration of this chapter to pay not more than fifty percent (50%) of the estimated total cost of the cooperative program.
(12) Recommend to the Secretary of Agriculture of the United States for appointment to the advisory committees provided for in the federal acts the officials or employees of the board that the board designates.
(13) Serve at the pleasure of the governor as the representative for consultation with the Secretary of Agriculture of the United

States under Section 301(c) of the federal Meat Inspection Act and Section 5(c) of the federal Poultry Products Inspection Act.

(14) Negotiate agreements with the state or local governmental agencies providing meat inspections as necessary in the opinion of the board to further the provisions provided in this section for the proper administration of this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-6

Prohibitions regarding livestock and poultry products

Sec. 6. (a) A person may not do the following:

(1) Slaughter livestock or poultry or prepare any meat products or poultry products that are capable of use as human food for commerce, except in compliance with this chapter.

(2) Sell, transport, offer for sale or transportation, or receive for transportation in commerce any meat products or poultry products that are:

(A) capable of use as human food and are adulterated or misbranded; or

(B) required to be inspected under this chapter unless the products have been inspected and passed.

(3) With respect to articles that are capable of use as human food, perform an act:

(A) while the articles are being transported in commerce or held for sale after transportation in commerce; and

(B) that is intended to cause or has the effect of causing the articles to be adulterated or misbranded.

(b) A person may not sell, transport, offer for sale or transportation, or receive for transportation, in commerce, or from an official establishment, slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with rules adopted by the board except as authorized by rule.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-7

Transportation of equine carcasses, livestock, poultry not intended for human consumption, and carcasses of animals that died other than by slaughter.

Sec. 7. (a) A person may not sell, transport, offer for sale or transportation, or receive for transportation, in commerce, carcasses or parts of carcasses of horses, mules, or other equines or the meat or meat food products of equines, unless the carcasses are plainly and conspicuously marked or labeled or identified as required by rules adopted by the board to show the kinds of animals from which the carcasses were derived.

(b) A person may not buy, sell, transport, offer for sale or transportation, or receive for transportation, in commerce, livestock products or poultry products that are not intended for use as human

food unless the products are denatured or identified as required by the rules of the board or are naturally inedible by humans.

(c) A person engaged in the business of buying, selling, or transporting in commerce, dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died other than by slaughter, may not buy, sell, transport, offer for sale or transportation, or receive for transportation, in commerce, dead, dying, disabled, or diseased livestock or poultry or the products of such animals that died other than by slaughter unless the transaction or transportation is made in accordance with rules adopted by the board to ensure that the animals, or the unwholesome parts or products of the animals, will be prevented from being used for human food purposes.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-8

Anesthetic measures before severance of carotid arteries

Sec. 8. The board shall adopt rules governing humane methods to make livestock or poultry insensible to pain before incision of an instrument for severance of the carotid arteries. The rules must conform to the extent applicable to the regulations promulgated under the federal Humane Slaughter Act, as amended.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-9

Granting of inspection service

Sec. 9. (a) Before a person may engage in slaughtering livestock or poultry or processing meat or poultry, meat food products, or poultry products for commerce, the person must apply for, and upon compliance with this chapter and the rules adopted under this chapter, shall receive from the state veterinarian, inauguration of inspection service in the establishment where the:

(1) livestock or poultry are to be slaughtered for human consumption; or

(2) meat or poultry, meat food products, or poultry products are processed or manufactured.

(b) The board shall adopt rules governing the granting of inspection to the establishments that trade in commerce.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-10

Completion of inspection; reasonable access

Sec. 10. (a) An inspection of products placed in a container at an official establishment is not complete until the products are sealed or enclosed in the container under the supervision of an inspector.

(b) For purposes of an inspection of products required by this chapter, inspectors authorized by the state veterinarian shall have access at reasonable times, by day or night, to every part of every

establishment required to have inspection under this chapter, whether or not the establishment is operating.
As added by P.L.2-2008, SEC.8.

IC 15-17-5-11
Exempt operation antemortem and postmortem inspection requirements; limited permits; inspections; requirements; rules

Sec. 11. (a) As provided in this section, the board shall issue limited permits for the operations of an establishment that are exempt from antemortem inspection and postmortem inspection and other requirements of this chapter if any of the following conditions exist:

(1) To the extent the operations would be exempt from the corresponding requirements under the federal Meat Inspection Act, Section 23 (21 U.S.C. 623), or the Poultry Products Inspection Act, Section 14 (21 U.S.C. 464), if the operations were conducted in or for interstate commerce.

(2) The state is designated under the federal acts as one in which the federal requirements apply to commerce in Indiana.

A person operating an establishment under subsection (f) shall obtain a limited permit from the board.

(b) The board may enter and inspect the operation of an establishment described in subsection (a) to determine compliance with this chapter. When the operation of an establishment appears to be a detriment to health and public welfare, the establishment may be brought under this chapter by executive order of the state veterinarian issued in compliance with IC 4-21.5.

(c) Livestock and poultry slaughtered according to the ritual requirements of a religious faith that prescribes a method of slaughter by which the livestock or poultry suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument is a humane method under this chapter. However, livestock must be slaughtered immediately following total suspension from the floor.

(d) Except as required in an agreement between the United States Department of Agriculture and the board, a person operating under the inspection program of the federal acts, as amended, is exempt from this chapter.

(e) Except as provided in subsection (f), poultry products produced in an establishment operating under an exemption or limited permit described in subsection (a) must be labeled in accordance with rules adopted by the board and may only be distributed directly to a household consumer who:

(1) is the last person to purchase the poultry product; and

(2) does not resell the poultry.

Distribution directly to a household consumer includes sales at the farm, at a farmers market, at a roadside stand, and through delivery to the consumer.

(f) The board shall issue a limited permit to an establishment

operating under subsection (a) and 9 CFR 381.10(a)(5) and 9 CFR 381.10(a)(6) to produce poultry products for distribution to retail stores, hotels, restaurants, and institutions that resell or serve the products to consumers, if the establishment meets the following additional requirements:

(1) The establishment notifies the board of its operating schedule.

(2) The establishment meets the standards in 9 CFR Part 416.

(3) The establishment creates a food safety plan for the operation that includes an analysis of food safety hazards that are reasonably likely to occur in the production process and identification of control measures the establishment can apply to control those hazards.

(4) There is at least one (1) person who is responsible for all periods of the establishment's operations who has successfully completed a course of instruction in the application of food safety principles to meat and poultry product production.

(5) The poultry products are labeled in accordance with rules adopted by the board.

The board may conduct microbial testing for food safety at establishments operating under this subsection. The board's microbial testing may not be more stringent than the board's microbial testing at inspected establishments. The board may create and publish recommended standards for microbial testing by establishments operating under this subsection.

(g) The board may adopt rules under IC 4-22-2 to implement this section.

As added by P.L.2-2008, SEC.8. Amended by P.L.80-2016, SEC.1.

IC 15-17-5-12

Duty of board to provide inspection service; fee

Sec. 12. (a) Except as provided in subsection (b), the board is not required to furnish meat or poultry inspection under this chapter:

(1) for more than eight (8) hours in one (1) day;

(2) for more than forty (40) hours in one (1) calendar week; or

(3) on Saturdays, Sundays, or the following legal holidays:

(A) New Year's Day.

(B) Washington's Birthday.

(C) Memorial Day.

(D) Martin Luther King, Jr. Day.

(E) Columbus Day.

(F) Independence Day.

(G) Labor Day.

(H) Veterans Day.

(I) Thanksgiving Day.

(J) Christmas.

(b) If the operator of an establishment under inspection pays to the board an hourly fee for each hour of state meat or poultry inspection

furnished:

(1) more than eight (8) hours in one (1) day;

(2) more than forty (40) hours in one (1) calendar week; or

(3) on Saturdays, Sundays, and legal holidays;

the board shall furnish the inspection service.

(c) Subject to the approval of the budget agency, the board shall establish an hourly rate for overtime at an amount sufficient to defray the cost of the inspection service. The establishment shall reimburse the board not later than thirty (30) days after assessment for overtime or legal overtime fees collected under this chapter. The fees must be deposited with the treasurer of state. All overtime fees deposited with the treasurer of state under this subsection are appropriated to the budget agency for allotment to the board for the administration and enforcement of this chapter.

(d) The board may assign inspection personnel to more than one (1) establishment in order to efficiently use board personnel and resources.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-13

No inspection for products not intended for use as human food

Sec. 13. Inspection may not be provided under this chapter at an establishment for the slaughter of livestock or poultry or the preparation of livestock products or poultry products that are not intended for use as human food. However, the articles must, before being offered for sale or transportation in commerce, unless naturally inedible by humans, be denatured or identified as prescribed by rules of the board to deter use for human food.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-14

Inspection of bison, farm raised cervidae, or ratitae

Sec. 14. (a) After passing the postmortem inspection and upon request by the owner of a bison, farm raised cervidae, or ratitae, an establishment shall immediately upon slaughter return to the owner the head, hide, horns, and hooves.

(b) The board shall conduct field antemortem inspections of bison, farm raised cervidae, and ratitae only if a means of expeditious delivery of the exsanguinated carcass to an establishment is available.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-15

Fee schedule

Sec. 15. The board may establish a schedule of fees for inspection services provided under this chapter. The fees must be reasonable but are not required to be equal to the costs of the inspection services.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-16
Prohibition against use of official device, mark, or certificate

Sec. 16. (a) A brand manufacturer, printer, or other person may not cast, print, lithograph, or otherwise make:

(1) a device containing an official mark or a simulation of an official mark or a label bearing the mark or simulation; or

(2) any form of official certificate or simulation of an official certificate;

except as authorized by the board.

(b) A person may not do any of the following:

(1) Forge an official device, mark, or certificate.

(2) Use an official device, mark, certificate, or a simulation of an official device, mark, or certificate or alter, detach, deface, or destroy an official device, mark, or certificate without authorization from the board.

(3) Contrary to the rules adopted by the board, fail to use or detach, deface, or destroy an official device, mark, or certificate.

(4) Knowingly possess, without promptly notifying the state veterinarian or the state veterinarian's representative, any of the following:

(A) An official device.

(B) A counterfeit, simulated, forged, or improperly altered official certificate.

(C) A device or label on a carcass of an animal, including poultry, or part or product of a carcass, bearing a counterfeit, simulated, forged, or improperly altered official mark.

(5) Knowingly make a false statement in a shipper's certificate or other nonofficial or official certificate provided for in the rules adopted by the board.

(6) Knowingly represent that an article has been inspected and passed or exempted under this chapter when the article has not been inspected and passed or exempted.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-17
Violations; penalties

Sec. 17. (a) A person subject to this chapter that has not been approved for inspection may not offer for sale meat or poultry, a meat food product, or a poultry product in commerce in Indiana.

(b) The board may take the following actions for a violation of this section:

(1) Issue an order of compliance under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4.

(2) Levy a civil penalty under IC 4-21.5-3-6.

(3) Both of the actions listed in subdivisions (1) and (2).

(c) The board may, by rules adopted under IC 4-22-2, adopt a schedule of civil penalties that may be levied for violations of this

section. A penalty included in the schedule of civil penalties may not exceed one thousand dollars ($1,000) per violation for each day of the violation.
As added by P.L.2-2008, SEC.8.

IC 15-17-5-18
Schedule of slaughter

Sec. 18. If an establishment conducts operations that require an inspection for less than eight (8) hours a day, fewer than five (5) days a week, or for a period that is different from a normal Monday through Friday, eight (8) hours per day, five (5) days per week work week, the state veterinarian shall arrange a schedule of slaughter for each establishment so that proper and efficient antemortem inspection and postmortem inspection of livestock or poultry is provided in each establishment while efficiently using inspection resources among the establishments. The schedule must be arranged in conference with the recognized establishments involved.
As added by P.L.2-2008, SEC.8.

IC 15-17-5-19
Duties of establishments

Sec. 19. (a) For purposes of this section, references in IC 16-42-1 through IC 16-42-4 to:

(1) "state health commissioner" refer to the state veterinarian; and

(2) "department" refer to the board.

(b) An establishment operating under this chapter shall do the following:

(1) Provide information considered necessary by the state veterinarian to enforce this chapter.

(2) Supply samples of ingredients used in the formulation of products.

(3) Supply samples of products manufactured, processed, or prepared in the establishment for laboratory examination or other examination required by the board to ensure that the products comply with this chapter and IC 16-42-1 through IC 16-42-4.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-20
Detention of livestock or poultry products or animals pending investigation

Sec. 20. (a) For purposes of this section, references in IC 16-42-1 through IC 16-42-4 to:

(1) "state health commissioner" refer to the state veterinarian; and

(2) "department" refer to the board.

(b) Whenever:

(1) a:
(A) livestock product;
(B) poultry product;
(C) product exempted from the definition of a livestock product and from the definition of a poultry product; or
(D) dead, dying, disabled, or diseased livestock or poultry;
is found by an authorized representative of the board upon any premises where the product or animal is held for purposes of or during or after distribution in commerce or is subject to this chapter; and
(2) there is reason to believe that:
(A) the product or animal is adulterated or misbranded and is capable of use as human food;
(B) the product or animal has not been inspected in violation of this chapter, IC 16-42-1 through IC 16-42-4, the federal Meat Inspection Act (21 U.S.C. 601 et seq.), or the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or
(C) the product or animal has been or is intended to be distributed in violation of a law listed under clause (B);
the product or animal may be detained by the representative for not more than twenty (20) days, pending action under section 21 of this chapter or notification of federal authorities having jurisdiction over the product or animal, and may not be moved by a person from the place at which the product or animal is located when the product or animal is detained until released by the representative.

(c) All official marks may be required by the representative to be removed from the product or animal before the product or animal is released unless it appears to the satisfaction of the state veterinarian that the product or animal is eligible to retain the official marks.
As added by P.L.2-2008, SEC.8.

IC 15-17-5-21
Procedures for seizure and condemnation of article or animal

Sec. 21. (a) A livestock product, a poultry product, or dead, dying, disabled, or diseased livestock or poultry:
(1) that is:
(A) being transported in commerce;
(B) subject to this chapter; or
(C) held for sale in Indiana after transportation in commerce; and
(2) that:
(A) is or has been prepared, sold, transported, or distributed or offered or received for distribution in violation of this chapter;
(B) is capable of use as human food and is adulterated or misbranded; or
(C) in any other way is in violation of this chapter;
may be seized and condemned, at any time, on furnishing evidence

of a violation of this chapter in any proper court as provided in section 28 of this chapter within whose jurisdiction the article or animal is found.

(b) After entry of a decree condemning an article or animal, the article or animal must be disposed of by destruction or sale, as the court directs.

(c) If the article or animal is sold, the proceeds from the sale, less:

(1) court costs and fees; and

(2) storage and other proper expenses;

must be paid into the state treasury.

(d) The article or animal may not be sold contrary to any of the following:

(1) This chapter.

(2) The federal Meat Inspection Act (21 U.S.C. 601 et seq.).

(3) The federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

(4) The federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

However, upon the execution and delivery of a sufficient agreement conditioned that the article or animal will not be sold or disposed of contrary to this chapter, the article or animal may be delivered to the owner of the article or animal subject to supervision by authorized representatives of the board necessary to ensure compliance with the applicable laws.

(e) When a decree of condemnation is entered against the article or animal and the article or animal is released under the agreement or destroyed, court costs, fees, storage, and other proper expenses must be awarded against the person, if any, intervening as claimant of the article or animal.

(f) The proceedings in cases for condemnation of an article or animal must conform, as much as possible, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case and all of the proceedings must be at the suit of and in the name of the state of Indiana.

(g) This section does not derogate from authority for condemnation or seizure conferred by this chapter or other laws.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-22

Investigatory powers of state veterinarian

Sec. 22. (a) The state veterinarian may do the following:

(1) Investigate, gather, and compile information concerning the organization, business, conduct, practices, and management of a person engaged in commerce and the relation of the person to other persons.

(2) Require, by general or special orders, that a person engaged in commerce file with the state veterinarian, in a form prescribed by the state veterinarian, annual or special, or both,

reports or answers in writing to specific questions. The person shall furnish to the state veterinarian the information required by the state veterinarian concerning the organization, business, conduct, practices, management, and relation to other persons. The reports and answers must be made under oath or affirmation as the state veterinarian prescribes. The reports and answers must be filed with the state veterinarian within a reasonable period prescribed by the state veterinarian, unless the state veterinarian grants additional time.

(b) For purposes of this chapter, the state veterinarian has, at all reasonable times, for the purpose of examination:

(1) access to; and

(2) the right to copy;

any documentary evidence of a person being investigated or proceeded against. The state veterinarian may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of a person relating to a matter under investigation. The state veterinarian may sign subpoenas. The board may sign subpoenas, administer oaths and affirmations, examine witnesses, and receive evidence.

(c) The attendance of witnesses and the production of documentary evidence may be required at a designated place of hearing. In case of disobedience to a subpoena, the state veterinarian or board may invoke the aid of any court in requiring the attendance and testimony of witnesses and the production of documentary evidence.

(d) A court may, in case of contumacy or refusal to obey a subpoena issued to a person, issue an order requiring the person to:

(1) appear before the state veterinarian or board;

(2) produce documentary evidence; or

(3) give evidence concerning the matter in question.

A failure to obey an order of the court issued under this subsection may be punished by the court for contempt.

(e) Upon the application of the attorney general at the request of the state veterinarian or board, a court has jurisdiction to issue writs of mandamus commanding a person to comply with this chapter or any order of the state veterinarian or board under this chapter.

(f) The state veterinarian may order testimony to be taken by deposition in a proceeding or investigation pending under this chapter at any stage of the proceeding or investigation. The deposition may be taken before a person who:

(1) is designated by the state veterinarian; and

(2) has power to administer oaths.

The testimony must be reduced to writing by the person taking the deposition or under the person's direction and must be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as a witness may be compelled to appear and testify and produce

documentary evidence before the state veterinarian or board.

(g) Witnesses summoned before the state veterinarian or board shall be paid the same fees and mileage that are paid witnesses in Indiana courts. Witnesses whose depositions are taken and the persons taking the depositions are entitled to the same fees paid for similar services in the courts.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-23

No right against self-incrimination

Sec. 23. (a) A person may not be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence:

(1) before the state veterinarian or board, or in obedience to a subpoena of the state veterinarian or board, regardless of whether the subpoena was signed or issued by the state veterinarian, the state veterinarian delegate, or board; or

(2) in a cause or proceeding, criminal or civil, based upon or growing out of an alleged violation of this chapter;

on the ground that the testimony, evidence, documents, or other evidence required of the person may tend to incriminate the person or subject the person to a penalty or forfeiture.

(b) A person may not be prosecuted or subjected to a penalty or forfeiture for or on account of a transaction, matter, or thing concerning which the person is compelled to testify or produce testimony, evidence, documents, or other evidence after having claimed the person's privilege against self-incrimination. However, a person testifying is not exempt from prosecution and punishment for perjury.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-24

Failure to obey subpoena or other requirement

Sec. 24. A person who recklessly, knowingly, or intentionally fails to:

(1) attend and testify;

(2) answer a lawful inquiry; or

(3) produce documentary evidence if in the person's power to do so;

in obedience to a subpoena or lawful requirement of the state veterinarian or board commits a Class A misdemeanor.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-25

Falsifying or interfering with documentary evidence or inspection

Sec. 25. A person who knowingly:

(1) makes a false entry or statement of fact in a report required to be made under this chapter or in any account, record, or

memorandum kept by a person subject to this chapter;

(2) fails to make full, true, and correct entries in the accounts, records, or memoranda of all facts and transactions pertaining to the person's business;

(3) removes out of Indiana or damages, alters, or falsifies documentary evidence of a person subject to this chapter; or

(4) refuses to submit to the state veterinarian or board or to the state veterinarian's or board's authorized agent for the purpose of inspection and taking copies of documentary evidence of a person subject to this chapter in the person's possession or within the person's control;

commits a Level 6 felony.

As added by P.L.2-2008, SEC.8. Amended by P.L.158-2013, SEC.208.

IC 15-17-5-26

Failure to file report; forfeiture after notice of default

Sec. 26. (a) A person who fails to file an annual or a special report as required by this chapter within the time fixed by the state veterinarian for filing the report and for thirty (30) days after notice of default shall forfeit to the state one hundred dollars ($100) for each day of the continuance of the failure beginning thirty-one (31) days after the notice of default. The forfeiture is payable into the state treasury and is recoverable in a civil suit in the name of the state of Indiana brought in the circuit court, superior court, or probate court where the person has the person's principal office or in any county in which the person does business.

(b) The prosecuting attorneys, under the direction of the attorney general, shall prosecute for the recovery of forfeitures. The costs and expenses of prosecution must be paid out of the appropriation for the expenses of the courts.

As added by P.L.2-2008, SEC.8. Amended by P.L.84-2016, SEC.84.

IC 15-17-5-27

Adverse conditions in official establishment

Sec. 27. (a) If a condition exists in an official establishment that may adversely affect the wholesomeness of meat, poultry, meat food products, or meat byproducts prepared or processed in the official establishment, the state veterinarian may suspend state meat or poultry inspection until the condition is remedied.

(b) After notice and hearing in compliance with IC 4-21.5, the board may revoke state meat and poultry inspection from an official establishment if the person in authority at the establishment repeatedly and persistently fails to comply with this chapter and the rules adopted under this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-28

Powers of state veterinarian or board upon finding of adverse conditions

Sec. 28. (a) This section applies if, upon inspection of an establishment, the state veterinarian or board finds a condition that meets any of the following conditions:

(1) May affect adversely the wholesomeness of meat, poultry, meat food products, meat byproducts, or poultry products.

(2) Is in violation of this chapter or rules adopted under this chapter.

(b) The state veterinarian or board may do either of the following:

(1) Furnish evidence of the violation to the prosecuting attorney of the judicial circuit in which the violation occurs.

(2) Issue an order to the person in authority at the offending establishment to abate the condition or violation within five (5) days or other reasonable time required to abate the condition or violation. The proceedings to abate must be in accordance with IC 4-21.5.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-29

Notice of violation; right to counsel; hearing

Sec. 29. (a) Before a violation of this chapter is reported by the state veterinarian or board to a prosecuting attorney for institution of a criminal proceeding, the person against whom the proceeding is contemplated must be given an opportunity to be heard and may be represented by legal counsel.

(b) The state veterinarian or board shall give the person ten (10) days notice in writing. The notice must do the following:

(1) Specify the charges for the action.

(2) Set the date, time, and place where the hearing is to be held.

(c) The board or the board's designee shall hold the hearing in Indianapolis.

As added by P.L.2-2008, SEC.8.

IC 15-17-5-30

Interference with official duties

Sec. 30. A person who knowingly and forcibly resists, obstructs, or interferes with another person while the other person is engaged in or on account of the performance of the person's official duties under this chapter commits a Level 6 felony. However, the offense is a Level 5 felony if, while committing the offense, the person draws or uses a deadly weapon or inflicts bodily injury on any other person.

As added by P.L.2-2008, SEC.8. Amended by P.L.158-2013, SEC.209.

IC 15-17-5-31

Violations

Sec. 31. (a) Except as otherwise provided, a person who

recklessly violates this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

As added by P.L.2-2008, SEC.8.

IC 15-17-5.5

Chapter 5.5. Grading and Certification of Meat and Meat Products

IC 15-17-5.5-1

Grading and certification services

Sec. 1. The board may provide voluntary grading and certification services relating to meat and meat products.

As added by P.L.120-2008, SEC.85.

IC 15-17-5.5-2

Fees

Sec. 2. The board shall charge a fee to cover the cost of grading and certification under this chapter. The board shall adopt rules under IC 4-22-2 to set the fees under this section.

As added by P.L.120-2008, SEC.85.

IC 15-17-5.5-3

Liability

Sec. 3. Neither the board nor the state may incur any liability for lawful actions taken under this chapter.

As added by P.L.120-2008, SEC.85.

IC 15-17-5.5-4

Forgery; penalty

Sec. 4. A person who knowingly or intentionally forges a grade or certification under this chapter commits a Level 6 felony.

As added by P.L.120-2008, SEC.85. Amended by P.L.158-2013, SEC.210.

IC 15-17-6
Chapter 6. Rabies

IC 15-17-6-1
Rabies vaccination records

Sec. 1. (a) When an animal is vaccinated for rabies in Indiana, the veterinarian vaccinating the animal shall:

(1) make and keep a record of the vaccination; and

(2) give one (1) copy of the record to the owner of the animal.

(b) The vaccinated animal must be identified as vaccinated according to rules adopted by the board. The board may adopt additional rules for documenting rabies vaccinations and for the identification of animals that have been vaccinated for rabies.

As added by P.L.2-2008, SEC.8.

IC 15-17-6-2
Quarantine declaration

Sec. 2. (a) The state veterinarian may declare a quarantine against rabies in any county, township, city, or town, or a designated part of any county, township, city, or town whenever the state veterinarian finds that rabies exist in the area to the extent that the health or lives of individuals or domestic animals are endangered.

(b) If a quarantine has been declared, the owner or caretaker of an animal in the quarantine area shall confine the animal:

(1) on the premises of the owner; or

(2) in a suitable place, subject to the approval of the state veterinarian, for the impounding and care of animals as provided in this chapter.

(c) A quarantine order may specify the circumstances and conditions under which an owner may remove animals from the owner's premises or an impoundment facility.

As added by P.L.2-2008, SEC.8.

IC 15-17-6-3
Vaccination order

Sec. 3. (a) If a quarantine has been declared, the state veterinarian may order any animal, species of animal, or group of animals in the quarantined area vaccinated within a period stipulated in the order. The owner of the animal shall pay the cost of the antirabies immunization. However, local health departments or political subdivisions of government may furnish antirabies immunization without charge to owners who are unable to pay for the immunization.

(b) If an order for a rabies vaccination is made, any animal within the quarantined area whose owner refuses to have the owner's animal vaccinated shall be seized and disposed of by the state veterinarian, the state veterinarian's representative, or any person having police power within the quarantined area.

As added by P.L.2-2008, SEC.8.

IC 15-17-6-4
Notice of vaccine order; duties of county health officer and sheriff

Sec. 4. (a) If the state veterinarian issues an order under section 3 of this chapter:

(1) the state veterinarian shall give notice of the order to the county health officer of the county within which the quarantined area is located; and

(2) the county health officer shall:

(A) publish notice of the order as provided in IC 5-3-1; and

(B) deliver a copy of the order to the sheriff of the county.

(b) The sheriff shall assist in the enforcement of this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-6-5
Impounding area

Sec. 5. The board of county commissioners of each county containing an area quarantined under section 2 of this chapter shall furnish a suitable area or quarters:

(1) for the impounding and care of animals that may be impounded under this chapter; and

(2) that comply with the rules adopted by the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-6-6
State veterinarian assistance to local health officers

Sec. 6. If a quarantine has been declared under this chapter, the state veterinarian shall send an agent or employee into the area to assist the local health officers in the development of a program to control rabies in that area and assist the local law enforcement officers in the enforcement of the quarantine requirements.

As added by P.L.2-2008, SEC.8.

IC 15-17-6-7
Impoundment, release, and disposition of animals

Sec. 7. (a) An animal found running at large in violation of a quarantine declared under section 2 of this chapter may be impounded as provided in the quarantine order, in the area or quarters provided by the board of county commissioners. During the quarantine period the owner may obtain possession of the animal by doing all of the following:

(1) Paying the expenses of the animal's board and all tax or license fees that are due and unpaid on the animal.

(2) Having the animal vaccinated and paying for the vaccination or furnishing evidence that the animal was vaccinated during the previous twelve (12) months.

(3) Paying the impounding fee fixed by the board of county

commissioners.

(b) An animal not redeemed under subsection (a) shall be disposed of in a manner prescribed by the local health officer having jurisdiction.

As added by P.L.2-2008, SEC.8.

IC 15-17-6-8

Expenses of impoundment

Sec. 8. Whenever a quarantine is declared by the state veterinarian under section 2 of this chapter, the expense of operating a pound, including food for animals impounded and expense of personnel, shall be paid from the general fund of the county without appropriation unless there are funds regularly appropriated to operate the pound.

As added by P.L.2-2008, SEC.8.

IC 15-17-6-9

Requirements for animals in quarantine area

Sec. 9. Whenever a quarantine is declared under section 2 of this chapter, all animals brought into a quarantined area, except for exhibition purposes where animals are confined and not permitted to run at large, are subject to the same requirements as animals already located within the quarantined area.

As added by P.L.2-2008, SEC.8.

IC 15-17-6-10

Loose animals; impoundment or destruction; notice; costs

Sec. 10. (a) A law enforcement officer shall impound or destroy an animal found running at large:

(1) during a quarantine ordered under section 2 of this chapter; or

(2) that is the subject of an order of confinement under section 11 of this chapter.

(b) A law enforcement officer or other authorized individual shall impound an animal that is subject to quarantine or confinement under this chapter if a statement is provided to the officer or authorized individual that states that the animal has broken quarantine or confinement. The statement must:

(1) be in writing;

(2) be given under oath;

(3) be signed by at least two (2) individuals; and

(4) include the name and address of the owner or suspected owner of the animal, if known.

(c) When possible, the authorized individual or agency contacted under this section shall give written notice to the owner or suspected owner of the animal upon impounding and before destroying the animal.

(d) All costs incurred by a local government relating to the

impoundment of an animal under subsection (b) shall be paid by the owner of the animal.
As added by P.L.2-2008, SEC.8.

IC 15-17-6-11
Authority of state veterinarian and local health officer; confinement and destruction of animals; investigation

Sec. 11. (a) If an order has not been issued under section 2 of this chapter, the state veterinarian, the local health officer having jurisdiction, or an individual designated by the state veterinarian or the local health officer having jurisdiction may do the following:

(1) Order the confinement and destruction of an animal showing clinical symptoms of rabies for laboratory diagnosis.

(2) Order the confinement of an animal suspected of having rabies.

(3) Order the confinement of an animal that has potentially exposed an individual to rabies.

(4) Order the confinement and destruction of an animal that has potentially exposed an individual to rabies.

(b) Whenever possible, the state veterinarian or local health officer exercising authority under this section shall give written notice to the owner or suspected owner of an animal:

(1) upon impounding; and

(2) before destroying;

the animal.

(c) The period of confinement ordered under subsection (a) must be:

(1) of at least ten (10) days duration;

(2) under the supervision of:

(A) the state veterinarian; or

(B) a licensed accredited veterinarian or a person designated by the official exercising authority under this chapter; and

(3) at the expense of the owner.

(d) Any animal that has been bitten by a domestic or feral animal suspected or known to have rabies may be:

(1) confined for not more than twelve (12) months at the owner's expense; or

(2) destroyed.

(e) Whenever informed that an animal subject to an order of quarantine or an order of destruction or confinement under subsection (a) is running at large, the official who issued the order or the official's designee shall investigate the status of the animal. If the investigating official is given a statement that complies with section 10(b) of this chapter, the investigating official may order the animal impounded and, if necessary, provide the statement to a law enforcement officer for action under section 10 of this chapter.
As added by P.L.2-2008, SEC.8.

IC 15-17-6-12
Emergency order; nonexpiration

Sec. 12. (a) For purposes of IC 4-21.5, an order issued under this chapter is an emergency order.

(b) Notwithstanding IC 4-21.5-4-5(a)(3), an emergency order issued under this chapter does not expire.

As added by P.L.2-2008, SEC.8.

IC 15-17-6-13
Cooperation

Sec. 13. The state department of health and the local health officers shall cooperate with the state veterinarian in the rabies control program.

As added by P.L.2-2008, SEC.8.

IC 15-17-6-14
Local ordinances

Sec. 14. This chapter may not be construed as repealing or prohibiting municipal ordinances on rabies control or divesting municipalities of existing rights or powers related to rabies control that are not in conflict with this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-7
Chapter 7. Bovine Tuberculosis

IC 15-17-7-1
Testing; county appropriation

Sec. 1. (a) If the board determines that the cattle within an accredited county must be tested for bovine tuberculosis to conform with federal regulations governing the reaccreditation of the county, the county council shall appropriate a sufficient amount of money to perform the testing. The board shall determine the amount of the appropriation based on the most reliable source of information.

(b) The appropriation under subsection (a) must reflect the number of cattle within the county, but may not exceed a tax levy of seventy-five ten-thousandths (0.0075) per dollar of assessed valuation.

(c) The board, before July 1 of the year in which the appropriation under subsection (a) is made, shall notify the county auditor to include the appropriation in the county budget for the year in which the testing of cattle for reaccreditation purposes will be done.

(d) If the funds appropriated by the county council under this section are insufficient to complete the testing or any necessary retesting, the board shall provide from its appropriation additional funds as needed to carry out the testing program.

As added by P.L.2-2008, SEC.8.

IC 15-17-7-2
Testing; contract between county and board

Sec. 2. (a) After a county council makes an appropriation under section 1 of this chapter, the commissioners of the county shall enter into a contract with the board concerning the testing in the county required under section 1 of this chapter and the expenses paid by the county.

(b) The board shall prescribe a standard contract for all counties concerning expenditures for incidental items and the employment of veterinary inspectors.

As added by P.L.2-2008, SEC.8.

IC 15-17-7-3
Employment of veterinary inspectors

Sec. 3. (a) A sufficient number of veterinary inspectors must be employed to meet the requirements of this chapter.

(b) A veterinary inspector must:

(1) satisfy the qualifications set forth in IC 25-38.1; and

(2) be licensed or eligible for licensure to practice in Indiana and accredited by the United States Department of Agriculture to do tuberculin testing.

(c) The board shall supervise and control the veterinary inspectors.

As added by P.L.2-2008, SEC.8.

IC 15-17-7-4
Salaries of veterinary inspectors

Sec. 4. (a) The board shall determine the salaries of full-time and part-time veterinary inspectors.

(b) In addition to the salary determined under subsection (a), a full-time veterinary inspector is entitled to reimbursement of necessary expenses incurred in performing official duties.

(c) Each month, a veterinary inspector shall file with the auditor of the county in which the veterinary inspector is employed a sworn statement of the following:

(1) The number of days during the month that the veterinary inspector performed official duties.

(2) The amount of necessary expenses the veterinary inspector incurred in the performance of official duties.

(d) The county auditor shall submit a claim based on the statement filed under subsection (c) to the board of county commissioners for approval. Upon approval, the county auditor shall draw a warrant on the county treasurer in the amount approved by the board of county commissioners. The county treasurer shall pay the warrant.

As added by P.L.2-2008, SEC.8.

IC 15-17-7-5
Positive tuberculin test mark; tampering

Sec. 5. (a) Cattle, goats, and cervids that react positively to a tuberculin test must be marked immediately using a method of identification approved by the board.

(b) All animals marked under this section shall be appraised by an authorized agent of the board or the United States Department of Agriculture.

(c) An identification mark on reactor cattle, goats, and cervids may not be tampered with or altered.

As added by P.L.2-2008, SEC.8. Amended by P.L.86-2008, SEC.10.

IC 15-17-7-6
Tuberculin positive animals; slaughter

Sec. 6. (a) Cattle, goats, and cervids that react positively to a tuberculin test are condemned and designated for:

(1) further testing at a laboratory approved by the board; or

(2) slaughter;

not more than fifteen (15) days after appraisal under section 5 of this chapter.

(b) Animals designated for slaughter under subsection (a)(2) shall be slaughtered at an establishment that is:

(1) subject to federal or state inspection; and

(2) under the direction of an inspector employed by the United States Department of Agriculture or the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-7-7
Indemnity

Sec. 7. (a) This section does not apply to cervidae on a cervidae hunting preserve licensed under IC 15-17-14.7.

(b) Owners of cattle, goats, or cervids that are destroyed because they have:

(1) reacted positively to a tuberculin test administered by:
(A) the state veterinarian or the state veterinarian's agent; or
(B) an agent of the United States Department of Agriculture; or
(2) been exposed to tubercular animals;

are entitled to be indemnified for the cattle, goats, or cervids under the rules of the board and the United States Department of Agriculture, as applicable.

(c) Indemnification by the state may not exceed the per animal limit set in the rules of the board.

(d) Joint federal-state indemnity, plus salvage, may not exceed the appraised value of each animal.

(e) State indemnity may not exceed federal indemnity on each animal.

As added by P.L.2-2008, SEC.8. Amended by P.L.89-2016, SEC.15.

IC 15-17-7-8
Quarantine

Sec. 8. A herd of:

(1) cattle;
(2) goats; or
(3) cervids;

in which any animal reacts positively to a tuberculin test is under quarantine.

As added by P.L.2-2008, SEC.8.

IC 15-17-8

Chapter 8. Bovine Brucellosis

IC 15-17-8-1

Testing; county appropriation

Sec. 1. (a) If the board requires a testing program in which cattle within a certified county are tested for bovine brucellosis to conform with rules governing the recertification of a county, the county council shall appropriate a sufficient amount of money to conduct the testing program. The board shall determine the amount of the appropriation based on the most reliable source of information.

(b) The appropriation under subsection (a) must reflect the number of cattle within a county, but may not exceed a tax levy of seventy-five ten-thousandths (0.0075) per dollar of assessed valuation.

(c) Not later than July 1 of the year in which the appropriation under subsection (a) is made, the board shall notify the county auditor to include the appropriation in the county budget for the year in which the testing of cattle for recertification purposes will be done.

As added by P.L.2-2008, SEC.8.

IC 15-17-8-2

Testing; contract between county and board

Sec. 2. (a) After a county council makes an appropriation to conduct a testing program under this chapter, the board of county commissioners of the county shall enter into a contract with the board concerning the work to be done in the county and the expenses paid by the county.

(b) The board shall prescribe a standard contract for all counties concerning expenditures for incidental items and the employment of veterinary inspectors.

As added by P.L.2-2008, SEC.8.

IC 15-17-8-3

Employment of veterinarians

Sec. 3. (a) A sufficient number of veterinarians shall be employed to meet the requirements of this chapter. The veterinarians must:

(1) satisfy the requirements for an applicant to practice veterinary medicine set forth under IC 25-38.1;

(2) be licensed to practice in Indiana; and

(3) be accredited by the United States Department of Agriculture.

(b) The board shall supervise the veterinarians employed under this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-8-4

County appropriation; duty of county council

Sec. 4. Upon receipt of a budgetary request under this chapter, the county council shall appropriate a sufficient amount of money to conduct the testing program.

As added by P.L.2-2008, SEC.8.

IC 15-17-8-5

Contract between county and board

Sec. 5. After the county council makes an appropriation under section 4 of this chapter, the board of county commissioners shall contract with the board to cover the expenditures involved in the testing program, including funds to assist the board in the employment of inspectors and quarantine officers and the necessary expenses incurred in carrying out the testing program.

As added by P.L.2-2008, SEC.8.

IC 15-17-8-6

Testing program appropriation

Sec. 6. If:

(1) a county council appropriates money for a testing program; and

(2) the testing program begins in the year of the appropriation;

the county council shall annually appropriate money to continue the program until the incidence of brucellosis in cattle has been reduced in accordance with rules and federal regulations.

As added by P.L.2-2008, SEC.8.

IC 15-17-8-7

County appropriation; carry over

Sec. 7. Any unused part of an appropriation under this chapter is available for use in the following year.

As added by P.L.2-2008, SEC.8.

IC 15-17-8-8

County appropriation; sufficient funds

Sec. 8. The county council of a county that is certified as a modified-certified brucellosis area shall continue to appropriate sufficient funds to maintain the county upon a certified basis as required by state and federal laws.

As added by P.L.2-2008, SEC.8.

IC 15-17-8-9

Duty of cattle owners

Sec. 9. After a program for the control and eradication of brucellosis has begun in a county, each cattle owner in the county shall:

(1) comply with all existing rules and federal regulations to maintain the county's certification;

(2) upon notice by a representative of a local, state, or federal cooperating agency, confine the owner's cattle in suitable quarters for testing; and

(3) render reasonable assistance in testing.

As added by P.L.2-2008, SEC.8.

IC 15-17-8-10

Quarantine

Sec. 10. Each herd in which brucellosis infection is revealed shall be placed under quarantine by the board until:

(1) all cattle that react positively to a bovine brucellosis test have been sold for slaughter; and

(2) the remainder of the herd tests negative for brucellosis under the rules of the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-8-11

Control program; expenses

Sec. 11. All necessary expenses for carrying out the program under this chapter shall be paid equally by the state and the county. However, any federal funds that are available for the program shall be used, and the expenses paid by the state and county shall be reduced pro rata.

As added by P.L.2-2008, SEC.8.

IC 15-17-8-12

Identification of reactor cattle

Sec. 12. All cattle that:

(1) react positively to a brucellosis test; or

(2) are officially vaccinated;

shall be permanently identified as prescribed by the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-8-13

Reports

Sec. 13. Persons required by the board shall send complete reports of:

(1) tests for brucellosis; and

(2) calfhood vaccination;

to the state veterinarian and as otherwise required by the board not more than seven (7) days after the completion of testing or vaccination.

As added by P.L.2-2008, SEC.8.

IC 15-17-9

Chapter 9. Swine Brucellosis

IC 15-17-9-1

Application; rules

Sec. 1. (a) This section applies to swine that are:

(1) moved into Indiana; or

(2) sold in a public or private sale in Indiana.

(b) The board may adopt rules that require that swine must be accompanied by:

(1) an official certificate of veterinary inspection; or

(2) a sanction on a form prescribed by the board showing that the swine have been:

(A) tested for diseases; and

(B) found to be negative;

under rule of the board before the date of sale.

As added by P.L.2-2008, SEC.8.

IC 15-17-9-2

Certificate of veterinary inspection

Sec. 2. Copies of the official certificate of veterinary inspection shall be issued and distributed as prescribed by the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-9-3

Testing

Sec. 3. (a) Tests required under this chapter must be conducted by a veterinarian who is:

(1) licensed or legally able to practice in Indiana; and

(2) accredited by the United States Department of Agriculture.

The form on which the test results are reported must include the veterinarian's name.

(b) Tests required under this chapter must be conducted by:

(1) either:

(A) the animal disease diagnostic laboratory at Purdue University; or

(B) a laboratory designated or established by the board; or

(2) in the case of swine imported from another state, a state federally approved laboratory.

As added by P.L.2-2008, SEC.8.

IC 15-17-10
Chapter 10. Dangerous and Diseased Animals

IC 15-17-10-1
Duty to report dangerous or diseased animals

Sec. 1. (a) The owner of an animal affected with a dangerous or contagious disease shall report the disease to the state veterinarian not later than forty-eight (48) hours after discovering the existence of the disease.

(b) A veterinarian, caretaker, or custodian of an animal who:

(1) is not the owner of the animal; and

(2) knows or has reason to suspect that a dangerous, contagious, or infectious disease exists in the animal;

shall report the existence of disease to the state veterinarian or local health officer not later than forty-eight (48) hours after discovering or having reason to suspect the disease exists.

(c) A local health officer who receives a report from a person under this section shall report the disease within twenty-four (24) hours to the state veterinarian.

As added by P.L.2-2008, SEC.8. Amended by P.L.86-2008, SEC.11.

IC 15-17-10-2
Owner and caretaker duties

Sec. 2. An owner or a caretaker of an animal and the owner's or a caretaker's agents shall provide reasonable assistance that is required to enable the state veterinarian, the state veterinarian's authorized agent, or an agent of the United States Department of Agriculture to perform the state veterinarian's or agent's duties.

As added by P.L.2-2008, SEC.8.

IC 15-17-10-3
Examination of suspected or diseased animals

Sec. 3. The state veterinarian or the state veterinarian's agent shall make an examination of animals and objects suspected to be dangerous or diseased and shall enforce related laws, rules, and orders.

As added by P.L.2-2008, SEC.8.

IC 15-17-10-4
Authority of USDA

Sec. 4. An agent of the United States Department of Agriculture may do the following:

(1) Inspect, test, quarantine, and condemn animals and objects in Indiana that are affected with any disease or pest of animals, are suspected to be affected, or may have been exposed to any disease or pest of animals.

(2) Enter the grounds or premises to carry out the duties under subdivision (1).

(3) Request that a law enforcement officer provide assistance in discharging the duties under subdivision (1). A law enforcement officer shall assist an agent when requested. An agent has the same power and protection as a law enforcement officer when engaged in the discharge of the agent's duties. However, the state is not liable for any damages or expenses caused or made by an agent.

As added by P.L.2-2008, SEC.8.

IC 15-17-10-5
Proclamation prohibiting movement of animals

Sec. 5. If the governor has good reason to believe that:

(1) any disease or pest of animals has been discovered; and

(2) the importation of animals or objects from another state, or the movement of animals or objects within Indiana, would be injurious to the health of the citizens or the animals of Indiana;

the governor may, on the recommendation of the board, issue a proclamation to prohibit the entry into or other movement within Indiana of animals and objects or stipulate the conditions under which animals and objects may enter or move within Indiana.

As added by P.L.2-2008, SEC.8.

IC 15-17-10-6
Indemnification

Sec. 6. (a) Except as provided in subsection (b), the owner of any animal or object condemned by the board shall be indemnified as provided in this article and regulations governing the payment of indemnity by the state or by the state in cooperation with the federal government. The length of time that a condemned animal has been in Indiana may not be considered when determining the payment of indemnity. The board or the board's agent shall determine indemnity amounts based on appraisals or other determinations of value made according to:

(1) rules and policies adopted by the board; or

(2) laws and policies of the federal government;

that govern indemnity payments.

(b) The board is not required to indemnify objects that are adulterated, misbranded, or condemned under IC 15-17-5, IC 15-18-1, or IC 16-42.

(c) The board may pay the cost of transporting, testing, treating, euthanizing, destroying, and disposing of infected, exposed, or suspect animals and objects.

(d) The board may pay the cost of cleaning and disinfecting for purposes allowed under this article.

As added by P.L.2-2008, SEC.8.

IC 15-17-10-7
Indemnification exceptions

Sec. 7. (a) Except as provided in subsection (b), an indemnity payment may not be made for the following:

(1) Animals or objects belonging to the United States.

(2) Animals or objects belonging to the state.

(3) Animals or objects brought into the state or moved in violation of this article, the rules of the board, or an agreement for the control of diseases or pests.

(4) Animals that were previously affected by any other disease or pest, which, from its nature and development, caused an incurable condition and was necessarily fatal.

(5) Animals or objects affected with disease or pest of animals that the owner purchased, knowing that the animals or objects were infected with or exposed to a disease or pest of animals, including animals or objects purchased from a place where a contagious disease or pest of animals was known to exist.

(6) Any animal or object that the owner or the owner's agent intentionally infects with or exposes to a disease or pest of animals.

(7) Any animal or object for which the owner received indemnity or reimbursement from any other source.

(8) Any cervidae or objects on a hunting preserve licensed under IC 15-17-14.7.

(b) The board may pay indemnity for animals or objects described in subsection (a)(3) through (a)(5) if the board finds that payment of indemnity is necessary to accomplish the purposes of this article.

As added by P.L.2-2008, SEC.8. Amended by P.L.89-2016, SEC.16.

IC 15-17-10-8

Condemnation

Sec. 8. (a) The board or the board's agent may condemn and control the disposition of any animal or object infected with or exposed to, or suspected to be infected with or exposed to, foot and mouth disease, glanders, or other diseases or pests of animals that, in the opinion of the board, are a health hazard to the livestock industry, other animals, or the citizens of Indiana.

(b) Objects infected with, exposed to, or suspected to be infected with or exposed to a disease or pests of animals described in subsection (a) may be condemned and shall be destroyed or disposed of in a manner as directed by the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-10-9

Board's powers; emergency rules and orders

Sec. 9. If the board determines that a disease or pest of animals presents a health hazard to the citizens or animals of Indiana, the following action may be taken:

(1) The board may adopt emergency rules under IC 4-22-2-37.1 that facilitate the prevention, detection, control, and eradication

of the disease or pest of animals, including the following to:

(A) Prohibit or impose conditions on importing animals and objects into Indiana.

(B) Require testing of animals and objects.

(C) Require vaccination or other treatment of animals and objects.

(D) Prohibit or impose conditions on moving animals and objects within Indiana.

(E) Govern the disposition of animals and objects.

(F) Impose other measures governing animals and objects to protect the citizens and animals of Indiana from diseases and pests of animals.

(2) The state veterinarian may issue emergency orders under IC 4-21.5-4 governing animals and objects in order to protect the citizens and animals of the state from diseases and pests of animals.

As added by P.L.2-2008, SEC.8.

IC 15-17-10-10
Disposal of dead animals

Sec. 10. If the board determines that a disease or pest of animals has or is imminently likely to result in a large number of dead animals, the board may facilitate the prompt disposal of the dead animals by adopting an emergency rule under IC 4-22-2-37.1 that amends or suspends any of the following:

(1) IC 15-17-11.

(2) A rule adopted by the board that governs the disposal of dead animals.

As added by P.L.2-2008, SEC.8.

IC 15-17-10-11
Declaration of animal health emergency

Sec. 11. If the board determines that a disease or pest of animals presents a hazard to the citizens or animals of Indiana, the board may:

(1) use funds appropriated to the board by the general assembly for indemnity or any other purpose; and

(2) submit to the budget agency a request for additional funds under IC 4-12-1-15 or any other prescribed procedure and use any funds received;

to address the hazard.

As added by P.L.2-2008, SEC.8.

IC 15-17-10-12
Purchasing animals for disease study

Sec. 12. The board may purchase an animal or object to prevent, detect, control, and eradicate diseases and pests of animals.

As added by P.L.2-2008, SEC.8.

IC 15-17-10-13
Forms

Sec. 13. The board shall prescribe and furnish upon request all forms to be used in conjunction with applications and reports required under this article.

As added by P.L.2-2008, SEC.8.

IC 15-17-10-14
Receipts; report; deposit

Sec. 14. All money received by the state veterinarian under this chapter shall be reported to the auditor of state at the end of each month or at another time prescribed by law, and at the same time the state veterinarian shall deposit the entire amount of the receipts with the treasurer of state for deposit in the state general fund.

As added by P.L.2-2008, SEC.8.

IC 15-17-10-15
State poultry association; cooperation

Sec. 15. The Indiana State Poultry Association is designated as the official state agency to cooperate with the United States Department of Agriculture and the board in administering the national poultry improvement plan.

As added by P.L.2-2008, SEC.8.

IC 15-17-10-16
Feeding garbage to swine

Sec. 16. A person may not feed or permit the feeding of garbage to swine, unless:

(1) the garbage is treated to kill disease organisms in accordance with rules adopted by the board; and

(2) the processing occurs at a facility operated by a person holding a valid license issued by the board, for the treatment of garbage.

As added by P.L.2-2008, SEC.8. Amended by P.L.133-2015, SEC.6; P.L.202-2015, SEC.6.

IC 15-17-11

Chapter 11. Disposal of Dead Animals

IC 15-17-11-1

Application of chapter

Sec. 1. This chapter does not apply to or affect the following:

(1) Any person:

(A) slaughtering, butchering, manufacturing, or selling in any manner any animal flesh or products, or any poultry flesh or poultry products, where the animals or poultry are killed for the sole purpose of being used for human consumption;

(B) engaged in transporting and disposing of the bodies of the animals killed for human consumption; or

(C) engaged in the transportation and disposing of poultry or of any parts or products of animals or poultry to any person solely for human consumption.

(2) Any person transporting, disposing of, or selling the hides or skins of animals or tanning the hides or skins for the person's own use or the use of other persons, if the person does not engage in any other byproducts operation.

(3) Any bodies of dead fish, reptiles, or small animals of any kind, including dogs, cats, and small game.

(4) Any governmental agency collecting, transporting, or disposing of the bodies of dead animals or poultry in any manner.

(5) Any person collecting, transporting, or disposing of dead animals or poultry in any manner for educational or research purposes under a permit and approval of the board.

(6) Any livestock owner transporting the owner's dead livestock to a rendering plant or to a diagnostic facility.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-2

Disposal plant license; vehicle certificates; required

Sec. 2. A person may not do the following:

(1) Engage in the business of operating a disposal plant without first obtaining a license for each disposal plant operated and any vehicle certificates required by this chapter.

(2) Transport over the roads the body of a dead animal not slaughtered for human food unless the person:

(A) holds a license to operate a disposal plant or collection service in Indiana or is acting for a licensee; or

(B) is exempt under this article.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-3

License application

Sec. 3. To obtain a license required under this chapter, a person must file an application for the license with the state veterinarian. The application must include the following information:

(1) The name and address of the applicant.

(2) The location of the place of business.

(3) The number and location of all substations.

(4) The number and kind of vehicles to be used.

(5) Any other information required under this article or by rules adopted by the board.

The application must be accompanied by the license fees required under this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-4

License; inspection; compliance

Sec. 4. (a) On receipt of an application for a license under this chapter, the state veterinarian or a designee of the state veterinarian shall:

(1) inspect the disposal plant and the locality where the applicant is conducting or proposes to conduct business; and

(2) determine whether the applicant has fulfilled and complied with this chapter and the rules relating to the business.

(b) An inspection under this section must be conducted not later than thirty (30) days after the application is received by the state veterinarian.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-5

License duration

Sec. 5. (a) A license issued under this chapter is valid until:

(1) a licensee voluntarily surrenders a license;

(2) the board suspends or revokes the license, as provided in this chapter; or

(3) the license period expires, as determined by the board under IC 15-17-16-3.

(b) The board may adopt rules to implement this chapter, including the following:

(1) Procedures for issuing, suspending, revoking, and updating licenses and certificates.

(2) Requiring annual or other regular reports from licensees to:

(A) determine the vehicle certificates required;

(B) determine the current status of facilities and equipment licensed under this chapter; or

(C) update other information used to administer this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-6

Issuance of disposal plant and transport vehicle license

Sec. 6. (a) If an applicant for a disposal plant license complies with this chapter and any rules adopted under this chapter, the state veterinarian shall issue a disposal plant license to the applicant and a transport vehicle license certificate for each transport vehicle listed in the license application.

(b) A truck or trailer that is to be used as a transport vehicle must bear a license certificate issued by the state veterinarian.

(c) A transport vehicle license issued under this section entitles the licensee to operate a transport vehicle in Indiana.

(d) This section does not relieve an owner of a transport vehicle from any requirement related to the titling, registration, or operation of a transport vehicle.

As added by P.L.2-2008, SEC.8. Amended by P.L.198-2016, SEC.646.

IC 15-17-11-7
Fees

Sec. 7. Subject to section 8 of this chapter, the fees for licenses issued under this chapter are as follows:

(1) The base license fee for each disposal plant, including transport vehicle certificates, is one hundred fifty dollars ($150).

(2) The license fee for each substation is twenty dollars ($20).

(3) The collection service license fee, including transport vehicle certificates, is one hundred fifty dollars ($150).

As added by P.L.2-2008, SEC.8.

IC 15-17-11-8
Prorated fees

Sec. 8. The full amount of the fees specified in section 7 of this chapter must be paid for licenses and transport vehicle certificates issued before one-half (1/2) of the license period has expired. However, one-half (1/2) of the fee must be paid for licenses and certificates issued after at least one-half (1/2) of the license period has expired.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-9
Fees; nonrefundable

Sec. 9. If an applicant under this chapter is refused a license, the applicant's fees may not be refunded but must be deposited into the state general fund.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-10
Inspections

Sec. 10. (a) If the state veterinarian determines that an applicant for a disposal plant license has not complied with this chapter and

the rules adopted under this chapter, the state veterinarian shall promptly mail the applicant the state veterinarian's written specific findings. The applicant may request in writing delivered to the state veterinarian a reinspection or reconsideration of the state veterinarian's findings. The state veterinarian shall not later than ten (10) days after the applicant's request make a similar second inspection, but is not required to make more than two (2) inspections of the same plant under one (1) application and the original payment of fees. However, the state veterinarian may make more than two (2) inspections if circumstances warrant additional inspections.

(b) If an application for a disposal plant license is denied, the applicant may reapply for a license by following the appropriate procedures and paying the required fees.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-11

New disposal plants: plans

Sec. 11. (a) A person desiring to construct a new disposal plant or reconstruct and reopen a disposal plant previously closed must submit to the state veterinarian a written request for a permit that includes the following information:

(1) A general statement of the applicant's proposed plan.

(2) The method of operating the business and disposal plant.

(3) Proof the disposal plant is located or will continue to be located at a site allowed by this chapter.

(4) Any other information required by the state veterinarian.

(b) In addition to the information required under subsection (a), the state veterinarian may require the applicant to submit detailed plans and specifications for the proposed disposal plant. The state veterinarian may submit the plans, specifications, and other information to any:

(1) qualified architects and engineers employed in any department of the state government; or

(2) qualified person not employed by the state;

to obtain advice concerning the proposed plant's compliance with this chapter and any rules adopted under this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-12

New disposal plants: inspections

Sec. 12. (a) If the state veterinarian finds that an applicant under section 11 of this chapter has complied with all of the relevant requirements of this article and any rules adopted under this article, the state veterinarian shall issue a permit to construct or reconstruct the disposal plant.

(b) After the disposal plant is completed and before it begins operations, the applicant shall notify the state veterinarian. After receiving notification, the state veterinarian shall:

(1) make the inspections that are required for an existing, established plant;
(2) use the procedures established for inspections and issuance of licenses;
(3) require the applicant to pay the license fees and any additional required fees;
(4) issue or deny the disposal plant's license; and
(5) comply with and require the applicant to comply with this chapter.

For each subsequent year, the annual license and other fees must be the same as for similar existing licensed plants.
As added by P.L.2-2008, SEC.8.

IC 15-17-11-13
New disposal plants: location

Sec. 13. A:
(1) new disposal plant may not be located or constructed; and
(2) discontinued plant may not be reconstructed or reopened;

at any place where the location and operation of that plant is prohibited by law or ordinance.
As added by P.L.2-2008, SEC.8.

IC 15-17-11-14
Destruction of disposal plant; reconstruction; location

Sec. 14. (a) This section does not apply to a disposal plant destroyed during a war.
(b) If:
(1) at least two-thirds (2/3) of the operating part of the disposal plant is destroyed; and
(2) the disposal plant is located on a site where constructing a new disposal plant under section 13 of this chapter would be prohibited;

the disposal plant may not be reconstructed and the site may not be used again for a disposal plant.
As added by P.L.2-2008, SEC.8.

IC 15-17-11-15
License requirement to transport dead animals

Sec. 15. Except as provided in this chapter, a person may not haul or transport over the highways the bodies of any dead animals, except those that have been slaughtered and are intended for human food, unless:
(1) the person has a valid disposal plant or collection service license issued under this chapter; and
(2) the bodies are being transported to a licensed disposal plant.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-16

Restrictions on licensing to transport dead animals

Sec. 16. (a) A license may not be issued to a person for the sole purpose of transporting the bodies of dead animals unless the person meets the requirements for a collection service under this chapter.

(b) A public official with a legal duty to protect the public health and welfare may remove or supervise the removal of the dead bodies of animals and the disposal of the dead bodies by any method provided for by this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-17

Transportation vehicles: specifications

Sec. 17. A transport vehicle must be constructed:

(1) in a manner that is practically watertight so that drippings or seepage from dead bodies does not escape from the vehicles if the drippings or seepage can be prevented;

(2) with an endgate designed to prevent drippings and seepage from escaping from the vehicle while transporting dead bodies; and

(3) in a manner that completely conceals the dead bodies in the transport vehicle from view of persons using the highways and any public nuisance is prevented during transport.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-18

Transportation vehicles: cleaning

Sec. 18. After the bodies of dead animals have been unloaded from a transport vehicle, the transport vehicle and all parts of the transport vehicle must be thoroughly:

(1) washed out with steam or hot water; and

(2) cleansed and disinfected in a manner and with a solution as the state veterinarian may prescribe by rule.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-19

Transportation vehicles: general requirements

Sec. 19. (a) If a transport vehicle is loaded with the body of an animal that has died of a disease, the vehicle must be driven directly to the place of disposal or to a substation maintained for the temporary storage of the animal body. However, the vehicle may stop along the highway to load other dead animal bodies.

(b) A driver of a transport vehicle may not do the following:

(1) Drive a transport vehicle upon the premises of any person unless the driver obtains the permission of the other person.

(2) Create a nuisance during the transportation of dead animal bodies.

(c) If any drippings or seepage escapes from a transport vehicle, the driver shall clean up the drippings or seepage and correct the

escape, if possible to do so.
As added by P.L.2-2008, SEC.8.

IC 15-17-11-20
Disposal of dead animals required

Sec. 20. (a) A person who owns or cares for an animal that has died from any cause shall dispose of the animal's body not later than twenty-four (24) hours after knowledge of death so as not to produce a nuisance. Subject to subsection (b), the disposal of the animal's body must be by one (1) of the following methods:

(1) At an approved disposal plant.

(2) Burial upon the owner's premises to such a depth that every part of the animal's body is at least four (4) feet below the natural surface of the ground and every part of the animal's body is covered with at least four (4) feet of earth in addition to any other material that may be used as cover.

(3) Thorough and complete incineration according to standards established by an appropriate governmental agency.

(4) Composting according to standards approved by the board.

(b) The board may adopt rules to allow alternate methods for the safe, orderly, and efficient disposal of dead animals.

(c) The board may adopt rules and issue orders restricting the use of the disposal methods described in subsection (a) to control disease.
As added by P.L.2-2008, SEC.8.

IC 15-17-11-21
Removal of animal hide

Sec. 21. A person who owns or controls a dead animal that has not died of a contagious disease may remove the hide or skin of the animal on the person's own premises before burying the body as required under this chapter. However, the skinning and disposition of the hide, skin, and body must be made in a manner that will avoid the creation of a nuisance.
As added by P.L.2-2008, SEC.8.

IC 15-17-11-22
Ordinances

Sec. 22. A person may not bury the body of any animal within the corporate limits of a city or town if the burial is prohibited by law or ordinance.
As added by P.L.2-2008, SEC.8.

IC 15-17-11-23
Specifications for disposal plants

Sec. 23. (a) A disposal plant is not considered a suitable or sanitary place for disposing of the bodies of dead animals by any process of cooking unless it conforms to the following minimum

specifications:

(1) The building must have four (4) walls complete and be provided with concrete or cement floors and be thoroughly sanitary in construction and maintenance. Any sewage, drainage, or waste water of any kind that has an offensive or obnoxious character or odor, is detrimental to human, animal, agricultural, or aquatic life, or may constitute a public nuisance must be discharged into a public sewer. If a public sewer is not available, the sewage, drainage, or waste water must be disposed of according to the requirements of water pollution control laws (as defined in IC 13-11-2-261).

(2) All disposal plants where a rendering process is conducted must be properly equipped, operated, and designed to:

(A) minimize the escape of vapors during processing; and

(B) expose the material being processed to conditions that will kill all pathogenic organisms.

The board may adopt rules specifying conditions that a rendering process must meet in order to protect the public health.

(3) If the owner or operator of a disposal plant wishes to sell any part or parts of any animal carcasses taken to the owner's or operator's disposal plant for use in the manufacture of pet food or for feeding mink and other animals, the disposal plant must have a separate room where the animal bodies that are considered suitable for animal food are taken. The processing and boning of carcasses must be done promptly, and the boned meat shall be ground or cut into small pieces not more than four (4) inches in diameter. While the meat is being ground or cut, a sufficient quantity of dye, charcoal, malodorous fish oil, or other denaturant approved by the state veterinarian must be applied to unequivocally preclude the meat's use in human food. Meat that is not immediately shipped must be refrigerated in a cooler storage room that prevents decomposition. Meat, before being shipped from a disposal plant, must be packed in a container approved by the state veterinarian. The container must be clearly marked or stamped with the legend "Unfit for Human Consumption". Lettering used in the legend must be at least as large as any other lettering on the container, and not smaller than one-half (1/2) inch in height or less than one-half (1/2) inch in width. The meat may be hauled to the plant of a manufacturer of pet food or to the place of feeding to animals at places approved by the state veterinarian. If, after the skinning and dismemberment of an animal body it is determined that the body is not suitable for pet food or animal feeding, the body must be taken to the processing area of the disposal plant and processed in the same manner as other animal bodies.

(4) The skinning and dismembering of bodies must be done within the disposal plant and in a manner that prevents

unnecessary annoyance to other persons caused by the conditions or unsightly appearance of the bodies or any parts and contents of the bodies. All animal material transported to a disposal plant for disposal, except that disposed of under subdivision (3), must be disposed of within twenty-four (24) hours after delivery to the disposal plant, by a method allowed under this chapter, except where rendered impossible by accident or other casualty preventing the operation of the disposal plant, or where an epidemic or act of God has caused more bodies to be accumulated than can be reasonably disposed of within twenty-four (24) hours by the continuous operation of the plant, in which case the plant shall be placed in operation as soon as possible and operated continuously until all bodies are disposed of.

(b) A disposal plant may not be situated, constructed, maintained, or operated in a manner that creates or unnecessarily continues a public nuisance.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-24

Records

Sec. 24. (a) A disposal plant must maintain the following complete and accurate records concerning the disposal plant's nonedible meats:

(1) The amount denatured.

(2) The amount sold.

(3) To whom the meat was sold.

(4) The address of the consignee.

(5) How and by whom the meat was hauled.

(b) The records under subsection (a) must be open for inspection during the disposal plant's normal working hours to the state veterinarian, the commissioner of the state department of health, or the state veterinarian's or commissioner's agent.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-25

Nonedible meat; sales permit

Sec. 25. (a) Nonedible meat may be sold when properly decharacterized for shipment to a plant producing pet food or to a person for use in feeding mink and other animals as allowed by the state veterinarian.

(b) A disposal plant may not sell nonedible meats until after the following conditions have been met:

(1) The disposal plant has applied to the state veterinarian for a permit to sell nonedible meats.

(2) The state veterinarian has:

(A) inspected the disposal plant;

(B) determined that the disposal plant is adequate to process

and handle nonedible meats; and

(C) issued to the disposal plant a permit to sell nonedible meat.

(c) An additional fee may not be charged for a permit issued under this section.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-26

Collection service license: requirements

Sec. 26. (a) A person that does not operate a disposal plant licensed under this chapter may not operate a business to transport:

(1) dead animals;

(2) nonedible byproducts from the slaughtering of animals, including poultry; or

(3) restaurant grease;

for delivery to a disposal plant unless the person has a collection service license.

(b) A person desiring a collection service license must submit an application to the state veterinarian with payment of the license fee required under this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-27

Collection service license: application

Sec. 27. (a) The owner or operator of a disposal plant in a state other than Indiana may apply to the state veterinarian for a collection service license as required by section 26 of this chapter.

(b) The collection service license application must include the following:

(1) The name of the applicant.

(2) The location of any proposed substation in Indiana to be used as a concentration site for the temporary deposit or storage of rendering materials pending final delivery to a disposal plant.

(3) The location of the applicant's disposal plant outside Indiana.

(4) The number and kind of vehicles that will be operated in Indiana.

(5) Other essential information required by rules adopted by the board.

(6) The license fee required under this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-28

Collection service license: application; approval

Sec. 28. The state veterinarian shall determine if an applicant for a collection service license meets the requirements for a collection service license within ninety (90) days after an application is filed.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-29
Collection service license: denial

Sec. 29. (a) If an applicant's application to operate a collection service under section 26 of this chapter does not comply with this chapter, the state veterinarian shall notify the applicant that the applicant's application does not comply with the requirements of this chapter and specifically indicate why the application does not comply. An application that does not comply with this chapter must be placed on hold for not more than sixty (60) days during which time the applicant may provide additional information showing the deficiencies have been corrected.

(b) After notification by the applicant that the deficiencies have been corrected, the state veterinarian shall promptly determine if the applicant is entitled to a license.

(c) If the state veterinarian again determines the applicant is not entitled to a license, the state veterinarian may deny the request for a license. If an application is denied, an applicant may reapply by submitting the information and fees required under this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-30
Collection service license: fees

Sec. 30. An application for a collection service license must include the fees required under section 7 of this chapter for a collections service license, including the appropriate fees for vehicle certificates and substations.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-31
Collection service license: transport vehicles

Sec. 31. A transport vehicle used by a collection service must meet the requirements for transport vehicles under this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-32
Substation specifications

Sec. 32. A substation maintained by a licensee under this chapter must meet the requirements under section 23(a) of this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-11-33
Inspections

Sec. 33. (a) The state veterinarian or the state veterinarian's authorized agent:

(1) shall inspect each plant and substation licensed under this chapter at least once each year; and

(2) may inspect plants and substations as often as is necessary to ensure compliance with this chapter.

(b) The state veterinarian shall enforce compliance with this chapter and the rules adopted under this chapter.
As added by P.L.2-2008, SEC.8.

IC 15-17-11-34
License; sanctions; hearing

Sec. 34. (a) The state veterinarian may suspend or revoke a license issued under this chapter after receiving written certification of specific charges from the state department of health that allege:

(1) a particular disposal plant;
(2) the operation of a particular disposal plant; or
(3) the operator of a byproducts collection service;

is a menace to the public health.

(b) If a hearing on the license suspension or revocation is requested under this section, the hearing must be held not later than thirty (30) days after the charges of the state department of health are filed.
As added by P.L.2-2008, SEC.8.

IC 15-17-12
Chapter 12. Biological Products

IC 15-17-12-1
Restrictions

Sec. 1. (a) A person may not use, offer for sale or exchange, or distribute any substance for the prevention or treatment of a contagious or infectious disease that:

(1) contains living germs in a virulent or attenuated state; and

(2) may at any time cause an outbreak of a contagious or infectious disease;

unless the person has submitted a notice to the state veterinarian describing the substance. The state veterinarian may require that a sample of the substance be submitted to the state veterinarian for examination.

(b) The state veterinarian may forbid the use of a substance that in the state veterinarian's judgment:

(1) jeopardizes the health of domestic animals; or

(2) causes the masking of a diagnosis of a contagious or infectious disease.

As added by P.L.2-2008, SEC.8.

IC 15-17-12-2
License and permit requirements

Sec. 2. (a) A person may not manufacture, sell, offer for sale, or distribute within Indiana a biological product for use on an animal unless the biological product is produced at an establishment that is:

(1) licensed by the United States Department of Agriculture, as provided in 21 U.S.C. 151 through 21 U.S.C. 158, as amended; or

(2) located in Indiana and approved by and issued permits by the board.

(b) The permitee shall pay the expenses related to the required tests for biological products approved under this section.

As added by P.L.2-2008, SEC.8.

IC 15-17-12-3
Location of producer

Sec. 3. A serum, virus, vaccine, or other remedy may not be produced at an establishment that is within four thousand (4,000) feet from any of the following:

(1) A public stockyard where a public livestock market is maintained.

(2) A garbage disposal or rendering plant where garbage or dead animals are hauled over a public street or highway.

As added by P.L.2-2008, SEC.8.

IC 15-17-12-4

Approved vaccines

Sec. 4. (a) Only vaccines produced at establishments:

(1) licensed under the federal Virus-Serum-Toxin Act (21 U.S.C. 151 through 21 U.S.C. 158); or

(2) in Indiana and approved by the board;

may be administered to animals in Indiana.

(b) The serial number and the date of expiration of a vaccine administered to animals must be affixed to the vaccine container.

As added by P.L.2-2008, SEC.8.

IC 15-17-13
Chapter 13. Feeder Pigs

IC 15-17-13-1
License; requirement
Sec. 1. A livestock dealer's license is required to engage in business as a feeder pig dealer.
As added by P.L.2-2008, SEC.8.

IC 15-17-13-2
Inspection and approval of concentration points
Sec. 2. Before issuing a feeder pig dealer a license under this chapter, the board shall inspect and approve the concentration point or points used by the feeder pig dealer.
As added by P.L.2-2008, SEC.8.

IC 15-17-13-3
Exemption; special permit
Sec. 3. The board may do the following:
(1) Exempt from this chapter a farmer that moves feeder pigs into Indiana for the farmer's feeding program.
(2) Require a farmer described in subdivision (1) to obtain a special permit from the board for each shipment of feeder pigs moved into Indiana.
As added by P.L.2-2008, SEC.8.

IC 15-17-13-4
Standards; concentration points
Sec. 4. The board shall establish standards for construction and maintenance of concentration points to assure adequate facilities for washing and disinfecting swine pens and maintaining sanitary conditions. Concentration points must meet the standards before approval.
As added by P.L.2-2008, SEC.8.

IC 15-17-13-5
Identification of pigs
Sec. 5. Pigs sold through:
(1) stockyards;
(2) livestock auction markets; or
(3) places of business where pigs are assembled for resale, other than pigs sold for immediate slaughter;
must be identified using an identification approved by the board before being moved from the point of sale.
As added by P.L.2-2008, SEC.8.

IC 15-17-13-6
Imported pigs; identification

Sec. 6. Except as provided in section 3 of this chapter, a person may not import, move, or introduce into Indiana any feeder pigs unless the feeder pigs are:

(1) identified using an identification approved by the board;

(2) accompanied by a permit issued by the board; and

(3) accompanied by an official certificate of veterinary inspection issued and signed by a veterinarian who is:

(A) licensed or legally able to practice in Indiana; and

(B) accredited by the United States Department of Agriculture or another sanctioning body approved by the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-13-7
Vaccination

Sec. 7. All pigs must be vaccinated, treated, or inspected before sale or being offered for sale, as required by the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-13-8
Violation; imported pigs

Sec. 8. Feeder pigs that are imported, moved, or introduced into Indiana in violation of this chapter shall be immediately placed under quarantine and unloaded at a facility designated by the board. The truck or conveyance used to transport the quarantined feeder pigs must be impounded until compliance with this chapter is determined. The consignor or shipper shall pay the costs of feeding and caring for the quarantined feeder pigs.

As added by P.L.2-2008, SEC.8.

IC 15-17-14
Chapter 14. Livestock Dealers

IC 15-17-14-1
Application of chapter

Sec. 1. This chapter does not apply to the following:

(1) The purchase of livestock by an individual for the individual's own use other than resale on the livestock market.

(2) The distribution of livestock in connection with programs dedicated to improvement of breeding practices or experimental procedures in which the ownership of the livestock remains vested, in whole or in part, in the distributor or breeder.

(3) The purchase or sale of livestock by a producer or farmer that buys or sells livestock in connection with a business of raising, feeding, grazing, or breeding livestock as a part of a farming enterprise and does not follow a definite or routine pattern of disposing of acquired livestock through channels of trade in less than sixty (60) days after the date of acquisition as part of a farming enterprise as distinguished from that of a dealer or trader.

(4) The purchase of livestock by slaughtering establishments, meat processors, restaurants, grocery stores, meat markets, and similar businesses if:

(A) the livestock is purchased solely for the purpose of being processed into meat products for use or sale in connection with the business; and

(B) the total number of livestock purchased for the use or sale does not exceed twenty (20) in any one (1) week.

As added by P.L.2-2008, SEC.8.

IC 15-17-14-2
License requirement

Sec. 2. Unless specifically exempted in this chapter, a person must obtain a license under this chapter to act as a dealer in livestock in Indiana. A person may not deal in livestock after the expiration, suspension, or revocation of the person's license.

As added by P.L.2-2008, SEC.8.

IC 15-17-14-3
Classification of dealers

Sec. 3. The board shall classify dealers required to be licensed under this chapter based on the enterprise in which each dealer is engaged. The classifications must be consistent with the definitions set forth in this article and must be based on the facts in the dealer's license application and any supporting papers or any inquiry or investigation made in conjunction with the application.

As added by P.L.2-2008, SEC.8.

IC 15-17-14-4
License classifications

Sec. 4. (a) Licenses are issued under the following classifications:

(1) A market facility dealer license issued to livestock auction markets, stockyards, packers, or concentration points.

(2) An individual dealer license issued to individual dealers and market agencies not operating a market facility.

(b) A separate license is required for each location at which stockyards, packing plants, market agencies, or livestock auction markets are operated. More than one (1) license may not be required of individual dealers other than those operating as market agencies at different locations.

(c) A license issued under this chapter continues in effect until the licensee ceases operating as a livestock dealer in Indiana or the board revokes the license.

(d) The board may adopt rules to implement this chapter, including the following:

(1) Procedures for issuing, suspending, revoking, and updating licenses.

(2) Requiring annual or other regular reports from licensees to:

(A) determine the required amount of bond coverage under this chapter or the current status of agents or other personnel acting under the license; or

(B) update other information used in administering the requirements of this chapter.

As added by P.L.2-2008, SEC.8.

IC 15-17-14-5
Dealers and agents

Sec. 5. (a) Subject to subsection (b), a livestock dealer may designate agents subject to the liabilities that ordinarily attach under a contract of agency. An agent may deal in livestock for the principal under the principal's livestock dealer license. An agent dealing in livestock may deal only as an agent for the principal unless the agent has obtained a separate license under this chapter.

(b) A livestock dealer may not designate an individual as an agent if the individual's dealer's license was suspended or revoked in any state or by the United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration during the two (2) years preceding the proposed designation.

As added by P.L.2-2008, SEC.8.

IC 15-17-14-6
Maintenance of bond

Sec. 6. (a) Except as provided under sections 7 and 8 of this chapter, before operating a livestock dealer business, a person must execute and maintain a bond or bond equivalent that meets the requirements of this section.

(b) The form of the bond or bond equivalent shall be prescribed by the board and must meet the following minimum requirements:

(1) The instrument must be payable to the state of Indiana, as obligee, for any person who may be damaged as a result of a breach of the conditions of the instrument.

(2) The terms of the instrument must secure the performance of the licensee's obligations under this chapter. The instrument must specifically provide that the dealer will pay all legal claims that may accrue in favor of any seller of livestock in Indiana.

(3) The surety on any livestock dealer bond or bond equivalent must be a surety company authorized to do business in Indiana.

(4) The bond or bond equivalent is considered to be continuous unless otherwise specified. The instrument must contain a provision requiring that, before terminating the instrument, the terminating party must serve to the board either:

(A) written notice of termination at least thirty (30) days before the effective date of the termination; or

(B) notice of a valid replacement bond or bond equivalent that provides continuous coverage.

(c) The livestock dealer bond or bond equivalent required under this section must be an amount that is not less than the next highest multiple of five thousand dollars ($5,000) above the quotient of:

(1) the dollar amount of livestock transactions conducted by the license applicant during the preceding twelve (12) months, or in that part of the year in which the applicant did business; divided by

(2) the number of days on which business was conducted.

(d) The following apply to the calculation set forth in subsection (c):

(1) The number of days on which business was conducted in a year may not exceed one hundred thirty (130).

(2) The amount of the bond or bond equivalent may not be less than ten thousand dollars ($10,000), and when the requirements exceed fifty thousand dollars ($50,000) under the calculations as specified in subsection (c), the amount of the instrument need not exceed fifty thousand dollars ($50,000) plus ten percent (10%) of the excess raised to the next multiple of five thousand dollars ($5,000).

(e) If the gross amount of business transacted during a twelve (12) month period changes and warrants an increase in the amount of bond or bond equivalent coverage required under this chapter, the dealer shall have the bond or bond equivalent adjusted to comply with this chapter. If the gross amount of business changes to warrant a decrease in the amount of bond or bond equivalent required under this chapter, the dealer may have the bond or bond equivalent adjusted accordingly.

(f) A licensee may furnish a blanket bond or bond equivalent,

based upon the gross amount of business transacted on an annual basis for each enterprise operated under the same ownership, instead of individual instruments for each enterprise operated.
As added by P.L.2-2008, SEC.8.

IC 15-17-14-7
Bond or bond equivalent with other agency

Sec. 7. If a licensee under this chapter has a valid bond or bond equivalent on file with the United States Department of Agriculture, Grain Inspection and Packers and Stockyards Administration, and the bond or bond equivalent is an adequate amount and conditioned upon terms that provide at least as much protection to sellers of livestock as a state bond under this chapter, additional coverage by bond or bond equivalent under this chapter is not required.
As added by P.L.2-2008, SEC.8.

IC 15-17-14-8
Packer; security

Sec. 8. A packer, other than a packer operating stockyards in Indiana, is not required to furnish security under section 6 of this chapter if a bond or bond equivalent is not required of the packers under the federal Packers and Stock Yards Act of 1921 (7 U.S.C. 181 through 7 U.S.C. 229).
As added by P.L.2-2008, SEC.8.

IC 15-17-14-9
Records

Sec. 9. A dealer required to be licensed under this chapter shall keep records, accounts, and memoranda fully and correctly disclosing all purchases, sales, or transfers involving completed livestock transactions in connection with the dealer's business. The records concerning the business must disclose all persons with an ownership interest in the business, including stockholders. If the board finds that the accounts, records, memoranda, and ownership interest do not fully disclose all the transactions involved in the dealer's business, the board may prescribe the record keeping procedures that the dealer must follow.
As added by P.L.2-2008, SEC.8.

IC 15-17-14-10
Scales

Sec. 10. (a) Scales used by a dealer licensed under this chapter are subject to inspection and testing by a scale inspector who may be any weights and measures inspector appointed by the state department of health. Scales are subject to the applicable requirements of the code of specifications, tolerances, and rules for scales adopted by the state department of health.

(b) If, after proper inspection and testing, a scale fails to meet the

applicable requirements of subsection (a), the scale inspector may condemn the scale to prevent its further use until the scale is brought into conformance with the requirements.

(c) A dealer licensed under this chapter, after a hearing under this chapter, shall have the dealer's license revoked if the hearing establishes that the dealer is guilty of fraudulent, deceptive, or dishonest practices in the weighing of livestock.

As added by P.L.2-2008, SEC.8.

IC 15-17-14-11

Offenses; civil penalties

Sec. 11. (a) A person who knowingly or intentionally allows a scale to be used in a business transaction involving the purchase, sale, or exchange of livestock:

(1) after the scale has been condemned; and

(2) before it has been repaired to the satisfaction of the scale inspector;

commits a Level 6 felony.

(b) In addition to any criminal penalties imposed, a person who violates subsection (a) may be subject to a civil penalty of fifty dollars ($50) for each day the defective scale is used. If a civil penalty is assessed under this subsection and not paid, the prosecuting attorney of the county where the proceeding was brought may enforce the collection of the civil penalty. Civil penalties collected under this section must be deposited in the state general fund.

As added by P.L.2-2008, SEC.8. Amended by P.L.158-2013, SEC.211.

IC 15-17-14.5

Chapter 14.5. Cervidae and Cervidae Products

IC 15-17-14.5-1

"Cervidae livestock operation"

Sec. 1. As used in this chapter, "cervidae livestock operation" means an operation that:

(1) contains privately owned cervidae; and

(2) involves the breeding, propagating, purchasing, selling, and marketing of cervidae or cervidae products;

but does not involve the hunting of privately owned cervidae.

As added by P.L.89-2016, SEC.17.

IC 15-17-14.5-2

"Cervidae products"

Sec. 2. As used in this chapter, "cervidae products" means products, coproducts, or byproducts of cervidae.

As added by P.L.89-2016, SEC.17.

IC 15-17-14.5-3

Cervidae and products property of the owner

Sec. 3. Cervidae and cervidae products legally produced, purchased, possessed, or acquired within Indiana or imported into Indiana are the exclusive property of the owner.

As added by P.L.89-2016, SEC.17.

IC 15-17-14.5-4

Sale of cervidae meat

Sec. 4. Meat and products derived from privately owned cervidae that are from a cervidae livestock operation may be sold to the general public, subject to IC 15-17-5.

As added by P.L.89-2016, SEC.17.

IC 15-17-14.5-5

Animal standards of care

Sec. 5. The board may establish under IC 15-17-3-23 standards of care for animals on cervidae livestock operations.

As added by P.L.89-2016, SEC.17.

IC 15-17-14.7
Chapter 14.7. Hunting Preserves

IC 15-17-14.7-1
"Hunting preserve"
Sec. 1. As used in this chapter, "hunting preserve" means an area of land where permitted animals are hunted.
As added by P.L.89-2016, SEC.18.

IC 15-17-14.7-2
"Licensed owner"
Sec. 2. As used in this chapter, "licensed owner" means an owner of a hunting preserve who holds a license issued under this chapter.
As added by P.L.89-2016, SEC.18.

IC 15-17-14.7-3
Permitted animal
Sec. 3. As used in this chapter, "permitted animal" means a legally owned captive bred wild animal classified as follows:
(1) A member of the cervidae family.
(2) A member of the bovidae family genus ovis.
(3) A member of the bovidae family genus capra.
As added by P.L.89-2016, SEC.18.

IC 15-17-14.7-4
Initial license; change of ownership; annual inspections; fee
Sec. 4. (a) The board shall issue an initial hunting preserve license to a person who:
(1) meets all other requirements of this chapter; and
(2) pays a fee of three hundred dollars ($300).
(b) A hunting preserve license issued under this section may be transferred or assigned. If a person acquires a hunting preserve through a sale, a lease, or a change in ownership of the hunting preserve, the person must:
(1) obtain a hunting preserve license from the board; and
(2) meet the requirements set forth in this chapter;
before allowing hunting on the hunting preserve.
(c) A hunting preserve must pass an annual inspection by the board.
(d) A person who:
(1) meets the requirements set forth in this chapter; and
(2) pays an annual fee of three hundred dollars ($300);
is entitled to renew a license.
(e) The board shall deposit all fees collected under this section in the captive cervidae programs fund established by section 16 of this chapter.
As added by P.L.89-2016, SEC.18.

IC 15-17-14.7-5
Permitted animals property of the owner

Sec. 5. Permitted animals, including their products, are the property of the licensed owner of the hunting preserve containing the permitted animals.

As added by P.L.89-2016, SEC.18.

IC 15-17-14.7-6
Hunting preserve requirements

Sec. 6. (a) A hunting preserve must:

(1) provide sufficient space and cover to allow permitted animals the opportunity to evade hunters; and

(2) meet the following requirements:

(A) The hunting preserve must meet the applicable minimum size requirement of subsection (b).

(B) The hunting preserve must be enclosed by a fence that is at least eight (8) feet in height and not more than six (6) inches above the ground.

(C) Reasonable efforts must be made to clear the hunting preserve of wild deer.

(D) The hunting preserve may not be bisected by a public road, fencing, or any other barrier.

(E) The fence enclosing the hunting preserve must be marked with signs that meet the specifications of the board.

(b) A hunting preserve must contain:

(1) an aggregate total of at least eighty (80) acres in the areas where permitted animals are hunted if the hunting preserve was in operation during the 2015 calendar year; or

(2) at least one hundred (100) contiguous acres in the area where permitted animals are hunted if the hunting preserve was not in operation during the 2015 calendar year.

As added by P.L.89-2016, SEC.18.

IC 15-17-14.7-7
Report of escape

Sec. 7. If a permitted animal escapes from a hunting preserve, the owner shall report the escape to the board within twenty-four (24) hours after the escape is discovered.

As added by P.L.89-2016, SEC.18.

IC 15-17-14.7-8
Prohibited activities

Sec. 8. A licensed owner may not do the following:

(1) Release a permitted animal into the wild.

(2) Release any cervid other than a permitted animal on the hunting preserve.

As added by P.L.89-2016, SEC.18.

IC 15-17-14.7-9

Hunting permit required; expiration; fees; confidential information

Sec. 9. (a) Hunting on a hunting preserve is not regulated by the department of natural resources. A person who takes or hunts a permitted animal on a hunting preserve is not required to hold a license under IC 14-22.

(b) A person who takes or hunts a permitted animal on a hunting preserve is required to have a special hunting permit issued by the board.

(c) The board:

(1) shall issue a special hunting permit that is required under subsection (b); and

(2) may appoint owners or managers of a hunting preserve as agents to sell the special hunting permit.

(d) A special hunting permit expires on March 2 immediately following the date the license is effective.

(e) The fee for a special hunting permit issued under this section to take a buck is equal to the fee set by the natural resources commission under IC 14-22-12-1(a)(15) per animal.

(f) The fee for a special hunting permit issued under this section to take a doe, a sheep, or a goat is equal to the fee set by the natural resources commission under IC 14-22-12-1(a)(6) per animal.

(g) The board shall deposit all fees collected under this section in the captive cervidae programs fund established by section 16 of this chapter.

(h) The name, mailing address, electronic mail address, and telephone number of an individual issued a special hunting permit under this section is confidential for purposes of IC 5-14-3-4.

As added by P.L.89-2016, SEC.18.

IC 15-17-14.7-10

Transportation and cull tags

Sec. 10. (a) The board shall provide a licensed owner with a transportation tag or a cull tag to be affixed as follows to every permitted animal taken on the licensed owner's hunting preserve:

(1) The licensed owner shall cause a transportation tag to be affixed to each permitted animal taken by a hunter on the hunting preserve.

(2) The licensed owner shall cause a cull tag to be affixed to each animal culled by the licensed owner.

(b) A hunter may not transport or possess a permitted animal taken on a hunting preserve unless a transportation tag is affixed to the permitted animal. A transportation tag affixed to a permitted animal taken by a hunter on a hunting preserve is considered to be the bill of sale for the sale of the permitted animal by the licensed owner to the hunter.

(c) A licensed owner may not transport a permitted animal culled

from the hunting preserve by the licensed owner unless a cull tag is affixed to the permitted animal. A culled permitted animal may be transported from the hunting preserve to be processed for the personal consumption of the licensed owner or to be donated to charity. The board may not charge a licensed owner for a cull tag provided under this section.
As added by P.L.89-2016, SEC.18.

IC 15-17-14.7-11
Records of licensed owner; inspection of records

Sec. 11. (a) A licensed owner shall keep records that accurately represent the following:

(1) The permitted animals entering and leaving the hunting preserve.

(2) The individuals who use the hunting preserve.

(3) Information that documents compliance with this chapter as determined by rules adopted by the board.

(b) The records under subsection (a) must be maintained for a period determined by the board and must be open for inspection by employees of the board during regular business hours.
As added by P.L.89-2016, SEC.18.

IC 15-17-14.7-12
Hunting season; bag limits; hunting fees

Sec. 12. (a) Permitted animals may be hunted on a hunting preserve licensed under this chapter from September 1 through March 1 between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset.

(b) For permitted animals taken on a hunting preserve there is not a bag limit, and both male and female animals may be taken.

(c) A licensed owner may charge fees for hunting on the hunting preserve that reflect the class of permitted animal hunted.
As added by P.L.89-2016, SEC.18.

IC 15-17-14.7-13
Weapons allowed; computer assisted remote hunting prohibited

Sec. 13. (a) Only weapons that may be used legally in hunting on other property in Indiana may be used in hunting on a hunting preserve.

(b) A hunting preserve may not allow computer assisted remote hunting.

(c) If a permitted animal has been sedated, the hunting preserve may not allow the permitted animal to be hunted within twenty-four (24) hours of sedation. In addition, the board may adopt rules governing the use of a permitted animal for food after the permitted animal has been sedated or treated with medication.

(d) Hunting on a hunting preserve is prohibited within one hundred fifty (150) yards of an artificial feeding site.

As added by P.L.89-2016, SEC.18.

IC 15-17-14.7-14
Animal standards of care; rules; inspections

Sec. 14. (a) The board may establish under IC 15-17-3-23 standards of care for permitted animals on hunting preserves licensed under this chapter.

(b) The board may not adopt rules that have the effect of prohibiting or unreasonably restricting the operation of a hunting preserve. However, the board's ability to regulate animal diseases and food safety is not restricted by this subsection.

(c) The board may inspect a hunting preserve to investigate a complaint at any reasonable time.

(d) The board may inspect a hunting preserve to investigate an issue concerning animal health at any reasonable time.

As added by P.L.89-2016, SEC.18.

IC 15-17-14.7-15
Violations

Sec. 15. (a) Except as provided in subsection (b), a person who violates this chapter is subject to the penalties set forth in IC 15-17-18-12.

(b) A person who knowingly or intentionally violates section 7, 8, 13(b), or 13(c) of this chapter commits a Level 6 felony.

As added by P.L.89-2016, SEC.18.

IC 15-17-14.7-16
Captive cervidae programs fund

Sec. 16. (a) The captive cervidae programs fund is established. The board may use money in the fund to pay the expenses of:

(1) administering IC 15-17-14.5 and this chapter; and

(2) implementing programs to control diseases in cervidae authorized under this article.

(b) The fund shall be administered by the board.

(c) The fund consists of all fees collected under this chapter.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.89-2016, SEC.18.

IC 15-17-15

Chapter 15. Sales, Shipments, and Exhibitions

IC 15-17-15-1

Sale of diseased animals

Sec. 1. A person may not sell an animal that the person knows or suspects has an infectious or contagious disease except:

(1) to an approved slaughtering establishment;

(2) to a licensed marketing facility; or

(3) as the state veterinarian directs.

As added by P.L.2-2008, SEC.8.

IC 15-17-15-2

Records

Sec. 2. (a) A person that operates or conducts a sale of livestock shall keep an accurate and complete record of all sales, including the following:

(1) The kind of animals received for sale.

(2) The name and address of the person from whom the animals were received.

(3) The date on which the animals were received.

(4) The name and address of the person to whom the animals were sold.

(5) The kind and number of animals sold to each person.

(6) The price paid for the animals.

(7) The record of individual ear tags, ear notches, back tags, tattoos, or brands for each animal.

(8) If tested, individual test records, health records, and health certificates for each animal.

(9) Any other information required by the board.

(b) The record must be available for inspection by authorized personnel of the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-15-3

Health certificate; exemption

Sec. 3. (a) The board may adopt rules requiring that:

(1) all dairy or breeding cattle and bison sold through any public or private sale must be accompanied with an official health certificate; and

(2) the cattle and bison test negative for brucellosis and tuberculosis.

However, a special form prescribed by the board may be used for this purpose instead of the certificate of veterinary inspection.

(b) The board may adopt rules exempting animals from testing for brucellosis and tuberculosis within Indiana or other states or areas.

(c) The state veterinarian may order cattle of any age to be tested to determine the disease status of the animal.

As added by P.L.2-2008, SEC.8. Amended by P.L.86-2008, SEC.12.

IC 15-17-15-4
Brucellosis reactors

Sec. 4. Cattle that react positively to a brucellosis test may not be sold for any purpose other than immediate slaughter. If cattle first react positively to a brucellosis test at a livestock auction market, community sale, or public stockyard, the owner or consignor of the cattle may remove the cattle to the owner's or consignor's premises, subject to quarantine laws and restrictions prescribed by the board. If a retest is negative, the animal may be sold in the same manner as any other animal that reacts negatively.
As added by P.L.2-2008, SEC.8.

IC 15-17-15-5
Disinfecting premises of sales

Sec. 5. A person owning, operating, or controlling a livestock auction market, livestock show, or public stockyard in Indiana shall thoroughly clean and disinfect all the premises and enclosures according to rules adopted by the board. All disinfecting agents used for disinfecting swine, crates, cars, and other conveyances and the methods of disinfecting must meet the approval of the state veterinarian.
As added by P.L.2-2008, SEC.8.

IC 15-17-15-6
Swine sales; vaccination and treatment

Sec. 6. A person operating or conducting a livestock auction market, community sale, or public stockyard may not sell or offer for sale any swine unless the swine have been:

(1) vaccinated;
(2) treated;
(3) vaccinated and treated; or
(4) inspected;

according to rules adopted by the board.
As added by P.L.2-2008, SEC.8.

IC 15-17-15-7
Sales for immediate slaughter

Sec. 7. (a) An animal may be sold for immediate slaughter at a livestock auction market, community sale, or public stockyard.

(b) A person may not knowingly resell or divert for any purpose, other than immediate slaughter to an approved slaughtering establishment, an animal sold for immediate slaughter.
As added by P.L.2-2008, SEC.8.

IC 15-17-15-8
Injured or diseased animal; sale or purchase for food purposes

Sec. 8. An injured or a diseased animal and its products are unfit for human consumption and may not be:

(1) sold or offered for sale; or

(2) purchased or offered for purchase;

for food purposes.

As added by P.L.2-2008, SEC.8.

IC 15-17-15-9

Fairs and livestock shows

Sec. 9. The sale, exhibit, or display of animals at a fair or livestock show is subject to rules adopted by the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-15-10

State inspection; duties of operator

Sec. 10. The operator of a livestock auction market or community sale and the operator's agents and employees shall provide reasonable assistance to the personnel engaged in state inspection as required to enable the inspectors to perform their duties. The operator shall furnish the facilities and assistance necessary to restrain animals to allow state inspection. The operator shall furnish the facilities necessary to allow the inspector to conduct tests and fill out all papers and forms required for the inspector's duties.

As added by P.L.2-2008, SEC.8.

IC 15-17-15-11

Identification of animals moving in trade

Sec. 11. Animals moving in trade or market channels within Indiana must be identified to the extent and in a manner considered necessary and prescribed by the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-15-12

Documents accompanying animals in transit

Sec. 12. The official health certificates, tests, charts, or other prescribed documents that are required by law or by rule must:

(1) accompany animals when they are transported, shipped, or moved;

(2) be present in the truck or other vehicle of transport used in shipping the animals; and

(3) be available for inspection by authorized personnel of the board.

As added by P.L.2-2008, SEC.8.

IC 15-17-16
Chapter 16. Licenses

IC 15-17-16-1
Application; forms

Sec. 1. (a) An application for a license under this article must be made on forms prescribed by the board. The board may adopt a rule that requires:

(1) the information on the application to be subscribed and sworn to or affirmed before a notary public by the applicant or the applicant's authorized representative; and

(2) that the affidavit is a component of the application.

(b) The application must include the information required by this article. The board shall use the information from the application and other information as the board considers pertinent to determine whether a license should be issued, suspended, revoked, or denied.

As added by P.L.2-2008, SEC.8.

IC 15-17-16-2
Foreign corporation consent to service

Sec. 2. (a) Except for an applicant that is a foreign corporation, a nonresident applicant for a license under this article must file with the board an irrevocable consent that specifies the following:

(1) The proceedings against the applicant may be filed in any appropriate court of any county or municipality in Indiana where:

(A) the plaintiff resides; or

(B) any part of the transaction occurred out of which the alleged cause of action arose.

(2) The process in any action may be served on the applicant by leaving with the board two (2) copies of the complaint or pleadings that have been filed in an Indiana court.

(3) That the service of process in subdivision (2) is valid and binding for all purposes.

(b) The board shall promptly forward, by registered mail, one (1) copy of any service of process to the applicant at the address shown on the records of the board.

(c) A foreign corporation may not receive a license under this chapter until it is authorized by the secretary of state to do business in Indiana.

As added by P.L.2-2008, SEC.8.

IC 15-17-16-3
Rules; renewal

Sec. 3. (a) The board may adopt rules concerning the following:

(1) Annual or biannual renewal of any class of license issued under this article.

(2) A common renewal date for each class of license.

(b) The state veterinarian or the state veterinarian's authorized agent shall sign each license issued by the board.
As added by P.L.2-2008, SEC.8.

IC 15-17-16-4
Refusal for cause

Sec. 4. The board may not refuse to issue a license without cause.
As added by P.L.2-2008, SEC.8.

IC 15-17-16-5
Grounds for denial, suspension, or revocation

Sec. 5. The board may refuse to issue or reissue and may suspend or revoke a license issued under this article for any of the following reasons relating to the licensee or applicant for a license:

(1) Material misstatement in the application for original license, or in the application for any reissue of a license, under this article.
(2) Violation of this article or of a rule or order of the board.
(3) Abetting another in the violation of this article or of a rule or order of the board.
(4) Allowing a license issued under this article to be used by an unlicensed person.
(5) Conviction of a crime, an essential element of which is misstatement, fraud, or dishonesty.
(6) Conviction for violating a law or regulation of another state or of the United States that is materially similar to a substantive provision of this article or a rule of the board.
(7) Suspension or other disciplinary action taken by the Secretary of the United States Department of Agriculture under the Packers and Stock Yards Acts of 1921 (7 U.S.C. 181 through 7 U.S.C. 229), as amended, if it appears that the applicant or licensee committed or participated in the violation covered by the disciplinary action.
(8) Material misrepresentation or false promises of a character likely to influence, persuade, or induce to action, in connection with any business subject to this article.
(9) Failure to possess the qualifications determined by the board to be necessary or to meet the requirements of this article for the issuance or holding of a license.

As added by P.L.2-2008, SEC.8.

IC 15-17-16-6
Duty to comply during litigation

Sec. 6. Pending:

(1) a proceeding to suspend or revoke a license issued under this article; or
(2) an appeal from a decision to suspend or revoke a license issued under this article;

each person affected by the proceeding or appeal shall continue to comply with this article.
As added by P.L.2-2008, SEC.8.

IC 15-17-16-7
Investigations

Sec. 7. The board:

(1) may upon its own motion; and

(2) shall upon a verified written complaint that alleges facts that would constitute grounds for refusal, suspension, or revocation of a license under this article;

investigate the actions of an applicant or person holding or claiming to hold a license under this article.
As added by P.L.2-2008, SEC.8.

IC 15-17-16-8
Surrender of license

Sec. 8. After the revocation or suspension of a license, the licensee must surrender the license to the board. If the licensee fails to surrender the license, the board may seize the license.
As added by P.L.2-2008, SEC.8.

IC 15-17-16-9
Offenses; unlicensed person

Sec. 9. A person who recklessly, knowingly, or intentionally engages in an activity without a license required for the activity under this article commits a Level 6 felony.
As added by P.L.2-2008, SEC.8. Amended by P.L.158-2013, SEC.212.

IC 15-17-17

Chapter 17. Administrative Hearings

IC 15-17-17-1

Authority to conduct hearings

Sec. 1. The board may conduct any hearings that the board considers necessary for the performance of the board's duties under this article, IC 15-18-1, or IC 15-19-6.

As added by P.L.2-2008, SEC.8.

IC 15-17-17-2

Hearing officers

Sec. 2. If a hearing is provided for or authorized to be held by the board, the board may designate a person as the board's agent to conduct the hearing.

As added by P.L.2-2008, SEC.8.

IC 15-17-17-3

Procedure

Sec. 3. All hearings for the purpose of agency action shall be conducted under IC 4-21.5, unless the procedure is waived by the parties concerned after due notice of the right to a hearing under IC 4-21.5 has been given. Waiver of a hearing may be made in writing or by failure to request in writing a hearing under IC 4-21.5, within fifteen (15) days after receipt of the notice.

As added by P.L.2-2008, SEC.8.

IC 15-17-17-4

Notice

Sec. 4. Before:

(1) any license is denied, suspended, or revoked;

(2) any disciplinary action is taken; or

(3) the rights of any persons are adversely affected;

under this article, IC 15-18-1, or IC 15-19-6, notice must be given to the person affected by the agency action. The notice must contain a statement of the person's right to adjudication of the action under IC 4-21.5.

As added by P.L.2-2008, SEC.8.

IC 15-17-17-5

Service of notice

Sec. 5. Any notice required by this article, IC 15-18-1, or IC 15-19-6, including notice required under IC 4-21.5-3, may be served by:

(1) personal delivery to the person concerned, by leaving the notice at the place of business or residence last specified by the person concerned or the person's last notification to the board; or

(2) mailing the notice to the place of business or residence last specified by the person concerned in the person's last notification to the board.

As added by P.L.2-2008, SEC.8. Amended by P.L.186-2014, SEC.1.

IC 15-17-17-6

Appeal to board

Sec. 6. Any person who is aggrieved by the enforcement of any rule adopted by the board or any order of the state veterinarian or the board may appeal to the board for a review of the enforcement or order. The board may review the enforcement or order on appeal and affirm, modify, or reverse the enforcement or order appealed from.

As added by P.L.2-2008, SEC.8.

IC 15-17-17-7

Judicial review

Sec. 7. An aggrieved person may seek judicial review of a final determination of the board under IC 4-21.5-5.

As added by P.L.2-2008, SEC.8.

IC 15-17-18

Chapter 18. Crimes and Infractions

IC 15-17-18-1

Interference with tests

Sec. 1. A person who knowingly or intentionally:

(1) treats a bovine animal with a material, substance, or biologic to interfere with the brucellosis test or with a reaction to a brucellosis test;

(2) fraudulently makes an animal react to a brucellosis test; or

(3) interferes with the inspector who is making the test;

commits a Level 6 felony.

As added by P.L.2-2008, SEC.8. Amended by P.L.158-2013, SEC.213.

IC 15-17-18-2

Interference with identification

Sec. 2. A person who knowingly or intentionally:

(1) alters or changes an animal's official identification to conceal the identity of an animal;

(2) interferes with the official identification of a diseased domestic animal;

(3) removes, without permission of the board, except as provided in this article, any animal from a herd placed under quarantine; or

(4) alters or changes the official identification of any domestic animal;

commits a Level 6 felony.

As added by P.L.2-2008, SEC.8. Amended by P.L.158-2013, SEC.214.

IC 15-17-18-3

Sale or transfer of diseased animals

Sec. 3. A person who knowingly or intentionally:

(1) sells;

(2) keeps, with intent to sell; or

(3) disposes of to another person, with intent to conceal, except for immediate slaughter;

an animal classified as a reactor, or suspected of being affected with any disease as disclosed by a test recognized by the board, commits a Level 6 felony.

As added by P.L.2-2008, SEC.8. Amended by P.L.158-2013, SEC.215.

IC 15-17-18-4

Transport of diseased cattle

Sec. 4. A person who knowingly or intentionally:

(1) delivers for transportation;

(2) drives on foot;
(3) removes from the premises where they are located; or
(4) receives for transportation;

any cattle classified as a reactor or suspected of being affected with brucellosis as disclosed by a test recognized by the board, except for immediate slaughter or by special permit from the board, commits a Level 6 felony.

As added by P.L.2-2008, SEC.8. Amended by P.L.158-2013, SEC.216.

IC 15-17-18-5
Transport with nondiseased animals

Sec. 5. A person who knowingly or intentionally transports a domestic animal identified as a reactor with other domestic animals, except where the other domestic animals are being transported for immediate slaughter, commits a Level 6 felony.

As added by P.L.2-2008, SEC.8. Amended by P.L.158-2013, SEC.217.

IC 15-17-18-6
Importation

Sec. 6. A person who knowingly or intentionally imports a domestic animal into Indiana without taking suitable precautions to prevent the introduction and spread of contagious or infectious disease, in conformance with the rules adopted by the board, commits a Level 6 felony.

As added by P.L.2-2008, SEC.8. Amended by P.L.158-2013, SEC.218.

IC 15-17-18-7
Transportation of diseased domestic animals

Sec. 7. A person who knowingly or intentionally moves, from the property on which the domestic animal is confined, a domestic animal that has an infectious or a contagious disease, except under rules adopted by the board, commits a Level 6 felony.

As added by P.L.2-2008, SEC.8. Amended by P.L.158-2013, SEC.219.

IC 15-17-18-8
Animals running at large

Sec. 8. (a) Except as provided in subsection (b), a person responsible for livestock or poultry who knowingly or intentionally permits the livestock or poultry to run at large commits a Class B misdemeanor.

(b) Subsection (a) does not apply to a person who keeps livestock on property by means of a cattle guard or another device under IC 8-17-1-2.1.

As added by P.L.2-2008, SEC.8.

IC 15-17-18-9
Offenses; general

Sec. 9. (a) This section does not apply to IC 15-17-5 or IC 15-18-1.

(b) A person who knowingly or intentionally violates or fails to comply with this article commits a Level 6 felony.

(c) A person who knowingly or intentionally violates or fails to comply with a rule adopted under this article commits a Class A infraction.

As added by P.L.2-2008, SEC.8. Amended by P.L.158-2013, SEC.220.

IC 15-17-18-10
Dogs under 8 weeks; sale transport with dam required; exception

Sec. 10. A person may not import to or export from Indiana for the purpose of sale any dog under the age of eight (8) weeks unless the dog is transported with its dam. However, research facilities licensed under the federal Laboratory Animals Welfare Act, 7 U.S.C. 2131 et seq., are exempted from this prohibition.

As added by P.L.2-2008, SEC.8.

IC 15-17-18-11
Birds and rabbits; sales restricted

Sec. 11. (a) A person who sells:

(1) a bird under the age of three (3) weeks; or

(2) a rabbit under the age of two (2) months;

commits a Class B misdemeanor. This subsection does not apply to commercial breeders or distributors whose facilities are adequately equipped for the care of young birds or rabbits.

(b) A person who dyes, stains, or alters the natural coloring of a bird or rabbit commits a Class B misdemeanor.

As added by P.L.2-2008, SEC.8.

IC 15-17-18-12
Certain violations; civil penalty; injunctions

Sec. 12. (a) This section does not apply to IC 15-17-5 or IC 15-18-1.

(b) A person who violates this article, a rule adopted under this article, or a determination or order of the board or an agency made under this article is liable for a penalty not to exceed twenty-five thousand dollars ($25,000) for each day of the violation, plus payment to the board for the costs incurred by the board as a direct consequence of prosecution for the violation. These penalties and costs may be recovered in a civil action commenced in any court of competent jurisdiction by the board or an agency. In addition, in an action to recover the penalty, a request may be made that the person be enjoined from continuing the violation.

As added by P.L.2-2008, SEC.8.

IC 15-17-18-13

Certain written certificates and documents

Sec. 13. Official health certificates, official certificates of veterinary inspection, and official certificates of vaccination, tests, and other prescribed documents that are required by this article or by rule constitute written instruments for purposes of IC 35-43-5.

As added by P.L.2-2008, SEC.8.

IC 15-17-19

Chapter 19. Enforcement

IC 15-17-19-1

Law enforcement officer's duties

Sec. 1. All law enforcement officers and law enforcement agencies within Indiana shall provide assistance as is necessary to the board, the state veterinarian, a county veterinarian, or an agent of the United States Department of Agriculture in enforcing this article.

As added by P.L.2-2008, SEC.8.

IC 15-17-19-2

Enforcement; attorney general; prosecuting attorney

Sec. 2. This article may be enforced by any appropriate action in the name of the state of Indiana, filed and conducted by the attorney general or the appropriate prosecuting attorney.

As added by P.L.2-2008, SEC.8.

IC 15-17-19-3

Injunctions

Sec. 3. (a) If a person engages in the business of a livestock dealer, including employing an individual to act on the person's behalf, without a license required under this article:

(1) the attorney general;

(2) the board or the board's representative;

(3) the prosecuting attorney; or

(4) a resident of the county in which the person engaged in the business of dealing without a license;

may maintain an action in the name of the state to enjoin the person from continuing the violation.

(b) An injunction granted under this section does not relieve a person from any criminal prosecution allowed for the person's violation of this article.

(c) A complaint for an injunction is sufficient if it alleges that:

(1) on a certain date; and

(2) in a specific county;

the person engaged in business as a livestock dealer and did not have a valid license required under this article.

(d) If an injunction is granted in an action brought by a resident of the county, the court shall order the defendant to pay reasonable attorney's fees to the plaintiff's attorney.

As added by P.L.2-2008, SEC.8.

IC 15-18

ARTICLE 18. DAIRY PRODUCTS

IC 15-18-1

Chapter 1. Milk and Milk Products; Permits; Standards; Inspections

IC 15-18-1-1

General provisions

Sec. 1. The following apply to this chapter:

(1) IC 15-17-2 (definitions).

(2) IC 15-17-16 (licensing).

(3) IC 15-17-17 (hearings).

(4) IC 15-17-19 (enforcement).

As added by P.L.2-2008, SEC.9.

IC 15-18-1-2

Adulterated or misbranded milk or milk products

Sec. 2. (a) A person may not produce, provide, sell, offer, display for sale, or have in possession with intent to sell milk or a milk product that is adulterated or misbranded.

(b) Adulterated or misbranded milk or a milk product may be impounded by the board and disposed of in accordance with IC 16-42-1 and IC 16-42-2-6. For purposes of this section, references in IC 16-42-1 and IC 16-42-2-6 to:

(1) "state health commissioner" refer to the state veterinarian; and

(2) "department" refer to the board.

(c) Milk and milk products must conform to the standards in this chapter and in the rules adopted by the board. However, if there is an emergency, general, and acute shortage of milk in a milkshed, the board may authorize the sale of pasteurized milk that does not fully meet the requirements of this chapter.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-3

Permit requirements; application procedure

Sec. 3. (a) A person that operates a milk plant, operates a receiving station or transfer station, acts as a milk distributor, acts as a bulk milk hauler/sampler, operates a milk tank truck, operates a dairy farm, operates a milk tank truck cleaning facility, operates a business that manufactures containers for milk or milk products, or any other person that does not possess a permit from the board may not:

(1) bring, send, or receive into Indiana for sale;

(2) sell or offer for sale in Indiana; or

(3) store in Indiana;

any milk or milk products. Grocery stores, restaurants, soda

fountains, and similar establishments where milk or milk products are served or sold at retail, but not processed, are exempt from the requirements of this section. The board may recognize a permit issued by another state for a truck used to transport milk instead of issuing an Indiana permit for the same truck.

(b) To obtain a permit required by this chapter, a person must submit a written application to the board, in the form prescribed by the board.

(c) Only a person who complies with this chapter is entitled to receive and retain a permit. Permits are not transferable with respect to persons or locations.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-4

Permit suspension

Sec. 4. (a) The board may suspend a permit issued under section 3 of this chapter whenever:

(1) there is reason to believe that a public health hazard exists;

(2) the permit holder has violated any of the requirements of this chapter; or

(3) the permit holder has interfered with the board in the performance of the board's duties.

(b) The board shall:

(1) in all cases except where the milk or milk product involved creates or appears to create an imminent hazard to the public health; or

(2) in any case of a willful refusal to permit authorized inspection;

serve upon the permit holder a written notice of intent to suspend the permit under IC 4-21.5. A suspension of a permit is effective immediately and remains in effect until the violation has been corrected to the satisfaction of the board.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-5

Temporary permits; application for reinstatement

Sec. 5. (a) When a permit has been suspended due to a violation of any of the bacterial, coliform, somatic cell, or cooling temperature standards, the board shall, not later than one (1) week after the receipt of a written application for reinstatement of a permit, issue a temporary permit after determining by an inspection of the facilities and operating methods that the conditions responsible for the violation have been corrected. Samples must then be taken at the rate of not more than two (2) per week on separate days within a three (3) week period, and the board shall reinstate the permit upon compliance with the appropriate standard, as determined in accordance with section 13 of this chapter.

(b) If a permit has been suspended due to a violation of a drug

residue test requirement or a requirement other than the bacteriological, coliform, somatic cell, or cooling temperature standards, the application for reinstatement must contain a written statement that the violation has been corrected. Not later than one (1) week after the receipt of an application, the board shall make an inspection of the applicant's establishment and as many subsequent additional inspections as are considered necessary to determine that the applicant's establishment is complying with the requirements. When the findings justify, the permit must be reinstated. If a permit has been suspended due to drug residues, the permit shall be reinstated in accordance with section 17 of this chapter.
As added by P.L.2-2008, SEC.9.

IC 15-18-1-6
Sanctions for repeated violations

Sec. 6. The board may refuse to issue or reissue, may suspend for a definite time, or may revoke permits issued under this chapter for repeated violations of this chapter or a rule adopted by the board. The refusal to issue or revocation of a permit under this section must be conducted in accordance with IC 4-21.5.
As added by P.L.2-2008, SEC.9.

IC 15-18-1-7
Permit expiration

Sec. 7. A permit issued under this chapter expires as follows:

(1) A bulk milk hauler/sampler permit expires two (2) years after the most recent inspection.

(2) A dairy farm permit expires upon an action listed in subdivisions (4) through (6).

(3) A permit, other than a bulk milk hauler/sampler permit and a dairy farm permit, expires on December 31 of the year in which the permit was issued. Permits issued within the last three (3) months of a year may be issued to expire on December 31 of the following year.

(4) Upon discontinuance of operation for a period of ninety (90) days.

(5) Upon the revocation of the permit by the board.

(6) Upon the sale or other transfer of an operation to a different owner or operator.

(7) For a milk distributor, milk plant, receiving station, transfer station, or milk tank truck cleaning facility, a transfer of the place of business from one (1) building or room to another.

As added by P.L.2-2008, SEC.9. Amended by P.L.186-2014, SEC.2.

IC 15-18-1-8
Rulemaking

Sec. 8. The board may adopt rules under IC 4-22-2 to implement sections 3 through 7 of this chapter.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-9

Duty of board to inspect; inspection report; access to facility required; prohibited use of trade secrets

Sec. 9. (a) The state veterinarian shall examine each application for a permit required in this chapter. If the applicant for a permit has complied with all statutes and rules enforced by the board, the state veterinarian shall cause the premises, location, equipment, and operating practices of the applicant to be inspected not later than ten (10) days after the receipt of the application for a permit. If the premises, location, equipment, and operating practices comply with this article and the rules of the board, the state veterinarian shall issue a permit entitling the applicant to engage in the business for which the application was submitted.

(b) The board shall conduct the following inspections:

(1) Each dairy farm and transfer station at least one (1) time every six (6) months.

(2) Each milk plant and receiving station at least one (1) time every three (3) months.

In addition, following the issuance of a permit, the board may, to determine compliance with this chapter, inspect the licensee's facility, procedures, and equipment.

(c) If the board finds a violation of the standards for Grade A milk adopted under section 14 of this chapter, a second inspection is required after the time thought necessary to remedy the violation but not sooner than three (3) days after finding the violation. The reinspection must be used to determine compliance with the requirements adopted under section 14 of this chapter. A violation of the same requirement on the reinspection results in permit suspension in accordance with section 6 of this chapter or court action, or both.

(d) One (1) copy of the inspection report must be:

(1) provided to the operator or other responsible person; or

(2) posted in a conspicuous place on an inside wall of the establishment.

The inspection report may not be defaced and must be made available to the board upon request. An identical copy of the inspection report must be filed with the records of the board.

(e) A person licensed under this chapter shall, upon request of the board, permit access of officially designated persons to all parts of the person's establishment or facilities to determine compliance with this chapter. A distributor or plant operator shall furnish the board, upon request and for official use only, a true statement of the actual quantities of milk and milk products of each grade purchased and sold and a list of all sources of the milk and milk products, records of inspection, tests, and pasteurization time and temperature records.

(f) A person who, in an official capacity, obtains under this

chapter any information that is entitled to protection as a trade secret, including information as to quantity, quality, source, or disposition of milk or milk products, or results of inspections or tests, may not use the information to the person's own advantage or reveal the information to an unauthorized person.
As added by P.L.2-2008, SEC.9. Amended by P.L.186-2014, SEC.3.

IC 15-18-1-10
Unsanitary conditions

Sec. 10. If the board finds unsanitary conditions existing in violation of sanitary statutes or rules of the state or a violation of this chapter:

(1) on a dairy farm;
(2) in a milk plant, receiving station, transfer station, or milk tank truck cleaning facility; or
(3) by a milk distributor, bulk milk hauler/sampler, owner of a can milk route, or owner of a milk tank truck;

the board shall, by notice in writing to the person committing the violation, prohibit the sale or transportation of raw or pasteurized milk or milk products until the unsanitary condition or violation is removed to the satisfaction of the board and the prohibition is terminated.
As added by P.L.2-2008, SEC.9.

IC 15-18-1-11
Approved industry plant sampler

Sec. 11. (a) A milk plant, receiving station, or transfer station that receives raw milk or raw cream from a producer of raw milk or raw cream shall use at least one (1) approved industry plant sampler.

(b) The board may approve an industry plant sampler who meets the following requirements:

(1) The person has submitted an application for an industry plant sampler permit to the board.
(2) The person has demonstrated the person's sampling proficiency by passing a performance based evaluation.
(3) The person has passed a written examination given by the board.

As added by P.L.2-2008, SEC.9. Amended by P.L.186-2014, SEC.4.

IC 15-18-1-12
Labeling information; shipping statement

Sec. 12. (a) A bottle, container, or package enclosing milk, Grade A dry milk and whey products, or milk products must be labeled in accordance with the rules of the board.

(b) A milk product may not bear a Grade A label unless the milk product is produced in accordance with the rules of the board for grade A milk or milk products.

(c) A vehicle or transport tank containing milk or milk products

must be legibly marked with the name and address of the milk plant or hauler in possession of the contents.

(d) A tank transporting raw, heat treated, or pasteurized milk or milk products to a milk plant from sources of supply not under the routine supervision of the board must be marked with the name and address of the milk plant or hauler and must be sealed. In addition, for each shipment a shipping statement must be prepared containing at least the following information:

(1) The shipper's name, address, and permit number.

(2) The permit number of the hauler, if the hauler is not an employee of the shipper.

(3) The point of origin of shipment.

(4) The tanker identity number.

(5) The name of the product.

(6) The weight of the product.

(7) The temperature of the product.

(8) The date of shipment.

(9) The name of the supervising agent of the state regulatory authority at the point of origin.

(10) Whether the contents are raw, pasteurized, or heat treated.

(11) The seal number on inlet, outlet, and wash connections and vents.

(12) The grade of the product.

(13) The antibiotic test results.

(e) The statement must be prepared in triplicate and must be kept on file by the shipper, the consignee, and the carrier for six (6) months for the information of the board.

(f) The labeling information that is required on all bottles, containers, or packages of milk or milk products must be in letters of an acceptable size, kind, and color satisfactory to the board and must contain no marks or words that are misleading.

As added by P.L.2-2008, SEC.9. Amended by P.L.186-2014, SEC.5.

IC 15-18-1-13

Samples; testing and examination; written notice upon exceeding standards

Sec. 13. (a) Samples of raw and processed milk and milk products must be collected as required under this section and rules adopted by the board as follows:

(1) A bulk milk hauler/sampler shall collect a representative sample of the milk from each farm tank before collecting the milk for delivery. Each sample must be labeled so as to identify the farm of origin. Each sample must be delivered to a milk plant, receiving station, transfer station, or other location approved by the board.

(2) During any consecutive six (6) months, at least four (4) samples of raw milk for pasteurization must be collected from each milk producer. The samples must be taken in separate

months. However, not more than once in a three (3) month period the samples may be collected twice in the same month if the samples are taken at least twenty (20) days apart.

(3) During any consecutive six (6) months, at least four (4) samples of raw milk for pasteurization must be collected from each milk plant, after receipt of the milk by the milk plant and before pasteurization. The samples taken from the plant must be taken in separate months. However, not more than once in a three (3) month period the samples may be collected twice in the same month if the samples are taken at least twenty (20) days apart.

(4) During any consecutive six (6) months, at least four (4) samples of pasteurized milk, heat treated milk, and at least four (4) samples of milk products and Grade A dry milk products must be taken from every milk plant. The samples taken from the plant must be taken in separate months. However, not more than once in a three (3) month period the samples may be collected twice in the same month if the samples are taken at least twenty (20) days apart.

Samples of milk and milk products must be taken while in possession of the producer or distributor at any time before final delivery. Samples of milk and milk products from dairy retail stores, food service establishments, grocery stores, and other places where milk and milk products are sold must be examined periodically as determined by the board, and the results of the examination must be used to determine compliance with this chapter. Proprietors of such establishments must furnish the board, upon the board's request, with the names of all distributors from whom milk or milk products are obtained.

(b) Bacterial counts, somatic cell counts, and cooling temperature checks must be performed on raw milk for pasteurization as required by the board.

(c) In addition, antibiotic tests on milk from each producer's farm must be conducted at least four (4) times during any consecutive six (6) months. The samples taken from the farm must be taken in separate months. However, not more than once in a three (3) month period the samples may be collected twice in the same month if the samples are taken at least twenty (20) days apart. Antibiotic testing of commingled milk from bulk milk vehicles must be conducted as specified by the United States Food and Drug Administration or the board. When commingled milk is tested, all producers must be represented in the sample. All individual sources of milk must be tested when test results on the commingled milk are positive. The milk plant, receiving station, or transfer station shall conduct or have conducted all tests required by the board on milk producer raw milk sample laboratory analyses and forward the results of the analyses to the board.

(d) Bacterial counts, coliform determinations, phosphatase, and

cooling temperature checks must be performed on pasteurized milk and milk products as required by rules adopted by the board.

(e) Whenever two (2) of the last four (4) consecutive bacteria counts, somatic cell counts, coliform determinations, or cooling temperatures taken on separate days exceed the limit of the standard for milk or milk products, the board shall send a written notice to the person concerned. This notice remains in effect as long as two (2) of the last four (4) consecutive samples exceed the limit of the standard. An additional sample must be taken not later than twenty-one (21) days after sending the notice, but not before the lapse of three (3) days. Immediate suspension of a permit or court action, or both, shall be instituted whenever the standard is violated by three (3) of the last five (5) bacteria counts, somatic cell counts, coliform determinations, or cooling temperatures.

(f) Whenever a phosphatase test is positive, the cause must be determined. If the cause is improper pasteurization, the problem must be corrected, and any milk or milk product involved may not be offered for sale.

(g) Samples must be analyzed at an official laboratory or appropriate officially designated laboratory. All sampling procedures and required laboratory examinations must be in substantial compliance with the most current edition of the Standard Methods for the Examination of Dairy Products of the American Public Health Association and the most current edition of the Official Methods of Analyses of AOAC International. These procedures and examinations must be evaluated in accordance with the methods of evaluating milk laboratories recommended by the United States Food and Drug Administration. Aseptically processed milk and milk products packaged in hermetically sealed containers must be tested in accordance with the United States Food and Drug Administration's Bacteriological Analytical Manual.

(h) Examinations and tests must be conducted to detect adulterants, including pesticides, as the board requires. Assays of vitamin D milk or milk products and fortified milk and milk products must be made at least annually by a milk plant in a laboratory acceptable to the board. Facilities fortifying products with vitamins must keep volume control records that cross-reference the form and amount of vitamin D and vitamin A used with the amount of product produced.

As added by P.L.2-2008, SEC.9. Amended by P.L.186-2014, SEC.6.

IC 15-18-1-14

Compliance with national standards; rules

Sec. 14. (a) Raw milk for processing and milk and milk products must conform to all the standards in the rules adopted by the board.

(b) The board shall adopt a rule and may adopt emergency rules under IC 4-22-2-37.1 to establish standards for Grade A milk and milk products. The standards adopted under this section must be:

(1) the same as; or

(2) at least as effective in protecting health as;

the national standards for Grade A milk adopted by the National Conference on Interstate Milk Shipments in accordance with the national conference's Memorandum of Understanding with the United States Department of Health and Human Services, Food and Drug Administration.

(c) The board shall determine when an amendment to national standards described in subsection (b) has been adopted. If the board determines that an amendment to the national standards has been adopted, the board shall adopt rules and may adopt emergency rules under IC 4-22-2-37.1 to amend the rules adopted by the board under subsection (b) to provide a standard that is:

(1) the same as; or

(2) at least as effective in protecting health as;

the amendment to the national standards for Grade A milk.

(d) The board may adopt standards for the production of manufacturing grade milk products.

(e) The board may do the following:

(1) Adopt rules defining grades of raw milk and milk products and various tests to be made at different intervals in the receipt of raw milk and milk products for the manufacturing or processing of milk and milk products.

(2) Adopt sanitary rules concerning the sampling, production, manufacturing, processing, handling, packing, storing, distributing, and transporting of milk and milk products for the enforcement of this chapter.

(3) Provide that raw milk and milk products that do not meet the minimum standards provided and that are unfit for human consumption be destroyed or removed from distribution channels for human food in a manner provided by rule.

(4) Require training for bulk milk hauler/samplers.

As added by P.L.2-2008, SEC.9. Amended by P.L.186-2014, SEC.7.

IC 15-18-1-15

Sale of milk and milk products

Sec. 15. (a) A person may not manufacture, sell, exchange, or have in the person's possession with intent to sell or exchange any milk or milk product that:

(1) does not conform to at least the minimum standards established and approved by the board; or

(2) is packaged in a container or wrapping with labeling that has not been approved by the board.

(b) A person may not manufacture, sell, exchange, or deliver, or have in the person's possession with intent to sell, exchange, or deliver, milk, cream, skim milk, condensed milk, evaporated milk, or powdered milk that:

(1) is mixed with sugar, eggs, flavors, or other substances;

(2) is:
(A) made in imitation or semblance of ice cream; or
(B) calculated or intended to be sold as ice cream or for ice cream; and
(3) does not conform with the standards for ice cream as approved and adopted by the board.

(c) This chapter does not prohibit the delivery to and the receiving of identifiable refillable milk containers by exchanges in the usual course of business and for the bona fide purpose of returning the containers to the lawful owners.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-16

Drug residue violation screenings; violations

Sec. 16. (a) Milk must be screened for drug residue violations as follows:

(1) Except as provided in subdivision (2), milk shall be screened for drug residues as required by this chapter and rules adopted by the board. The board may adopt rules governing testing for drug residues in milk that are at least as effective in protecting the public health as the national standards adopted by the National Conference on Interstate Milk Shipments.

(2) Milk from manufacturing grade dairy farms shall be tested for drug residues as required by this chapter and rules adopted by the board.

(3) All milk that tests positive for drug residues must be disposed of in a manner that removes it from the human and animal food chain or that acceptably reconditions the milk under United States Health and Human Services, Food and Drug Administration compliance policy guidelines. In all cases of drug residue violations, a producer may not resume shipping milk until a drug test conducted by an officially designated laboratory shows the producer's milk is negative for drug residues and the test results are reported to the office of the state veterinarian.

(4) All positive drug residue test results must be called into the office of the state veterinarian immediately, and a written report of the test results must be faxed or delivered to the office of the state veterinarian not later than twenty-four (24) hours after the test. The producer whose milk tested positive must be notified of the positive drug residue test immediately. The company that conducted the test is responsible for the reporting requirements in this subdivision.

(b) The board may impose a civil penalty described in section 17 of this chapter on a person that sells or offers to sell milk that contains drug residues.

As added by P.L.2-2008, SEC.9. Amended by P.L.186-2014, SEC.8.

IC 15-18-1-17

Calculation of civil penalties; other sanctions

Sec. 17. (a) The following definitions apply throughout this section:

(1) "Daily production" means the amount of milk, measured by hundred weight, produced by the positive producer in one (1) day, measured on the day in which the drug residue violation occurred.

(2) "Producer reimbursement" means an amount assessed against the positive producer to reimburse others for milk contaminated by the positive producer's contaminated milk, not including the value of the positive producer's contaminated milk for which the positive producer was not paid.

(3) "Revocation period" means the period after a Grade A producer's permit is revoked under this section that the producer may not apply for a Grade A permit.

(b) A penalty established under this section may not be more severe than the penalty standard for drug residue violations adopted by the National Conference on Interstate Milk Shipments in its Pasteurized Milk Ordinance adopted in accordance with the National Conference's Memorandum of Understanding with the United States Department of Health and Human Services, Food and Drug Administration. The penalty imposed may not exceed one thousand dollars ($1,000) for a first offense or two thousand dollars ($2,000) for a subsequent offense.

(c) A producer whose milk tests positive for drug residues shall pay a civil penalty and participate in drug residue education activities as follows:

(1) The following is imposed on a producer for the first positive test for drug residues within a twelve (12) month period:

(A) The civil penalty shall be determined as follows:

STEP ONE: Multiply the daily production by two (2).

STEP TWO: Multiply the STEP ONE result by three dollars ($3).

STEP THREE: Subtract the producer reimbursement from the STEP TWO result.

The positive producer shall pay a civil penalty that is the greater of the amount determined in STEP THREE or five dollars ($5).

(B) The positive producer must, in conjunction with the producer's veterinarian and an official of the board, complete an approved protocol to prevent future drug residue violations and provide proof of completion to the board of animal health, office of the state veterinarian within thirty (30) days after the drug residue violation. Failure to complete the protocol and submit proof of completion within thirty (30) days results in action to suspend the producer's permit.

(2) The following is imposed for a second positive test for drug residues within a twelve (12) month period:

(A) The civil penalty described in subdivision (1)(A) shall be imposed.

(B) The positive producer must complete an approved protocol described in subdivision (1)(B).

(C) The producer must attend a meeting called by the state veterinarian to discuss the violations and demonstrate that appropriate practices have been implemented to mitigate the risk of further drug residue violations.

(3) The third or subsequent positive test result for drug residues within a twelve (12) month period has the following results:

(A) The board shall initiate action under section 6 of this chapter to suspend or revoke a producer's Grade A permit if the producer has a permit.

(B) The civil penalty set forth in subdivision (1)(A) is imposed.

(C) If a producer requests reinstatement of the producer's permit, the producer must submit to the state veterinarian a set of written procedures that the producer will follow to prevent future drug residue violations. The procedures must be specific, practical, and reasonably likely to lessen the possibility of a drug residue violation when followed by the producer.

(d) The state veterinarian, by special permit, may allow a producer that objects to the imposition of a civil penalty to dump two (2) days of milk production on a first offense and four (4) days of milk production on the second or third offense instead of paying a civil penalty if payment of a civil penalty would impose undue hardship on a producer. The state veterinarian may set the conditions under which the milk is to be dumped and may require documentation from the producer showing the circumstances under which the milk was dumped.

(e) Civil penalties collected under this section shall be deposited in the dairy drug residue abatement fund established by section 31 of this chapter.

As added by P.L.2-2008, SEC.9. Amended by P.L.186-2014, SEC.9.

IC 15-18-1-18

Diagnosis of tuberculosis, brucellosis, and other diseases in dairy cattle

Sec. 18. (a) Milk for pasteurization must be from herds that are located in a modified accredited tuberculosis free area as determined by the United States Department of Agriculture. Herds located in an area that fails to maintain accredited status must be accredited by the United States Department of Agriculture as tuberculosis free or must have passed an annual tuberculosis test.

(b) Milk for pasteurization must be from herds under a brucellosis

eradication program that meets one (1) of the following conditions:

(1) Is located in certified brucellosis free areas as defined by the United States Department of Agriculture and enrolled in the testing program for the area.

(2) Meets United States Department of Agriculture requirements for an individually certified herd.

(3) Participates in a milk ring testing program that is conducted on a continuing basis at intervals of at least every six (6) months with individual blood tests on all animals in herds showing suspicious reactions to the milk ring tests.

(4) Conducts an individual blood agglutination test annually with an allowable maximum grace period not exceeding two (2) months.

(c) Goat milk and sheep milk for pasteurization must be from a herd or flock that meets health requirements adopted by rule of the board.

(d) For a disease other than brucellosis and tuberculosis and for conditions other than disease that may adversely affect public health, the board shall require physical, chemical, or bacteriological tests as the board considers necessary. The diagnosis of other diseases in dairy cattle, goats, and sheep must be based upon the findings of a licensed veterinarian or a veterinarian employed by an official agency. A diseased animal must be disposed of as the board directs.

(e) Records documenting the tests required in this section shall be validated with the signature of a licensed veterinarian accredited by the United States Department of Agriculture or a board veterinarian.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-19

Storage of raw milk

Sec. 19. Raw milk from dairy farms that do not have a valid permit from the board to sell Grade A raw milk for pasteurization must be cooled to sixty (60) degrees Fahrenheit and be maintained at that temperature at the point of origin unless the milk is delivered to a receiving station or transfer station not later than two (2) hours after milking.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-20

Sale of graded milk products; prohibited milk ordinances

Sec. 20. (a) Only Grade A pasteurized milk, Grade A pasteurized milk products, and manufacturing grade milk products that meet the requirements of this chapter, including rules adopted under this chapter, may be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments.

(b) A municipality or county may not do the following:

(1) Impose different standards or requirements for Grade A milk and milk products or manufacturing grade milk products than

those provided for in this chapter.

(2) Prohibit the sale of milk or a milk product if the milk or milk product has been produced and processed in accordance with this chapter.

As added by P.L.2-2008, SEC.9. Amended by P.L.186-2014, SEC.10.

IC 15-18-1-21

Pasteurization; exceptions

Sec. 21. (a) A person may not offer, display for sale, sell, deliver, or have possession of with intent to sell or deliver milk or milk products for human consumption unless every particle of the final mixture of the milk or milk products used in processing or manufacture has been thoroughly pasteurized by equipment approved by the board.

(b) The provisions of this chapter governing pasteurization do not apply to a person selling or offering for sale cheddar cheese that has been made from unpasteurized milk if:

(1) the cheese was made from unpasteurized milk and has been cured or ripened for at least sixty (60) days at a controlled temperature of at least thirty-five (35) degrees Fahrenheit; or

(2) the cheese is manufactured solely to be made into processed cheese that is pasteurized during the blending or manufacturing process.

Varieties of cheese other than that of the cheddar type made from unpasteurized milk must be ripened for the time and under the conditions prescribed by rule of the board. Cheese made from unpasteurized milk and offered or displayed for sale to the consumer must be labeled by the manufacturer or distributor with the manufacturer's or distributor's name and address or an equivalent identifying number or symbol and with the date of manufacture or a statement to the effect that the cheese has been cured or ripened for at least sixty (60) days.

(c) A pasteurizer of any milk or milk products must be equipped with accurate indicating thermometers and accurate recording thermometers and, for vat pasteurization equipment, an accurate airspace thermometer of a type approved by the board. Each recording thermometer chart must be dated and numbered and must show the amount in gallons, the kind of product pasteurized, the accurate readings of the indicating thermometers and airspace thermometers, the time the reading was made, and the operator's initials. Each chart may not be used for more than one (1) day of operations. The records of the pasteurization of each batch pasteurized must be retained for at least ninety (90) days.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-22

Transfer of milk products; storage containers

Sec. 22. (a) Except as permitted in this section, a milk producer

or distributor may not transfer milk or milk products from one (1) container or tank truck to another on the street, in a vehicle, store, or in any place except a milk plant, receiving station, transfer station, or milkhouse especially used and permitted for that purpose. The dipping or ladling of milk or fluid milk products is prohibited. A can milk hauler or a bulk milk hauler/sampler may not sample raw milk or milk products to test for butterfat or transfer raw milk or milk products from one (1) can or vehicle to another while in transit except in a receiving station, transfer station, or in conformity with the statutes and rules enforced by the board.

(b) A person may not sell or serve milk or a fluid milk product except in the individual original container received from the distributor or from an approved bulk dispenser. However, this requirement does not apply to the following:

(1) Milk for mixed drinks requiring less than one-half (1/2) pint of milk.

(2) Cream, whipped cream, or half-and-half that is consumed on the premises and that may be served from the original container of not more than one-half (1/2) gallon capacity or from a bulk dispenser approved for such service by the board.

(c) A person may not sell pasteurized milk or a milk product that has not been maintained at a temperature required by rule adopted by the board.

As added by P.L.2-2008, SEC.9. Amended by P.L.186-2014, SEC.11.

IC 15-18-1-23

Milk cans and receptacles

Sec. 23. (a) A person may not place or cause to be placed in a milk can or receptacle any sweepings, refuse, dirt, litter, garbage, filth, or any other animal or vegetable substance liable to decay and tending to produce or promote an unsanitary condition.

(b) A person may not allow a can or receptacle to remain uncleaned or bring or deliver to a person an uncleaned can or a receptacle for the purpose of return or bring or deliver any milk, cream, or ice cream can or receptacle for the purpose of delivery or shipment to any person or creamery engaged in selling or shipping substances for consumption as human food when the can or receptacle contains particles of milk, cream, ice cream, or other substance prohibited from being placed there.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-24

Conditions for sale of products from outside Indiana

Sec. 24. Milk and milk products from outside Indiana and not subject to the board's inspection may be sold in Indiana if the following conditions are met:

(1) The milk and milk products are produced and pasteurized under rules that are substantially equivalent to this chapter.

(2) The milk and milk products have been awarded an acceptable milk sanitation compliance and enforcement rating made by a state milk sanitation rating officer certified by the United States Food and Drug Administration.

(3) The milk originates from an area where the unit of government accepts Indiana Grade A milk and milk products certified by an Indiana sanitation rating officer.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-25

Employees affected by communicable diseases

Sec. 25. (a) A person who is affected with a disease in a communicable form or who is a carrier of a disease may not work at a dairy farm or milk plant in any capacity that brings the person into contact with the production, handling, storage, or transportation of milk, milk products, containers, equipment, or utensils.

(b) A dairy farm or milk plant operator may not employ a person who is:

(1) affected with or who is suspected of having a communicable disease; or

(2) a carrier or who is suspected of being a carrier of a communicable disease;

in any capacity that brings the person into contact with the production, handling, storage, or transportation of milk, milk products, containers, equipment, or utensils.

(c) A producer or distributor of milk or milk products shall notify the board immediately if any of the following occur:

(1) A communicable disease occurs on the producer's or distributor's dairy farm or milk plant.

(2) The producer or distributor of milk or milk products suspects that an employee has contracted or has become a carrier of a disease in a communicable form.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-26

Powers of board upon suspicion of infection

Sec. 26. When reasonable cause exists to suspect the possibility of transmission of infection from a person concerned with the handling of milk or milk products, the board may require any or all of the following measures:

(1) The immediate exclusion of the person from milk handling.

(2) The immediate exclusion of the milk supply concerned from distribution and use.

(3) Adequate medical and bacteriological examination of the person, the person's associates, and their body discharges.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-27

Submission of plans for approval

Sec. 27. Properly prepared plans for each milkhouse, milking barn, stable, parlor, transfer station, milk plant, milk tank truck cleaning facility, and receiving station regulated under this chapter that is constructed, reconstructed, or extensively altered must be submitted to the board for written approval before work is begun.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-28

Duties of board to administer rules and enforce chapter

Sec. 28. (a) The board shall employ personnel necessary to adequately and efficiently enforce this chapter and the rules adopted under IC 4-22-2.

(b) The board may negotiate agreements with state and local governmental agencies necessary in the opinion of the board to provide for the proper administration of this chapter.

(c) The board may enter into reciprocal agreements with federal or state milk control agencies having standards substantially equivalent with this chapter and that are enforced with equal effectiveness.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-29

Enforcement by board

Sec. 29. The board shall enforce this chapter in accordance with the rules adopted under section 14 of this chapter and IC 15-17-3-21.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-30

Inspections; performance of official duties

Sec. 30. A person who is licensed under this chapter or who is engaged in:

(1) the production, transportation, processing, or packaging of raw or pasteurized milk and milk products;

(2) the business of selling or distributing products described in subdivision (1) for human consumption; or

(3) the business of manufacturing containers for milk and milk products;

may not prevent the inspectors and agents of the board from performing official duties.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-31

Dairy drug residue abatement fund

Sec. 31. (a) The dairy drug residue abatement fund is established to implement education and other programs designed to prevent drug residue violations. Money in the fund is appropriated for these purposes.

(b) The fund consists of civil penalties collected under section 17 of this chapter.

(c) The board shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-32

Board enforcement; inspections; authority to enter

Sec. 32. The board shall enforce this chapter and for that purpose may enter upon and inspect premises on which containers are stored, suspected of being stored, or trafficked in or on premises where raw or pasteurized milk or milk products are produced, purchased, received, transferred, transported, stored, processed, or put in containers to be offered for sale or sold or distributed for human consumption.

As added by P.L.2-2008, SEC.9.

IC 15-18-1-33

Violations

Sec. 33. (a) A person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

As added by P.L.2-2008, SEC.9.

IC 15-18-2

Chapter 2. Milk and Cream Purchases

IC 15-18-2-1

"Babcock test"

Sec. 1. As used in this chapter, "Babcock test" means the official Babcock test for milk and for cream.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-2

"Board"

Sec. 2. As used in this chapter, "board" refers to the creamery examining board established by section 9 of this chapter.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-3

"Milk distributor"

Sec. 3. As used in this chapter, "milk distributor" means any person or person's agent that purchases market milk or market cream from a bargaining agent or another plant for resale.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-4

"Other processing plant"

Sec. 4. As used in this chapter, "other processing plant" means any place, premises, or establishment:

(1) where milk or cream is received, processed, or manufactured; and

(2) that is not specifically identified in this chapter.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-5

"Person"

Sec. 5. As used in this chapter, unless the context otherwise indicates, "person" includes an individual, a partnership, a limited liability company, a corporation, and an association.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-6

"Receiving station"

Sec. 6. As used in this chapter, "receiving station" means any place other than a dairy processing plant where milk or cream is received, weighed, sampled, or tested for shipment to any other processing plant.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-7

"Standard Babcock testing glassware"

Sec. 7. As used in this chapter, "standard Babcock testing glassware" means glassware and weights that comply with specifications for official apparatus for the Babcock method as defined in the latest edition of Official Methods of Analysis of AOAC International.
As added by P.L.2-2008, SEC.9.

IC 15-18-2-8
Enforcement
Sec. 8. The creamery license division of Purdue University, in cooperation with the board, shall enforce this chapter.
As added by P.L.2-2008, SEC.9.

IC 15-18-2-9
Creamery examining board; membership
Sec. 9. (a) The creamery examining board is established. The board consists of eight (8) members composed of the following:
(1) Three (3) producers of milk and cream.
(2) Three (3) processors of milk and cream.
(3) One (1) member of the animal sciences department who shall be appointed by the dean of agriculture of Purdue University.
(4) One (1) milk hauler.
The board shall elect a chairperson annually.
(b) Two (2) of the producer members shall be elected to the board by the board of directors of the Indiana Dairy Producers, Inc. The third producer member shall be elected to the board by the Indiana State Dairy Association. If an organization is unable to elect a producer to the board, then the other organization shall elect the producer to the board. However, if both organizations are unable to elect a producer to the board, the dean of agriculture of Purdue University shall appoint a producer to fill the open position after consulting with dairy producers in Indiana.
(c) The three (3) processor members shall be elected to the board by the Midwest Dairy Products Association. If the Midwest Dairy Products Association is not able to elect a processor to the board, the dean of agriculture of Purdue University shall appoint a processor to fill the open position after consulting with dairy processors in Indiana.
(d) The Midwest Dairy Products Association shall elect one (1) member each year. The board of directors of the Indiana Dairy Producers, Inc., shall elect a producer member to the board two (2) out of every three (3) years and the Indiana State Dairy Association shall select a producer member during the third year.
(e) The milk hauler member shall be appointed to the board by the dean of agriculture of Purdue University.
As added by P.L.2-2008, SEC.9. Amended by P.L.186-2014, SEC.12.

IC 15-18-2-10
Terms

Sec. 10. (a) The term of a board member is three (3) years.

(b) A vacancy in any membership of the board shall be filled by the same process for the unexpired term.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-11
Reimbursement

Sec. 11. Board members shall be reimbursed by the creamery license division for actual traveling expenses and subsistence while attending a regular or called meeting.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-12
Duties

Sec. 12. The board shall do the following:

(1) Hold regular quarterly meetings and in addition meet in special called sessions at a date, time, and place designated by the chairperson.

(2) Review all cases of violation of this chapter.

(3) Recommend the revocation of any license issued under this chapter.

(4) Adopt specific rules under IC 4-22-2 relative to weighing, sampling, and testing of milk and cream and to the enforcement of the creamery license law.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-13
Inspection

Sec. 13. On recommendation of the board and with the approval of the dean of agriculture of Purdue University, inspectors of the creamery license division may inspect records or collect data on the quality and quantity of milk and cream in plants that:

(1) cooperate with Purdue University in the quality improvement program; or

(2) assist in any other project that will be of mutual benefit to the Indiana dairy industry and the Purdue University animal sciences department.

As added by P.L.2-2008, SEC.9. Amended by P.L.186-2014, SEC.13.

IC 15-18-2-14
Basis of milk purchases; fresh samples; composite samples

Sec. 14. (a) Milk and cream must be purchased on the basis of weight or volume and:

(1) the butterfat content;

(2) the protein content; or

(3) a combination of butterfat and protein content;

as determined by any test or tests approved by the board, which may also have been designated official by AOAC International.

(b) A payment for milk must be made either on the basis of:

(1) a fresh sample taken and tested according to procedures established under rules adopted by the board; or

(2) a composite test.

A composite sample must cover a period of not more than sixteen (16) days. In each plant, all composite samples must cover the same period for each test and succeeding periods must be as nearly equal as possible. All composite samples must cover the same period. A uniform sample consisting of at least ten (10) cubic centimeters of milk must be taken each day, except when milk is frozen or partly churned, from the milk furnished by each person. An approved preservative must be added to the sample and each composite sample must be held in an approved, rubber stoppered, airtight bottle that is plainly labeled to show the name or number of the person whose milk the composite sample represents. The milk to be sampled must be poured into a weigh tank approved by the creamery license division meeting the standards prescribed in rules, be run through a fine mesh or perforated metal strainer, and be homogeneous in richness before any sample is taken. The composite samples must be kept in a refrigerated cabinet or cooler in or near the receiving room at a temperature of not more than forty-two (42) degrees Fahrenheit, away from strong light, and must be kept free of mold. The test must be made within seventy-two (72) hours, excluding Sundays and holidays, after the last sample has been added to the composite sample.

(c) If at the close of any composite period the composite samples are inaccurate as determined by the creamery license division, three (3) daily samples must be taken within the first five (5) days of the following composite period. The average of the three (3) fresh samples determines the basis of payment for the composite period in question.

(d) In each plant where composite samples of milk are taken, the owner or manager shall delegate an individual who is responsible for the care, condition, and accuracy of all composite samples.

(e) After the composite samples are emptied, the sample bottles must be thoroughly washed, and all bottles and rubber stoppers shall be sterilized before being used again.

(f) Composite samples may be removed from the plant for testing elsewhere only on written permission from the creamery license division.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-15

Unfair samples; fraudulent manipulation of weights or samples; method of weighing and sampling

Sec. 15. (a) A hauler of milk or cream or other person or dairy

processing plant or other milk plant or agent receiving milk or cream by weight or test or by weight and test may not fraudulently manipulate the weights of milk or cream of any person to take unfair samples or fraudulently manipulate the samples.

(b) When milk is received from farm bulk tanks, the hauler shall:

(1) weigh or measure the milk of each person accurately and correctly; and

(2) thoroughly mix the milk of each person by stirring until the milk is uniform and homogeneous in richness before the sample is taken from the milk.

When the weighing or sampling of the milk or cream of each person is done at the dairy processing plant, receiving station, other factory, or other location, the same procedures for buying and paying for milk or cream on the basis of the butterfat and protein apply.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-16

Fraudulent manipulation of tests

Sec. 16. A person acting alone or as the officer, servant, agent, or employee of any person buying and paying for milk or cream on the basis of the total composition of milk, the protein, or fat components of milk may not:

(1) underread, overread, or otherwise fraudulently manipulate the test used to determine the total composition of milk or the protein and fat components of milk; or

(2) pay for milk or cream on any test except the true test of the lot or lots of milk or cream received.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-17

Babcock testing; scales; other equipment

Sec. 17. (a) A person or a person's agent buying or paying for milk or cream on the basis of the amount of butterfat contained in the milk or cream as determined by the Babcock test shall use standard Babcock testing glassware and accurate scales.

(b) In conducting tests other than an approved test for determining the total composition of milk and the protein and fat components of milk, test equipment used that will influence test results must be approved by the creamery license division before use in determining producer pay tests.

As added by P.L.2-2008, SEC.9. Amended by P.L.186-2014, SEC.14.

IC 15-18-2-18

License for milk or cream buyers; fees; revocation

Sec. 18. (a) A dairy processing plant, a receiving station, a milk shipping station, a milk factory, a milk distributor, a cheese factory, a condensery, an ice cream factory, other processing plant, person, or person's agent that handles, receives, buys, or pays for milk or

cream from a producer, a bargaining agent, or another plant shall obtain a license from the creamery license division.

(b) A license must be issued to the dairy, dairy processing plant, receiving station, milk factory, milk distributor, cheese factory, condensery, ice cream factory, other processing plant, person, or person's agent by the creamery license division upon:

(1) compliance with sections 14 through 17 of this chapter; and

(2) payment of a license fee as provided in sections 22 and 23 of this chapter.

A license shall be revoked by Purdue University upon recommendation of the board if the licensee fails to comply with the rules under which the license was granted.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-19

Tester's license; employment of licensed tester; examination; license fee; revocation; refusal to issue license

Sec. 19. (a) A person who does testing in connection with the receiving, buying, or paying for milk or cream on the basis of the total composition or the protein and fat components contained in the milk or cream, either for the person or as an officer, a servant, an agent, or an employee of any person, must hold a tester's license.

(b) A dairy processing plant, receiving station, or other factory, or person, or person's agent, that receives, buys, or pays for milk or cream on the basis of the total composition or the protein and fat components contained in the milk or cream shall employ a licensed tester to supervise and is responsible for the operation of the testing of milk or cream.

(c) A milk tester's license or cream tester's license shall be issued to a person by the creamery license division if the person:

(1) passes a satisfactory examination as provided for in the rules adopted by the board and demonstrates that the person is competent and qualified to test milk or cream; and

(2) pays a license fee as provided in section 24 of this chapter.

A license shall be revoked by the creamery license division upon recommendation of the board if the licensee fails to comply with the rules under which the license was granted.

(d) The board may refuse to issue or reissue a license under this section to a person who:

(1) has:

(A) previously held a license under this section; and

(B) had the license revoked or suspended by the board; or

(2) has held a milk testing related license or permit that has been suspended or revoked in another state.

As added by P.L.2-2008, SEC.9. Amended by P.L.186-2014, SEC.15.

IC 15-18-2-20

Sampler's license; employment of licensed sampler; examination;

license fee; revocation; refusal to issue license

Sec. 20. (a) A person who does sampling in connection with receiving, buying, or paying for milk or cream on the basis of the total composition of milk or the protein and fat components contained in the milk or cream, either for the person, or as officer, servant, agent, or employee of any person, must hold a sampler's license.

(b) A dairy processing plant, receiving station, other factory, person, or person's agent, that receives, buys, or pays for milk or cream on the basis of the amount of butterfat contained in the milk or cream shall employ a licensed sampler to supervise and is responsible for the sampling and weighing of milk or cream to obtain a representative sample and make and record correct weights of the whole amount of milk or cream delivered.

(c) A milk sampler's license or cream sampler's license shall be issued to a person by the creamery license division if the person:

(1) passes a satisfactory examination as provided for in the rules adopted by the board and demonstrates that the person is competent and qualified to sample milk or cream; and

(2) pays a license fee as provided in section 25 of this chapter.

A license shall be revoked by the creamery license division upon recommendation of the board if the licensee fails to comply with the rules under which the license was granted.

(d) A license to test milk or cream includes the authority to sample and weigh milk or cream.

(e) The board may refuse to issue or reissue a license under this section to a person who:

(1) has:

(A) previously held a license under this section; and

(B) had the license revoked or suspended by the board; or

(2) has held a milk sampling related license or permit that has been suspended or revoked in another state.

As added by P.L.2-2008, SEC.9. Amended by P.L.186-2014, SEC.16.

IC 15-18-2-21

New license for testers and samplers

Sec. 21. An application for a new license to test must be accompanied by the payment of a fee of thirty dollars ($30). An application for a new license to sample or weigh must be accompanied by the payment of a fee of twenty dollars ($20). The fee shall pay for the first regular tester's or sampler's license issued to the applicant. If the applicant fails the examination or discontinues work before the examination can be given, the applicant forfeits the fee paid for the new license.

As added by P.L.2-2008, SEC.9. Amended by P.L.186-2014, SEC.17.

IC 15-18-2-22

Plant license

Sec. 22. The creamery license division shall issue a plant license to every dairy processing plant, receiving station, milk factory, cheese factory, condensery, ice cream factory, or other person that complies with section 18 of this chapter and pays to the creamery license division seventy-five dollars ($75) plus a fee of:

(1) twelve dollars ($12) per million on milk receipts of at least ten million (10,000,000) but not more than fifty million (50,000,000) pounds;

(2) nine dollars ($9) per million on milk receipts of at least fifty million (50,000,000) but not more than one hundred million (100,000,000) pounds; and

(3) five dollars ($5) per million on milk receipts of at least one hundred million (100,000,000) pounds;

during the preceding year ending December 31. The maximum fee may not exceed one thousand dollars ($1,000) regardless of volume received. Out-of-state milk receipts are exempt from the payment of fees.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-23

Receiving station or other milk or cream processing plant license

Sec. 23. A license shall be issued to a receiving station or other milk or cream processing plant upon payment to the creamery license division a fee of twenty-five dollars ($25).

As added by P.L.2-2008, SEC.9.

IC 15-18-2-24

Milk or cream tester's license

Sec. 24. A license shall be issued to an applicant for a milk tester's license or cream tester's license if the applicant:

(1) complies with section 19 of this chapter; and

(2) pays to the creamery license division a fee of fifteen dollars ($15).

As added by P.L.2-2008, SEC.9.

IC 15-18-2-25

Sampler's license

Sec. 25. A license shall be issued to an applicant for a sampler's license if the applicant:

(1) complies with section 20 of this chapter; and

(2) pays to the creamery license division a fee of ten dollars ($10).

As added by P.L.2-2008, SEC.9.

IC 15-18-2-26

License expiration

Sec. 26. A license issued under this chapter expires March 31 following its issue. A license is not transferable.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-27
Repealed

(As added by P.L.2-2008, SEC.9. Repealed by P.L.186-2014, SEC.18.)

IC 15-18-2-28
Fees on milk purchases; charge-back to producers

Sec. 28. (a) To secure sufficient funds to implement this chapter and to ensure accuracy to milk and cream producers in the weighing, sampling, and testing of milk and cream:

(1) a dairy processing plant;
(2) a receiving station;
(3) a milk factory;
(4) a milk distributor;
(5) a cheese factory;
(6) a condensery;
(7) an ice cream factory;
(8) any other processing plant; or
(9) a person purchasing fluid milk or cream in Indiana directly from producers or a producers' association or otherwise receiving milk directly from producers;

shall, during the month of May of each year, pay to the treasurer of Purdue University for the fluid milk or cream delivered during the month of May a sum equal in amount to two and one-half cents ($.025) per one hundred (100) pounds for all fluid milk purchased during that time. For the financing of the producers' share of this program, the processor shall charge the two and one-half cents ($.025) per one hundred (100) pounds back to the producer association or cooperative. For those patrons who do not belong to producer associations or cooperatives, the processor shall make this charge directly to the individual producer. Butterfat purchased from producers other than in the form of fluid milk shall be converted for the purpose of the deduction into four percent (4%) milk equivalent. Out-of-state receipts are exempt from the payment of these fees.

(b) All persons required to make payments under this section shall make reports of all purchases of milk and cream at the times and in the form as required by the creamery license division.

(c) It is a violation of this chapter for a person to fail to make:

(1) the payments required under this section; or
(2) an accurate accounting of the amount of fluid milk and cream purchased.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-29
Payment of fees; use of funds

Sec. 29. Payments under section 28 of this chapter shall be made

to the treasurer of Purdue University not later than June 20 of each year. The money received is for the exclusive use of the creamery license division. The money shall be expended for the following:

(1) Salaries and traveling expenses of inspectors.

(2) Necessary equipment and supplies for the inspection of all plants and stations.

(3) The examination of applicants for licenses.

(4) Disseminating information and instruction by means of publication.

(5) All other expenses necessary in administering this chapter.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-30
Late fees

Sec. 30. If a person is more than thirty (30) days late paying a fee required under this chapter, the board shall assess a late fee of the greater of the following:

(1) Ten percent (10%) of the amount due.

(2) Five dollars ($5).

As added by P.L.2-2008, SEC.9.

IC 15-18-2-31
Disposition of license fees

Sec. 31. (a) The money for license fees and for inspection fees as provided in this chapter shall be paid to the treasurer of Purdue University. The Purdue University board of trustees shall expend the collected fees, on proper vouchers to be filed with the auditor of state, in meeting all necessary expenses in carrying out this chapter, including the employment of inspectors, traveling expenses of inspectors, expenses of issuing publications, and glassware equipment, testing device, and factory inspection as provided in this chapter.

(b) The treasurer's annual report to the governor must include a classified report showing the total receipts and expenditures of all fees received under this chapter.

As added by P.L.2-2008, SEC.9.

IC 15-18-2-32
Annual report; statistics; records

Sec. 32. Plants and stations covered by this chapter as listed in section 18 of this chapter (dairy processing plant and receiving station licenses) shall report before April 1 of each year the amount of milk or cream, or both, purchased during the last calendar year with the amount of butterfat in the milk or cream. Any other data or statistics desired by the creamery license division pertaining to the purchase of milk or cream must be reported to the creamery license division by the person according to and on forms furnished by the creamery license division. A person providing information under this

section shall keep complete and accurate records of the person's business.
As added by P.L.2-2008, SEC.9.

IC 15-18-2-33
Powers of inspectors; powers of creamery examining board

Sec. 33. (a) For purposes of this chapter, inspectors of the creamery license division may do the following:

(1) Enter at all reasonable hours all places where milk or cream is being stored, bottled, or processed, or where milk or cream is being bought, sold, or handled, to inspect records pertaining to the purchase and payment of milk or cream.

(2) Inspect and copy the records pertaining to the purchase and payment of milk or cream.

(3) Take testimony to ascertain facts pertaining to the purchase and payment of milk or cream that in the judgment of the creamery license division are necessary to administer this chapter.

(b) The board may determine the truth and accuracy of the books, records, papers, documents, accounts, and reports required to be furnished in accordance with this chapter.
As added by P.L.2-2008, SEC.9.

IC 15-18-2-34
Interference with or obstruction of inspector

Sec. 34. (a) A person or an officer, a servant, an agent, or an employee of a person may not interfere with an authorized inspector of the creamery license division who is:

(1) making an inspection; or

(2) taking a sample;

required under this chapter.

(b) A person that owns or operates or is in charge of a dairy processing plant, a receiving station, a milk factory, a cheese factory, a condensery, an ice cream factory, or other processing plant that is subject to inspection or entry by an inspector of the creamery license division may not refuse to allow or may not obstruct an inspector's entry or inspection.
As added by P.L.2-2008, SEC.9.

IC 15-18-2-35
Violations

Sec. 35. A person who recklessly violates this chapter commits a Class A misdemeanor.
As added by P.L.2-2008, SEC.9.

IC 15-18-3

Chapter 3. Prohibition of Fees Assessed by Local Governments on Milk Producers

IC 15-18-3-1

"Engaged in the production of milk"

Sec. 1. As used in this chapter, "engaged in the production of milk" includes every person engaged in producing milk in Indiana or to be shipped into Indiana as a:

(1) producer;
(2) producer-distributor; or
(3) producer-cooperative.

As added by P.L.2-2008, SEC.9.

IC 15-18-3-2

"Milk"

Sec. 2. As used in this chapter, "milk" means the lacteal secretion obtained by the milking of one (1) or more cows or other dairy animals, including goats, whether in the original or in any processed form, including cream, buttermilk, and skimmed milk intended for human consumption.

As added by P.L.2-2008, SEC.9.

IC 15-18-3-3

"Person"

Sec. 3. As used in this chapter, "person" means an individual, a firm, a limited liability company, a corporation, or an association.

As added by P.L.2-2008, SEC.9.

IC 15-18-3-4

"Producer"

Sec. 4. As used in this chapter, "producer" means a person who produces milk in Indiana or to be shipped into Indiana.

As added by P.L.2-2008, SEC.9.

IC 15-18-3-5

"Producer-cooperative"

Sec. 5. As used in this chapter, "producer-cooperative" includes:

(1) corporations or associations organized under IC 15-12-1; or
(2) similar corporations or associations organized under agricultural cooperative marketing acts of states adjoining Indiana and admitted to do business in Indiana.

As added by P.L.2-2008, SEC.9.

IC 15-18-3-6

"Producer-distributor"

Sec. 6. As used in this chapter, "producer-distributor" includes a person that:

(1) owns, manages, or controls a dairy herd; and
(2) sells or distributes milk from the person's own herd at wholesale or retail.

As added by P.L.2-2008, SEC.9.

IC 15-18-3-7

Milk producers; exemption from certain local fees

Sec. 7. A unit (as defined in IC 36-1-2-23) may not assess:
(1) a permit fee;
(2) a license fee; or
(3) an inspection fee;

on a person engaged in the production of milk.

As added by P.L.2-2008, SEC.9.

IC 15-18-4

Chapter 4. Payment of Claims Against Dairy Processing Plants

IC 15-18-4-1

Claim against milk processor; priority on insolvency

Sec. 1. (a) The whole claim or a judgment for the whole claim of a person is entitled to the same preferences in an insolvency proceeding under IC 22-2-10-1 if the claim or judgment is against:

(1) the owner or operator of a dairy plant or receiving station or any other premises where a dairy product is manufactured, processed, or handled or of any premises used to receive and ship milk or cream, except to the ultimate consumer; or

(2) any:

(A) dealer in a dairy product; or

(B) other person (except a hauler from the producer to a plant or receiving station) who purchases, assembles, or receives a dairy product for manufacturing, processing, or sale;

and the basis of the claim or judgment is milk, cream, any other dairy product or byproduct, or any commodity, the principal constituents or ingredients of which include (separately or in combination) milk, cream, or any other dairy product that is sold or delivered to the owner, operator, dealer, or other person.

(b) This section does not affect or impair any other lien or security for the claim or judgment described in subsection (a).

As added by P.L.2-2008, SEC.9.

IC 15-18-5

Chapter 5. Indiana Dairy Industry Development

IC 15-18-5-1

"Board"

Sec. 1. As used in this chapter, "board" refers to the Indiana dairy industry development board established by section 9 of this chapter.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-2

"Commercial use"

Sec. 2. As used in this chapter, "commercial use" means sale for:

(1) retail consumption;

(2) resale; or

(3) processing for resale.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-3

"Director"

Sec. 3. As used in this chapter, "director" refers to the director of the Indiana state department of agriculture or the director's designee.

As added by P.L.2-2008, SEC.9. Amended by P.L.120-2008, SEC.86.

IC 15-18-5-4

"Milk"

Sec. 4. As used in this chapter, "milk" means any class of milk produced by dairy cows in Indiana.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-5

"Person"

Sec. 5. As used in this chapter, "person" means an individual, a partnership, a limited liability company, a public or private corporation, a political subdivision (as defined in IC 36-1-2-13), a cooperative, a society, an association, or a fiduciary.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-6

"Producer"

Sec. 6. As used in this chapter, "producer" means a person engaged in the production of milk in Indiana for commercial use, including a producer-processor.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-7

"Producer-processor"

Sec. 7. As used in this chapter, "producer-processor" means a producer who processes and markets the producer's own milk.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-8
"Qualified program"

Sec. 8. As used in this chapter, "qualified program" means a state or regional dairy product promotion, research, or nutrition education program that:

(1) is certified under 7 CFR 1150.153, as amended; and

(2) meets the following requirements:

(A) Conducts activities (as defined in 7 CFR 1150.114, 7 CFR 1150.115, and 7 CFR 1150.116) intended to increase consumption of milk and dairy products.

(B) Is financed primarily by producers, either individually or through cooperative associations.

(C) Does not use a private brand or trade name in advertising and promotion of dairy products unless the national dairy promotion and research board established under 7 CFR 1150.131 and the United States Secretary of Agriculture concur that the requirement should not apply.

(D) Certifies to the United States Secretary of Agriculture that a request from a producer for a refund under the program will be honored by forwarding the part of the refund equal to the amount of credit that otherwise would be applicable to the program under 7 CFR 1150.152(c) to either the national dairy promotion and research board or a qualified program designated by the producer.

(E) Does not use program funds to influence governmental policy or action.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-9
Indiana dairy industry development board created as a body corporate and politic

Sec. 9. (a) The Indiana dairy industry development board is established. The board is a public body corporate and politic and, though it is separate from the state, the exercise by the board of its powers constitutes an essential governmental function.

(b) The board consists of:

(1) at least nine (9); and

(2) not more than twenty-five (25);

voting members appointed under section 12 of this chapter.

(c) Each voting member of the board must:

(1) be a resident of Indiana;

(2) be at least twenty-one (21) years of age;

(3) have been actually engaged in the production of milk in Indiana for at least one (1) year; and

(4) derive a substantial part of the member's income from the production of milk in Indiana.

(d) The board may appoint individuals who hold offices of importance to the milk industry or have special expertise concerning the industry to participate in the work of the board as nonvoting members. Not more than five (5) individuals may be appointed under this subsection.

(e) The director may participate in the activities of the board as an ex officio member.

(f) An Indiana dairy farmer selected to serve on the national dairy board shall be a nonvoting, advisory member of the board.

(g) Fewer than fifty percent (50%) of the board members, including nonvoting members, may be members of Milk Promotion Services of Indiana, Inc.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-10

Determination of percentages of milk marketings produced

Sec. 10. (a) Before March 31 of each year, the board shall:

(1) determine:

(A) the percentage of the state's milk marketings produced by each producer registered with the state board of animal health or the United States Department of Agriculture; and

(B) the number of representatives, if any, each producer is entitled to have on the board based on funds retained in Indiana; and

(2) inform each producer described in subdivision (1)(A) of the determinations made under subdivision (1).

(b) The board shall make the determinations required under this section based upon:

(1) year end milk marketing figures from:

(A) the United States Department of Agriculture; or

(B) any other source the board considers reliable; and

(2) the formula prescribed under section 12 of this chapter.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-11

Nominations to board

Sec. 11. (a) Not later than thirty (30) days after receiving a notice from the board under section 10 of this chapter, a producer or group of producers entitled to representation on the board may submit nominations to the board for board members.

(b) A producer or group of producers may submit two (2) nominations for each board member to which the producer or group of producers is entitled.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-12

Appointments to board

Sec. 12. (a) The board shall appoint from among the nominations

made under section 11 of this chapter one (1) board member to represent each:

(1) producer who represents at least three percent (3%) of the state's participating milk marketings; and

(2) group of producers that:

(A) collectively represents at least three percent (3%) of the state's participating milk marketings; and

(B) notifies the board that the producers desire to be considered collectively for purposes of representation on the board.

(b) In addition to the members appointed under subsection (a), the board shall appoint one (1) board member to represent a producer or group of producers described in subsection (a)(2) for each additional ten percent (10%) of the state's participating milk marketings exceeding three percent (3%) that the producer or group of producers represents. Not more than four (4) board members may represent any producer or group of producers.

(c) The board shall make the appointments required under this section not later than thirty (30) days after the close of the period for submission of nominations under section 11 of this chapter.

(d) An appointment made by the board under this section may not result in a producer or group of producers having two (2) members on the board at the same time that represent the same share of the state's participating milk marketings.

(e) If a producer or group of producers entitled to representation on the board fails to submit a nomination, the board may appoint any individual who meets the requirements of section 9(c) of this chapter to represent the producer or group of producers.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-13

Terms of board members

Sec. 13. (a) The term of office of a board member is three (3) years.

(b) A member continues in office until a successor who meets the qualifications set forth in section 9(c) of this chapter is elected.

(c) A member may not serve for more than a total of three (3) terms.

(d) If, upon expiration of the term of a board member, the producer or group of producers that nominated the member no longer represents the percentage of the state's milk marketings required under section 12 of this chapter, a person may not be appointed to replace the board member.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-14

Traveling expenses

Sec. 14. (a) As used in this section, "maximum daily amount"

refers to the maximum daily amount allowable to employees of the executive branch of the federal government for subsistence expenses while away from home in travel status.

(b) Each member of the board who is not a state employee is entitled to a business per diem determined by the board.

(c) Each member of the board is also entitled to either:

(1) a per diem to cover travel and other expenses incurred in connection with the member's duties; or

(2) reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties;

as determined by the board.

(d) The business per diem allowance may not exceed the maximum daily amount allowable in the particular location where the member's duties are being performed. A mileage rate established by the board may not exceed the standard mileage rates for personally owned transportation equipment established by the United States Internal Revenue Service for each mile necessarily traveled from the member's usual place of residence to the particular location where the member's duties are being performed.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-15

Vacancies on board

Sec. 15. (a) A member's term of office terminates and the member's office becomes vacant if the member:

(1) dies;

(2) becomes disabled;

(3) resigns; or

(4) ceases to meet at least one (1) of the qualifications set forth in section 9(c) of this chapter.

(b) If a board member's office becomes vacant before expiration of the member's term of office, the board shall:

(1) certify to the producer or group of producers who nominated the member that the vacancy exists; and

(2) request nominations in accordance with section 11 of this chapter to fill the vacancy.

(c) The board shall appoint one (1) of the individuals nominated under subsection (b).

(d) An individual appointed under this section shall serve for the remainder of the unexpired term.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-16

Duties of the board

Sec. 16. The board shall do the following:

(1) Elect from among the board's members a chairperson, vice chairperson, secretary, treasurer, and other officers the board considers necessary.

(2) Employ personnel and contract for services that are necessary for the proper implementation of this chapter.
(3) Establish accounts in adequately protected financial institutions to receive, hold, and disburse funds accumulated under this chapter.
(4) Bond the treasurer and other persons as necessary to ensure adequate protection of funds received and administered by the board.
(5) Authorize the expenditure of funds and the contracting of expenditures to conduct proper activities under this chapter.
(6) Annually establish priorities and prepare and approve a budget consistent with the estimated resources of the board and the scope of this chapter.
(7) Provide for an independent audit, provide the results of the audit to the state board of accounts and the Indiana state department of agriculture, and make the results of the audit available to all interested persons.
(8) Procure and evaluate data and information necessary for the proper implementation of this chapter.
(9) Formulate and execute assessment procedures and methods of collection.
(10) Establish procedures to annually inform all producers regarding board members, policy, expenditures, and programs for the preceding year.
(11) Receive and investigate, or cause to be investigated, complaints and violations of this chapter and take necessary action within its authority.
(12) Take any other action necessary for the proper implementation of this chapter, including the adoption of rules under IC 4-22-2.

As added by P.L.2-2008, SEC.9. Amended by P.L.120-2008, SEC.87.

IC 15-18-5-17
Meetings of board

Sec. 17. (a) The board shall meet at least once every six (6) months.

(b) The board shall meet at a date, time, and place fixed by the board.

(c) The chairperson:
(1) may call a special meeting; and
(2) shall call a special meeting upon the request of at least twenty-five percent (25%) of the members of the board.

(d) Written notice of the date, time, and place of all meetings shall be mailed in advance to each board member.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-18
Quorum

Sec. 18. (a) A majority of voting members appointed to the board constitutes a quorum for the transaction of business.

(b) The affirmative vote of a majority of all members appointed to the board is necessary for the action of the board.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-19

Review of expenditures

Sec. 19. At each regular meeting, the board shall review all expenditures made since the board's last regular meeting.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-20

Minutes of meetings and other records

Sec. 20. (a) The board shall keep:

(1) minutes of the board's meetings; and

(2) other books and records that clearly reflect all the acts and transactions of the board.

(b) The records of the board required to be kept under subsection (a) shall be open to examination during normal business hours.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-21

Office space; administrative expenses

Sec. 21. (a) The board may contract for the necessary office space, furniture, stationery, printing, and personnel services useful or necessary for the administration of this chapter.

(b) The total administrative costs and expenses of the board may not exceed five percent (5%) of the annual assessments collected under this chapter.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-22

Liabilities of board; personal liability of members and employees

Sec. 22. (a) Obligations incurred by the board and other liabilities and claims against the board may be enforced only against the assets of the board in the same manner as if it were a corporation. Liabilities for the debts or actions of the board may not arise against:

(1) the state;

(2) a political subdivision (as defined in IC 34-6-2-110); or

(3) a member, officer, employee, or agent of the board in an individual capacity.

(b) The members and employees of the board may not be held responsible individually to any person for errors in judgment, mistakes, or other acts either of commission or omission, as principal, agent, or employee, except for their own individual acts that result in the violation of any law.

(c) An employee of the board may not be held responsible

individually for the act or omission of a member of the board.

(d) Any liability of the members of the board is several and not joint. A member of the board may not be held liable for the default of another member.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-23

Annual report filed with director

Sec. 23. (a) The board shall file a report with the director before October 1 of each year.

(b) The report required under subsection (a) must contain the following information:

(1) The income received from the assessments and penalties collected under this chapter for the preceding fiscal year.

(2) The expenditure of funds by the board during the year for the administration of this chapter.

(3) A brief description of all contracts requiring the expenditure of funds by the board and the action taken by the board on all contracts.

(4) An explanation of all programs relating to the discovery, promotion, and development of markets and industries for the use of dairy products and the direct expense associated with each program.

(5) The name and address of each member of the board.

(6) A brief description of the rules and orders adopted by the board.

(c) The report required under subsection (a) shall be available to the public upon request.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-24

Imposition of assessment on milk

Sec. 24. An assessment of ten cents ($0.10) per hundredweight is imposed on all milk produced in Indiana for commercial use.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-25

Remittance of assessment to board

Sec. 25. A producer shall remit the assessment required under section 24 of this chapter to the board:

(1) not later than the last day of the month following the month in which the milk is commercially used; and

(2) together with a report in a form approved by the board detailing all assessments collected and remitted under this chapter.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-26

Assessments; deposit requirement

Sec. 26. The board shall deposit all assessments received under this chapter in the fund established by the board under section 28 of this chapter.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-27

Procedures for directing assessment to other entities

Sec. 27. The board shall establish procedures for allowing a producer to direct the distribution of the producer's assessment to:

(1) the national dairy board; or

(2) a qualified program other than the program chosen by the board.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-28

Assessment fund; uses

Sec. 28. (a) The board shall establish and administer a fund for assessments received under this chapter. The fund is not a part of the state treasury.

(b) The board shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(c) The board shall use the money in the fund to implement this chapter.

(d) The board may not use money in the fund to establish a program of its own but shall fund an active, ongoing, qualified program in Indiana as stated in 7 U.S.C. 4505 and the regulations adopted under that law. A qualified program that receives money under this subsection may use the money to jointly sponsor projects with any private or public organization for any of the following:

(1) Advertising and promotion.

(2) Market research.

(3) Nutrition and product research and development.

(4) Nutrition and educational programs.

(5) Any other activity to meet the objectives of this chapter.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-29

Penalties on unpaid assessments

Sec. 29. (a) The board shall add a penalty of one and one-half percent (1.5%) per month on an unpaid assessment, beginning with the day following the date the assessment was due. Any remaining amount due, including an unpaid penalty assessed under this section, shall be increased at the same rate on the corresponding day of each succeeding month until paid.

(b) For purposes of this section, an assessment that was

determined at a date later than prescribed by section 25 of this chapter because of the failure to submit a report to the board when due shall be considered to have been payable on the date it would have been due if the report had been timely filed.

(c) The timeliness of a payment to the board shall be based on:

(1) the applicable postmarked date; or

(2) the date actually received by the board;

whichever is earlier.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-30

Court action to collect assessments and fees

Sec. 30. The board may maintain a court action to collect assessments and late payment fees due under this chapter.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-31

Cumulative nature of remedies

Sec. 31. The remedies provided in this chapter are in addition to other remedies provided by law or in equity.

As added by P.L.2-2008, SEC.9.

IC 15-18-5-32

Violations

Sec. 32. A person who knowingly or intentionally violates this chapter commits a Class C misdemeanor.

As added by P.L.2-2008, SEC.9.

IC 15-19

ARTICLE 19. LIVESTOCK

IC 15-19-1

Chapter 1. Livestock Breeders Associations

IC 15-19-1-1

Application of chapter

Sec. 1. Subject to section 4(b) of this chapter, this chapter applies to a fair association described in section 2 of this chapter and organized after March 5, 1889.

As added by P.L.2-2008, SEC.10.

IC 15-19-1-2

Incorporation of fair associations

Sec. 2. (a) A group of at least five (5) persons may form an incorporated company for the purpose of forming a fair association to improve the breeding and speed of stock and to promote agriculture.

(b) To form a fair association described in subsection (a), a group must adopt written articles of association that:

(1) specify the purpose of the fair association;
(2) specify the corporate name chosen for the fair association;
(3) list the name and residence of each member;
(4) contain an impression of the corporate seal; and
(5) establish the manner in which persons or officers are chosen to manage the business concerns of the fair association.

As added by P.L.2-2008, SEC.10.

IC 15-19-1-3

Articles of association; filing; amendment

Sec. 3. Every fair association shall file its articles of association in the recorder's office of the county where the association is formed. The recorder shall record the articles of association in the miscellaneous record. The record or a certified copy of the record is conclusive evidence of the matters recited in the record. The articles may be amended at any time by a majority vote of the members of the association. The articles of association take effect on the date they are recorded in the recorder's office.

As added by P.L.2-2008, SEC.10.

IC 15-19-1-4

Corporate powers; application to previously organized fair associations

Sec. 4. (a) A fair association is a corporation from the date the articles of incorporation are filed in the appropriate recorder's office. The fair association has all the rights, powers, and privileges given to a corporation under common law, including the right to:

(1) sue and be sued;
(2) borrow money and secure payment by notes, mortgages, bonds, or deeds of trust upon its personal and real property; and
(3) rent, lease, purchase, hold, sell, and convey real estate and personal property to the extent necessary and proper to erect buildings and other proper purposes of the corporation.

(b) If:
(1) a fair association was organized in Indiana before March 6, 1889; and
(2) the fair association met the requirements of section 2 of this chapter when it was organized;

subsection (a) applies to that association and to an association described in section 1 of this chapter.
As added by P.L.2-2008, SEC.10.

IC 15-19-1-5
Bylaws

Sec. 5. A fair association may provide in its bylaws for the admission and expulsion of members and for the election of officers as may be necessary to accomplish the goals of the corporation. A fair association may adopt bylaws for the governance of the officers and members of the corporation.
As added by P.L.2-2008, SEC.10.

IC 15-19-2

Chapter 2. Indiana Standardbred Advisory Board

IC 15-19-2-1

"Board"

Sec. 1. As used in this chapter, "board" refers to the Indiana standardbred advisory board established by section 2 of this chapter.

As added by P.L.2-2008, SEC.10.

IC 15-19-2-2

Establishment

Sec. 2. The Indiana standardbred advisory board is established to make recommendations to the Indiana horse racing commission (IC 4-31-3-1) for the furtherance of the standardbred horse industry in Indiana.

As added by P.L.2-2008, SEC.10.

IC 15-19-2-3

Membership

Sec. 3. The Indiana standardbred advisory board consists of seven (7) members selected as follows:

(1) The chairman of the Indiana horse racing commission, or the chairman's designee, is an ex officio member.

(2) Two (2) members who are members of county fair boards appointed by the governor.

(3) Four (4) members appointed by the governor who have in the past participated or shown an interest in the standardbred industry. This interest may, but does not necessarily have to be, evidenced by virtue of being an owner, driver, veterinarian, trainer, or breeder.

Not more than three (3) of the appointees under subdivisions (2) and (3) may be of the same political party as the chairman of the Indiana horse racing commission.

As added by P.L.2-2008, SEC.10.

IC 15-19-2-4

Terms of members

Sec. 4. The term of a board member appointed under section 3(2) and 3(3) of this chapter is three (3) years.

As added by P.L.2-2008, SEC.10.

IC 15-19-2-5

Officers; records; location

Sec. 5. (a) The advisory board shall elect a chairperson, a vice chairperson, a treasurer, and other officers the board considers necessary. The chairman of the Indiana horse racing commission serves as secretary and is entitled to vote on all matters.

(b) The records of the board shall be kept by the Indiana horse

racing commission.

(c) The office of the board must be at the same location as the offices of the Indiana horse racing commission.

As added by P.L.2-2008, SEC.10.

IC 15-19-2-6

Quarterly and special meetings

Sec. 6. The board shall meet quarterly and at other times as the members consider necessary. Special meetings may be called by the chairperson or at the written request of at least four (4) members after presenting the written request to the secretary. Members must receive at least ten (10) days notice before any meeting.

As added by P.L.2-2008, SEC.10.

IC 15-19-2-7

Per diem

Sec. 7. Board members, excluding the chairman of the Indiana horse racing commission, are eligible to receive a per diem on days the board is in session.

As added by P.L.2-2008, SEC.10.

IC 15-19-2-8

Powers and duties

Sec. 8. (a) After considering the recommendations of the board, the Indiana horse racing commission may:

(1) conduct educational, informational, and youth programs, and sponsor and expend funds for any program and advertising aimed at promoting the standardbred industry in Indiana;

(2) employ persons to aid in general promotion or race administration programs for the standardbred industry in Indiana;

(3) prescribe standards for race programs and conditions of races, which may include types of races, length of races, positioning of entries, or gait;

(4) disburse available money to supplement purses for any individual race with a cooperating fair or standardbred race meeting;

(5) disburse available money to supplement purses for races having the requirement that the entries be owned by legal residents of Indiana; and

(6) accept and disburse donations, contributions, appropriations, or grants of money or real or personal property.

(b) After considering the recommendations of the board, the Indiana horse racing commission shall distribute available money so that either:

(1) the division between the trotting and pacing gaits of the standardbred horse is as near equal as possible in proportion to entries received for any race program; or

(2) the entries may have been conceived by a stallion that regularly stands within Indiana and that is listed in the standardbred registry.

(c) The Indiana horse racing commission shall establish a standardbred registry.

(d) After considering the recommendations of the board, the Indiana horse racing commission shall collect fees for the registration of standardbred stallions in an amount established by the commission. However, amounts collected may not exceed five hundred dollars ($500) per stallion.

(e) After considering the recommendations of the board, the Indiana horse racing commission shall establish purses for races or to promote races if the races are open to only the offspring of standardbred stallions registered under subsection (c).

As added by P.L.2-2008, SEC.10.

IC 15-19-2-9

Division of money

Sec. 9. All money that is disbursed as prescribed in section 8 of this chapter must be divided so that of all the money dispensed in any one (1) year:

(1) at least sixty percent (60%) is supplemented for use in prescribed programs of county and 4-H fairs; and

(2) not more than forty percent (40%) is used to supplement purses at the Indiana state fair.

As added by P.L.2-2008, SEC.10.

IC 15-19-2-10

Standardbred horse fund

Sec. 10. (a) The standardbred horse fund is established.

(b) The money received by the Indiana horse racing commission under this chapter shall be deposited in the standardbred horse fund. The standardbred horse fund is a nonbudgetary fund. Money remaining in the standardbred horse fund at the end of a state fiscal year does not revert to the state general fund.

(c) After considering the recommendations of the advisory board, the Indiana horse racing commission may disburse money from the standardbred horse fund for any purpose described in section 8 of this chapter.

(d) The Indiana horse racing commission shall pay any expense incurred in administering this chapter from the standardbred horse fund.

As added by P.L.2-2008, SEC.10.

IC 15-19-3

Chapter 3. Regulation of Horse Racing

IC 15-19-3-1

Application of chapter

Sec. 1. This chapter does not apply to races conducted at racetracks licensed under IC 4-31.

As added by P.L.2-2008, SEC.10.

IC 15-19-3-2

"Horse"

Sec. 2. As used in this chapter, "horse" includes a stallion, mare, filly, gelding, colt, donkey, or mule.

As added by P.L.2-2008, SEC.10.

IC 15-19-3-3

"Race"

Sec. 3. As used in this chapter, "race" means:

(1) a speed trial for a horse; or

(2) a contest in which horses run, gallop, pace, or trot;

that is conducted either in the presence of at least fifty (50) persons or after there has been public notice that it would occur.

As added by P.L.2-2008, SEC.10.

IC 15-19-3-4

Conduct of races; unauthorized race prohibited

Sec. 4. (a) A person who knowingly, intentionally, or recklessly conducts or participates in a race not authorized under this section commits a Class B misdemeanor.

(b) A person may conduct a race only after April 14 and before November 16. A person may conduct races during not more than three (3) race meetings a year, each of which may last not more than fifteen (15) days. A person may not begin the second race meeting less than thirty (30) days after the first, or the third race meeting less than thirty (30) days after the second.

As added by P.L.2-2008, SEC.10.

IC 15-19-3-5

Unlawful acts to affect performance of horse

Sec. 5. A person who, with intent to stimulate or depress the performance of a horse in a race:

(1) administers a controlled substance listed in IC 35-48 to the horse less than twenty-four (24) hours before the race;

(2) injures or otherwise affects the horse; or

(3) possesses an electrical, a mechanical, or other appliance, other than a whip or spur, that can be used during the race to affect the horse;

commits a Class B misdemeanor.

As added by P.L.2-2008, SEC.10.

IC 15-19-4
Chapter 4. Racing Pigeons

IC 15-19-4-1
Trapping, killing, or injuring; offense

Sec. 1. A person who:

(1) traps, detains, injures, or kills a pigeon, knowing that the pigeon is a racing pigeon, homer, racing homer, or homing pigeon; and

(2) is not the owner of the pigeon;

commits a Class C infraction.

As added by P.L.2-2008, SEC.10.

IC 15-19-4-2
Removing or damaging identification; offense

Sec. 2. A person who:

(1) knowingly removes or damages any identification attached to a racing pigeon, homer, racing homer, or homing pigeon; and

(2) is not the owner of the pigeon;

commits a Class C infraction.

As added by P.L.2-2008, SEC.10.

IC 15-19-5
Chapter 5. Livestock Certification

IC 15-19-5-1
"Administrator"
Sec. 1. As used in this chapter, "administrator" means the governor or the governor's designee.
As added by P.L.2-2008, SEC.10.

IC 15-19-5-2
"Buyer"
Sec. 2. As used in this chapter, "buyer" means a buyer of livestock bought for direct shipment to a person in a foreign country.
As added by P.L.2-2008, SEC.10.

IC 15-19-5-3
"Livestock"
Sec. 3. As used in this chapter, "livestock" means any animal or fowl raised for commercial purposes.
As added by P.L.2-2008, SEC.10.

IC 15-19-5-4
Certification by administrator
Sec. 4. The administrator may certify that certain livestock, bovine semen, or embryos meet the specifications of a buyer of that livestock, bovine semen, or embryos.
As added by P.L.2-2008, SEC.10.

IC 15-19-5-5
Fee
Sec. 5. The administrator shall charge a fee to cover the costs of certification under this chapter.
As added by P.L.2-2008, SEC.10.

IC 15-19-5-6
Power of administrator
Sec. 6. The administrator has the powers necessary to carry out this chapter.
As added by P.L.2-2008, SEC.10.

IC 15-19-5-7
Liability
Sec. 7. The administrator and the state are immune from liability for lawful actions taken under this chapter.
As added by P.L.2-2008, SEC.10.

IC 15-19-5-8
Offense

Sec. 8. A person who intentionally or knowingly forges a certification or the identification of livestock, bovine semen, or embryos certified under this chapter commits a Level 6 felony.
As added by P.L.2-2008, SEC.10. Amended by P.L.158-2013, SEC.221.

IC 15-19-6
Chapter 6. Livestock Brands

IC 15-19-6-1
Application of administrative hearings
Sec. 1. IC 15-17-17 (hearings) applies to this chapter.
As added by P.L.2-2008, SEC.10.

IC 15-19-6-2
"Board"
Sec. 2. As used in this chapter, "board" refers to the Indiana state board of animal health established by IC 15-17-3-1.
As added by P.L.2-2008, SEC.10.

IC 15-19-6-3
"Brand"
Sec. 3. As used in this chapter, "brand" means a distinctive design or mark of identification made or applied to the hide on livestock by the use of a hot iron or by any other method or process approved by the board.
As added by P.L.2-2008, SEC.10.

IC 15-19-6-4
"Livestock"
Sec. 4. As used in this chapter, "livestock" means:
(1) all cattle or animals of the bovine species;
(2) all horses, mules, burros, and asses or animals of the equine species;
(3) all swine or animals of the porcine species; and
(4) all goats or animals of the caprine species.
As added by P.L.2-2008, SEC.10.

IC 15-19-6-5
"Person"
Sec. 5. As used in this chapter, "person" includes an individual, a firm, an association, a partnership, a corporation, other legal entity, a public or private institution, the state, a municipal corporation, or a political subdivision of the state.
As added by P.L.2-2008, SEC.10.

IC 15-19-6-6
Adoption of brands
Sec. 6. A person owning livestock within Indiana may adopt a brand for the person's exclusive use in Indiana. A person may not brand or cause to be branded any livestock with a brand that is of legal record in the office of the board unless that brand has been certified by the board for that person's exclusive use.
As added by P.L.2-2008, SEC.10.

IC 15-19-6-7
Recording of brands

Sec. 7. The board shall record livestock brands. The board shall implement this chapter and may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-8
Application for recording of brand

Sec. 8. (a) An owner of livestock in Indiana who wants to adopt a brand for the owner's exclusive use shall, before doing so, forward to the board an application on a form approved and provided by the board.

(b) For purposes of this chapter, the post office address included in an application under this section is considered the legal address of the applicant. Until the board receives a written notice of change of address from the applicant, the latest address of record with the board remains the legal address.

(c) If the brand is accepted, the board shall file the brand in the official brand book, furnish the applicant a brand certificate, and inform the applicant that the applicant has, from the date of filing, exclusive right to the use of the brand in Indiana.

(d) Additional brand certificates of a recorded brand may be obtained from the board upon the payment of a fee established by the board under section 18 of this chapter.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-9
One brand for each owner; separate livestock operation; identical or similar brands; restriction on use of brands

Sec. 9. (a) Only one (1) brand may be awarded or recorded for each owner of livestock. However, the owner or owners of separate and distinct livestock operations may, at the discretion of the board, record one (1) brand for use at each distinct and separate livestock operation.

(b) A brand may not be recorded or used if the brand:

(1) is identical with or, in the opinion of the board, is so similar to any brand previously recorded and remaining of legal record; or

(2) is an abandoned brand but has not been abandoned for five (5) years;

so as to be liable to cause confusion as to the identity or ownership of livestock.

(c) If the board determines that the submitted brand is already on record for another person or that it so closely resembles a previously registered brand that the brands cannot be readily distinguished, the board shall notify the applicant and return the facsimile brand and recording fee. In case of duplications, applications bearing the

earliest postmark will be accepted.

(d) The board shall adjust conflicting stock brands and make any necessary changes. Changes made by the board are conclusive, and brands the board indicates may be recalled or adjusted at any time by means of written notice from the board given to the owner of the brand.

(e) A brand may be recorded in Indiana only in the office of the board.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-10

Evidentiary effect of certificates of recordation

Sec. 10. All certificates of recordation or rerecordation of brands furnished by the board are prima facie evidence of the ownership of all livestock of the kind or kinds bearing the brand or brands specified and as set forth in the record. The certificates are evidence of ownership in all lawsuits or in any criminal proceedings, when the title to livestock in Indiana is to be proved. Disputes in ownership or custody of branded livestock shall, upon request, be investigated by state or county law enforcement officials.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-11

Ownership of brands

Sec. 11. (a) A recorded brand is the personal property of the person in whose name it is filed and is subject to sale, assignment, transfer, devise, and descent as personal property.

(b) A written instrument that evidences the sale, assignment, or transfer of a brand must be forwarded to the board to be recorded in the official brand book.

(c) The board shall determine the fee for recording a transaction under subsection (b).

(d) As soon as the transaction has been recorded, the board shall furnish the new owner with a brand certificate.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-12

Determination of renewal date

Sec. 12. (a) By January 1 of each fifth year following the original recording with the board, each owner of a brand of record shall submit to the board a renewal fee to be established by the board.

(b) For the purpose of determining the renewal date, the period between the date a brand is recorded by the board and January 1 of the next year constitutes the first year of the five (5) year period.

(c) If the owner of a brand of record fails, refuses, or neglects to pay the fee by June 30 of the year in which it is due, the brand shall be forfeited and no longer carried in the record. A forfeited brand may not be issued to another person for five (5) years after the date

of forfeiture. During that five (5) year period, the former owner of record may apply to the commission for reinstatement of the forfeited brand. An application for reinstatement must be accompanied by a reinstatement fee established by the board. The renewal date for a reinstatement brand remains the same.

(d) Renewal fees on reinstatement brands are due on January 1 of each fifth year following the original recording.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-13

Use of unrecorded brand

Sec. 13. (a) Except as otherwise provided by this section, a person may not use any brand for identifying livestock unless the brand has been recorded under this chapter. If a recorded brand is applied to livestock that have been branded by a previous owner, the recorded brand must be applied so as not to overlap, obliterate, disfigure, or mutilate the existing brand or brands.

(b) Brands consisting of arabic numerals only may be used for individual livestock identification if they are located at least ten (10) inches from any recorded brand. Brands for individual identification may not be recorded.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-14

Publication of recorded brands

Sec. 14. (a) The board shall publish all the recorded brands in a book and publish supplemental lists at least once each year. The brand book and supplements must contain a facsimile of all brands recorded, together with the owner's name and legal mailing address.

(b) The board shall, without charge, furnish copies of the brand book and supplements to state and county law enforcement agencies in Indiana. The general public may obtain copies by remitting to the board the cost of printing and mailing each book and accompanying supplements.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-15

Reported livestock thefts

Sec. 15. The board, in cooperation with law enforcement officials in Indiana and other states, shall develop a uniform procedure for notifying livestock markets and livestock slaughtering establishments of reported livestock thefts.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-16

Application of a brand to livestock

Sec. 16. A brand must be applied to the shoulder, ribs, or hip on either the right or left side as determined by standing behind the

animal. A brand, except those for livestock disease control purposes, may not be applied to the head or neck area.
As added by P.L.2-2008, SEC.10.

IC 15-19-6-17
Sale and transportation of livestock

Sec. 17. (a) A person selling livestock branded with the person's brand recorded in a current state brand book or supplement shall execute to the purchaser a written bill of sale. The bill of sale must include:

(1) the signature and residence of the seller;
(2) the name and address of the purchaser;
(3) the total number of livestock sold;
(4) a description of each animal sold as to sex and kind; and
(5) all registered brands.

A copy of the bill of sale shall be given to each hauler of livestock, other than railroads, and must accompany the shipment of livestock while in transit. The bill of sale or a copy shall be shown by the possessor on demand to any law enforcement officer. The bill of sale is prima facie evidence of the conveyance of title of the livestock described by the bill of sale.

(b) A person engaged in the business of transporting or hauling livestock in Indiana shall, upon receiving livestock for transportation, issue a waybill or bill of lading for all livestock transported or hauled by the person. The waybill or bill of lading must accompany the shipment of livestock, with a copy being furnished to the person delivering livestock to the hauler. The waybill or bill of lading must include:

(1) the place of origin and destination of the shipment;
(2) the name of the owner of the livestock;
(3) the date and time of loading;
(4) the name of the person or company hauling the livestock;
(5) the number of livestock; and
(6) a general description of the livestock, including the identifying brands.

The waybill or bill of lading must be signed by the person delivering the livestock to the hauler, certifying that the information contained in the waybill or bill of lading is correct.
As added by P.L.2-2008, SEC.10.

IC 15-19-6-18
Charges for recording and rerecording of brands

Sec. 18. (a) The board may establish and collect:

(1) up to thirty-five dollars ($35) for each brand recording; and
(2) fair and reasonable charges related to the cost of administering a brand recordation program for:
    (A) the rerecording of brands;
    (B) the recording of instruments transferring ownership of

brands; and

(C) certificates of recordation or rerecordation of brands.

(b) The board shall deposit fees collected under this section in the brand registration fund. The brand registration fund is a nonbudgetary fund, and the money remaining in the brand registration fund at the end of a state fiscal year does not revert to the state general fund. The board may disburse money from the brand registration fund to defray the administrative costs of implementing this chapter.

As added by P.L.2-2008, SEC.10.

IC 15-19-6-19

Unauthorized application of a brand

Sec. 19. A person who, without permission of the owner, knowingly or intentionally applies a brand to livestock for the purpose of transferring ownership of that livestock commits a Level 5 felony.

As added by P.L.2-2008, SEC.10. Amended by P.L.158-2013, SEC.222.

IC 15-19-6-20

Destruction or alteration of a brand on livestock

Sec. 20. A person who knowingly destroys or alters a brand recorded with the board from livestock to conceal the identity of the owner of that livestock commits a Level 5 felony.

As added by P.L.2-2008, SEC.10. Amended by P.L.158-2013, SEC.223.

IC 15-19-6-21

Sale of livestock with destroyed or altered brand

Sec. 21. A person who knowingly sells or offers for sale livestock whose brand has been destroyed or altered for the purpose of concealing the identity of the owner of that livestock commits a Level 5 felony.

As added by P.L.2-2008, SEC.10. Amended by P.L.158-2013, SEC.224.

IC 15-19-6-22

Purchase of livestock with destroyed or altered brand

Sec. 22. A person who knowingly purchases livestock whose brand has been destroyed or altered for the purpose of concealing the identity of the owner of that livestock commits a Level 5 felony.

As added by P.L.2-2008, SEC.10. Amended by P.L.158-2013, SEC.225.

IC 15-19-6-23

Forgery

Sec. 23. A livestock brand is a written instrument for purposes of

IC 35-43-5.
As added by P.L.2-2008, SEC.10.

IC 15-19-7
Chapter 7. Commercial Feed

IC 15-19-7-1
"Brand name"

Sec. 1. As used in this chapter, "brand name" means a word, name, symbol, or device or any combination of words, names, symbols, graphics, or devices that identifies the commercial feed of a distributor and distinguishes it from that of other distributors.

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.20.

IC 15-19-7-2
"Commercial feed"

Sec. 2. As used in this chapter, "commercial feed" means all materials, or combinations of materials, that are distributed or intended for distribution for use as feed or for mixing in feed, except as exempted in this section. The term does not include the following unless labeled with nutritional claims or adulterated within the meaning of section 29(1) of this chapter:

(1) Unmixed whole seeds.

(2) Unmixed, physically altered whole seeds that have not been chemically altered.

(3) Commodities, compounds, or substances excluded by rules adopted by the state chemist under IC 4-22-2 in accordance with section 34 of this chapter.

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.21.

IC 15-19-7-2.5
"Contract feeder"

Sec. 2.5. As used in this chapter, "contract feeder" means a person who:

(1) is an independent contractor;

(2) feeds commercial feed to animals under a contract where the commercial feed is supplied, furnished, or otherwise provided to the person; and

(3) receives remuneration that is determined wholly or in part by feed consumption, mortality, profits, or amount or quality of product.

As added by P.L.99-2012, SEC.22.

IC 15-19-7-3
"Customer formula feed"

Sec. 3. As used in this chapter, "customer formula feed" means commercial feed that consists of a mixture of commercial feeds or feed ingredients, each batch of which is mixed to meet the request of the final purchaser that the mixture contain a specific content of ingredients, nutrients, or nonnutritive additives.

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.23.

IC 15-19-7-4
"Distribute"

Sec. 4. As used in this chapter, "distribute" means to:

(1) offer for sale, sell, exchange, or barter a commercial feed, or otherwise supply a commercial feed; or

(2) supply, furnish, or otherwise provide commercial feed to a contract feeder.

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.24.

IC 15-19-7-5
"Distributor"

Sec. 5. As used in this chapter, "distributor" means a person who distributes.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-6
"Drug"

Sec. 6. As used in this chapter, "drug" means:

(1) an article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than humans; or

(2) an article other than feed intended to affect the structure or any function of the animal body.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-7
"Feed ingredient"

Sec. 7. As used in this chapter, "feed ingredient" means each of the constituent materials making up a commercial feed.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-8
"Label"

Sec. 8. As used in this chapter, "label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed or on the invoice or delivery slip with which a commercial feed is distributed.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-9
"Labeling"

Sec. 9. As used in this chapter, "labeling" means all labels and other written, printed, or graphic matter:

(1) upon a commercial feed or its containers or wrappers; or

(2) accompanying a commercial feed.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-10

"Manufacture"

Sec. 10. As used in this chapter, "manufacture" means to grind, mix, blend, or further process a commercial feed for distribution.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-11

"Mineral feed"

Sec. 11. As used in this chapter, "mineral feed" means a commercial feed, the primary purpose of which is to supply mineral elements or inorganic nutrients.

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.25.

IC 15-19-7-12

"Official sample"

Sec. 12. As used in this chapter, "official sample" means a sample of feed taken by the state chemist or the chemist's agent in accordance with section 35(c) or 36 of this chapter.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-13

"Percent"

Sec. 13. As used in this chapter, "percent" or "percentage" means percentage by weight.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-14

"Person"

Sec. 14. As used in this chapter, "person" includes individuals, partnerships, limited liability companies, corporations, and associations.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-15

"Pet"

Sec. 15. As used in this chapter, except as provided in section 18 of this chapter, "pet" means a dog or cat.

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.26.

IC 15-19-7-16

"Pet food"

Sec. 16. As used in this chapter, "pet food" means a commercial feed prepared and distributed for consumption by dogs or cats.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-17

"Product name"

Sec. 17. As used in this chapter, "product name" means the name of the commercial feed that:

(1) identifies it as to kind, class, or specific use; and
(2) distinguishes it from all other products bearing the same brand name.

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.27.

IC 15-19-7-17.5
"Raw milk"

Sec. 17.5. As used in this chapter "raw milk" means any milk or milk product, including butter, yogurt, cottage cheese, and cheese, from any species other than humans, that has not been pasteurized according to processes recognized by the United States Food and Drug Administration. The term does not include United States Department of Agriculture approved veterinary biologics.

As added by P.L.99-2012, SEC.28.

IC 15-19-7-18
"Specialty pet"

Sec. 18. As used in this chapter, "specialty pet" means a domesticated animal normally maintained in a cage or tank, including a gerbil, hamster, bird, fish, snake, and turtle.

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.29.

IC 15-19-7-19
"Specialty pet food"

Sec. 19. As used in this chapter, "specialty pet food" means a commercial feed prepared and distributed for consumption by specialty pets.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-20
"Ton"

Sec. 20. As used in this chapter, "ton" means a net weight of two thousand (2,000) pounds avoirdupois.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-21
Administration of chapter

Sec. 21. This chapter shall be administered by the state chemist.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-22
Cooperation with state, federal, or private agencies

Sec. 22. The state chemist may cooperate with and enter into agreements with governmental agencies of this state, other states, agencies of the federal government, and private associations in order to carry out the purpose and provisions of this chapter.

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.30.

IC 15-19-7-23
Publication and distribution of information on commercial feed

Sec. 23. The state chemist shall publish at least annually, in a form that the state chemist considers proper:

(1) information concerning the distribution of commercial feeds, together with data on their production and use that the state chemist considers advisable; and

(2) a report of the results of the analyses of official samples of commercial feeds distributed within Indiana.

However, the information concerning production and use of commercial feed may not disclose the operations of any person.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-24
Distributors; commercial feed licenses

Sec. 24. (a) A person who manufactures a commercial feed or whose name appears on the label of a commercial feed may not distribute the commercial feed in Indiana without a commercial feed license issued by the state chemist on a form provided by the state chemist.

(b) An out-of-state distributor may not cause a commercial feed to be distributed in Indiana without a commercial feed license issued by the state chemist on a form provided by the state chemist.

(c) A commercial feed license is issued for a calendar year and expires December 31 of the year for which the license was issued. Commercial feed license fees are as follows:

(1) The filing fee for a new or renewal license is fifty dollars ($50).

(2) A late filing fee of fifty dollars ($50) shall be added to the license fee if the applicant has distributed feed before filing the license application.

(3) A late filing fee of fifty dollars ($50) shall be added to the filing fee for renewing a commercial feed license if the application for renewal is received after January 16.

(d) The form and content of commercial feed license applications shall be established by rules adopted by the state chemist under IC 4-22-2, in accordance with section 34 of this chapter.

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.31.

IC 15-19-7-25
Refusal, revocation, suspension, or conditions of commercial feed license

Sec. 25. (a) The state chemist may refuse to issue a license to any manufacturer or distributor who is not in compliance with this chapter.

(b) The state chemist may revoke or suspend a commercial feed license that is not in compliance with this chapter.

(c) The state chemist may place conditions that limit production

or distribution of a particular commercial feed on any person who is not in compliance with this chapter.

(d) A license may not be conditionalized, suspended, refused, or revoked unless the applicant or licensee has been given an opportunity to be heard before the state chemist.

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.32.

IC 15-19-7-26

Commercial feed label information

Sec. 26. A commercial feed, except a customer formula feed, must be accompanied by a label bearing the following information:

(1) The quantity statement.

(2) The product name and the brand name, if any, under which the commercial feed is distributed.

(3) The guaranteed analysis, expressed on an "as-is" basis, and stated in the terms that the state chemist, by rule, determines are required to advise the user of the composition of the feed or to support claims made in the labeling. In all cases the substances or elements must be determinable by laboratory methods such as the methods published by AOAC International.

(4) The common or usual name of each ingredient used in the manufacture of the commercial feed. However, the state chemist, by rule, may:

(A) permit the use of a collective term for a group of ingredients that perform a similar function; or

(B) exempt a commercial feed or group of commercial feeds from the requirement for an ingredient statement if the state chemist finds that such a statement is not required in the interest of consumers.

(5) The name and principal mailing address of the manufacturer or the person responsible for distributing the commercial feed.

(6) Adequate directions for use for:

(A) commercial feeds containing drugs; and

(B) other feeds that the state chemist requires by rule as necessary for their safe and effective use.

(7) Precautionary statements that the state chemist by rule determines are necessary for the safe and effective use of the commercial feed.

As added by P.L.2-2008, SEC.10. Amended by P.L.120-2008, SEC.88; P.L.99-2012, SEC.33.

IC 15-19-7-27

Customer formula feed label information

Sec. 27. Customer formula feed must be accompanied by a label, invoice, delivery slip, or other shipping document bearing the following information:

(1) Name and address of the manufacturer.

(2) Name and address of the purchaser.

(3) Date of delivery.

(4) The product name and brand name, if any, and the quality statement of each commercial feed used in the mixture, and the common or usual name and net weight of each other ingredient used, and the specific content, stated in terms as required in section 26 of this chapter, of any nutrients and nonnutritive additives added at the request of the purchaser.

(5) Adequate directions for use for:

(A) customer formula feeds containing drugs; and

(B) other feeds that the state chemist requires by rule as necessary for their safe and effective use.

(6) Precautionary statements that the state chemist by rule determines are necessary for the safe and effective use of the customer formula feed.

(7) If a drug containing product is used:

(A) a claim statement that includes the purpose of the medication; and

(B) the established name of each active drug ingredient and the amount of each drug used in the final mixture, expressed according to the requirements under subdivision (4).

As added by P.L.2-2008, SEC.10. Amended by P.L.120-2008, SEC.89; P.L.99-2012, SEC.34.

IC 15-19-7-28

Misbranding of commercial feed

Sec. 28. A commercial feed is considered misbranded if any of the following conditions exist:

(1) Its labeling is false or misleading in any particular.

(2) It is distributed under the name of another commercial feed.

(3) It is not labeled as required by section 26 or 27 of this chapter.

(4) It purports to be or is represented as a commercial feed, or it purports to contain or is represented as containing a commercial feed ingredient, unless the commercial feed or feed ingredient conforms to the definition, if any, prescribed by rule by the state chemist.

(5) Any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed on the label or labeling with sufficient conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in sufficient terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.35.

IC 15-19-7-29

Adulteration of commercial feed

Sec. 29. A commercial feed is considered adulterated if it meets

any of the following conditions:

(1) It bears or contains a poisonous or deleterious substance that may render it injurious to health. However, if the substance is not an added substance, the commercial feed is not considered to be adulterated under this subdivision if the quantity of the substance in the commercial feed does not ordinarily render it injurious to health.

(2) It contains an added poisonous, added deleterious, or added nonnutritive substance that is unsafe within the meaning of Section 406 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 346) other than one that is:

(A) a pesticide chemical in or on a raw agricultural commodity; or

(B) a food additive.

(3) It is, or it contains, a food additive that is unsafe within the meaning of Section 409 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 348).

(4) It is a raw agricultural commodity and it contains a pesticide chemical that is unsafe within the meaning of Section 408(a) of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(a)). However, if a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under Section 408 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) and the raw agricultural commodity has been subjected to processing, such as canning, cooking, freezing, dehydrating, or milling, the residue of the pesticide chemical remaining in or on the processed feed is not considered unsafe if:

(A) the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice;

(B) the concentration of the residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity; and

(C) the feeding of the processed feed will not result, or is not likely to result, in a pesticide residue in the edible product of the animal that is unsafe within the meaning of Section 408(a) of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(a)).

(5) It is, or it contains, a color additive that is unsafe within the meaning of Section 721 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e).

(6) It is, or it contains, an animal drug that is unsafe within the meaning of Section 512 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

(7) If any valuable constituent has been in whole or in part omitted or abstracted from the commercial feed or any less valuable substance has been substituted for a valuable

constituent.

(8) Its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

(9) It contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice rules adopted by the state chemist to ensure that the drug:

(A) meets the requirement of this chapter as to safety; and

(B) has the identity and strength, and meets the quality and purity characteristics that it is represented to possess.

In adopting these rules, the state chemist shall adopt the current good manufacturing practice regulations for Type A medicated articles and Type B and Type C medicated feeds established under authority of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), unless the state chemist determines that they are not appropriate to the conditions that exist in Indiana.

(10) It contains viable weed seeds in amounts exceeding the limits the state chemist establishes by rule.

(11) It consists in whole or in part of any filthy, putrid, or decomposed substance, or it is otherwise unfit for feed.

(12) It has been prepared, packed, or held under unsanitary conditions under which:

(A) it may become contaminated with filth; or

(B) it may have become injurious to health.

(13) It is, in whole or in part, the product of a diseased animal or of an animal that has died by means other than slaughter.

(14) It is unsafe within the meaning of Section 402(a)(1) or 402(a)(2) of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)(1) and 21 U.S.C. 342(a)(2)).

(15) Its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health.

(16) It has been intentionally subjected to radiation, unless the use of radiation was in conformity with a regulation or exemption in effect under Section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348).

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.36; P.L.13-2013, SEC.51.

IC 15-19-7-30

Inspection fee

Sec. 30. (a) A distributor shall pay to the state chemist an inspection fee at the rate of forty cents ($0.40) per ton on all commercial feeds distributed into or within Indiana, subject to the following:

(1) No fee shall be paid on a commercial feed if the payment has been made by a previous distributor.

(2) No fee shall be paid on a customer formula feed if the

inspection fee has been paid on all of the commercial feeds that are ingredients of the customer formula feed.

(3) On commercial feeds that contain ingredients on which the inspection fee has already been paid, credit shall be given for that payment.

(4) The minimum inspection fee is five dollars ($5) per quarter if a quarterly feed tonnage report is required under section 31 of this chapter.

(b) In the case of a pet food or a specialty pet food that is distributed in Indiana in packages of ten (10) pounds or less, an annual inspection fee of fifty dollars ($50) shall be paid instead of the tonnage inspection fee specified in subsection (a).

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.37.

IC 15-19-7-31

Quarterly tonnage reports

Sec. 31. (a) Except as provided in subsection (b), a distributor who is liable for the payment of the tonnage inspection fee under section 30 of this chapter shall file quarterly tonnage reports setting forth the number of net tons of commercial feeds distributed in Indiana during the preceding calendar quarter. The distributor shall file the reports not later than January 31, April 30, July 31, and October 31 of each year. Upon filing a report, the distributor shall pay the inspection fee at the rate stated in section 30 of this chapter. Inspection fees that are due and owing and have not been remitted to the state chemist within fifteen (15) days after the due date shall be increased by a penalty fee of ten percent (10%) of the amount due or fifty dollars ($50), whichever is greater. The assessment of this penalty fee does not prevent the state chemist from taking other actions under this chapter.

(b) A resident of Indiana who only manufactures and distributes customer formula feeds and has met the requirements of section 30 of this chapter is exempt from filing quarterly feed tonnage reports.

(c) A distributor who is subject to the inspection fees for small packaged pet and specialty pet foods distributed in containers of ten (10) pounds or less under section 30 of this chapter shall do the following:

(1) Before beginning distribution, file with the state chemist a listing of small packaged pet and specialty pet foods to be distributed in Indiana in containers of ten (10) pounds or less, on forms provided by the state chemist. The listing under this subdivision shall be renewed annually before January 1 of each year and is the basis for the payment of the annual inspection fee of fifty dollars ($50) per product. New products added during the year must be submitted to the state chemist as a supplement to the annual listing before distribution.

(2) If the annual renewal of the listing is not received before January 16 or if an unlisted product is distributed, pay a late

filing fee of ten dollars ($10) per product in addition to the normal charge for the listing. The late filing fee under this subdivision is in addition to any other penalty under this chapter.

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.38.

IC 15-19-7-32
Records; cancellation of commercial feed license

Sec. 32. (a) Each person required to pay an inspection fee or to report under this chapter shall keep records that are necessary or required by the state chemist to accurately indicate the tonnage of commercial feed or the number of small packaged pet and specialty pet products distributed in Indiana. The state chemist or the state chemist's agent may examine the records to verify statements of tonnage.

(b) Failure to:

(1) make an accurate statement of tonnage;

(2) make an accurate listing of small packaged pet or specialty pet products;

(3) pay the inspection fee; or

(4) accurately report any of the information required to be submitted under this chapter;

is sufficient cause to cancel the commercial feed license of the person who fails to act or falsifies information under this subsection.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-33
Disposition of fees

Sec. 33. (a) Fees collected by the state chemist under this chapter shall be paid to the treasurer of Purdue University. The board of trustees of Purdue University shall expend the money received under this section on proper vouchers in meeting all necessary expenses in carrying out this chapter, including:

(1) the employment of inspectors and chemists;

(2) other expenses of the work of feed inspection as provided for by this chapter; and

(3) any other expenses of Purdue University agricultural programs authorized by law and in support of the purposes of this chapter.

(b) Excess funds from the collection of fees under this chapter are subject to IC 15-16-2-36.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-34
Rules and regulations

Sec. 34. (a) Subject to subsection (b), and in the manner provided by IC 4-22-2, the state chemist may adopt:

(1) rules for commercial feeds, pet foods, and specialty pet

foods as specifically authorized in this chapter; and

(2) other reasonable rules necessary for the efficient enforcement of this chapter.

(b) In the interest of uniformity, the state chemist shall adopt the following by rule unless the state chemist determines that the following are inconsistent with this chapter or are not appropriate to conditions that exist in Indiana:

(1) The official definitions of feed ingredients and official feed terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization.

(2) Any regulation promulgated under the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) if the state chemist would have the authority under this chapter to adopt such a rule.

(c) The state chemist may adopt rules under IC 4-22-2 to exclude from the definition of "commercial feed" commodities, such as hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances when the commodities, compounds, or substances are not intermixed or mixed with other materials.

(d) The state chemist may adopt rules under IC 4-22-2 to require copies of labels and labeling.

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.39.

IC 15-19-7-34.5

Inspection, auditing, and certification of commercial feed manufacturers and distributors

Sec. 34.5. (a) The state chemist may:

(1) inspect; and

(2) on the request of a commercial feed manufacturer or distributor, audit and certify;

commercial feed manufacturers and distributors that export commercial feed.

(b) The state chemist may adopt rules under IC 4-22-2 to inspect, audit, and certify commercial feed manufacturers and distributors that export commercial feed under subsection (a).

(c) The rules adopted under this section may incorporate existing standards that are applicable to a particular manufacturer or distributor.

(d) The rules adopted under this section must include a schedule of fees for all activities required under this section to inspect, audit, and certify a commercial feed manufacturer or distributor.

As added by P.L.8-2011, SEC.1. Amended by P.L.6-2012, SEC.109.

IC 15-19-7-35

Inspection of factories, warehouses, or establishments; notice of inspection

Sec. 35. (a) Upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, officers or

employees designated by the state chemist may:

(1) during normal business hours, enter:

(A) a factory, warehouse, or establishment in Indiana in which commercial feeds are manufactured, processed, packed, or held for distribution; and

(B) a vehicle being used to transport or hold commercial feeds; and

(2) at reasonable times, within reasonable limits, and in a reasonable manner, inspect such a factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling;

to enforce this chapter and to determine compliance with this chapter, including whether or not any operations are subject to this chapter. In determining compliance with good manufacturing practice rules adopted under section 29(9) of this chapter, the inspection may include the verification of only the records and production and control procedures necessary to determine compliance with those rules.

(b) A separate notice shall be given for each inspection, but a notice is not required for each entry made during the period covered by the inspection. Each inspection must begin and be completed with reasonable promptness. The person in charge of the facility or vehicle shall be notified upon completion of the inspection.

(c) An officer or employee who inspects a factory, warehouse, or other establishment and obtains a sample in the course of the inspection shall, upon completion of the inspection and before leaving the premises, give to the owner, operator, or agent in charge a receipt describing the samples obtained.

(d) The state chemist shall forward the results of analyses of official samples to the person named on the label and to the person in whose possession the sample was taken. If the inspection and analysis of an official sample indicates a commercial feed has been adulterated or misbranded, and upon request within thirty (30) days following receipt of the analysis, the state chemist shall furnish to the licensee or labeler a portion of the sample concerned.

(e) The state chemist, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided by the official sample obtained and analyzed as provided for in subsection (d) and section 36 of this chapter.

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.40.

IC 15-19-7-36

Sampling and analysis

Sec. 36. (a) For the purpose of the enforcement of this chapter, the state chemist or the state chemist's agent may enter upon any public or private premises, including any vehicle of transport, during regular business hours to have access to, and to obtain samples and examine records relating to distribution of commercial feeds.

(b) Sampling and analysis under this chapter shall be conducted in accordance with methods published by AOAC International or in accordance with other generally recognized methods.
As added by P.L.2-2008, SEC.10.

IC 15-19-7-37
Warrants

Sec. 37. If the owner of a factory, warehouse, or establishment described in section 35(a) of this chapter or the owner's agent refuses to admit the state chemist or the state chemist's agent to inspect in accordance with section 35(a) and 35(b) of this chapter, the state chemist may obtain from any state court a warrant directing the owner or the owner's agent to submit the premises described in the warrant to inspection.
As added by P.L.2-2008, SEC.10.

IC 15-19-7-38
"Stop sale or withdrawal from distribution" order

Sec. 38. If the state chemist or the state chemist's agent has reasonable cause to believe that a lot of commercial feed is being distributed in violation of this chapter or a rule adopted under this chapter, the state chemist or agent may issue and enforce a written or printed "stop sale or withdrawal from distribution" order, warning the distributor not to dispose of the lot of commercial feed in any manner until written permission is given by the state chemist or a court. The state chemist shall release the lot of commercial feed when the distributor has complied with this chapter and the rules adopted under this chapter. If compliance is not obtained within thirty (30) days, the state chemist may begin, or upon request of the distributor or licensee shall begin, proceedings for condemnation under section 39 of this chapter.
As added by P.L.2-2008, SEC.10.

IC 15-19-7-39
Seizure of commercial feed on complaint of state chemist; court procedure

Sec. 39. A lot of commercial feed that is not in compliance with this chapter or a rule adopted under this chapter is subject to seizure on complaint of the state chemist to a court with jurisdiction in the area in which the commercial feed is located. If the court finds the commercial feed is in violation of this chapter and orders the condemnation of the commercial feed, the commercial feed shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of Indiana. However, the disposition of the commercial feed may not be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the commercial feed or for permission to process or relabel the commercial feed to bring it into compliance with this chapter.

As added by P.L.2-2008, SEC.10. Amended by P.L.99-2012, SEC.41.

IC 15-19-7-40
Prohibited acts

Sec. 40. A person commits a Class A infraction if the person knowingly engages in any of the following:

(1) The manufacture or distribution of a commercial feed that is adulterated or misbranded.

(2) The adulteration or misbranding of a commercial feed.

(3) The distribution of agricultural commodities, such as whole seed, hay, straw, stover, silage, cobs, husks, and hulls, that are adulterated within the meaning of section 29(1) of this chapter.

(4) The removal or disposal of a commercial feed in violation of an order under section 38 or 39 of this chapter.

(5) The failure to obtain a commercial feed license under section 24 of this chapter.

(6) The failure to pay inspection fees or file reports as required by section 30, 31, or 34.5 of this chapter.

(7) The distribution of raw milk for use as a commercial feed for any species if the raw milk is not prominently labeled "Not for Human Consumption".

(8) Distribution of any animal feed that is stated, promoted, or advertised by the person to be suitable for human food unless the feed meets all federal, state, and local health laws and labeling requirements for human consumption.

As added by P.L.2-2008, SEC.10. Amended by P.L.8-2011, SEC.2; P.L.99-2012, SEC.42.

IC 15-19-7-41
Hindering performance of duty

Sec. 41. A person who impedes, hinders, or otherwise prevents the state chemist or the state chemist's agent in performance of the state chemist's duty under this chapter commits a Class C infraction.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-42
Discretion of director or representative regarding certain penalties

Sec. 42. This chapter does not require the state chemist or the state chemist's agent to:

(1) report for prosecution;

(2) institute seizure proceedings; or

(3) issue a withdrawal from distribution order;

as a result of minor violations of the chapter if the state chemist or the state chemist's agent believes the public interest will best be served by suitable notice of warning in writing.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-43

Prosecuting attorneys; duties

Sec. 43. A prosecuting attorney to whom a violation of this chapter or a rule adopted under this chapter is reported shall consider the institution and prosecution of appropriate proceedings in a court with jurisdiction without delay. However, before the state chemist reports a violation for prosecution, the state chemist shall give an opportunity to the distributor to present the distributor's view to the state chemist.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-44

Temporary or permanent injunction

Sec. 44. The state chemist may apply for and the appropriate court may grant a temporary or permanent injunction restraining any person from violating or continuing to violate this chapter or a rule adopted under this chapter, notwithstanding the existence of other remedies at law. The injunction may be issued without bond.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-45

Judicial review

Sec. 45. A person adversely affected by an act, an order, or a ruling made under this chapter, other than the penalty provisions of this chapter, may not later than forty-five (45) days after the date of the act, order, or ruling bring an action in a court with jurisdiction for judicial review. The proceeding must be brought under IC 4-21.5 or, if IC 4-21.5 is inadequate, the proceeding must be brought as an applicable legal action, including an action for declaratory judgment or as a prohibitory or mandatory injunction.

As added by P.L.2-2008, SEC.10.

IC 15-19-7-46

Confidential information; disclosure; violation

Sec. 46. A person who recklessly uses to the person's own advantage or recklessly reveals to persons other than the state chemist, an agent of the state chemist, or to the courts when relevant in any judicial proceeding any information acquired under this chapter concerning any method, records, formulations, or processes entitled to protection as a trade secret commits a Class B misdemeanor. However, this does not prohibit the state chemist or the state chemist's agent from exchanging information of a regulatory nature with officials of the United States government or of other states who are also prohibited by law from revealing protected information.

As added by P.L.2-2008, SEC.10.

IC 15-20

ARTICLE 20. ANIMAL CONTROL

IC 15-20-1

Chapter 1. Liability for Dog Bites

IC 15-20-1-0.2

Repealed

(As added by P.L.220-2011, SEC.303. Repealed by P.L.63-2012, SEC.18.)

IC 15-20-1-1

Political subdivision powers

Sec. 1. This chapter does not limit the power of an agency of the state or a political subdivision to adopt a rule or an ordinance that does not conflict with this chapter.

As added by P.L.2-2008, SEC.11.

IC 15-20-1-2

"Owner"

Sec. 2. As used in this chapter, "owner" means the owner of a dog. The term includes a person who possesses, keeps, or harbors a dog.

As added by P.L.2-2008, SEC.11.

IC 15-20-1-3

Dog bite liability

Sec. 3. (a) If a dog, without provocation, bites a person:

(1) who is acting peaceably; and

(2) who is in a location where the person may be required to be in order to discharge a duty imposed upon the person by:

(A) the laws of Indiana;

(B) the laws of the United States; or

(C) the postal regulations of the United States;

the owner of the dog is liable for all damages suffered by the person bitten.

(b) The owner of a dog described in subsection (a) is liable for damages even if:

(1) the dog has not previously behaved in a vicious manner; or

(2) the owner has no knowledge of prior vicious behavior by the dog.

As added by P.L.2-2008, SEC.11.

IC 15-20-1-4

Dog bite liability; criminal offense

Sec. 4. (a) Except as provided in subsection (b), the owner of a dog commits a Class C misdemeanor if:

(1) the owner recklessly, knowingly, or intentionally fails to take reasonable steps to restrain the dog;

(2) the dog enters property other than the property of the dog's owner; and

(3) as the result of the owner's failure to restrain the dog, the dog bites or attacks another person without provocation, resulting in bodily injury to the other person.

(b) The offense under subsection (a) is:

(1) a Class B misdemeanor if the person has been convicted of one (1) previous unrelated violation of this section;

(2) a Class A misdemeanor if:

(A) the person has been convicted of more than one (1) previous unrelated violation of this section; or

(B) the violation results in serious bodily injury to a person;

(3) a Level 6 felony if the owner recklessly violates this section and the violation results in the death of a person; and

(4) a Level 5 felony if the owner intentionally or knowingly violates this section and the violation results in the death of a person.

(c) This subsection does not apply to a nonaggressive dog that goes beyond the owner's premises onto agricultural or forested land. An owner of a dog commits a Class D infraction if the owner of the dog allows the dog to stray beyond the owner's premises, unless the dog is under the reasonable control of an individual or the dog is engaged in lawful hunting and accompanied by the owner or a custodian of the dog. However, the offense is a Class C infraction if the owner has a prior unrelated judgment for a violation of this subsection.

As added by P.L.2-2008, SEC.11. Amended by P.L.158-2013, SEC.226.

IC 15-20-1-5

Wolf hybrid and coydog liability; criminal offenses

Sec. 5. (a) The following definitions apply throughout this section:

(1) "Coydog" means:

(A) an animal that is the offspring of a coyote and another animal; or

(B) an animal that is the offspring of:

(i) an animal that is the offspring of a coyote and another animal; and

(ii) another animal.

(2) "Secure enclosure" means an outdoor pen that is:

(A) roofed or that has sides at least six (6) feet tall; and

(B) constructed in such a manner that the type of animal contained within the pen cannot reasonably be expected to escape.

(3) "Wolf hybrid" means:

(A) an animal that is the offspring of a wolf and another animal; or

(B) an animal that is the offspring of:
(i) an animal that is the offspring of a wolf and another animal; and
(ii) another animal.

(b) An owner of a wolf hybrid or coydog shall:
(1) keep the animal in a building or secure enclosure; or
(2) keep the animal:
(A) under the reasonable control of an individual; and
(B) on a leash not more than eight (8) feet in length.

Subject to subsections (c) and (d), an owner who does not comply with this subsection commits a Class B infraction. An owner who merely tethers or chains a coydog or wolf hybrid does not comply with this subsection.

(c) Subject to subsection (d), an owner of a wolf hybrid or coydog commits a Class B misdemeanor if the owner recklessly, knowingly, or intentionally fails to comply with subsection (b) and:
(1) the wolf hybrid or coydog enters property other than the property of the owner; and
(2) the wolf hybrid or coydog causes damage to livestock or the personal property of another individual.

(d) The offense under subsection (c) is:
(1) a Class A misdemeanor if the owner has one (1) prior unrelated conviction under this section;
(2) a Level 6 felony if:
(A) the owner has more than one (1) prior unrelated conviction for a violation under this section; or
(B) the owner knowingly, intentionally, or recklessly fails to comply with subsection (b) and the failure to comply results in serious bodily injury to a person; and
(3) a Level 5 felony if the owner knowingly, intentionally, or recklessly fails to comply with subsection (b) and the failure to comply results in the death of a person.

(e) Notwithstanding IC 36-1-3-8(a), a unit (as defined in IC 36-1-2-23) may adopt an ordinance:
(1) prohibiting a person from possessing a wolf hybrid or coydog; or
(2) imposing:
(A) a penalty of more than one thousand dollars ($1,000) up to the limits prescribed in IC 36-1-3-8(a)(10)(B) for a violation of subsection (b); or
(B) conditions on the possession of a wolf hybrid or coydog that are more stringent than the provisions of subsection (b).

As added by P.L.2-2008, SEC.11. Amended by P.L.158-2013, SEC.227.

IC 15-20-1-6
Dog bite liability: exceptions

Sec. 6. An owner of a dog is exempt under section 4 of this

chapter if the dog commits an act described in section 4 of this chapter during the period that the dog is owned by:

(1) the United States;

(2) an agency of the United States; or

(3) a governmental entity (as defined in IC 34-6-2-49);

and the dog is engaged in assisting the owner or the owner's agent in the performance of law enforcement or military duties.

As added by P.L.2-2008, SEC.11.

IC 15-20-1-7

Impoundment of animals; probable cause

Sec. 7. If a law enforcement officer or any other person having authority to impound animals has probable cause to believe that there has been a violation of section 4 of this chapter, IC 35-46-3-6 applies.

As added by P.L.2-2008, SEC.11.

IC 15-20-2

Chapter 2. Livestock Killing Dogs

IC 15-20-2-1

Liability of owner or harborer

Sec. 1. If a dog kills or injures any livestock while the livestock is in the care, custody, and control of the livestock's owner or the owner's agent, the owner or harborer of the dog is liable to the owner of the livestock for all damages sustained, including reasonable attorney's fees and court costs.

As added by P.L.2-2008, SEC.11.

IC 15-20-2-2

Authority to kill dog injuring livestock

Sec. 2. A person who observes a dog in the act of killing or injuring livestock may kill the dog if the person has the consent of the person in possession of the real estate on which the dog is found.

As added by P.L.2-2008, SEC.11.

IC 15-20-2-3

Repealed

(As added by P.L.2-2008, SEC.11. Repealed by P.L.60-2014, SEC.1.)

IC 15-20-2-4

Repealed

(As added by P.L.2-2008, SEC.11. Amended by P.L.1-2009, SEC.114. Repealed by P.L.60-2014, SEC.2.)

IC 15-20-2-5

Repealed

(As added by P.L.2-2008, SEC.11. Repealed by P.L.60-2014, SEC.3.)

IC 15-20-2-6

Repealed

(As added by P.L.2-2008, SEC.11. Repealed by P.L.60-2014, SEC.4.)

IC 15-20-2-7

Repealed

(As added by P.L.2-2008, SEC.11. Repealed by P.L.60-2014, SEC.5.)

IC 15-20-3

Chapter 3. Sale of Dogs to Laboratories

IC 15-20-3-1

Application of chapter

Sec. 1. This chapter applies to the sale of dogs to the following:

(1) Research laboratories.

(2) A laboratory that uses animals for the production of medicines or other products.

As added by P.L.2-2008, SEC.11.

IC 15-20-3-2

Bill of sale; required for sale

Sec. 2. A person who sells a dog to a laboratory must show a valid bill of sale for the dog from:

(1) a breeder or kennel;

(2) an animal control facility; or

(3) a private individual;

to the individual who purchases animals for the laboratory.

As added by P.L.2-2008, SEC.11.

IC 15-20-3-3

Bill of sale: maintenance and inspection

Sec. 3. A person who sells a dog to a laboratory must:

(1) maintain the bill of sale for the dog; and

(2) allow a law enforcement officer to inspect the bill of sale;

for not less than one (1) year after the sale of the dog to a laboratory.

As added by P.L.2-2008, SEC.11.

IC 15-20-3-4

Bill of sale: consequences for inability to produce

Sec. 4. If a person is unable to show a valid bill of sale for a dog:

(1) a laboratory may not purchase the dog; and

(2) there is a rebuttable presumption that the dog is stolen.

As added by P.L.2-2008, SEC.11.

IC 15-20-4

Chapter 4. Spay-Neuter Requirement for Animal Care Facilities

IC 15-20-4-1

"Animal care facility"

Sec. 1. As used in this chapter, "animal care facility" refers to an animal care facility (as defined in IC 6-9-39-1) that has companion animals that are available for adoption. The term includes the following:

(1) Governmental and private entities.

(2) Animal rescues.

As added by P.L.201-2016, SEC.3.

IC 15-20-4-2

"Companion animal"

Sec. 2. As used in this chapter, "companion animal" means a dog or a cat.

As added by P.L.201-2016, SEC.3.

IC 15-20-4-3

Mandatory spay or neutering

Sec. 3. Beginning July 1, 2021, except as provided in section 4 of this chapter, a companion animal shall be spayed or neutered before adoption from an animal care facility.

As added by P.L.201-2016, SEC.3.

IC 15-20-4-4

Exemptions

Sec. 4. (a) A companion animal may be exempted from the requirements of section 3 of this chapter if a veterinarian (as defined in IC 15-17-2-102) determines, following an examination, that the companion animal:

(1) has a permanent health condition that precludes safe administration of a spay-neuter procedure;

(2) has a health condition that precludes safe administration of a spay-neuter procedure, but:

(A) the veterinarian determines that the health condition is not permanent and can be treated to allow for safe administration of a spay-neuter procedure not more than one hundred twenty (120) days after the date of the examination; and

(B) a deposit of seventy-five dollars ($75) is made to the animal care facility before adoption; or

(3) is less than six (6) months of age on the date of the examination and:

(A) the veterinarian determines that the companion animal cannot be safely spayed or neutered due to the age of the

animal; and

(B) a deposit of seventy-five dollars ($75) is made to the animal care facility before adoption.

(b) In addition, a companion animal may be exempted from the requirements of section 3 of this chapter if:

(1) the companion animal is less than six (6) months of age, but is at an age as determined by the animal care facility in consultation with a veterinarian (as defined in IC 15-17-2-102) at which the companion animal can be safely spayed or neutered; and

(2) a deposit of seventy-five dollars ($75) is made to the animal care facility before adoption.

As added by P.L.201-2016, SEC.3.

IC 15-20-4-5

Deposits for animal adoption; return of deposit; forfeiture of deposit

Sec. 5. (a) A deposit made under section 4(a)(2)(B), 4(a)(3)(B), or 4(b)(2) of this chapter shall be held by the animal care facility in a separate account. The deposit shall be:

(1) returned to the depositor not later than one hundred twenty (120) days after the date of receipt of the deposit by the animal care facility if proof is given that a spay-neuter procedure has been completed on the companion animal; or

(2) forfeited after one hundred twenty (120) days after the date of receipt of the deposit by the animal care facility, if proof is not given under subdivision (1).

(b) If a deposit is forfeited under subsection (a)(2), the animal care facility holding the deposit shall remit the forfeited deposit amount to the bureau of motor vehicles within a reasonable time. The bureau of motor vehicles shall deposit any amounts received under this section in a trust fund established under IC 9-18.5-12-14(f), for a special group that provides spay-neuter services.

As added by P.L.201-2016, SEC.3. Amended by P.L.198-2016, SEC.647.

IC 15-21

ARTICLE 21. COMMERCIAL DOG BREEDER REGULATION

IC 15-21-1

Chapter 1. Application and Definitions

IC 15-21-1-1

Application

Sec. 1. (a) This article does not apply to:

(1) an animal shelter;

(2) a humane society;

(3) an animal rescue operation;

(4) a hobby breeder;

(5) a person who breeds at least seventy-five percent (75%) of the person's dogs as sport dogs for hunting purposes; or

(6) a person who breeds at least seventy-five percent (75%) of the person's dogs as service dogs or as dogs for use by the police or the armed forces.

(b) As used in this section, "animal rescue operation" means a person or organization:

(1) that accepts within one (1) year:

(A) more than twelve (12) dogs; or

(B) more than nine (9) dogs and more than three (3) unweaned litters of puppies;

that are available for adoption for human companionship as pets or as companion animals in permanent adoptive homes and that are maintained in a private residential dwelling; or

(2) that uses a system of private residential dwellings as foster homes for the dogs.

The term does not include a person or organization that breeds dogs.

(c) As used in this section, "hobby breeder" means a person who maintains fewer than twenty (20) unaltered female dogs that are at least twelve (12) months of age.

As added by P.L.111-2009, SEC.4. Amended by P.L.1-2010, SEC.66.

IC 15-21-1-2

Definitions

Sec. 2. The definitions in sections 3 through 7 of this chapter apply throughout this article.

As added by P.L.111-2009, SEC.4.

IC 15-21-1-3

"Board"

Sec. 3. "Board" refers to the Indiana state board of animal health established by IC 15-17-3-1.

As added by P.L.111-2009, SEC.4.

IC 15-21-1-4
"Commercial dog breeder"

Sec. 4. "Commercial dog breeder" means a person who maintains more than twenty (20) unaltered female dogs that are at least twelve (12) months of age.

As added by P.L.111-2009, SEC.4.

IC 15-21-1-5
"Commercial dog broker"

Sec. 5. "Commercial dog broker" means a person:

(1) who is a Class "B" licensee under 9 CFR 1.1; and

(2) who sells at least five hundred (500) dogs in a calendar year.

As added by P.L.111-2009, SEC.4.

IC 15-21-1-6
"Person"

Sec. 6. "Person" means an individual, corporation, limited liability company, partnership, or other business entity.

As added by P.L.111-2009, SEC.4.

IC 15-21-1-7
"Veterinarian"

Sec. 7. "Veterinarian" means an individual licensed as a veterinarian under IC 25-38.1.

As added by P.L.111-2009, SEC.4.

IC 15-21-2

Chapter 2. Commercial Dog Broker and Commercial Dog Breeder Registration

IC 15-21-2-0.1

Repealed

(As added by P.L.220-2011, SEC.304. Repealed by P.L.63-2012, SEC.19.)

IC 15-21-2-1

Mandatory registration

Sec. 1. A person may not operate:

(1) a commercial dog breeder operation; or

(2) as a commercial dog broker;

without being registered with the board in accordance with this chapter.

As added by P.L.111-2009, SEC.4.

IC 15-21-2-2

Notice to the public

Sec. 2. A person who:

(1) is registered as a commercial dog breeder; and

(2) operates a commercial dog breeder operation;

shall indicate that the person is registered as a commercial dog breeder in a place clearly visible to the public.

As added by P.L.111-2009, SEC.4.

IC 15-21-2-3

Penalty for failure to register

Sec. 3. (a) A commercial dog breeder who knowingly or intentionally fails to register with the board as a commercial dog breeder commits a Class A misdemeanor.

(b) A commercial dog broker who knowingly or intentionally fails to register with the board as a commercial dog broker commits a Class A misdemeanor.

(c) A commercial dog breeder or a commercial dog broker who fails to register with the board is liable to the state for two (2) times the amount of registration fees that the commercial dog breeder or commercial dog broker failed to pay. The attorney general may bring an action to collect unpaid commercial dog breeder or commercial dog broker registration fees. Funds collected under this subsection shall be deposited in the commercial dog breeder and broker fund established by IC 15-21-3-3.

As added by P.L.111-2009, SEC.4.

IC 15-21-3

Chapter 3. Registration Requirements

IC 15-21-3-0.1

Repealed

(As added by P.L.220-2011, SEC.305. Repealed by P.L.63-2012, SEC.20.)

IC 15-21-3-1

Fee schedule for commercial breeders; penalty for false registration

Sec. 1. (a) A commercial dog breeder shall register annually with the board.

(b) The board shall provide for notice of the upcoming expiration of registration to each registrant at least thirty (30) days before the expiration of the one (1) year period.

(c) The fee to register or renew a registration as a commercial dog breeder is:

(1) seventy-five dollars ($75) if the person has not more than fifty (50) unaltered female dogs at least twelve (12) months of age;

(2) two hundred dollars ($200) if the person has more than fifty (50) but not more than one hundred (100) unaltered female dogs at least twelve (12) months of age;

(3) three hundred dollars ($300) if the person has more than one hundred (100) but not more than one hundred fifty (150) unaltered female dogs at least twelve (12) months of age;

(4) four hundred dollars ($400) if the person has more than one hundred fifty (150) but not more than two hundred fifty (250) unaltered female dogs at least twelve (12) months of age; and

(5) five hundred dollars ($500) if the person has more than two hundred fifty (250) unaltered female dogs at least twelve (12) months of age.

The fee shall be deposited in the commercial dog breeder and broker fund established by section 3 of this chapter.

(d) A person who registers or renews a registration as a commercial dog breeder must include the following:

(1) The name and address of the person's commercial dog breeding operation.

(2) The name and address of the registrant.

(3) A statement that the person's commercial dog breeding operation complies with the requirements of IC 15-21-4.

(4) Any other information related to taxation that is required by the board.

(e) A person who knowingly or intentionally makes a material misstatement in a commercial dog breeder registration statement commits false registration as a commercial dog breeder, a Class A misdemeanor.

As added by P.L.111-2009, SEC.4.

IC 15-21-3-2
Fee for commercial broker; penalty for false registration

Sec. 2. (a) A commercial dog broker shall register annually with the board.

(b) The board shall provide for notice of the upcoming expiration of registration to each registrant at least thirty (30) days before the expiration of the one (1) year period.

(c) The fee to register or renew a registration as a commercial dog broker is one thousand dollars ($1,000). The fee shall be deposited in the commercial dog breeder and broker fund established by section 3 of this chapter.

(d) A person who registers or renews a registration as a commercial dog broker must include the following:

(1) The name and address of the person acting as a commercial dog broker.

(2) The name and location of the person's commercial dog broker business.

(3) Any other information related to taxation that is required by the board.

(e) A person who knowingly or intentionally makes a material misstatement in a commercial dog broker registration statement commits false registration as a commercial dog broker, a Class A misdemeanor.

As added by P.L.111-2009, SEC.4.

IC 15-21-3-3
Fund

Sec. 3. (a) The commercial dog breeder and broker fund is established for the purpose of funding:

(1) the inspection of commercial dog breeding operations by the board; and

(2) the enforcement by the board of laws concerning commercial dog breeders and commercial dog brokers.

The fund shall be administered by the board.

(b) The fund consists of commercial dog breeder and commercial dog broker fees.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the fund is continually appropriated to carry out the purposes of the fund.

(g) The board may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.111-2009, SEC.4.

IC 15-21-4

Chapter 4. Duties of Commercial Dog Breeders

IC 15-21-4-1

Standards of care

Sec. 1. (a) A commercial dog breeder shall comply with the standards of care set forth in 9 CFR 3.1 through 9 CFR 3.12.

(b) A commercial dog breeder:

(1) may not house a dog in a cage containing a wire floor unless the cage contains an accommodation that allows the dog to be off the wire floor;

(2) who houses a dog in a wire cage shall house the dog in a cage that is large enough to allow for reasonable movement by the dog; and

(3) shall, subject to subsection (c), provide every dog with a reasonable opportunity for exercise outside of a cage at least one (1) time per day.

(c) A commercial dog breeder who permits a dog access to a run at least one (1) time per day has satisfied the exercise requirement described in subsection (b)(3). However, a commercial dog breeder is not required to provide a dog with the opportunity for exercise if exercise would endanger the dog's life or health.

As added by P.L.111-2009, SEC.4.

IC 15-21-5
Chapter 5. Records

IC 15-21-5-1
Requirement to provide consumers with certain records

Sec. 1. A commercial dog breeder shall provide a consumer with a copy of a dog's vaccination, medication, and treatment records at the time the consumer purchases, exchanges, or adopts the dog.
As added by P.L.111-2009, SEC.4.

IC 15-21-5-2
Five year record storage requirement

Sec. 2. A commercial dog breeder shall maintain its records for at least five (5) years.
As added by P.L.111-2009, SEC.4.

IC 15-21-6
Chapter 6. Units

IC 15-21-6-1
Preemption

Sec. 1. (a) As used in this section, "unit" has the meaning set forth in IC 36-1-2-23.

(b) After December 31, 2009, a unit may not adopt an ordinance concerning regulation of commercial dog breeders that imposes more stringent or detailed requirements than the requirements under this article. A unit may enforce an ordinance concerning regulation of commercial dog breeders that imposes more stringent or detailed requirements than the requirements under this article if the ordinance was adopted before January 1, 2010.

As added by P.L.111-2009, SEC.4.

IC 15-21-7

Chapter 7. Enforcement

IC 15-21-7-1

Enforcement by board; when enforcement permissible; enforcement power

Sec. 1. (a) The board may enforce this article when the board determines that sufficient funds have been deposited in the commercial dog breeder and broker fund to permit enforcement.

(b) In enforcing this article, the board may:

(1) seek injunctive relief;

(2) issue an order of compliance notifying the commercial dog breeder or commercial dog broker of a violation and requiring corrective action by a certain date; and

(3) impose a civil penalty of not more than:

(A) five hundred dollars ($500) for a knowing violation;

(B) one thousand dollars ($1,000) for an intentional violation; and

(C) five thousand dollars ($5,000) for knowingly or intentionally violating an injunction.

(c) The board may seek an injunction to prohibit a commercial dog breeder from registering with the board for not more than three (3) years.

(d) Subsection (a) does not prohibit the board from assisting a law enforcement agency in a criminal investigation.

As added by P.L.111-2009, SEC.4.