

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 15-17-2-18**"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; or
- (5) 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.

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 15-17-2-39

"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 15-17-2-83**"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 15-17-2-92**"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 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.

As added by P.L.2-2008, SEC.8.

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 is affiliated with a licensed livestock market.

As added by P.L.2-2008, SEC.8.

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;
- (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.

As added by P.L.2-2008, SEC.8. Amended by P.L.111-2009, SEC.3; P.L.50-2010, 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

Removal of state veterinarian or employees

Sec. 13. (a) The state veterinarian and any other nonmerit employee may be removed for cause by a majority vote of the entire membership of the board.

(b) If the board votes to remove a nonmerit employee, that employee must be notified of that decision in writing. Before the removal of a nonmerit employee becomes effective, the employee has ten (10) days after receiving written notification to make a written request for a public hearing regarding the removal. However, the board is not required to hold a hearing unless requested to do so by the nonmerit employee. If a request for a hearing is not made, the removal is effective upon the expiration of the ten (10) day period. If a request for a hearing is made, a public hearing shall be held at the office of the board not later than ten (10) days after the request is received by the board, and the employee may not be removed until after the hearing has been held and the board has made a decision.

(c) A merit employee may be removed under IC 4-15-2.

As added by P.L.2-2008, SEC.8.

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.

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

Exemptions from antemortem and postmortem inspection requirements

Sec. 11. (a) The board shall exempt the operations of a person 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.

(b) When the operation of an establishment that is exempt under subsection (a) 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.

As added by P.L.2-2008, SEC.8.

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 Class D felony.

As added by P.L.2-2008, SEC.8.

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 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.

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 Class D felony. However, the offense is a Class C 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.

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 Class D felony.

As added by P.L.120-2008, SEC.85.

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) 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.

(b) Indemnification by the state may not exceed the per animal limit set in the rules of the board.

(c) Joint federal-state indemnity, plus salvage, may not exceed the appraised value of each animal.

(d) State indemnity may not exceed federal indemnity on each animal.

As added by P.L.2-2008, SEC.8.

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) calfhoo 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.

(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.

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 prohibited

Sec. 16. A person may not feed or permit the feeding of garbage to swine, except for rendered products.

As added by P.L.2-2008, SEC.8.

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.

As added by P.L.2-2008, SEC.8.

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 permittee 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.

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 Class D 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.

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 Class D felony.

As added by P.L.2-2008, SEC.8.

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 by registered or certified mail 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.

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 Class D felony.

As added by P.L.2-2008, SEC.8.

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 Class D felony.

As added by P.L.2-2008, SEC.8.

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 Class D felony.

As added by P.L.2-2008, SEC.8.

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 Class D felony.

As added by P.L.2-2008, SEC.8.

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 Class D felony.

As added by P.L.2-2008, SEC.8.

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 Class D felony.

As added by P.L.2-2008, SEC.8.

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 Class D felony.

As added by P.L.2-2008, SEC.8.

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 Class D 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.

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.