

HOUSE BILL No. 1077

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-2.1-16-34.5; IC 15-2.1-16-35.

Synopsis: Air contaminants from animal rendering plants. Authorizes the local board of health of a county falling within certain population parameters to determine whether an odor emitted by an animal rendering plant located within the county causes unreasonable interference with the comfortable enjoyment of life and property. Authorizes the state veterinarian to suspend or revoke the license of the animal rendering plant if the local board of health certifies that an air contaminant emitted by the animal rendering plant causes unreasonable interference with the comfortable enjoyment of life and property.

Effective: July 1, 1998.

Cook, Wolkins

January 6, 1998, read first time and referred to Committee on Local Government.



Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1077

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-2.1-16-34.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1998]: **Sec. 34.5. (a) This section applies to an**
4 **animal rendering plant that is:**

5 (1) **licensed as a disposal plant under this chapter; and**
6 (2) **located in a county having a population of more than**
7 **forty-one thousand (41,000) but less than forty-two thousand**
8 **five hundred (42,500).**

9 (b) **As used in this section, "air contaminant" includes an**
10 **obnoxious odor.**

11 (c) **For the purposes of section 35 of this chapter, the local board**
12 **of health of a county may determine whether an odor emitted by**
13 **an animal rendering plant located within the county, alone or in**
14 **combination with other air contaminants, causes unreasonable**
15 **interference with the comfortable enjoyment of life and property.**

16 SECTION 2. IC 15-2.1-16-35 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 35. (a) The state**



1 veterinarian may suspend for any fixed period of time or revoke any
2 license issued under this chapter upon **either of the following:**

3 **(1) The certification by the state department of health, in writing,**
4 **to the state veterinarian that:**

5 **(A) any particular disposal plant; or**

6 **(B) the operation of any particular disposal plant; or**

7 **(C) the operator of any byproducts collection service;**

8 **is a menace to the public health. stating**

9 **(2) The written certification by the local board of health of the**
10 **county to the state veterinarian under section 34.5 of this**
11 **chapter that an air contaminant emitted by an animal**
12 **rendering plant, alone or in combination with other air**
13 **contaminants, causes unreasonable interference with the**
14 **comfortable enjoyment of life and property.**

15 **(b) A written certification under subsection (a) must state the**
16 **charges specifically and definitely.**

17 **(c) An order of the state veterinarian under subsection (a) is**
18 **subject to review under IC 4-21.5. in which case the hearing**
19 **requested shall be held within thirty (30) days after the charges of the**
20 **department are filed.**

