



March 16, 2011

**ENGROSSED
HOUSE BILL No. 1386**

DIGEST OF HB 1386 (Updated March 14, 2011 11:04 am - DI 116)

Citations Affected: IC 15-19.

Synopsis: Commercial feed certification. Allows the state chemist to inspect, audit, and certify certain commercial feed manufacturers and distributors that export commercial feed. Provides that the rules must include a schedule of fees to cover the cost of the state chemist's inspection activities. Provides that the failure to pay the fees is a Class C infraction.

Effective: July 1, 2011.

Lehe, Baird, Bacon

(SENATE SPONSORS — HEAD, ALTING, TOMES, MISHLER, HUME,
KRUSE, STEELE)

January 18, 2011, read first time and referred to Committee on Agriculture and Rural Development.
January 25, 2011, amended, reported — Do Pass.
January 27, 2011, read second time, ordered engrossed. Engrossed.
January 31, 2011, read third time, passed. Yeas 82, nays 15.

SENATE ACTION

February 17, 2011, read first time and referred to Committee on Agriculture and Natural Resources.
March 15, 2011, reported favorably — Do Pass.

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EH 1386—LS 7189/DI 77+



March 16, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1386

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 15-19-7-34.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2011]: **Sec. 34.5. (a) The state chemist may:**
4 **(1) inspect; and**
5 **(2) on the request of a commercial feed manufacturer or**
6 **distributor, audit and certify;**
7 **commercial feed manufacturers and distributors that export**
8 **commercial feed.**
9 **(b) The state chemist may adopt rules under IC 4-22-2 to**
10 **inspect, audit, and certify commercial feed manufactures and**
11 **distributors that export commercial feed under subsection (a).**
12 **(c) The rules adopted under this section may incorporate**
13 **existing standards that are applicable to a particular manufacturer**
14 **or distributor.**
15 **(d) The rules adopted under this section must include a schedule**
16 **of fees for all activities required under this section to inspect, audit,**
17 **and certify a commercial feed manufacturer or distributor.**

EH 1386—LS 7189/DI 77+



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1 SECTION 2. IC 15-19-7-40, AS ADDED BY P.L.2-2008,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 40. A person commits a Class C infraction if the
4 person knowingly engages in any of the following:
5 (1) The manufacture or distribution of a commercial feed that is
6 adulterated or misbranded.
7 (2) The adulteration or misbranding of a commercial feed.
8 (3) The distribution of agricultural commodities, such as whole
9 seed, hay, straw, stover, silage, cobs, husks, and hulls, that are
10 adulterated within the meaning of section 29(1) of this chapter.
11 (4) The removal or disposal of a commercial feed in violation of
12 an order under section 38 or 39 of this chapter.
13 (5) The failure to obtain a commercial feed license under section
14 24 of this chapter.
15 (6) The failure to pay inspection fees or file reports as required by
16 section 30, ~~or~~ 31, **or 34.5** of this chapter.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1386, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "(a)" insert: "**The state chemist may:**

(1) inspect; and

(2) on the request of a commercial feed manufacturer or distributor, audit and certify;

commercial feed manufacturers and distributors that export commercial feed.

(b)".

Page 1, line 6, delete "feed." and insert "**feed under subsection (a).**".

Page 1, line 7, delete "(b)" and insert "**(c)**".

Page 1, line 10, delete "(c)" and insert "**(d)**".

and when so amended that said bill do pass.

(Reference is to HB 1386 as introduced.)

LEHE, Chair

Committee Vote: yeas 9, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred House Bill No. 1386, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1386 as printed January 25, 2011.)

MISHLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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