January 23, 2012

HOUSE BILL No. 1129

DIGEST OF HB 1129 (Updated January 17, 2012 11:30 am - DI 77)

Citations Affected: IC 15-16; IC 15-19.

Synopsis: State chemist issues. Provides civil penalty authority to the state chemist under the agriculture ammonia law and subpoena authority to the state chemist under the agricultural ammonia law and the commercial fertilizers laws. Provides that the state chemist may impose a civil penalty only according to a schedule recommended by the fertilizer advisory board. Amends the pesticide laws and the pesticide use and application laws as follows: (1) Expands the definition of "produce". (2) Makes changes to the qualifications of certain members on the pesticide review board. (3) Makes changes to the duties and rule making authority of the pesticide review board. (4) Exempts employees of not-for-profit organizations from the annual pesticide applicator license fee. (5) Repeals registration requirements and fees for pesticide consultants. (6) Amends provisions of state pesticide law to apply to all pesticide products, including both chemicals and devices. (Current law only applies to chemicals.) (7) Makes changes to comply with federal pesticide laws. Amends the commercial feed laws as follows: (1) Adds and amends numerous definitions. (2) Adds a late fee for distributing feed before applying for

(Continued next page)

Effective: July 1, 2012.

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January 9, 2012, read first time and referred to Committee on Agriculture and Rural Development.
January 23, 2012, amended, reported — Do Pass.

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Digest Continued

a license. (3) Allows the state chemist to revoke, suspend, or place conditions on a commercial feed license that is not in compliance. (4) Makes changes to required labeling information. (5) Provides conditions that make commercial feed adulterated. (6) Adds authority to adopt rules concerning specialty pet foods. (7) Increases the penalty for certain violations from a Class A infraction to a Class C misdemeanor. (8) Adds as Class C misdemeanors: (A) distribution of raw milk that is not labeled "Not for Human Consumption"; and (B) distributing animal feed and implying that it is fit for human consumption. (9) Makes conforming changes. Makes technical changes.

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January 23, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1129

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:

SECTION 1. IC 15-16-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. As used in this chapter, "board" refers to the Indiana fertilizer advisory board established by IC 15-16-2-25.**

SECTION 2. IC 15-16-1-14, AS AMENDED BY P.L.81-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. **(a) If a person violates this chapter or a rule adopted under this chapter, the state chemist may:**

(1) warn, issue a citation to, or impose a civil penalty on the person; or

(2) deny, suspend, revoke, or amend the person's license, certificate, registration, permit, or application under this chapter.

(b) The state chemist may adopt by rule, under IC 4-22-2, a schedule of civil penalties that may be imposed under subsection

(a). The state chemist may impose a civil penalty only according to a schedule of civil penalties recommended by the board.

~~(a)~~ **(c)** A person who knowingly or intentionally violates this chapter commits a Class C misdemeanor.

~~(b) The prosecuting attorney of any judicial circuit in which a violation has occurred and to whom the state chemist has reported a violation shall institute the appropriate proceedings and prosecute the proceedings in a court.~~

~~(c) Before the state chemist reports a violation for prosecution as described in subsection (b), the state chemist shall give the person charged with a violation an opportunity to respond to the charges. The state chemist need not report for prosecution minor violations of this chapter if the state chemist believes that the public interest is best served by another action.~~

SECTION 3. IC 15-16-1-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 16. The state chemist may request a court to issue subpoenas to compel:**

(1) the attendance of witnesses; or

(2) the production of books, documents, and records;

as part of an authorized investigation or a hearing located in Indiana affecting the authority or privilege granted by a license, certificate, application, registration, or permit issued under this chapter.

SECTION 4. IC 15-16-2-38, AS AMENDED BY P.L.81-2009, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 38. (a) The state chemist shall:

(1) sample, inspect, make analysis of, and test commercial fertilizers distributed within Indiana; and

(2) inspect the storage of bulk fertilizers in Indiana at a time and place and to such an extent as necessary to determine whether the bulk fertilizers and their storage are in compliance with this chapter.

(b) The state chemist may enter upon any public or private premises during regular business hours in order to have access to:

(1) fertilizer materials; and

(2) plans and records relating to the transportation, storage, sale, and use of fertilizer materials;

subject to this chapter and the rules adopted under this chapter.

(c) The state chemist shall adopt methods of sampling and analysis for commercial fertilizers from sources that may include AOAC International. In cases of dispute, AOAC International's methods

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prevail if AOAC International's methods are available.

(d) The state chemist shall determine for administrative purposes whether a commercial fertilizer is deficient in plant foods using only the official sample obtained and analyzed as provided in subsection (c).

(e) The state chemist may request a court to issue subpoenas to compel:

(1) the attendance of witnesses; or

(2) the production of books, documents, and records;

as part of an authorized investigation or a hearing located in Indiana affecting the authority or privilege granted by a license, certificate, application, registration, or permit issued under this chapter.

SECTION 5. IC 15-16-4-35, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 35. As used in this chapter, "produce" means:

(1) to:

~~(1)~~ **(A)** manufacture;

~~(2)~~ **(B)** prepare;

~~(3)~~ **(C)** compound;

~~(4)~~ **(D)** process; ~~or~~

(E) formulate; or

~~(5)~~ **(F)** change;

~~the container of~~ a pesticide product or an active ingredient **that is used in producing a pesticide product; or**

(2) to:

(A) package;

(B) repackage;

(C) label;

(D) relabel; or

(E) otherwise change;

the container of a pesticide product.

The term does not include the dilution of formulated pesticides by an individual for the individual's use done according to the directions on the pesticide label.

SECTION 6. IC 15-16-4-42, AS ADDED BY P.L.120-2008, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 42. (a) The Indiana pesticide review board is established. The board consists of the following members:

(1) One (1) representative of the state department of health.

(2) One (1) representative of the department of natural resources.

(3) One (1) representative of the department of environmental management.

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(4) One (1) representative of the Purdue University office of agricultural research programs.

(5) One (1) representative of the Purdue University cooperative extension service.

(6) Two (2) ecologists: ~~with earned doctorate degrees:~~

(A) one (1) a terrestrial ecologist; and

(B) one (1) an aquatic ecologist.

Not more than one (1) ecologist may be a plant ecologist.

(7) One (1) public representative.

(8) One (1) representative of the pesticide **producing or manufacturing** industry.

(9) Two (2) representatives of producers of agricultural crops or products on which pesticides are applied or that may be affected by the application of pesticides:

(A) one (1) of whom represents producers of agronomic crops; and

(B) one (1) of whom represents producers of ~~nonagronomic~~ **specialty** crops.

(10) One (1) public representative from **a** conservation ~~organizations.~~ **organization.**

(11) Three (3) qualified scientists, one (1) each in the fields of entomology, plant pathology, and weed science. One (1) scientist must be the representative of either the Purdue University office of agricultural research programs or the Purdue University cooperative extension service.

(12) Three (3) certified and licensed commercial applicators of pesticides who must represent three (3) different certificate or license categories established under IC 15-16-5-45.

(13) The state chemist, who is an ex officio member and shall serve as a nonvoting member.

(14) The pesticide administrator for the office of the state chemist, who shall serve as a nonvoting member.

(15) The pesticide training coordinator, who shall serve as a nonvoting member.

(b) The voting members shall be appointed by the governor for terms of four (4) years and, subject to subsection (d), continue until the member's successor is approved and qualified. Appointments shall be made so that not more than five (5) terms expire annually.

(c) Voting members may be appointed for successive terms at the discretion of the governor.

(d) The governor may remove a voting member of the board prior to the expiration of the member's term for cause.

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SECTION 7. IC 15-16-4-48, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 48. The board ~~shall:~~ **may:**

(1) collect;

(2) analyze; and

(3) interpret;

information on matters relating to the **registration and** use of pesticides.

SECTION 8. IC 15-16-4-50, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 50. (a) The board may adopt rules under IC 4-22-2 to do the following:

(1) Establish a list of restricted use pesticides and pesticides for use by prescription only for all of Indiana or designated areas within Indiana, if the board finds that the characteristics of a pesticide require that rules restricting the:

(A) sale;

(B) distribution; or

(C) use;

of the pesticide by any person are necessary to prevent undue hazards to persons, animals, wildlife, lands, or waters, other than the pests that they are intended to prevent, destroy, control, or mitigate.

(2) Provide for the **safe:**

(A) ~~safe~~ handling;

(B) transportation;

(C) storage;

(D) display;

(E) distribution; ~~and~~

(F) disposal; **and**

(G) production;

of ~~pesticides~~ **pesticide products** and pesticide containers.

(3) Restrict or prohibit the use of certain types of containers or packages for specific pesticides. The restrictions may apply to the:

(A) type of construction;

(B) strength; or

(C) size;

to alleviate danger of spillage, breakage, or misuse.

(b) The board may adopt by reference the restricted use classification of a pesticide that is maintained by the United States Environmental Protection Agency.

(c) The board may **adopt rules to** do the following:

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(1) ~~Include in a rule adopted under subsection (a)(1)~~ **Determine** the time and conditions of the:

(A) sale;

(B) distribution; or

(C) use;

of ~~pesticides designated as restricted use pesticides and pesticides for use by prescription only.~~ **pesticide products.**

(2) Require ~~in a rule under subsection (a)(1)~~ that any or all ~~materials~~ **pesticide products** be purchased, possessed, or used only under:

(A) permit;

(B) certificate;

(C) license; or

(D) registration;

of the state chemist or under certain conditions or in certain quantities or concentrations.

~~(d) The state chemist may~~ **(3)** Require all persons issued:

~~(1)~~ **(A)** permits;

~~(2)~~ **(B)** certificates;

~~(3)~~ **(C)** licenses; or

~~(4)~~ **(D)** registrations;

under ~~subsection (c)~~ **this subsection** to maintain records as to the use of the ~~restricted use pesticides and pesticides for use by prescription only.~~ **pesticide products.**

SECTION 9. IC 15-16-4-55, AS ADDED BY P.L.120-2008, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 55. The state chemist or the state chemist's agent may do the following:

(1) Enter any public or private premises, including any vehicle of transport during regular business hours:

(A) to:

(i) have access to; and

(ii) obtain samples of;

pesticide products; and

(B) to:

(i) examine; and

(ii) copy;

records relating to the production, use, transportation, and sale of pesticide products, subject to this chapter, ~~and~~ the rules adopted under this chapter, **and the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).**

(2) Enter at a reasonable time in or upon any:

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(A) private; or
(B) public;
property for the purpose of inspection and investigating conditions possibly resulting from the use or misuse of a pesticide product.

SECTION 10. IC 15-16-4-57, AS ADDED BY P.L.120-2008, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 57. Except as provided in section 58 of this chapter, a person may not produce, distribute, display, sell, or offer for sale within Indiana or deliver for transportation or transport in intrastate commerce or between points within Indiana through any point outside Indiana any of the following:

(1) Any pesticide product that has not been registered under section 61 of this chapter.

(2) Any pesticide product if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration.

(3) A pesticide product if the composition of the product differs from the composition as represented in connection with its registration. However, at the discretion of the state chemist, a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product.

(4) Any pesticide **product** (except a bulk pesticide or a pesticide in a container designed and constructed to accommodate the return and refill of the container) unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to that container, and to any outside container or wrapper of the retail package through which the required information on the immediate container cannot be clearly read, a label bearing:

(A) the name and address of the manufacturer, registrant, or person for whom manufactured;
(B) the name, brand, or trademark under which the pesticide product is sold; and
(C) the net weight or measure of the content, subject, however, to reasonable variations as the state chemist may permit.

(5) Any pesticide product that is adulterated or misbranded.

(6) Any pesticide **product** in containers violating rules adopted under section 50(a)(3) of this chapter. Pesticides found in containers that are unsafe due to damage may be seized and impounded.

(7) A highly volatile herbicide except on written permission by

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the state chemist.

(8) Any bulk pesticide unless it is accompanied in all transfers of custody or ownership by or held in storage vessels to which is affixed a label bearing the information specified in subdivision (4).

(9) Any pesticide that violates the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) or regulations adopted under the Act.

SECTION 11. IC 15-16-4-59, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 59. A person may not:

(1) detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this chapter or rules adopted under this chapter;

(2) add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of this chapter;

(3) use for the person's own advantage or reveal, other than to:

(A) the state chemist;

(B) proper officials;

(C) employees of the state;

(D) the courts of this state in response to a subpoena;

(E) physicians; or

(F) pharmacists and other qualified persons for use in emergencies in the preparation of antidotes;

any information relative to formulas of products acquired by authority of section 61 or 64 of this chapter;

(4) use or cause to be used any pesticide contrary to section 50 of this chapter; ~~or~~

(5) use a highly volatile herbicide except on written permission by the state chemist; **or**

(6) neglect, or after notice, refuse to comply with this chapter, the rules adopted under this chapter, or a lawful order of the state chemist or board.

SECTION 12. IC 15-16-4-62, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 62. (a) Each registrant shall pay an annual, nonrefundable fee of one hundred seventy dollars ($170) for each application for each pesticide product ~~registered.~~ **submitted for registration.**

(b) Each registration expires January 1 of each year.

(c) All fees collected by the state chemist under this chapter shall be paid to the treasurer of Purdue University, who shall deposit the fees in

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a special restricted account designated by the treasurer of the board of trustees of Purdue University.

(d) From the account described in subsection (c), the treasurer shall pay all expenses incurred in administering this chapter, including expenses for the following:

(1) The employment of:

(A) inspectors;

(B) investigators;

(C) researchers;

(D) analysts;

(E) administrators; and

(F) clerical and service staff.

(2) Expenses in procuring samples and printing results of inspections.

(3) Purchasing:

(A) supplies;

(B) equipment; and

(C) services.

(4) Necessary remodeling.

(5) Other expenses of the office of the state chemist.

(6) The transfer of ten dollars ($10) from each fee paid under subsection (a) on an annual basis to the office of Purdue pesticide programs to provide education about the safe and effective use of pesticides.

The treasurer is not required to use any other funds, except those collected as registration fees, to pay any expenses incurred in the administration of this chapter. The dean of agriculture shall make an annual financial report to the governor showing total receipts and expenditures of all fees received under this chapter.

(e) A registrant who registers or pays an annual fee after December 31 of any year shall pay a late fee of one hundred seventy dollars ($170) as well as the annual fee.

(f) Excess funds from the collection of fees under this chapter are subject to IC 15-16-2-36.

SECTION 13. IC 15-16-4-67, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 67. A person may not **produce,** handle, transport, store, display, or distribute pesticide products in a manner as to endanger:

(1) humans;

(2) the environment;

(3) food;

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(4) feed; or
(5) any other products that may be:
(A) transported;
(B) stored;
(C) displayed; or
(D) distributed;
with pesticide products.

SECTION 14. IC 15-16-5-42, AS ADDED BY P.L.120-2008, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 42. The state chemist may waive all or part of the requirements provided for in sections 45, 46, 48, 49, 50, 51, 52, ~~53,~~ 54, 56, and 57 of this chapter on a reciprocal basis with any other state agency or federal agency that has substantially the same standards.

SECTION 15. IC 15-16-5-52, AS ADDED BY P.L.120-2008, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 52. (a) A person applying for a license described under section 49, 50, or 51 of this chapter must:
(1) submit an application to the state chemist on a form provided by the state chemist;
(2) pass the appropriate examination provided under section 45 of this chapter;
(3) except for a person **who is:**
(A) applying for a licensed public applicator's license; **or**
(B) an employee of a nonprofit organization;
submit a fee of forty-five dollars ($45) to the state chemist; and
(4) if the person will engage in the aerial application of pesticides, submit proof to the state chemist that the person has satisfied aerial application requirements under applicable state and federal laws.

(b) Subject to section 65 of this chapter, if a person meets the requirements under subsection (a), the state chemist shall issue the appropriate license to the person.

(c) If the state chemist does not issue a license to a person who applied for a license described under subsection (a), the state chemist shall inform the person in writing of the reason the license was not issued.

(d) A person who has been issued a license under subsection (b):
(1) shall notify the state chemist in writing within ten (10) days after a change in or termination of the person's employment as a licensed applicator for hire, a licensed applicator not for hire, or a licensed public applicator; and
(2) may apply to the state chemist to transfer or amend the

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person's license by submitting an updated application form described under subsection (a)(1).

(e) A license issued under subsection (b):

(1) expires January 1 of each year; and

(2) subject to section 65 of this chapter, may be renewed by the person holding the license if the person:

(A) submits a renewal application on a form provided by the state chemist; and

(B) except for a person renewing a licensed public applicator's license **or an employee of a nonprofit organization,** pays a forty-five dollar ($45) renewal fee;

before January 1.

SECTION 16. IC 15-16-5-53 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 53. (a) A person may not act as a pesticide consultant unless the person has registered with the state chemist.~~

~~(b) To register with the state chemist as a pesticide consultant, a person must:~~

~~(1) submit an application on a form approved by the state chemist; and~~

~~(2) pay an annual fee of forty-five dollars ($45) to the state chemist.~~

SECTION 17. IC 15-16-5-64, AS ADDED BY P.L.120-2008, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 64. (a) A person may not **produce,** transport, store, **handle,** or dispose of any pesticide **product** or pesticide **product** containers in a manner that may:

(1) cause injury to:

(A) humans;

(B) beneficial vegetation;

(C) crops;

(D) livestock;

(E) wildlife; or

(F) beneficial insects; or

(2) pollute any waterway in a way harmful to any wildlife in a waterway.

(b) The board may adopt rules governing the **production, transportation,** storage, **handling,** and disposal of ~~pesticides~~ **pesticide products** or pesticide containers. In determining these standards, the board shall take into consideration any regulations issued by the United States Environmental Protection Agency.

SECTION 18. IC 15-16-5-65, AS ADDED BY P.L.120-2008, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2012]: Sec. 65. Subject to section 66 of this chapter, the state chemist under IC 4-21.5-3-6 may warn, cite, or impose a civil penalty on a person for a violation under this chapter. The state chemist may also deny, suspend, revoke, or modify any provision of any license, permit, registration, or certification issued under this chapter if the state chemist finds that the applicant or the holder of a license, permit, registration, or certification has committed any of the following acts, each of which is a violation of this chapter:

(1) Made false or fraudulent claims either verbally or through any media misrepresenting the effect of ~~pesticides~~ **pesticide products** or methods to be used.

(2) Recommended, used, or supervised the use of any registered pesticide **product** in a manner inconsistent with its labeling approved by the United States Environmental Protection Agency or Indiana state registration for that pesticide, or in violation of the United States Environmental Protection Agency or Indiana state restrictions on the use of that pesticide **product.**

(3) Used known ineffective or improper ~~pesticides~~ **pesticide products** or known ineffective amounts of pesticides.

(4) Operated faulty or unsafe equipment.

(5) Operated in a careless or negligent manner.

(6) Neglected or, after notice, refused to comply with this chapter, the rules adopted under this chapter, or of any lawful order of the state chemist or the board.

(7) Refused or neglected to:

(A) keep and maintain the records required by this chapter; or

(B) make reports and supply information when required or requested by the state chemist in the course of an investigation or inspection.

(8) Made false or fraudulent records, invoices, or reports.

(9) Engaged in or professed to be engaged in the business of:

(A) using a pesticide **or any other product regulated under this chapter or by rules adopted under this chapter;** or

(B) making a diagnostic inspection to determine infestations of a wood destroying pest;

for hire on the property of another without having a ~~pesticide~~ business license **issued by the state chemist.**

(10) Used a restricted use pesticide without having an applicator, who is licensed or permitted under this chapter, in direct supervision.

(11) Used fraud or misrepresentation in making an application for, or renewal of, a license, permit, registration, or certification.

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(12) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license, permit, registration, or certification.

(13) Aided or abetted a person to evade this chapter, conspired with a person to evade this chapter, or allowed a license, permit, registration, or certification to be used by another person.

(14) Made false or misleading statements during or after an inspection concerning any infestation or infection of pests.

(15) Impersonated any federal, state, county, or city inspector, investigator, or official.

(16) Knowingly purchased or used a pesticide **product** that was not registered under IC 15-16-4.

(17) Failed to continuously maintain financial responsibility required under section 58 of this chapter or to provide proof of financial responsibility to the state chemist when requested.

(18) Intentionally altered a duly issued license, permit, registration, or certification.

(19) Recklessly, knowingly, or intentionally impeded or prevented the state chemist or the state chemist's agent from performing a duty of the state chemist.

SECTION 19. IC 15-16-5-69, AS ADDED BY P.L.120-2008, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 69. (a) The state chemist may enter upon any public or private property at reasonable times to do the following:

(1) Observe the use and application of a pesticide **product.**

(2) Inspect equipment subject to this chapter.

(3) Inspect and sample property actually or reported to be exposed to ~~pesticides.~~ **pesticide products.**

(4) Inspect storage or disposal areas.

(5) Inspect or investigate complaints of injury to humans or property.

(6) Sample ~~pesticides~~ **pesticide products** being **produced, distributed, transported, stored, disposed, or** used or to be used.

(7) Inspect and obtain copies of pesticide **product production,** sale, distribution, purchase, use, storage, and disposal records, **including confidential business information. Confidential business information obtained under this subdivision is confidential for purposes of IC 5-14-3-4(a).**

(b) The state chemist may, upon showing a need, apply to any court with jurisdiction for a search warrant authorizing access to the property. The court may, after receiving the application and finding a

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need, issue the search warrant for the purposes requested.

(c) A prosecuting attorney to whom a violation of this chapter is reported may institute and prosecute the violation in a court with jurisdiction of that county without delay. The state chemist may apply for and the court may grant a temporary or permanent injunction restraining any person from violating or continuing to violate this chapter or any rule adopted under this chapter notwithstanding the existence of other remedies at law. The injunction may be issued without bond.

SECTION 20. IC 15-19-7-1, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "brand name" means a word, name, symbol, or device or any combination of words, names, symbols, **graphics,** or devices that identifies the commercial feed of a distributor and distinguishes it from that of other distributors.

SECTION 21. IC 15-19-7-2, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter, "commercial feed" means all materials, **or combinations of materials,** that are distributed **or intended for distribution** for use as feed or for mixing in feed, **except as exempted in this section.** The term does not include the following unless **labeled with nutritional claims or** adulterated within the meaning of section 29(1) of this chapter:

(1) Unmixed whole seeds.

(2) Unmixed, physically altered whole seeds that have not been chemically altered.

(3) Commodities, compounds, or substances excluded by rules adopted by the state chemist under IC 4-22-2 in accordance with section 34 of this chapter.

SECTION 22. IC 15-19-7-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2.5. As used in this chapter, "contract feeder" means a person who:**

(1) is an independent contractor;

(2) feeds commercial feed to animals under a contract where the commercial feed is supplied, furnished, or otherwise provided to the person; and

(3) receives remuneration that is determined wholly or in part by feed consumption, mortality, profits, or amount or quality of product.

SECTION 23. IC 15-19-7-3, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2012]: Sec. 3. As used in this chapter, ~~"custom mixed~~ **"customer formula** feed" means commercial feed that consists of a mixture of commercial feeds or feed ingredients, each batch of which is mixed to meet the request of the final purchaser that the mixture contain a specific content of ingredients, nutrients, or nonnutritive additives.

SECTION 24. IC 15-19-7-4, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. As used in this chapter, "distribute" means to:

(1) offer for sale, sell, exchange, **or** barter **a commercial feed,** or otherwise supply a commercial feed; **or**

(2) supply, furnish, or otherwise provide commercial feed to a contract feeder.

SECTION 25. IC 15-19-7-11, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. As used in this chapter, "mineral feed" means a commercial feed, the primary purpose of which is to supply mineral elements ~~and~~ **or** inorganic nutrients.

SECTION 26. IC 15-19-7-15, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. As used in this chapter, **except as provided in section 18 of this chapter,** "pet" means a ~~domesticated animal normally maintained in or near the household of its owner.~~ **dog or cat.**

SECTION 27. IC 15-19-7-17, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. As used in this chapter, "product name" means the name of the commercial feed that:

(1) identifies it as to kind, class, or specific use; **and**

(2) distinguishes it from all other products bearing the same brand name.

SECTION 28. IC 15-19-7-17.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 17.5. As used in this chapter "raw milk" means any milk or milk product, including butter, yogurt, cottage cheese, and cheese, from any species other than humans, that has not been pasteurized according to processes recognized by the United States Food and Drug Administration. The term does not include United States Department of Agriculture approved veterinary biologics.**

SECTION 29. IC 15-19-7-18, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. As used in this chapter, "specialty pet" means

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a domesticated animal normally maintained in a cage or tank, including a gerbil, hamster, bird, fish, **snake,** and turtle.

SECTION 30. IC 15-19-7-22, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 22. The state chemist may cooperate with and enter into agreements with governmental agencies of this state, other states, agencies of the federal government, and private associations in order to carry out **the purpose and provisions of** this chapter.

SECTION 31. IC 15-19-7-24, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 24. (a) A person who manufactures a commercial feed or whose name appears on the label of a commercial feed may not distribute the commercial feed in Indiana without a commercial feed license issued by the state chemist on a form provided by the state chemist.

(b) An out-of-state distributor may not cause a commercial feed to be distributed in Indiana without a commercial feed license issued by the state chemist on a form provided by the state chemist.

(c) A commercial feed license is issued for a calendar year and expires December 31 of the year for which the license was issued. Commercial feed license fees are as follows:

(1) The filing fee for a new or renewal license is fifty dollars ($50).

(2) A late filing fee of fifty dollars ($50) shall be added to the license fee if the applicant has distributed feed before filing the license application.

~~(2)~~ **(3)** A late filing fee of fifty dollars ($50) shall be added to the filing fee for renewing a commercial feed license if the application for renewal is received after January 16.

(d) The form and content of commercial feed license applications shall be established by rules adopted by the state chemist under IC 4-22-2, in accordance with section 34 of this chapter.

SECTION 32. IC 15-19-7-25, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25. **(a)** The state chemist may refuse ~~an application for a commercial feed license that does not comply with this chapter and may cancel~~ **to issue a license to any manufacturer or distributor who is not in compliance with this chapter.**

(b) The state chemist may revoke or suspend a commercial feed license that is not in compliance with this chapter. ~~However, a commercial feed~~

(c) The state chemist may place conditions that limit production

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or distribution of a particular commercial feed on any person who is not in compliance with this chapter.

(d) A license may not be **conditionalized, suspended,** refused, or ~~canceled~~ **revoked** unless the applicant or licensee has been given an opportunity to be heard before the state chemist. ~~and to amend the applicant's or licensee's application in order to comply with this chapter.~~

SECTION 33. IC 15-19-7-26, AS ADDED BY P.L.120-2008, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. A commercial feed, except a ~~custom mixed~~ **customer formula** feed, must be accompanied by a label bearing the following information:

(1) The ~~net weight.~~ **quality statement.**

(2) The product name and the brand name, if any, under which the commercial feed is distributed.

(3) The guaranteed analysis, **expressed on an "as-is" basis, and** stated in the terms that the state chemist, by rule, determines are required to advise the user of the composition of the feed or to support claims made in the labeling. In all cases the substances or elements must be determinable by laboratory methods such as the methods published by AOAC International.

(4) The common or usual name of each ingredient used in the manufacture of the commercial feed. However, the state chemist, by rule, may:

(A) permit the use of a collective term for a group of ingredients that perform a similar function; or

(B) exempt a commercial feed or group of commercial feeds from the requirement for an ingredient statement if the state chemist finds that such a statement is not required in the interest of consumers.

(5) The name and principal mailing address of the manufacturer or the person responsible for distributing the commercial feed.

(6) Adequate directions for use for:

(A) commercial feeds containing drugs; and

(B) other feeds that the state chemist requires by rule as necessary for their safe and effective use.

(7) Precautionary statements that the state chemist by rule determines are necessary for the safe and effective use of the commercial feed.

SECTION 34. IC 15-19-7-27, AS ADDED BY P.L.120-2008, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 27. ~~Custom mixed~~ **Customer formula** feed must

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be accompanied by a label, invoice, delivery slip, or other shipping document bearing the following information:

(1) Name and address of the manufacturer.

(2) Name and address of the purchaser.

(3) Date of delivery.

(4) The product name and brand name, if any, and the ~~net weight~~ **quality statement** of each commercial feed used in the mixture, and the common or usual name and net weight of each other ingredient used, and the specific content, stated in terms as required in section 26 of this chapter, of any nutrients and nonnutritive additives added at the request of the purchaser.

(5) Adequate directions for use for:

(A) ~~custom mixed~~ **customer formula** feeds containing drugs; and

(B) other feeds that the state chemist requires by rule as necessary for their safe and effective use.

(6) Precautionary statements that the state chemist by rule determines are necessary for the safe and effective use of the ~~custom mixed~~ **customer formula** feed.

(7) If a drug containing product is used:

(A) a claim statement that includes the purpose of the medication; and

(B) the established name of each active drug ingredient and the amount of each drug used in the final mixture, expressed according to the requirements under subdivision (4).

SECTION 35. IC 15-19-7-28, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 28. A commercial feed is considered misbranded if any of the following conditions exist:

(1) Its labeling is false or misleading in any particular.

(2) It is distributed under the name of another commercial feed.

(3) It is not labeled as required by section 26 or 27 of this chapter.

(4) It ~~appears~~ **purports** to be or is represented as a commercial feed, or it ~~appears~~ **purports** to contain or is represented as containing a commercial feed ingredient, unless the commercial feed or feed ingredient conforms to the definition, if any, prescribed by rule by the state chemist.

(5) Any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed on the label or labeling with sufficient conspicuousness (as compared with other words, statements,

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designs, or devices in the labeling) and in sufficient terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

SECTION 36. IC 15-19-7-29, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 29. A commercial feed is considered adulterated if it meets any of the following conditions:

(1) It **bears or** contains a poisonous or deleterious substance that may render it injurious to health. However, if the substance is not an added substance, the commercial feed is not considered to be adulterated under this subdivision if the quantity of the substance in the commercial feed does not ordinarily render it injurious to health.

(2) It contains an added poisonous, added deleterious, or added nonnutritive substance that is unsafe within the meaning of Section 406 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 346) other than one that is:

(A) a pesticide chemical in or on a raw agricultural commodity; or

(B) a food additive.

(3) It is, or it contains, a food additive that is unsafe within the meaning of Section 409 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 348).

(4) It is a raw agricultural commodity and it contains a pesticide chemical that is unsafe within the meaning of Section 408(a) of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(a)). However, if a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under Section 408 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) and the raw agricultural commodity has been subjected to processing, such as canning, cooking, freezing, dehydrating, or milling, the residue of the pesticide chemical remaining in or on the processed feed is not considered unsafe if:

(A) the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice;

(B) the concentration of the residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity; and

(C) the feeding of the processed feed will not result, or is not likely to result, in a pesticide residue in the edible product of

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the animal that is unsafe within the meaning of Section 408(a) of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(a)).

(5) It is, or it contains, a color additive that is unsafe within the meaning of Section ~~706~~ **721** of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e).

(6) It is, or it contains, an animal drug that is unsafe within the meaning of Section 512 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

(7) If any valuable constituent has been in whole or in part omitted or ~~removed~~ **abstracted** from the commercial feed or any less valuable substance has been substituted for a valuable constituent.

(8) Its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

(9) It contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice rules adopted by the state chemist to ensure that the drug:

(A) meets the requirement of this chapter as to safety; and

(B) has the identity and strength, and meets the quality and purity characteristics that it is represented to possess.

In adopting these rules, the state chemist shall adopt the current good manufacturing practice regulations for **Type A** medicated ~~feed premixes~~ **articles** and ~~for~~ **Type B and Type C** medicated feeds established under authority of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), unless the state chemist determines that they are not appropriate to the conditions that exist in Indiana.

(10) It contains viable weed seeds in amounts exceeding the limits the state chemist establishes by rule.

(11) It consists in whole or in part of any filthy, putrid, or decomposed substance, or it is otherwise unfit for feed.

(12) It has been prepared, packed, or held under unsanitary conditions where it may become contaminated with filth, or where it may have been become injurious to health.

(13) It is, in whole or in part, the product of a diseased animal or of an animal that has died by means other than slaughter.

(14) It is unsafe within the meaning of Section 402(a)(1) or 402(a)(2) of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)(1) and 21 U.S.C. 342(a)(2)).

(15) Its container is composed, in whole or in part, of any

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poisonous or deleterious substance that may render the contents injurious to health.

(16) It has been intentionally subjected to radiation, unless the use of radiation was in conformity with a regulation or exemption in effect under Section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348).

SECTION 37. IC 15-19-7-30, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 30. (a) A distributor shall pay to the state chemist an inspection fee at the rate of forty cents ($0.40) per ton on all commercial feeds ~~shipped~~ **distributed** into or within Indiana, subject to the following:

(1) No fee shall be paid on a commercial feed if the payment has been made by a previous distributor.

(2) No fee shall be paid on a ~~custom mixed~~ **customer formula** feed if the inspection fee has been paid on all of the commercial feeds that are ingredients of the ~~custom mixed~~ **customer formula** feed.

(3) On commercial feeds that contain ingredients on which the inspection fee has already been paid, credit shall be given for that payment.

(4) The minimum inspection fee is five dollars ($5) per quarter if a quarterly feed tonnage report is required under section 31 of this chapter.

(b) In the case of a pet food or a specialty pet food that is distributed in Indiana in packages of ten (10) pounds or less, an annual inspection fee of fifty dollars ($50) shall be paid instead of the tonnage inspection fee specified in subsection (a).

SECTION 38. IC 15-19-7-31, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 31. (a) Except as provided in subsection (b), a distributor who is liable for the payment of the tonnage inspection fee under section 30 of this chapter shall file quarterly tonnage reports setting forth the number of net tons of commercial feeds distributed in Indiana during the preceding calendar quarter. The distributor shall file the reports not later than January 31, April 30, July 31, and October 31 of each year. Upon filing a report, the distributor shall pay the inspection fee at the rate stated in section 30 of this chapter. Inspection fees that are due and owing and have not been remitted to the state chemist within fifteen (15) days after the due date shall be increased by a penalty fee of ten percent (10%) of the amount due or fifty dollars ($50), whichever is greater. The assessment of this penalty fee does not

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prevent the state chemist from taking other actions under this chapter.

(b) A resident of Indiana who only manufactures and distributes ~~custom mixed commercial~~ **customer formula** feeds and has met the requirements of section 30 of this chapter is exempt from filing quarterly feed tonnage reports.

(c) A distributor who is subject to the inspection fees for small packaged pet and specialty pet foods distributed in containers of ten (10) pounds or less under section 30 of this chapter shall do the following:

(1) Before beginning distribution, file with the state chemist a listing of small packaged pet and specialty pet foods to be distributed in Indiana in containers of ten (10) pounds or less, on forms provided by the state chemist. The listing under this subdivision shall be renewed annually before January 1 of each year and is the basis for the payment of the annual inspection fee of fifty dollars ($50) per product. New products added during the year must be submitted to the state chemist as a supplement to the annual listing before distribution.

(2) If the annual renewal of the listing is not received before January 16 or if an unlisted product is distributed, pay a late filing fee of ten dollars ($10) per product in addition to the normal charge for the listing. The late filing fee under this subdivision is in addition to any other penalty under this chapter.

SECTION 39. IC 15-19-7-34, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 34. (a) Subject to subsection (b), and in the manner provided by IC 4-22-2, the state chemist may adopt:

(1) rules for commercial feeds, ~~and~~ pet foods, **and specialty pet foods** as specifically authorized in this chapter; and

(2) other reasonable rules necessary for the efficient enforcement of this chapter.

(b) In the interest of uniformity, the state chemist shall adopt the following by rule unless the state chemist determines that the following are inconsistent with this chapter or are not appropriate to conditions that exist in Indiana:

(1) The official definitions of feed ingredients and official feed terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization.

(2) Any regulation promulgated under the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) if the state chemist would have the authority under this chapter to adopt such a rule.

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(c) The state chemist may adopt rules under IC 4-22-2 to exclude from the definition of "commercial feed" commodities, such as hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances when the commodities, compounds, or substances are not intermixed or mixed with other materials.

(d) The state chemist may adopt rules under IC 4-22-2 to require copies of labels and labeling.

SECTION 40. IC 15-19-7-35, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 35. (a) Upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, officers or employees designated by the state chemist may:

(1) during normal business hours, enter:

(A) a factory, warehouse, or establishment in Indiana in which commercial feeds are manufactured, processed, packed, or held for distribution; and

(B) a vehicle being used to transport or hold commercial feeds; and

(2) at reasonable times, within reasonable limits, and in a reasonable manner, inspect such a factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling;

to enforce this chapter and to determine compliance with this chapter, including whether or not any operations are subject to this chapter. In determining compliance with good manufacturing practice rules adopted under section 29(9) of this chapter, the inspection may include the verification of only the records and production and control procedures necessary to determine compliance with those rules.

(b) A separate notice shall be given for each inspection, but a notice is not required for each entry made during the period covered by the inspection. Each inspection must begin and be completed with reasonable promptness. The person in charge of the facility or vehicle shall be notified upon completion of the inspection.

(c) An officer or employee who inspects a factory, warehouse, or other establishment and obtains a sample in the course of the inspection shall, upon completion of the inspection and before leaving the premises, give to the owner, operator, or agent in charge a receipt describing the samples obtained.

(d) The state chemist shall forward the results of analyses of official samples to the person named on the label and to the person in whose possession the sample was taken. If the inspection and analysis of an official sample indicates a commercial feed has been adulterated or

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misbranded, and upon request within thirty (30) days following receipt of the analysis, the state chemist shall furnish to the ~~registrant~~ **licensee or labeler** a portion of the sample concerned.

(e) The state chemist, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided by the official sample obtained and analyzed as provided for in subsection ~~(c)~~ **(d)** and section 36 of this chapter.

SECTION 41. IC 15-19-7-39, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 39. A lot of commercial feed that is not in compliance with this chapter or a rule adopted under this chapter is subject to seizure on complaint of the state chemist to a court with jurisdiction in the ~~county~~ **area** in which the commercial feed is located. If the court finds the commercial feed is in violation of this chapter and orders the condemnation of the commercial feed, the commercial feed shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of Indiana. However, the disposition of the commercial feed may not be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the commercial feed or for permission to process or relabel the commercial feed to bring it into compliance with this chapter.

SECTION 42. IC 15-19-7-40, AS AMENDED BY P.L.8-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 40. A person commits a Class C ~~infraction~~ **misdemeanor** if the person knowingly engages in any of the following:

(1) The manufacture or distribution of a commercial feed that is adulterated or misbranded.

(2) The adulteration or misbranding of a commercial feed.

(3) The distribution of agricultural commodities, such as whole seed, hay, straw, stover, silage, cobs, husks, and hulls, that are adulterated within the meaning of section 29(1) of this chapter.

(4) The removal or disposal of a commercial feed in violation of an order under section 38 or 39 of this chapter.

(5) The failure to obtain a commercial feed license under section 24 of this chapter.

(6) The failure to pay inspection fees or file reports as required by section 30, 31, or 34.5 of this chapter.

(7) The distribution of raw milk for use as a commercial feed for any species if the raw milk is not prominently labeled, in at least one-half (1/2) inch font, "Not for Human Consumption".

(8) Distribution of any animal feed that is implied by the

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person to be suitable for human food unless the feed meets all federal, state, and local health laws and labeling requirements for human consumption.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1129, 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 12, delete "application," and insert "**registration,**".

Page 6, line 23, strike "pesticides.".

Page 6, line 23, delete ".".

Page 6, line 24, after "only." insert "**pesticide products.**".

Page 11, line 25, after "any pesticide" insert "**product**".

Page 11, line 25, before "containers" insert "**product**".

Page 13, line 28, strike "pesticides." and insert "**pesticide products.**".

and when so amended that said bill do pass.

(Reference is to HB 1129 as introduced.)

LEHE, Chair

Committee Vote: yeas 9, nays 0.

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