

SENATE BILL No. 457

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-17-3-13; IC 16-18-2-287.8; IC 16-42.

Synopsis: Farming practices and inspections. Allows poultry farms to slaughter and process less than 3,000 birds each year without inspection. Allows rabbits to be slaughtered and processed without inspection under certain conditions. Removes the prohibition on potentially hazardous food products sold by individual vendors. Provides that the board of animal health may not require premises registration as part of any animal identification program. Provides that a farmer or bona fide egg producer: (1) is not required to have a farmers market retail permit to sell eggs at a farmer's market; and (2) may sell eggs to a restaurant or grocery store if the eggs meet consumer Grade B standards. Voids a provision in the administrative code that defines a "wild hog" as having skeletal characteristics indicative of a hog of wild or Eurasian origin. Voids a provision in the administrative code that requires premises registration as part of an animal identification program.

Effective: July 1, 2013.

Banks

January 10, 2013, read first time and referred to Committee on Agriculture and Natural Resources.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 457



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 15-17-3-13, AS AMENDED BY P.L.50-2010,
- 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2013]: Sec. 13. (a) In addition to the powers and duties given
- 4 the board in this article and by law, the board has the powers and duties
- 5 reasonable and necessary to do the following:
- 6 (1) Provide for the quarantine of animals and objects to prevent,
- 7 control, and eradicate diseases and pests of animals.
- 8 (2) Develop, adopt, and implement programs and procedures for
- 9 establishing and maintaining accredited, certified, validated, or
- 10 designated disease or pest free or disease or pest monitored
- 11 animals, herds, flocks, or areas, including the following:
- 12 (A) The establishment and maintenance of herds that are
- 13 monitored for disease or pest syndromes.
- 14 (B) The establishment and maintenance of certified or
- 15 validated brucellosis free herds, animals, and areas.
- 16 (C) The establishment and maintenance of accredited
- 17 tuberculosis free herds, animals, and areas.



- 1 (3) Develop, adopt, and implement programs and plans for the
2 prevention, detection, control, and eradication of diseases and
3 pests of animals.
- 4 (4) Control or prohibit, by permit or other means, the movement
5 and transportation into, out of, or within Indiana of animals and
6 objects in order to prevent, detect, control, or eradicate diseases
7 and pests of animals. When implementing controls or
8 prohibitions, the board may consider whether animals or objects
9 are diseased, suspected to be diseased, or under quarantine, or
10 whether the animals or objects originated from a country, a state,
11 an area, or a premises that is known or suspected to harbor
12 animals or objects infected with or exposed to a disease or pest of
13 animals.
- 14 (5) Control or prohibit the public and private sale of animals and
15 objects in order to prevent the spread of disease and pests of
16 animals.
- 17 (6) Control the use, sanitation, and disinfection of:
18 (A) public stockyards; and
19 (B) vehicles used to transport animals and objects into and
20 within Indiana;
21 to accomplish the objectives of this article.
- 22 (7) Control the use, sanitation, and disinfection of premises,
23 facilities, and equipment to accomplish the objectives of this
24 article.
- 25 (8) Control the movement of animals and objects to, from, and
26 within premises where diseases or pests of animals may exist.
- 27 (9) Control the movement and disposal of carcasses of animals
28 and objects.
- 29 (10) Control the manufacture, sale, storage, distribution, handling,
30 and use of serums, vaccines, and other biologics and veterinary
31 drugs, except those drugs for human consumption regulated under
32 IC 16-42-19, to be used for the prevention, detection, control, and
33 eradication of disease and pests of animals.
- 34 (11) Control and prescribe the means, methods, and procedures
35 for the vaccination or other treatment of animals and objects and
36 the conduct of tests for diseases and pests of animals.
- 37 (12) **Subject to subsection (b)**, develop, adopt, and implement
38 plans and programs for the identification of animals, objects,
39 premises, and means of conveyances. Plans and programs may
40 include identification:
41 (A) of animals or objects that have been condemned under this
42 article; and

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- 1 (B) related to classification as to disease, testing, vaccination,
2 or treatment status.
- 3 (13) Establish the terms and method of appraisal or other
4 determination of value of animals and objects condemned under
5 this article, the payment of any indemnities that may be provided
6 for the animals and objects, and the regulation of the sale or other
7 disposition of the animals or objects.
- 8 (14) Control the sale of baby chicks.
- 9 (15) Cooperate and enter into agreements with the appropriate
10 departments and agencies of this state, any other state, or the
11 federal government to prevent, detect, control, and eradicate
12 diseases and pests of animals.
- 13 (16) Control or prohibit the movement and transportation into, out
14 of, or within Indiana of wild animals, including birds, that might
15 carry or disseminate diseases or pests of animals.
- 16 (17) Provide for condemning or abating conditions that cause,
17 aggravate, spread, or harbor diseases or pests of animals.
- 18 (18) Establish and designate, in addition to the animal disease
19 diagnostic laboratory under IC 21-46-3-1, other laboratories
20 necessary to make tests of any nature for diseases and pests of
21 animals.
- 22 (19) Investigate, develop, and implement the best methods for the
23 prevention, detection, control, suppression, or eradication of
24 diseases and pests of animals.
- 25 (20) Investigate, gather, and compile information concerning the
26 organization, business conduct, practices, and management of any
27 registrant, licensee, permittee, applicant for a license, or applicant
28 for a permit.
- 29 (21) Investigate allegations of unregistered, unlicensed, and
30 unpermitted activities.
- 31 (22) Institute legal action in the name of the state of Indiana
32 necessary to enforce:
- 33 (A) the board's orders and rules; and
34 (B) this article.
- 35 (23) Control the collection, transportation, and cooking of garbage
36 to be fed to swine or other animals and all matters of sanitation
37 relating to the collection, transportation, and cooking of garbage
38 affecting the health of swine or other animals and affecting public
39 health and comfort.
- 40 (24) Adopt an appropriate seal.
- 41 (25) Issue orders as an aid to enforcement of the powers granted
42 by this article, IC 15-18-1, and IC 15-19-6.

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- 1 (26) Control disposal plants and byproducts collection services
 2 and all matters connected to disposal plants and byproducts
 3 collection services.
 4 (27) Abate biological or chemical substances that:
 5 (A) remain in or on any animal before or at the time of
 6 slaughter as a result of treatment or exposure; and
 7 (B) are found by the board to be or have the potential of being
 8 injurious to the health of animals or humans.
 9 (28) Regulate the production, manufacture, processing, and
 10 distribution of products derived from animals to control health
 11 hazards that may threaten:
 12 (A) animal health;
 13 (B) the public health and welfare of the citizens of Indiana;
 14 and
 15 (C) the trade in animals and animal products in and from
 16 Indiana.
 17 (29) Cooperate and coordinate with local, state, and federal
 18 emergency management agencies to plan and implement disaster
 19 emergency plans and programs as the plans and programs relate
 20 to animals in Indiana.
 21 (30) Assist law enforcement agencies investigating allegations of
 22 cruelty and neglect of animals.
 23 (31) Assist organizations that represent livestock and poultry
 24 producers with issues and programs related to the care of
 25 livestock and poultry.
 26 (32) Establish a registry of commercial dog brokers and
 27 commercial dog breeders in Indiana.
 28 **(b) The board may not adopt rules requiring premises**
 29 **registration as part of any animal identification program.**
 30 SECTION 2. IC 16-18-2-287.8 IS REPEALED [EFFECTIVE JULY
 31 1, 2013]. Sec. 287.8: (a) "Potentially hazardous food product", for
 32 purposes of IC 16-42-5-29, means a food that is natural or synthetic
 33 and requires temperature control because it is in a form capable of
 34 supporting any of the following:
 35 (1) The rapid and progressive growth of infectious or toxigenic
 36 microorganisms.
 37 (2) The growth and toxin production of *Clostridium botulinum*.
 38 (3) In raw shell eggs, the growth of *Salmonella enteritidis*.
 39 (b) The term includes the following:
 40 (1) A food of animal origin that is raw or heat treated.
 41 (2) A food of plant origin that is heat treated or consists of raw
 42 seed sprouts.

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- 1 (3) ~~Cut melons.~~
- 2 (4) ~~Garlic-in-oil mixtures that are not modified in a way that~~
- 3 ~~results in mixtures that do not support growth described in~~
- 4 ~~subsection (a).~~
- 5 SECTION 3. IC 16-42-5-29, AS AMENDED BY P.L.86-2012,
- 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2013]: Sec. 29. (a) This section applies to an individual
- 8 vendor of a farmer's market or roadside stand.
- 9 (b) An individual vendor of a farmer's market or roadside stand is
- 10 not considered to be a food establishment and is exempt from the
- 11 requirements of this title that apply to food establishments if the
- 12 individual vendor's food product:
- 13 (1) is made, grown, or raised by an individual at the individual's
- 14 primary residence, property owned by the individual, or property
- 15 leased by the individual;
- 16 (2) ~~is not a potentially hazardous food product;~~
- 17 (3) (2) is prepared by an individual who practices proper sanitary
- 18 procedures, including:
- 19 (A) proper hand washing;
- 20 (B) sanitation of the container or other packaging in which the
- 21 food product is contained; and
- 22 (C) safe storage of the food product;
- 23 (4) (3) is not resold; and
- 24 (5) (4) includes a label that contains the following information:
- 25 (A) The name and address of the producer of the food product.
- 26 (B) The common or usual name of the food product.
- 27 (C) The ingredients of the food product, in descending order
- 28 by predominance by weight.
- 29 (D) The net weight and volume of the food product by
- 30 standard measure or numerical count.
- 31 (E) The date on which the food product was processed.
- 32 (F) The following statement in at least 10 point type: "This
- 33 product is home produced and processed and the production
- 34 area has not been inspected by the state department of health."
- 35 (c) An individual vendor who meets the requirements in subsection
- 36 (b) is subject to food sampling and inspection if:
- 37 (1) the state department determines that the individual vendor's
- 38 food product is:
- 39 (A) misbranded under IC 16-42-2-3; or
- 40 (B) adulterated; or
- 41 (2) a consumer complaint has been received by the state
- 42 department.

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1 (d) If the state department has reason to believe that an imminent
 2 health hazard exists with respect to an individual vendor's food
 3 product, the state department may order cessation of production and
 4 sale of the food product until the state department determines that the
 5 hazardous situation has been addressed.

6 (e) For purposes of this section, the state health commissioner or the
 7 commissioner's authorized representatives may take samples for
 8 analysis and conduct examinations and investigations through any
 9 officers or employees under the state health commissioner's
 10 supervision. Those officers and employees may enter, at reasonable
 11 times, the facilities of an individual vendor and inspect any food
 12 products in those places and all pertinent equipment, materials,
 13 containers, and labeling.

14 (f) The state health commissioner may develop guidelines for an
 15 individual vendor who seeks an exemption from regulation as a food
 16 establishment as described in subsection (b). The guidelines may
 17 include:

- 18 (1) standards for best safe food handling practices;
- 19 (2) disease control measures; and
- 20 (3) standards for potable water sources.

21 (g) The department shall adopt rules that:

- 22 (1) incorporate by reference ~~9 CFR 381.10(e)~~ **9 CFR 381.10(b)**
 23 allowing **less than three thousand (3,000) poultry products per**
 24 **year** slaughtered and processed on a farm for the purpose of
 25 conducting limited sales on the farm, at a farmer's market,
 26 **through delivery**, and at a roadside stand; ~~and~~
 27 (2) require that poultry processed under this section be frozen at
 28 the point of sale and labeled in compliance with the requirements
 29 of 9 CFR 381.10; **and**
 30 **(3) allow rabbits to be slaughtered and processed on a farm**
 31 **for the purpose of conducting limited sales on the farm, at a**
 32 **farmer's market, and at a roadside stand and labeled in**
 33 **compliance with the requirements of 9 CFR 381.10.**

34 SECTION 4. IC 16-42-11-9.5, AS ADDED BY P.L.28-2009,
 35 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2013]: Sec. 9.5. **(a)** A farmer or bona fide egg producer who
 37 markets directly to the consumer at a location that is not the farmer's or
 38 producer's own premises and is recognized as a farmers market may
 39 **not** be required to have a farmers market retail permit issued by the
 40 state egg board. ~~The state egg board shall establish requirements and~~
 41 ~~procedures for obtaining a farmers market retail permit by rule under~~
 42 ~~IC 4-22-2.~~



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1 **(b) Notwithstanding any other law, a farmer or bona fide egg**
2 **producer may sell eggs to a restaurant or grocery store in Indiana**
3 **if the eggs meet consumer Grade B standards. Eggs sold under this**
4 **section are exempt from grading.**

5 SECTION 5. [EFFECTIVE JULY 1, 2013] **(a) 312**
6 **IAC 9-3-18.6(a)(4) is void. The publisher of the Indiana**
7 **Administrative Code and Indiana Register shall remove 312**
8 **IAC 9-3-18.6(a)(4) from the Indiana Administrative Code.**

9 **(b) This SECTION expires January 1, 2014.**

10 SECTION 6. [EFFECTIVE JULY 1, 2013] **(a) 345 IAC 1-2.5-5 is**
11 **void. The publisher of the Indiana Administrative Code and**
12 **Indiana Register shall remove 345 IAC 1-2.5-5 from the Indiana**
13 **Administrative Code.**

14 **(b) This SECTION expires January 1, 2014.**

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