

Proposed Rule  
LSA Document #07-824

## DIGEST

Amends [345 IAC 1-3-29](#) and [345 IAC 1-3-30](#) to add and amend requirements for brucellosis and tuberculosis testing of cervids prior to moving into the state and delete requirements for moving cervid semen and embryos into the state. Amends [345 IAC 2-4.5-1](#) through [345 IAC 2-4.5-7](#) to add a brucellosis in cervids monitoring program. Amends [345 IAC 2-7-1](#), [345 IAC 2-7-2](#), and [345 IAC 2-7-2.5](#) through [345 IAC 2-7-4](#) and adds [345 IAC 2-7-6](#) to modify the required chronic wasting disease monitoring program and create a voluntary chronic wasting disease certification program. Amends [345 IAC 2.5-1-2](#), [345 IAC 2.5-1-15](#), [345 IAC 2.5-2-2](#), and [345 IAC 2.5-2-4](#) and adds [345 IAC 2.5-5](#) to update the tuberculosis in cervids monitoring program. Makes other changes in the law of animal disease control in cervids. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[345 IAC 1-3-29](#); [345 IAC 1-3-30](#); [345 IAC 2-4.5-1](#); [345 IAC 2-4.5-2](#); [345 IAC 2-4.5-3](#); [345 IAC 2-4.5-4](#); [345 IAC 2-4.5-5](#); [345 IAC 2-4.5-6](#); [345 IAC 2-4.5-7](#); [345 IAC 2-7-1](#); [345 IAC 2-7-2](#); [345 IAC 2-7-2.5](#); [345 IAC 2-7-3](#); [345 IAC 2-7-4](#); [345 IAC 2-7-6](#); [345 IAC 2.5-1-2](#); [345 IAC 2.5-1-15](#); [345 IAC 2.5-2-2](#); [345 IAC 2.5-2-4](#); [345 IAC 2.5-5](#)

SECTION 1. [345 IAC 1-3-29](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 1-3-29](#) Importing cervidae into Indiana**

**Authority:** [IC 15-2.1-3-19](#)

**Affected:** [IC 15-2.1-3-13](#); [IC 15-2.1-7](#)

Sec. 29. (a) Cervidae may be imported into Indiana if the requirements of this rule and [345 IAC 2-4.5](#) [345 IAC 2.5-5-2](#) are met. ~~Before cervidae are imported into Indiana, the owner must obtain a permit from the board. Permit numbers must be written on the health certificate accompanying the animal. Permits may be obtained by calling the board at (317) 227-0316.~~

(b) A person may not import into Indiana **the following** cervidae:

**(1) Cervids** that respond to a Tuberculosis **brucellosis** test.

~~(e)~~ **(2) Cervidae** that respond to **originate from a Tuberculosis herd that is:**

- (A) under quarantine for brucellosis; or**
- (B) affected with brucellosis.**

**(c) Cervids that respond to a brucellosis test** may be imported into Indiana if ~~either of the following are met:~~ **animal:**

~~(1) The animal~~ subsequently, prior to importation into Indiana, tests negative for Tuberculosis **brucellosis** using an official Tuberculosis **brucellosis** test; **or**

~~(2) The animal is:~~

- (A) sold or consigned to slaughter; and is**
- (B) moved directly to the slaughter establishment.**

~~(d) **Before** a person may import into Indiana cervidae not known to be infected with or exposed to Tuberculosis. Upon arriving in Indiana, an imported cervidae must be kept isolated from other animals that were not imported with it until **brucellosis, one (1) of the animal tests negative for Tuberculosis. The import retest required in this subsection must be an official test and must be conducted between ninety (90) and one hundred twenty (120) days after the animal enters Indiana.**~~

~~(e) **Before a person imports a cervidae into Indiana, one (1) of the following set of requirements must be met:**~~

~~(1) The animal:~~

- ~~(A) originated from a herd that is accredited Tuberculosis **certified brucellosis** free under requirements that are at least equal to those in [345 IAC 2-4.5](#); [345 IAC 2-4.5-3](#); and~~

- (B) is accompanied by a certificate of veterinary inspection certifying that the animal originated from an accredited **brucellosis certified** herd.
- (2) The animal:
- (A) originated from a herd that is ~~qualified Tuberculosis free~~ **brucellosis monitored** under requirements that are at least equal to those in [345 IAC 2-4.5](#); [345 IAC 2-4.5-3](#);
- (B) **if sexually intact and one (1) year of age or older**, tests negative for ~~Tuberculosis~~ **brucellosis** using an official test conducted within ninety (90) days prior to the animal entering Indiana; and
- (C) is accompanied by a certificate of veterinary inspection certifying that the animal originated from a ~~qualified~~ **brucellosis monitored** herd and tested negative for ~~Tuberculosis~~ **brucellosis** on a specific date.
- ~~(3) The animal:~~
- ~~(A) originated from a herd that is a monitored herd under requirements that are at least equal to those in [345 IAC 2-4.5](#);~~
- ~~(B) tests negative for Tuberculosis using an official test conducted within ninety (90) days prior to the animal entering Indiana; and~~
- ~~(C) is accompanied by a certificate of veterinary inspection certifying that the animal originated from a monitored herd and tested negative for Tuberculosis on a specific date.~~
- ~~(4) (3) The animal originated from a herd that is not an accredited, qualified, **brucellosis certified** or monitored herd and the following requirements are met:~~
- ~~(A) If the animal is to be added to a herd that is accredited, qualified, **brucellosis certified** or monitored under [345 IAC 2-4.5-3](#), the animal meets the requirements in the **Brucellosis in Cervidae Uniform Methods and Rules UM & R** adopted under [345 IAC 2-4.5-2](#) for additions to a herd with that status.~~
- ~~(B) If the animal is to be added to a herd that is not accredited, qualified, **brucellosis certified** or monitored under [345 IAC 2-4.5-3](#), the animal tests negative for ~~Tuberculosis~~ **brucellosis** using an official test within ninety (90) **thirty (30)** days prior to the animal entering Indiana.~~
- ~~(C) The animal is accompanied by a certificate of veterinary inspection certifying that the animal met the requirements for importation listing the specific test dates.~~
- ~~(5) (4) The animal:~~
- ~~(A) is less than twelve (12) months of age;~~
- ~~(B) originated from and was born in an accredited, qualified, or monitored herd under [345 IAC 2-4.5](#) and has not been exposed **consigned** to cervidae from herds that are not from an accredited, qualified, or monitored herd; **slaughter** and~~
- ~~(C) is accompanied by a certificate of veterinary inspection certifying that each animal meets **moved directly to** the qualifications in this subdivision.~~
- ~~(6) The animal is being moved from an American Zoo and Aquarium Association (AZAA) accredited institution to another AZAA accredited institution. Animals imported under this subdivision are exempt from the retest requirement in subsection (d). **slaughter establishment.**~~

(Indiana State Board of Animal Health; [345 IAC 1-3-29](#); filed Dec 23, 1998, 4:37 p.m.: 22 IR 1473; errata filed Mar 31, 1999, 9:37 a.m.: 22 IR 2534; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed Feb 9, 2007, 9:42 a.m.: [20070307-IR-345060512RFA](#))

SECTION 2. [345 IAC 1-3-30](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 1-3-30](#) Chronic wasting disease**

**Authority:** [IC 15-2.1-3-19](#)

**Affected:** [IC 15-2.1-3-13](#); [IC 15-2.1-21-6](#)

Sec. 30. (a) Notwithstanding any other provision of this rule, a person may not move or cause to be moved any of the following live animals ~~or semen or embryos from the animals~~, into the state:

- (1) A member of the:
- (A) **Cervus elaphus** species (elk, wapiti, and red deer);
- ~~(2) A member of the (B) Cervus nippon~~ species (Sika deer, Japanese deer, Japanese Sika deer, spotted deer, and Japanese spotted deer);
- ~~(3) A member of the (C) Odocoileus hemionus~~ species (mule deer);
- ~~(4) A member of the (D) Odocoileus virginianus~~ species (whitetail deer); **or**
- (E) Alces alces** species (**moose**).
- ~~(5) (2) Hybrids of the species listed in this subsection.~~
- ~~(6) (3) An animal of the family cervidae if any member of its species has been diagnosed with CWD.~~

**But**, A person may, **however**, move live animals ~~semen, or embryos~~ from these species under the conditions set

forth in subsection (b).

(b) A person may move or cause to be moved a live animal ~~semen, or embryos~~ of the species listed in subsection (a) into the state by complying with one (1) of the following:

- (1) A person may transport a live animal ~~semen, or embryos~~ directly through the state without stopping and unloading the animal ~~semen, or embryos~~ in the state.
- (2) The person obtains a pre-entry permit from the state veterinarian that authorizes the movement as follows:
  - (A) The person must first apply to the state veterinarian for a pre-entry permit to move the animal ~~semen, or embryos~~ into the state.
  - (B) The state veterinarian may require from an applicant for a pre-entry permit, and the applicant must provide any information, including supporting documentation, that is relevant to evaluating the disease risk associated with the movement and compliance with subsections (c) through (f). The state veterinarian may require that the application for a permit be in writing and be submitted not less than one hundred twenty (120) hours prior to the movement date.

(c) The state veterinarian may issue a pre-entry permit to move a live animal ~~and embryos~~ of the species listed in subsection (a) into the state if the epidemiology as it relates to CWD indicates that the proposed movement is consistent with reasonable animal health precautions. The state veterinarian must follow the principles in subsections (d) through ~~(h)~~ **(g)** when issuing pre-entry permits.

(d) Except as provided in subsections (e) ~~(f), and (h)~~, **through (g)**, the state veterinarian must follow the following principles when issuing pre-entry permits for live animals: ~~and embryos~~:

- (1) Each animal in the proposed movement must originate from an area that meets all of the following conditions:
  - (A) The principal animal health official in the state of origin has authority to quarantine CWD infected, CWD exposed, and CWD suspect animals.
  - (B) State law in the state of origin requires that a diagnosis of CWD be reported to the principal animal health official of the state.
  - (C) The state of origin is engaged in surveillance for CWD in captive and ~~pre-rangin~~ **free-ranging** cervids.
  - (D) CWD has not been diagnosed in a captive or free-ranging cervid in the state within the sixty (60) months immediately prior to the date of the proposed movement.
- (2) Each animal in the proposed movement must originate from a herd that meets all of the following conditions:
  - (A) No animal in the herd, ~~and~~ no animal that originated from the herd, and no animal that has been traced to the herd has been diagnosed as positive for CWD within the sixty (60) months immediately prior to the date of transportation into Indiana.
  - (B) The herd has been enrolled in or subject to an official state or federal surveillance program whereby the herd has been monitored for CWD for not less than sixty (60) consecutive months and the owner of the herd is in compliance with the surveillance program requirements. The certification program information shall be:
    - (i)** disclosed when applying for an entry permit under this section; and ~~shall be~~
    - (ii)** included on the certificate of veterinary inspection required under section 4 of this rule.

(e) The state veterinarian may issue a pre-entry permit under this section for ~~any of the following~~:

- ~~(1) an animal if the animal has tested negative for CWD using a live animal test that has been approved by the United States Department of Agriculture and the state veterinarian.~~
- ~~(2) Semen or embryos if the donor animal has tested negative for CWD using a test that has been approved by the United States Department of Agriculture and the state veterinarian.~~

(f) The state veterinarian may issue a pre-entry permit under this section to move a live animal of the species listed in subsection (a) into the state directly to slaughter if the following requirements are met:

- (1) An official certificate of veterinary inspection is obtained for the animals on the shipment.
- (2) Each animal is identified and the identification is recorded on the certificate of veterinary inspection.
- (3) The permit requires:
  - (A)** a copy of the certificate of veterinary inspection to move with the animals and be presented to a state or federal official at the slaughtering plant;
  - ~~(4) The permit requires~~ **(B)** that the animals be moved directly to a slaughtering plant inspected by the board or the United States Department of Agriculture without stopping and unloading the animals elsewhere in the state; **and**
  - ~~(5) The permit requires~~ **(C)** that the state veterinarian be allowed to collect samples from each animal for

testing for disease.

~~(6)~~ **(4)** The permit contains any other conditions the state veterinarian determines to be necessary to prevent, detect, and control disease.

~~(g)~~ The state veterinarian may issue a pre-entry permit under this section to move semen from animals of the species listed in subsection (a) into the state if the following requirements are met:

~~(1)~~ The semen donor is not a CWD positive, CWD suspect, or CWD exposed animal.

~~(2)~~ The semen donor has not been kept on a premise where a CWD positive animal has been kept within the last sixty (60) months.

~~(3)~~ The semen donor is not an offspring of a CWD positive animal.

~~(4)~~ A veterinarian accredited under 9 CFR Subchapter J prepares a certificate of veterinary inspection for the semen donor and the shipment indicating that the provisions of this subsection are met and that the donor does not currently show any signs of a neurological disorder. The state veterinarian may require a copy of the certificate of veterinary inspection be submitted prior to issuing the pre-entry permit. The certificate must be prepared within the thirty (30) days prior to the shipment into the state.

~~(h)~~ **(g)** The state veterinarian may permit the movement of any animal semen, or embryo into the state under conditions prescribed by the state veterinarian:

**(1)** for the purpose of research; or

**(2)** to facilitate the:

**(A)** diagnosis;

**(B)** treatment;

**(C)** prevention; or

**(D)** control;

of disease.

*(Indiana State Board of Animal Health; [345 IAC 1-3-30](#); filed Jan 4, 2001, 1:59 p.m.: 24 IR 1338; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 345; filed Sep 5, 2003, 8:41 a.m.: 27 IR 87; readopted filed Feb 9, 2007, 9:42 a.m.: [20070307-IR-345060512RFA](#))*

SECTION 3. [345 IAC 2-4.5-1](#) IS AMENDED TO READ AS FOLLOWS:

### [345 IAC 2-4.5-1](#) Definitions

Authority: [IC 15-2.1-3-19](#)

Affected: [IC 15-2.1](#)

Sec. 1. (a) The following definitions **and the definitions in [IC 15-2.1-2](#)** apply throughout this rule:

~~(1)~~ "Board" means the Indiana state board of animal health **created under [IC 15-2.1-3](#)** or its authorized representative.

~~(2)~~ "Cervidae" means all species **members of the cervidae family and hybrids, including the following:**

**(A)** Deer.

**(B)** Elk. and

**(C)** Moose. ~~that are livestock.~~

**(D)** Caribou.

**(E)** Reindeer.

**(F)** Related species.

~~(3)~~ "Cervidae UM & R" **and "Brucellosis in Cervidae UM & R"** means the "Tuberculosis Eradication **Brucellosis** in Cervidae Uniform Methods and Rules" incorporated by reference in section 2 of this rule.

~~(4)~~ "Condemned" means ordered destroyed.

~~(5)~~ "Domestic animal" has the meaning set forth in [IC 15-2.1-2-15](#).

~~(6)~~ **(5)** "Federal official" means the United States Department of Agriculture Animal and Plant Health Inspection Service or its authorized representative.

~~(7)~~ "Livestock" has the meaning set forth in [IC 15-2.1-2-27](#).

~~(8)~~ **(6)** "Official Tuberculosis **brucellosis** test" means ~~the single cervical a test or the comparative cervical test for Tuberculosis~~ **brucellosis that is:**

**(A)** approved by the state veterinarian; and

**(B)** conducted by a state official, federal official, or a designated accredited veterinarian in accordance with this rule. ~~The blood Tuberculosis (BTB) test is not an official Tuberculosis test in Indiana.~~

- ~~(9)~~ **(7)** "State official" means the board as created under [IC 15-2.1-3](#) or its authorized representative.  
~~(10)~~ **(8)** "State veterinarian" means the state veterinarian appointed under [IC 15-2.1-4](#).

(b) The following apply throughout this rule:

- (1) An animal tests negative for a disease or passes a test for a disease when a test conducted in accordance with Indiana law and generally accepted testing procedures indicates that the animal is not infected with the disease.  
(2) An animal fails, responds to, or has a response to a test for a disease when a test conducted in accordance with Indiana law and generally accepted testing procedures indicates that an animal is or may be infected with the disease.

*(Indiana State Board of Animal Health; [345 IAC 2-4.5-1](#); filed Dec 23, 1998, 4:37 p.m.: 22 IR 1474; errata filed Mar 31, 1999, 9:37 a.m.: 22 IR 2534; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#))*

SECTION 4. [345 IAC 2-4.5-2](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 2-4.5-2](#) Incorporation by reference**

**Authority:** [IC 15-2.1-3-19](#)

**Affected:** [IC 15-2.1-3-13](#)

Sec. 2. (a) ~~Tuberculosis~~ **Brucellosis** control and eradication in captive cervidae is a goal of the board.

(b) Except as provided in subsection (c), the board incorporates by reference, as a rule of the board, the "~~Tuberculosis Eradication~~ **Brucellosis** in Cervidae Uniform Methods and Rules", United States Department of Agriculture, Animal and Plant Health Inspection Service, ~~May 20, 1997,~~ **August 31, 2005**, for the regulation of ~~Tuberculosis~~ **Brucellosis** in cervidae in Indiana. Where the matters incorporated by reference in this section conflict with this rule, the express provisions of this rule control.

(c) The importation requirements for cervidae at [345 IAC 1-3-29](#) shall control.

*(Indiana State Board of Animal Health; [345 IAC 2-4.5-2](#); filed Dec 23, 1998, 4:37 p.m.: 22 IR 1474; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#))*

SECTION 5. [345 IAC 2-4.5-3](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 2-4.5-3](#) Monitoring for brucellosis in cervidae herds; herd status**

**Authority:** [IC 15-2.1-3-19](#)

**Affected:** [IC 15-2.1-3-13](#)

Sec. 3. Owners of cervidae herds in Indiana may obtain one (1) of the following ~~Tuberculosis~~ **brucellosis** herd statuses for their herds:

- (1) "~~Accredited Tuberculosis~~ **Certified brucellosis free**" herd status by complying with the procedures in the **Brucellosis in Cervidae UM & R, Part III(A)- VIII. However, the following apply:**  
**(A) For initial certification, all sexually intact cervids in the herd that are one (1) year of age or older must have two (2) consecutive negative tests for brucellosis nine (9) to fifteen (15) months apart.**  
**(B) A herd is certified for thirty-six (36) months. To maintain continuous certification, recertification tests with negative results must be completed on all test eligible animals in the herd between thirty-three (33) and thirty-six (36) months from the date the second herd test was completed under clause (A). A herd is in suspended status from thirty-six (36) to thirty-nine (39) months from the date the second herd test was completed under clause (A) during which time the herd owner may complete the recertification requirements. After thirty-nine (39) months, the herd owner must reapply for the certification program as a new herd.**  
(2) "~~Tuberculosis~~ **Brucellosis** monitored" herd status by complying with the procedures in the **Brucellosis in Cervidae UM & R, Part III(C)- IX.**

~~(3) "Qualified" herd status by complying with the procedures in the Cervidae UM & R, Part III(D).~~

*(Indiana State Board of Animal Health; [345 IAC 2-4.5-3](#); filed Dec 23, 1998, 4:37 p.m.: 22 IR 1474; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#))*

SECTION 6. [345 IAC 2-4.5-4](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 2-4.5-4](#) Testing and classifying cervidae; reporting**

**Authority:** [IC 15-2.1-3-19](#)

**Affected:** [IC 15-2.1-3-13](#)

Sec. 4. (a) The board shall have the authority to test any animal or herd for potential ~~Tuberculosis~~ **brucellosis** infection as is deemed necessary by the state veterinarian. The owner of animals to be tested shall be notified of the testing. The board may supervise any ~~Tuberculosis~~ **brucellosis** test conducted by an accredited veterinarian. It shall be the duty of all persons owning or having custody of animals that are tested to render all reasonable assistance to the board in performing its duties under this rule, including, but not limited to, the submission and restraint of animals for testing, retesting, and identification, including the branding and tagging of reactors.

(b) The testing methods set forth in the **Brucellosis in Cervidae** Uniform Methods and Rules shall be used to conduct official ~~Tuberculosis~~ **brucellosis** tests on cervidae. ~~but the blood Tuberculosis (BTB) test may not be used.~~ An official ~~tuberculin~~ **brucellosis** test shall be applied **conducted** only by a veterinarian that is a state or federal official or an accredited veterinarian.

(c) At the time of an official test, each cervidae must be individually and uniquely identified utilizing a permanent official identification. Official permanent identification must be an ear tag, tattoo, or other identification approved by the state veterinarian.

(d) Cervidae tested for ~~Tuberculosis~~ **brucellosis** shall be classified pursuant to the **Brucellosis in Cervidae** Uniform Methods and Rules.

(e) After an official test for ~~Tuberculosis~~ **brucellosis** is conducted, the results must be reported to the board within ten (10) days of completion of the test. The veterinarian is primarily responsible for seeing that the results are reported to the board. If test results are not reported to the board, the owner's herd status may be revoked or denied.

(f) Each official ~~Tuberculosis~~ **brucellosis** test shall be recorded on an approved form and submitted to the board. A report of a ~~tuberculin~~ **brucellosis** test must include individual information for each animal and must include the following:

- (1) The animal's official identification number.
- (2) The animal's sex.
- (3) The animal's age.
- (4) The animal's breed.
- (5) The size **result** of the response to the ~~Tuberculosis~~ test. ~~for the animal.~~

*(Indiana State Board of Animal Health; [345 IAC 2-4.5-4](#); filed Dec 23, 1998, 4:37 p.m.: 22 IR 1475; errata filed Mar 31, 1999, 9:37 a.m.: 22 IR 2534; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#))*

SECTION 7. [345 IAC 2-4.5-5](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 2-4.5-5](#) Suspects, reactor, and affected herds**

**Authority:** [IC 15-2.1-3-19](#)

**Affected:** [IC 15-2.1-3-13](#)

Sec. 5. (a) **The state veterinarian may quarantine** cervidae that are classified a suspect or a reactor and **sexually intact animals in** affected herds. ~~must be quarantined.~~

(b) Cervidae that are classified a suspect or a reactor and affected herds must meet the requirements of the **Brucellosis in Cervidae Uniform Methods and Rules, Part II(I) through Part II(N) VI** before **a animals may be moved from the herd and the** quarantine ~~will be~~ released.

(c) The state veterinarian may order any suspect or reactor cervid condemned in order to protect the public health and the health of animals in Indiana.

*(Indiana State Board of Animal Health; [345 IAC 2-4.5-5](#); filed Dec 23, 1998, 4:37 p.m.: 22 IR 1475; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#))*

SECTION 8. [345 IAC 2-4.5-6](#) IS AMENDED TO READ AS FOLLOWS:

### [345 IAC 2-4.5-6](#) Condemnation

**Authority:** [IC 15-2.1-3-19](#)

**Affected:** [IC 15-2.1-3-13](#)

Sec. 6. (a) ~~The United States Department of Agriculture has designated Indiana Tuberculosis-free under the Uniform Methods and Rules on November 1, 1984.~~ **brucellosis-free.** The state veterinarian may order any cervidae condemned in order to maintain Indiana's United States Department of Agriculture designation as a Tuberculosis-free **brucellosis-free** state.

~~(b) Owners of cervidae condemned under this rule shall be indemnified according to this section.~~

~~(c) The state veterinarian shall determine an appraised value for all condemned cervidae. When determining a cervid's value, the state veterinarian may consider the following:~~

- ~~(1) The owner's purchase price for the condemned animal.~~
- ~~(2) The sales price of similar animals sold on the open market.~~
- ~~(3) The animal's market value as a food animal and as a breeding animal.~~

~~The state veterinarian may hire and rely on the opinion of independent appraisers to value animals. The state veterinarian's determination of the animal's value shall be considered the appraised value for the purposes of this rule.~~

~~(d) The board will pay an owner of condemned cervidae the lesser of the following amounts:~~

- ~~(1) The appraised value minus any amounts received by the owner for the condemned cervidae from:
  - ~~(A) insurance proceeds;~~
  - ~~(B) indemnity from the federal government; and~~
  - ~~(C) any other source.~~~~
- ~~(2) One thousand dollars (\$1,000).~~

~~The state veterinarian shall keep a record of indemnity paid.~~

~~(e) The owner of condemned cervidae must report to the board any money received for the condemned animal from any source other than the state immediately upon receipt of the money. An owner who fails to report as required by this subsection will not be indemnified for the condemned animal and must return any indemnity paid by the board.~~

*(Indiana State Board of Animal Health; [345 IAC 2-4.5-6](#); filed Dec 23, 1998, 4:37 p.m.: 22 IR 1475; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#))*

SECTION 9. [345 IAC 2-4.5-7](#) IS AMENDED TO READ AS FOLLOWS:

### [345 IAC 2-4.5-7](#) Cleaning and disinfecting

**Authority:** [IC 15-2.1-3-19](#)

Sec. 7. The state veterinarian may order a premises, including:

- (1) all structures thereon;
- (2) holding facilities;
- (3) conveyances;
- (4) equipment; and
- (5) materials;

that have been or may have been exposed to ~~Tuberculosis~~ **brucellosis** so as to constitute a health hazard to humans or animals, cleaned and disinfected according to procedures set forth by the state veterinarian. The procedures for cleaning and disinfecting ordered by the state veterinarian must be reasonably likely to reduce the hazard of potential ~~Tuberculosis~~ **brucellosis** exposure to humans and animals.

*(Indiana State Board of Animal Health; [345 IAC 2-4.5-7](#); filed Dec 23, 1998, 4:37 p.m.: 22 IR 1476; errata filed Mar 31, 1999, 9:37 a.m.: 22 IR 2534; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#))*

SECTION 10. [345 IAC 2-7-1](#) IS AMENDED TO READ AS FOLLOWS:

### **[345 IAC 2-7-1](#) Definitions**

**Authority:** [IC 15-2.1-3-19](#)

**Affected:** [IC 15-2.1-2](#); [IC 15-2.1-3-13](#); [IC 15-2.1-4](#)

Sec. 1. The following definitions and the definitions in [IC 15-2.1-2](#) apply throughout this rule:

- (1) "Board" means the Indiana state board of animal health appointed under [IC 15-2.1-3](#).
- (2) "Certification program" means the CWD **herd** certification program in ~~sections 3 and~~ **section 4** of this rule.
- (3) "Cervidae" or "cervid" means all members of the cervidae family and hybrids, including **the following**:
  - (A) Deer.
  - (B) Elk.
  - (C) Moose.
  - (D) Caribou.
  - (E) Reindeer. ~~and~~
  - (F) Related species.
- (4) "Chronic wasting disease" or "CWD" means a transmissible spongiform encephalopathy of cervids.
- (5) "CWD exposed animal" means an animal that is, or has been, in the last five (5) years, part of a CWD positive or CWD exposed herd.
- (6) "CWD exposed herd" means a herd in which a CWD positive or exposed animal has resided within sixty (60) months prior to the diagnosis of CWD.
- (7) "CWD negative animal" means an animal that has been subjected to an official CWD test that resulted in a negative classification.
- (8) "CWD positive animal" means an animal that has been diagnosed as having CWD based on official laboratory test results.
- (9) "CWD positive herd" means a herd in which a CWD positive animal resided at the time it was diagnosed and that has not been released from quarantine.
- (10) "CWD suspect" and "suspect" means laboratory evidence or clinical signs suggest a diagnosis of CWD, but laboratory results are not yet available or have been inconclusive.
- (11) "Herd" means an animal or a group of animals that are:
  - (A) under common ownership or supervision; and ~~that are~~
  - (B) grouped on one (1) or more parts of a single premises, or on two (2) or more separate premises but on which animals have been interchanged or had direct or indirect contact with one another.
- (12) "Herd plan" means a written herd management agreement developed by the herd owner, the herd owner's veterinarian, and the state veterinarian, and approved by the state veterinarian, that states the steps that will be taken to eradicate CWD from a CWD positive, CWD exposed, or CWD suspect herd.
- (13) "High risk animal" means a cervid that may have been exposed to CWD. The state veterinarian shall determine which animals are high risk animals based on an epidemiological investigation that includes evaluation of animal movements, housing, location, and probable contacts with CWD positive, CWD exposed, or CWD suspect animals.



**(14) "Monitored program" means the CWD monitored herd program in section 3 of this rule.**

**(15) "Official identification" means a device or method of animal identification approved for use under this rule by the state veterinarian. Official identification must include a nationally unique animal identification number that adheres to one (1) of the following numbering systems:**

**(A) National Uniform Eartagging System.**

**(B) Animal identification number (AIN), the official numbering system for identification of animals in the United States. The AIN must contain fifteen (15) digits with the first three (3) being one (1) of the following:**

**(i) The country code (840 for the United States).**

**(ii) The alpha characters "USA".**

**(iii) The numeric code assigned to the manufacturer of the identification device by the International Committee on Animal Recording.**

**(C) A premises-based numbering system that combines an official premises identification number with a producer's livestock production numbering system to provide a unique identification number. The PIN number and the production number must both appear on the official tag.**

~~(14)~~ **(16) "Official test" means a CWD detection test approved by the state veterinarian conducted in a laboratory approved by the state veterinarian.**

~~(15)~~ **(17) "Owner" means a person who legally owns an animal. The state veterinarian may include as an owner a person who possesses an animal under a permit issued by the United States government or the Indiana department of natural resources, whether or not the permit holder actually has ownership rights in the animal, if it furthers the purposes of this rule.**

**(18) "Premises identification number" or "PIN" means a unique number the state veterinarian assigns to a premises.**

~~(16)~~ **(19) "Quarantine" means an order restricting the movement of animals onto or off of a premises.**

~~(17)~~ **(20) "State veterinarian" means the state veterinarian appointed under [IC 15-2.1-4](#) or his or her authorized agent.**

*(Indiana State Board of Animal Health; [345 IAC 2-7-1](#); filed Jan 4, 2001, 1:59 p.m.: 24 IR 1339; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 346)*

SECTION 11. [345 IAC 2-7-2](#) IS AMENDED TO READ AS FOLLOWS:

### **[345 IAC 2-7-2](#) General provisions**

**Authority:** [IC 15-2.1-3-19](#)

**Affected:** [IC 15-2.1-3-13](#)

Sec. 2. (a) Any official test for chronic wasting disease must be conducted at:

**(1) the Animal Disease Diagnostic Laboratory at Purdue University;**

**(2) a United States Department of Agriculture laboratory; or**

**(3) a laboratory approved by the state veterinarian.**

The state veterinarian may approve a laboratory to conduct official tests for chronic wasting disease if the laboratory demonstrates that its diagnostic procedures for chronic wasting disease are in compliance with generally accepted scientific standards and approving the laboratory will further the purposes of this rule.

(b) All tests for CWD required by this rule or conducted pursuant to ~~under~~ this rule must be official tests. The results of a test for CWD that is not an official test will not be used to determine compliance with this rule.

**(c) Veterinarians collecting samples from cervids under this rule for official tests must meet the following requirements:**

**(1) Hold a valid license to practice veterinary medicine in the state.**

**(2) Hold a current accreditation status from the United States Department of Agriculture under 9 CFR Subchapter J.**

**(3) Be trained on appropriate sample collection techniques by the state veterinarian.**

**Veterinarians collecting samples must submit samples for testing according to procedures issued by the state veterinarian.**

~~(e)~~ **(d) All records required to be kept by this rule shall be kept for not less than six (6) years.**

(Indiana State Board of Animal Health; [345 IAC 2-7-2](#); filed Jan 4, 2001, 1:59 p.m.: 24 IR 1339; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#))

SECTION 12. [345 IAC 2-7-2.5](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 2-7-2.5](#) Intrastate movement**

Authority: [IC 15-2.1-3-19](#)

Affected: [IC 15-2.1-3-13](#)

Sec. 2.5. A person moving a cervid within the state must meet the following requirements:

- (1) The animal must be **officially** identified.
- (2) The requirements in this article concerning **the following must be met:**
  - (A) Tuberculosis control. ~~must be met.~~
  - (B) Brucellosis control. ~~must be met.~~

(Indiana State Board of Animal Health; [345 IAC 2-7-2.5](#); filed Sep 5, 2003, 8:41 a.m.: 27 IR 92)

SECTION 13. [345 IAC 2-7-3](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 2-7-3](#) Chronic wasting disease monitored herd program**

Authority: [IC 15-2.1-3-19](#)

Affected: [IC 15-2.1-3-13](#); [IC 15-2.1-16-20](#); [IC 15-2.1-18-9](#); [IC 15-2.1-18-11](#)

Sec. 3. (a) The requirements in this section apply to the following cervid animals:

- (1) A member of the:
  - (A) *Cervus elaphus* species (elk, wapiti, and red deer);
  - (B) *Cervus nippon* species (Sika deer, Japanese deer, Japanese Sika deer, spotted deer, and Japanese spotted deer);
  - (C) *Odocoileus hemionus* species (mule deer);
  - (D) *Odocoileus virginianus* species (whitetail deer); or
  - (E) *Alces alces* species (moose).
- (2) Hybrids of the species listed in this subsection.
- (3) An animal of the family cervidae, if any member of its species has been diagnosed with CWD.

The owner of a cervid of a species other than those listed in subdivisions (1) and (2) may voluntarily participate in the monitored program.

~~(a)~~ (b) If a captive cervid listed in subsection (a) is located in Indiana, the owner of a that cervid located in Indiana must meet the following requirements:

- (1) The owner shall register with the state veterinarian each location where his or her cervids are kept.
- (2) Each animal in the herd must be uniquely identified at the earliest of the following events:
  - (A) At the time the animal is moved onto the premises.
  - (B) At the time the animal is moved off of the premises.
  - (C) At the time the animal is held for testing, vaccination, or veterinary care of any kind.
  - (D) At the time the animal is held for semen, embryo, antler, or other collection from the animal.

Animals that have existing identification do not need to be reidentified upon the occurrence of these events if the existing identification meets the criteria for identification prescribed by the state veterinarian **this rule** and the existing identification is recorded in the herd inventory. ~~The state veterinarian shall prescribe the methods by which~~

(3) Cervids identified under this section shall be identified using official identification that is a tamper resistant ear tag. In addition to the tamper resistant ear tag, the animal may also be identified with official identification using the following methods:

- (A) Electronic implant.
- (B) Flank tattoo.
- (C) Ear tattoo.
- (D) Other device approved by the state veterinarian.

**Official identification of a cervid must be maintained on the animal until the animal is deceased, all samples are collected from the animal under this rule, and the animal is disposed of in accordance with this rule and [IC 15-2.1-16-20](#).**

~~(3)~~ **(4)** The owner must keep a complete, accurate, and current herd inventory. A herd inventory shall include the following:

(A) A record of each animal that is part of the herd ~~its~~ **including the following:**

- (i) All of the animal's** identification.
- (ii) For animals the owner identified,** the:
  - (AA)** date the animal was identified; and the
  - (BB)** event triggering its identification.
- (iii) The animal's age and sex.**

(B) A record of:

- (i) all identification associated with** each animal that is added to the herd; ~~including~~
- (ii) the date the animal is added to the herd;** and
- (iii) the source of the animal.**

If the source of the animal is from outside the owner's herd, the name and address of the source.

(C) A record of:

- (i) all identification associated with** each animal that is removed from the herd;
- (ii) the cause for removal** (sale, escape, death by accident, or death by other means);
- (iii) the date removed;** and
- (iv) the name and address of the animal's destination.**

~~(4)~~ **(5)** Upon request of the state veterinarian, the owner or custodian of the animals must do the following:

- (A) Provide the state veterinarian access to or a copy of the written herd inventory.
- (B) Present each animal in the herd to the state veterinarian for inspection and verification of identification.
- (C) Provide access to any animal in the herd for testing, identification, or evaluation.

~~(5)~~ ~~Upon the death of any animal in the herd for any reason~~

**(6)** The herd owner shall immediately notify the state veterinarian **of the escape or disappearance of any animal in the herd.**

**(7)** Upon the death of an animal in the herd that is twelve (12) months of age or older for any reason, the owner shall initiate action to collect samples for CWD testing according to one (1) of the following procedures:

- (A) By procuring the services of a veterinarian to collect appropriate samples for CWD testing.**
- (B) By any other procedure authorized by the state veterinarian that ensures appropriate sample collection, handling, and transportation for testing.**

**After completing five (5) consecutive years of submitting samples for collection under this subdivision, the herd owner may continue submitting samples for collection but is no longer required to submit samples. However, a herd owner must continue to submit samples under this subdivision after five (5) years if animals in the herd are harvested by a person other than the owner of the herd.**

**(8)** The state veterinarian may inspect any dead cervid and take tissues or other material necessary or helpful for detecting disease. **The owner must allow the state veterinarian to collect samples from any animal sent to slaughter.**

**(9)** The owner shall dispose of ~~the remaining~~ **a cervid carcass that has been sampled for testing** as directed by the state veterinarian. **Cervid carcasses that are not sampled shall be disposed of in accordance with [IC 15-2.1-16-20](#).** The state veterinarian may require that the owner identify the carcass in a particular manner. ~~The owner must allow the state veterinarian to collect samples from any animal sent to slaughter.~~

~~(6)~~ **(10)** The herd must be enclosed in a perimeter fence that:

- (A)** is made from materials that will prevent cervids from entering or leaving through the structure;
- (B)** has no openings that will allow ingress or egress; and
- (C)** measures at least eight (8) feet from the ground to the top of the fence at all parts of the structure.

The state veterinarian may approve a perimeter fence enclosing smaller cervids that is lower than eight (8) feet if the fence is likely to contain the animals.

~~(b)~~ **(c)** The state veterinarian may:

**(1)** conduct an epidemiologic evaluation of any cervid herd, including testing any animal if it furthers the goal of animal disease surveillance and control; ~~The state veterinarian may and~~

**(2)** consider all relevant factors, including the:

- (A)** length of time the herd has been under a CWD surveillance program; ~~the~~
- (B)** herd's health history; ~~the~~
- (C)** potential effects of any additions to the herd; and ~~the~~

(D) potential effect of wild cervids on the herd;  
when evaluating herds under this subsection.

(e) (d) The requirements in this section do not apply to a person possessing a dead wild cervid taken pursuant to a hunting permit issued by the Indiana department of natural resources.

(Indiana State Board of Animal Health; [345 IAC 2-7-3](#); filed Jan 4, 2001, 1:59 p.m.: 24 IR 1339; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 347; filed Sep 5, 2003, 8:41 a.m.: 27 IR 92)

SECTION 14. [345 IAC 2-7-4](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 2-7-4](#) Chronic wasting disease certified herd program**

Authority: [IC 15-2.1-3-19](#)

Affected: [IC 15-2.1-3-13](#)

Sec. 4. (a) An owner of a cervid herd located in Indiana shall ~~obtain a CWD certified status for~~ **may apply to** the herd ~~from board to enroll in~~ the state veterinarian **CWD herd certification program** by ~~complying with~~ **sending a written request to** the requirements in this section and section 3 of this rule. ~~state veterinarian.~~

**(b) To obtain and maintain a herd status, a herd owner who enrolls in the certification program must do the following:**

**(1) Comply with the requirements in this rule, including the requirements for a monitored herd in section 3 of this rule, and the applicable requirements in [345 IAC 1-3](#).**

**(2) Continue submitting samples for CWD testing under section 3(b)(7) of this rule for as long as the herd is enrolled in the certification program.**

**(3) Comply with the following additional requirements:**

**(A) All animals in the herd must be identified with official identification before reaching twelve (12) months of age if they are not first identified under section 3(b)(3) of this rule. All animals regardless of age must be identified before being moved from the herd premises.**

**(B) All animals in the herd that are identified must be identified with at least two (2) forms of identification attached to the animal as follows:**

**(i) One (1) animal identification must be official animal identification with a nationally unique animal identification number.**

**(ii) The second animal identification must be:**

**(AA) unique for the individual animal within the herd; and**

**(BB) linked to that animal and herd.**

**(iii) At least one (1) of the identifications must be a tamper resistant ear tag.**

**(C) The state veterinarian may require participants in the herd certification program to submit at designated intervals reports of changes to the herd inventory resulting from:**

**(i) deaths;**

**(ii) escapes;**

**(iii) disappearance; or**

**(iv) any other reason.**

~~(b) (c)~~ **(c) Subject to the provisions of subsections (e)(3) and (g), the state veterinarian may award will place a newly enrolled cervid owner herd in participating status. Subject to the provisions of subsection (f), if a herd continues to meet the requirements in this section for participation in the CWD certification program, the state veterinarian will upgrade the herd status on the anniversary date of the herd's enrollment.** The following ~~CWD~~ **are the herd statuses in the CWD certification program:**

**(1) Level One status after one (1) year of compliance.**

**(2) Level Two status after two (2) years of compliance.**

**(3) Level Three status after three (3) years of compliance.**

**(4) Level Four status after four (4) years of compliance.**

**(5) Level Five or certified status after five (5) or more years of compliance.**

**(6) ~~Unknown~~ **Suspended** status prior to the first complete year of compliance or if a herd is not in compliance.**

**(7) ~~CWD positive, CWD suspect, or CWD exposed herd.~~**

**(d) If an owner wishes to maintain separate herds, each herd that is enrolled in the CWD herd certification program must maintain separate:**

- (1) herd inventories;**
- (2) records;**
- (3) working facilities;**
- (4) water sources;**
- (5) equipment; and**
- (6) land use.**

**There must be a buffer zone of at least thirty (30) feet between the perimeter fencing around separate herds, and no commingling of animals may occur. Movement of animals between herds must be recorded as if they were separately owned herds.**

~~(e)~~ **(e) If an animal is added to a herd, the CWD certification status of a herd will be altered as follows:**

- (1) The CWD status will not change if the animal that is added to the herd originated from a herd that has been in an equivalent CWD certification program for at least as long as the recipient herd.**
- (2) If the animal that is added to the herd originated from a herd that has been in a CWD certification program for less time than the recipient herd, the recipient herd's certification status will be lowered to the status of the lowest status cervid added.**
- (3) A new herd that is assembled on a premises where CWD has never been diagnosed retains the certification status of the lowest status animal brought into the new herd.**

~~(f)~~ **(f) The state veterinarian may suspend, revoke, or lower the certification program status of a herd for the following reasons:**

- (1) A herd is found to be:**
  - (A) CWD positive;**
  - (B) CWD suspect; or**
  - (C) CWD exposed.**
- (2) The herd owner does not meet the requirements under this section.**
- (3) The herd owner violates the requirements for moving cervids into Indiana in [345 IAC 1-3](#) or any provision of this rule.**

**(g) Herd owners with a CWD certification herd status that was obtained from the board under a prior CWD certification program may keep that status in the certification program if they reapply for the certification program and bring their herd into compliance with the requirements in this section before July 1, 2009. Otherwise, the state veterinarian will revert the herd status to monitored herd status under section 3 of this rule.**

*(Indiana State Board of Animal Health; [345 IAC 2-7-4](#); filed Jan 4, 2001, 1:59 p.m.: 24 IR 1340; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 348)*

SECTION 15. [345 IAC 2-7-6](#) IS ADDED TO READ AS FOLLOWS:

**[345 IAC 2-7-6](#) Chronic wasting disease program compliance**

**Authority:** [IC 15-2.1-3-19](#)

**Affected:** [IC 15-2.1-3-13](#); [IC 15-2.1-21-14](#)

**Sec. 6. (a) The state veterinarian may take any of the following actions against a herd owner that violates any provision of this rule or any of the requirements for moving cervids into Indiana in [345 IAC 1-3](#):**

- (1) Suspend, revoke, or lower the CWD status of the person's herd.**
- (2) Impose a monetary penalty under [IC 15-2.1-21-14](#).**
- (3) Any other action authorized by law.**

**(b) The state veterinarian may take any of the following actions against a person that alters or removes official identification of a cervid:**

- (1) Suspend, revoke, or lower the CWD status of the person's herd.**

- (2) Impose a monetary penalty under [IC 15-2.1-21-14](#).
- (3) Any other action authorized by law.

(Indiana State Board of Animal Health; [345 IAC 2-7-6](#))

SECTION 16. [345 IAC 2.5-1-2](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 2.5-1-2](#) "Accredited herd" defined**

Authority: [IC 15-2.1-3-19](#)

Affected: [IC 15-2.1-2](#); [IC 15-2.1-3-13](#); [IC 15-2.1-7](#)

Sec. 2. "Accredited herd" means a herd that qualifies for accredited herd status under:

- (1) [345 IAC 2.5-3-4](#); or
- (2) [345 IAC 2.5-4-4](#); or
- (3) [345 IAC 2.5-5-4](#).

(Indiana State Board of Animal Health; [345 IAC 2.5-1-2](#); filed Apr 13, 2005, 12:30 p.m.: 28 IR 2672)

SECTION 17. [345 IAC 2.5-1-15](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 2.5-1-15](#) "Cervid TB UM & R" defined**

Authority: [IC 15-2.1-3-19](#)

Affected: [IC 15-2.1-2](#); [IC 15-2.1-3-13](#); [IC 15-2.1-7](#)

Sec. 15. "Cervid TB UM & R" means the uniform methods and rules for eradicating tuberculosis in cervids incorporated by reference in this article: [345 IAC 2.5-2-2](#).

(Indiana State Board of Animal Health; [345 IAC 2.5-1-15](#); filed Apr 13, 2005, 12:30 p.m.: 28 IR 2674)

SECTION 18. [345 IAC 2.5-2-2](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 2.5-2-2](#) Incorporation by reference**

Authority: [IC 15-2.1-3-19](#)

Affected: [IC 15-2.1-3-13](#); [IC 15-2.1-3-18](#); [IC 15-2.1-7](#)

Sec. 2. (a) The board incorporates by reference the "Bovine Tuberculosis Eradication-Uniform Methods and Rules", United States Department of Agriculture, Animal and Plant Health Inspection Service, January 1, 2005, as the operating procedures for tuberculosis control in bovine, bison, and goats. Where the Bovine TB UM & R conflicts with this rule, the provisions of this rule control.

(b) The board incorporates [IC 15-2.1-7](#) into this rule.

(c) The board incorporates by reference Part IV – Captive Cervids: Standard Procedures (Minimum Requirements) of the "Bovine Tuberculosis Eradication-Uniform Methods and Rules", United States Department of Agriculture, Animal and Plant Health Inspection Service, January 22, 1999", as the operating procedures for tuberculosis control in cervids. These provisions constitute the "Cervid TB UM & R" defined in [345 IAC 2.5-1-15](#). Where the Cervid TB UM & R conflicts with this rule, the provisions of this rule control.

(Indiana State Board of Animal Health; [345 IAC 2.5-2-2](#); filed Apr 13, 2005, 12:30 p.m.: 28 IR 2677)

SECTION 19. [345 IAC 2.5-2-4](#) IS AMENDED TO READ AS FOLLOWS:

**345 IAC 2.5-2-4 Official tests**

Authority: [IC 15-2.1-3-19](#)

Affected: [IC 15-2.1-3-13](#); [IC 15-2.1-7](#)

Sec. 4. (a) The state veterinarian shall have the authority to test any animal or herd that may be necessary to find, confirm, diagnose, treat, or eliminate tuberculosis. The state veterinarian shall make a reasonable effort to notify the owner of an animal that must be tested. The state veterinarian shall have the right to supervise any test conducted by an accredited veterinarian. It shall be the duty of all persons owning or having custody of an animal to render all reasonable assistance to board representatives in performing their duties under this rule, including, but not limited to, the submission and restraint of animals for the following:

- (1) Testing and retesting.
- (2) Identification.
- (3) Branding.
- (4) Tagging.

(b) The official tuberculin test shall be applied only by the following persons:

- (1) A veterinarian employed by the:
  - (A) board; or
  - ~~(2) A veterinarian employed by the~~ (B) United States Department of Agriculture.
- ~~(2)~~ (2) An accredited veterinarian.
- ~~(4)~~ (3) A designated accredited veterinarian.

(c) The following tests shall be used to evaluate the tuberculosis status of an animal:

- (1) The CFT test is:
  - (A) for routine use in individual cattle, bison, and goats and herds where the tuberculosis status of the animal is unknown; and is
  - (B) the official presumptive diagnostic test for tuberculosis.
- (2) The following are the official supplemental diagnostic tests for tuberculosis:
  - (A) The CCT test is an official test for retesting suspect cattle, bison, and goats. The CCT shall be applied only by a state or federal regulatory veterinarian. The CCT may not be used in an infected herd without prior consent of the state veterinarian.
  - (B) The bovine interferon gamma assay may be used in cattle herds with approval of the state veterinarian. The state veterinarian shall consult with the United States Department of Agriculture Veterinary Services (USDA VS) prior to approving this test.
  - (C) Histopathology, diagnostic bacteriology, and polymerase chain reaction (PCR) analysis of formalin-fixed tissue are all approved supplemental diagnostic procedures. These procedures should be used in conjunction with tuberculosis test results and necropsy or slaughter data to determine herd status.
- (3) The following are the official primary diagnostic tests for tuberculosis in herds affected with bovine tuberculosis:
  - (A) The CT test. The CT test must be used when testing exposed cattle or bison from affected herds. The CT test shall be applied only by a state or federal regulatory veterinarian. Results of a CT test may only be classified as reactor or negative.
  - (B) The CFT test may be used in lieu of the CT tests. A response to the test will classify the animal as a reactor. The CFT test may be used as a primary diagnostic test only with approval of the state veterinarian in consultation with the USDA VS.

**(4) Cervids must be tested using the tests and procedures designated in 9 CFR 77.33 and 9 CFR 77.34.**

(d) When a test for tuberculosis is conducted, the injection site will be observed and palpated seventy-two (72) hours after the time of injection of tuberculin plus or minus six (6) hours.

(e) Only approved laboratories may be used for tuberculosis diagnostic purposes.

(f) The state veterinarian shall classify:

- (1) cattle and bison tested for tuberculosis as specified in [345 IAC 2.5-3](#); ~~The state veterinarian shall classify~~
- (2) goats tested for tuberculosis as specified in [345 IAC 2.5-4](#); ~~The state veterinarian shall classify~~
- (3) cervids tested for tuberculosis as specified in [345 IAC 2.5-5](#); and**
- (4) other animals tested for tuberculosis based on generally accepted scientific principles that indicate the**

presence or absence of tuberculosis.

(g) A person conducting a tuberculin test in the state shall report each tuberculin test conducted to the state veterinarian on an approved form within fourteen (14) days of completing the test. The report of the tuberculin test shall contain the following information:

- (1) Individual identification of each animal tested.
- (2) The sex, age, and breed of each animal tested.
- (3) The size of the response to the tuberculosis test.

Animals classified as suspects by the CF test must be reported via telephone to the state veterinarian or a board employee within forty-eight (48) hours of the time the site of injection is observed.

(Indiana State Board of Animal Health; [345 IAC 2.5-2-4](#); filed Apr 13, 2005, 12:30 p.m.: 28 IR 2677)

SECTION 20. [345 IAC 2.5-5](#) IS ADDED TO READ AS FOLLOWS:

## Rule 5. Tuberculosis Control in Cervidae

### [345 IAC 2.5-5-1](#) Definitions and general provisions

Authority: [IC 15-2.1-3-19](#)

Affected: [IC 15-2.1-2](#); [IC 15-2.1-3-13](#)

Sec. 1. (a) The definitions in [345 IAC 2.5-1](#) and the following definitions apply throughout this rule:

- (1) "Accredited-free state or zone" means a state or zone that is classified by the United States Department of Agriculture as an accredited-free state or zone under 9 CFR Part 77, Subpart C.
- (2) "Accredited preparatory state or zone" means a state or zone that is classified by the United States Department of Agriculture as accredited preparatory state or zone under 9 CFR Part 77, Subpart C.
- (3) "Cervid" or "cervidae" means all members of the cervidae family and hybrids, including without limitation, the following:
  - (A) Deer.
  - (B) Elk.
  - (C) Moose.
  - (D) Caribou.
  - (E) Reindeer.
  - (F) Related species.
- (4) "Modified accredited advanced state or zone" means a state or zone that is classified by the United States Department of Agriculture as a modified accredited advanced state or zone under 9 CFR Part 77, Subpart C.
- (5) "Modified accredited state or zone" means a state or zone that is classified by the United States Department of Agriculture as a modified accredited state or zone under 9 CFR Part 77, Subpart C.
- (6) "Nonaccredited state or zone" means a state or zone that is classified by the United States Department of Agriculture as a nonaccredited state or zone under 9 CFR Part 77, Subpart C.

(b) The general provisions in [345 IAC 2.5-2](#) apply throughout this rule.

(c) Federal rules incorporated by reference in this rule are the January 1, 2007, version of the rules.

(Indiana State Board of Animal Health; [345 IAC 2.5-5-1](#))

### [345 IAC 2.5-5-2](#) Moving cervids into Indiana

Authority: [IC 15-2.1-3-19](#)

Affected: [IC 15-2.1-3-13](#)

Sec. 2. A person moving cervids into the state shall meet the following requirements:

- (1) The requirements for moving cervids in [345 IAC 1-3](#).



(2) The applicable requirements for moving cervids interstate in 9 CFR Part 77, Subpart C, which are incorporated by reference into this rule.

(Indiana State Board of Animal Health; [345 IAC 2.5-5-2](#))

### [345 IAC 2.5-5-3](#) Intrastate movement of cervids

Authority: [IC 15-2.1-3-19](#)

Affected: [IC 15-2.1-3-13](#)

Sec. 3. A person moving cervids within the state shall meet the requirements in [345 IAC 2-7](#).

(Indiana State Board of Animal Health; [345 IAC 2.5-5-3](#))

### [345 IAC 2.5-5-4](#) Accredited herd status for cervid herds

Authority: [IC 15-2.1-3-19](#)

Affected: [IC 15-2.1-3-13](#)

Sec. 4. (a) Owners of cervid herds in the state may obtain and maintain an accredited herd status for tuberculosis by complying with the requirements in this section.

(b) To qualify for accredited herd status, the owner of a cervid herd must do each of the following:

(1) Complete, sign, and abide by the terms of an accredited herd status agreement provided by the state veterinarian.

(2) Procure the services of an accredited veterinarian to test each animal in the herd for tuberculosis twice, the second tuberculosis test to be conducted between nine (9) months and fifteen (15) months after the first test is conducted. All test eligible animals in the herd must test negative for tuberculosis.

(3) All animals added to the herd meet the requirements in subsection (e).

The state veterinarian will issue the owner of an accredited herd an accreditation certificate or notice indicating the accredited herd status. Herd accreditation status is valid for three (3) years from the date it is earned and then it expires unless the herd is reaccredited under subsection (c).

(c) The owner of a herd that is accredited may maintain the herd's accredited status by procuring the services of an accredited veterinarian to test each animal in the herd for tuberculosis. The reaccreditation herd test must be completed between thirty-three (33) and thirty-six (36) months from the date the second herd test was completed under subsection (a). A herd is in suspended status from thirty-six (36) to thirty-nine (39) months from the date the second herd test was completed under subsection (a) during which time the herd owner may complete the reaccreditation requirements. After thirty-nine (39) months, the herd owner must reapply for the accreditation program as a new herd.

(d) A herd that is being tested for accreditation or reaccreditation must test the following animals for tuberculosis:

(1) All cervids twelve (12) months of age and older.

(2) All cervids that were not born into the herd regardless of age.

(3) All natural additions shall be identified and recorded on the test report as members of the herd at the time of the annual test even if they are less than twelve (12) months of age and not tested.

(e) Animals that are added to a herd must meet the following:

(1) The animal must not have been exposed during the ninety (90) days prior to its movement to any tuberculosis livestock or to a captive cervid from a herd with a lower classification status than its own.

(2) One (1) of the following sets of criteria must be met:

(A) The animal is a natural addition born into the herd.

(B) The animal to be added is moved directly from an accredited herd.

(C) The animal to be added is moved directly from a qualified or monitored herd and meets the following:

(i) The animal is tested negative to an official tuberculosis test within ninety (90) days prior to

movement to the premises of the accredited herd.

(ii) The animal is isolated from all members of the accredited herd until it tests negative to an official tuberculosis test conducted at least ninety (90) days following the date of arrival at the premises of the accredited herd.

(iii) Cervids that are moved in a group may be kept together, but no member of the group may be added to the accredited herd until all members of the group meet the requirements for accredited status.

(D) The animal to be added is moved directly from a classified herd and meets the following:

(i) The animal is tested negative to two (2) official tuberculosis tests conducted at least ninety (90) days apart, and the second test must be conducted within ninety (90) days prior to movement to the premises of the accredited herd.

(ii) The animal is isolated from all members of the accredited herd until it tests negative to an official tuberculosis test conducted at least ninety (90) days following the date of arrival at the premises of the accredited herd.

(iii) Cervids that are moved in a group may be kept together, but no member of the group may be added to the accredited herd until all members of the group meet the requirements for accredited status.

(Indiana State Board of Animal Health; [345 IAC 2.5-5-4](#))

### **[345 IAC 2.5-5-5](#) Classification of cervids tested**

Authority: [IC 15-2.1-3-19](#)

Affected: [IC 15-2.1-3-13](#)

Sec. 5. Cervids tested for tuberculosis shall be classified according to the provisions in 9 CFR 77.33 through 9 CFR 77.34, which are incorporated by reference into this rule. The state veterinarian shall determine final tuberculosis classification of any animal or herd.

(Indiana State Board of Animal Health; [345 IAC 2.5-5-5](#))

### **[345 IAC 2.5-5-6](#) Reactor, exposed, and high-risk animals**

Authority: [IC 15-2.1-3-19](#)

Affected: [IC 15-2.1-3-13](#)

Sec. 6. The applicable procedures in 9 CFR 77.39:

- (1) apply to cervids and cervid herds in the state; and
- (2) are incorporated by reference into this rule.

(Indiana State Board of Animal Health; [345 IAC 2.5-5-6](#))

### **[Notice of Public Hearing](#)**

Posted: 02/27/2008 by Legislative Services Agency

An [html](#) version of this document.