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**TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH****Proposed Rule**  
LSA Document #15-161

## DIGEST

Amends [345 IAC 1-3-24](#) and other provisions of 345 IAC governing the movement of poultry and other birds into the state and within the state. Adds [345 IAC 1-3-24.5](#) to require a seller or owner and buyer or recipient of poultry within Indiana to maintain a record of the transaction. Amends [345 IAC 4-4-1](#) to update the incorporation by reference of the National Poultry Improvement Plan (NPIP). Amends [345 IAC 7-3.5-2](#) and adds [345 IAC 7-3.5-9.1](#) to require licensed livestock dealers and market facilities to maintain certain records related to purchases and sales of poultry. Amends [345 IAC 7-4.5-1](#), [345 IAC 7-4.5-2](#), and [345 IAC 7-4.5-3](#) to require a person holding an exhibition of poultry to register the event with the board and maintain certain records. Effective 30 days after filing with the Publisher.

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

[345 IAC 1-3-24](#); [345 IAC 1-3-24.5](#); [345 IAC 4-4-1](#); [345 IAC 7-3.5-2](#); [345 IAC 7-3.5-9.1](#); [345 IAC 7-4.5-1](#); [345 IAC 7-4.5-2](#); [345 IAC 7-4.5-3](#)

SECTION 1. [345 IAC 1-3-24](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 1-3-24](#) Moving poultry into Indiana**

**Authority:** [IC 15-17-3-21](#)

**Affected:** [IC 15-17-3-13](#); [IC 15-17-18-6](#)

Sec. 24. (a) A person responsible for moving poultry or hatching eggs into the state must ensure that the animals are accompanied by a CVI issued within the thirty (30) days immediately prior to the date of movement unless they meet one (1) of the following requirements:

- (1) The poultry and hatching eggs are from a participant in the National Poultry Improvement Plan (NPIP) and are accompanied by the documentation required under the NPIP regulations at 9 CFR Parts 145 through 147.
- (2) They are moved as follows:
  - (A) Directly to an approved slaughtering or rendering establishment.
  - (B) From the farm of origin for veterinary medical examination, treatment, or diagnostic purposes and either returned to the farm of origin without change in ownership or euthanized and disposed of at the veterinary facility.
  - (C) Directly from a location in one (1) state through another state to a second location in the original state.
  - (D) Under permit in accordance with 9 CFR 82.
  - (E) With a form of documentation approved by the state veterinarian to facilitate disease control.

(b) A person moving poultry or hatching eggs into the state must be in compliance with the National Poultry Improvement Plan requirements at [345 IAC 4-4-5](#).

(c) A person responsible for moving poultry within Indiana to an exhibition must comply with the requirements at [345 IAC 4-4-6](#).

*(Indiana State Board of Animal Health; Reg 76-1, Title VIII, Sec 2; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 134; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1378; filed Dec 2, 1994, 3:52 p.m.: 18 IR 858; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed Feb 9, 2007, 9:42 a.m.: [20070307-IR-345060512RFA](#); readopted filed Aug 7, 2013, 8:32 a.m.: [20130904-IR-345130236RFA](#); filed Aug 22, 2014, 4:04 p.m.: [20140917-IR-345140057FRA](#))*

SECTION 2. [345 IAC 1-3-24.5](#) IS ADDED TO READ AS FOLLOWS:

**[345 IAC 1-3-24.5](#) Moving poultry within Indiana**

**Authority:** [IC 15-17-3-21](#); [IC 15-17-15-9](#)

**Affected:** [IC 15-17-3-13](#)

**Sec. 24.5. (a) Except as provided in subsection (b), the seller, lessor, or owner and purchaser, lessee, or recipient of poultry that are sold, bartered, or exchanged within Indiana must maintain a record of the transaction. The following records pertaining to the transaction must be maintained for three (3) years:**

- (1) The number and breed of poultry.**
- (2) Any individual animal identification present on the poultry.**
- (3) The name and address of the seller, lessor, or owner.**
- (4) The name and address of the purchaser, lessee, or recipient.**

**(b) The following transactions are exempt from the record keeping requirement in subsection (a):**

- (1) Poultry sold directly to an approved slaughtering establishment.**
- (2) Poultry sold in a transaction through an approved livestock facility.**
- (3) A transaction that has been approved by the state veterinarian to occur with another form of record.**

**(c) A person responsible for moving poultry within Indiana to an exhibition must comply with the requirements at [345 IAC 4-4-6](#).**

*(Indiana State Board of Animal Health; [345 IAC 1-3-24.5](#))*

SECTION 3. [345 IAC 4-4-1](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 4-4-1](#) National Poultry Improvement Plan; adoption by reference**

**Authority:** [IC 15-17-3-21](#)

**Affected:** [IC 15-17-3-13](#); [IC 15-17-10-15](#)

Sec. 1. The board adopts and incorporates by reference as rules of the board the following United States Department of Agriculture National Poultry Improvement Plan regulations that are in effect on January 1, 2010: **2015:**

- (1) 9 CFR Part 145.
- (2) 9 CFR Part 146. and the amendments thereto in 75 FR 10645 through 75 FR 10658 (March 9, 2010).
- (3) 9 CFR Part 147. But, 9 CFR Part 147, Subpart E is not incorporated by reference.

*(Indiana State Board of Animal Health; [345 IAC 4-4-1](#); filed Oct 11, 1996, 2:00 p.m.: 20 IR 750; filed Dec 10, 1997, 11:00 a.m.: 21 IR 1327; filed Dec 18, 2000, 9:57 a.m.: 24 IR 1341; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 16, 2004, 1:30 p.m.: 28 IR 1473; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Dec 14, 2010, 4:09 p.m.: [20110112-IR-345100332FRA](#))*

SECTION 4. [345 IAC 7-3.5-2](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 7-3.5-2](#) Definitions**

**Authority:** [IC 15-17-3-21](#)

**Affected:** [IC 15-17](#)

Sec. 2. The following definitions apply throughout this rule:

- (1) "Animal identification number" or "AIN" means a numbering system for the official identification of individual animals in the United States that provides a nationally unique identification number for each animal. The AIN consists of fifteen (15) digits, with the first three (3) being the country code (840 for the United States or a unique country code for a U.S. territory that has such a code and elects to use it in place of the 840 code). The AIN beginning with the 840 prefix may not be applied to animals known to have been born outside the United States.
- (2) "Board" means the Indiana state board of animal health appointed under [IC 15-17-3](#).
- (3) "Cattle" means all dairy and beef animals and bison.
- (4) "Concentration point" means a licensed place of business under the provisions of [IC 15-17-14](#) where only feeder pigs, to which the licensee of such point has taken title, are assembled for resale within or without of the state of Indiana.
- (5) "Consignee" means one to whom livestock is delivered or assigned for the purpose of sale, resale, or exchange.

- (6) "Consignment" or "consigning" means the act of delivering or shipping domestic animals to another for sale, resale, or exchange.
- (7) "Consignor" means any person consigning, shipping, or delivering domestic animals for sale, resale, or exchange.
- (8) "Dealer" means any person engaged in the business of dealing and includes, but is not limited to, the following:
- (A) Stockyards.
  - (B) Auction markets.
  - (C) Buying stations.
  - (D) Concentration points.
- (9) "Dealing" means buying, selling, trading, or negotiating the transfer of livestock either for:
- (A) processing into meat products in conjunction with the operation of a business enterprise; or
  - (B) the purpose of resale, transfer, or final disposition in any other manner.
- (10) "Domestic animals" has the meaning set forth in [IC 15-17-2-26](#).
- (11) "Draft" means a group of animals that are weighed and sold together as a unit.
- (12) "Flock-based number system" means a combination of a flock identification number (FIN) with a producer's unique livestock production numbering system to provide a nationally unique identification number for an animal.
- (13) "Game birds" means domesticated fowl such as:**
- (A) pheasants;**
  - (B) partridge;**
  - (C) quail;**
  - (D) grouse;**
  - (E) guineas; and**
  - (F) peafowl;**
- but not doves and pigeons.**
- ~~(13)~~ **(14)** "Immediate slaughter" means any domestic animals purchased or sold for slaughter must:
- (A) be consigned to a recognized slaughtering establishment or be slaughtered within seven (7) days of first consignment; and
  - (B) not be diverted for further feeding or breeding purposes.
- ~~(14)~~ **(15)** "Inspection" means a critical observation of livestock by a licensed, accredited veterinarian or by one under his or her direct supervision and conducted in a manner that will lend itself to the disclosure of the apparent physical condition or health status of the animals inspected.
- ~~(15)~~ **(16)** "Licensee" means any person:
- (A) licensed by the state of Indiana as an individual or market facility dealer; or
  - (B) holding a combination license.
- ~~(16)~~ **(17)** "Livestock" has the meaning set forth in ~~IC 15-17-47(a)~~; [IC 15-17-2-47\(a\)](#).
- ~~(17)~~ **(18)** "Livestock auction market" or "auction market" means an established place of business and contiguous surroundings where domestic animals are consigned to be sold at public auction upon a commission basis to be paid by the consignor at which place the operator of the business acts as agent for consignor.
- ~~(18)~~ **(19)** "Location-based number system" means a combination of a state issued LID or a PIN with a producer's unique livestock production numbering system to provide a nationally unique and herd-unique identification number for an animal.
- ~~(19)~~ **(20)** "Market facility" means a livestock auction market, stockyard, or concentration point.
- ~~(20)~~ **(21)** "National Uniform Eartagging System" or "NUES" means a numbering system for the official identification of individual animals in the United States that provides a nationally unique identification number for each animal.
- ~~(21)~~ **(22)** "Nonambulatory" or "downed" animal means a conscious animal that is unable to stand or walk without assistance.
- ~~(22)~~ **(23)** "Official health certificate", "certificate of veterinary inspection", or "CVI" means a form that meets the requirements for a certificate of veterinary inspection in [345 IAC 1-1.5](#).
- ~~(23)~~ **(24)** "Official identification number" means a nationally unique number that is permanently associated with an animal or group of animals and that adheres to one (1) of the following systems:
- (A) National Uniform Eartagging System (NUES).
  - (B) Animal identification number (AIN).
  - (C) Location-based number system.
  - (D) Flock-based number system.
  - (E) Any other numbering system approved by the state veterinarian for the official identification of animals.
- ~~(24)~~ **(25)** "Officially identified" means identified by means of an official identification device or method approved by the state veterinarian in accordance with this article.

~~(25)~~ **(26)** "Permit" means permission granted by the board for the importation of domestic animals that will include an identification number of the permit.

~~(26)~~ **(27)** "Person" means any of the following:

- (A) An individual or individuals of either sex.
- (B) Firms.
- (C) Copartnerships.
- (D) Corporations.
- (E) Associations.
- (F) Cooperatives.
- (G) Joint ventures of all kinds.
- (H) Places of residence.
- (I) Any other groups or combinations acting in concert.

**(28) "Poultry" means domesticated fowl, including the following:**

- (A) Chickens.**
- (B) Turkeys.**
- (C) Ostriches.**
- (D) Emus.**
- (E) Rheas.**
- (F) Cassowaries.**
- (G) Waterfowl.**
- (H) Game birds.**

**The term does not include doves and pigeons.**

~~(27)~~ **(29)** "Quarantined" means the subject of an order issued by the board restricting the movement of animals onto or off of a premises.

~~(28)~~ **(30)** "Sale" means:

- (A) sale;
- (B) lease;
- (C) donation;
- (D) trade; or
- (E) exchange in any manner.

~~(29)~~ **(31)** "Sell" means to:

- (A) sell;
- (B) lease;
- (C) donate;
- (D) trade;
- (E) barter; or
- (F) exchange in any manner.

~~(30)~~ **(32)** "Selling" means:

- (A) selling;
- (B) leasing;
- (C) donating;
- (D) trading;
- (E) bartering; or
- (F) exchanging in any manner.

~~(31)~~ **(33)** "Slaughtering establishment" means a place of business where domestic animals are slaughtered and meat products are processed for human consumption subject to federal, state, or local inspection.

~~(32)~~ **(34)** "Slaughter only market" means any market facility where all animals purchased are consigned directly to a recognized slaughtering establishment or sold for direct reassignment to a recognized slaughtering establishment but not including auction markets.

~~(33)~~ **(35)** "State veterinarian" means the state veterinarian appointed under [IC 15-17-4](#).

~~(34)~~ **(36)** "Stockyard" means any place of business commonly known or advertised as a stockyard, and which is operated for compensation or profit as a public market consisting of sheds, pens, or other enclosures, and their contiguous appurtenances in which live livestock is received from the public and kept temporarily for sale, marketing, or shipping.

**(37) "Waterfowl" means domesticated fowl that normally swim, such as ducks, geese, and swans.**

*(Indiana State Board of Animal Health; [345 IAC 7-3.5-2](#); filed Jan 20, 1988, 4:01 p.m.: 11 IR 1750; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1285; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1609; filed Sep 29, 2006, 8:56 a.m.: [20061025-IR-345050315FRA](#); readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); readopted filed*

SECTION 5. [345 IAC 7-3.5-9.1](#) IS ADDED TO READ AS FOLLOWS:

**[345 IAC 7-3.5-9.1](#) Dealer and market facility poultry record keeping requirements**

Authority: [IC 15-17-3-21](#)

Affected: [IC 15-17-3-13](#); [IC 15-17-15-11](#)

Sec. 9.1. (a) A dealer shall maintain records that fully and correctly disclose all purchases, sales or transfers involving poultry and shall include the following information:

- (1) A record of the number, breed, and any identification present on poultry received for sale or consignment.
- (2) The name and address of the seller or consignor.
- (3) The date on which the poultry were received.
- (4) The name and address of the buyer or consignee.
- (5) A record of the number, breed, and any identification present on poultry sold to each buyer.
- (6) If tested, individual test records, health records, and health certificates.
- (7) Any other facts necessary to reflect the true nature of the transaction.

(b) For animals bought, sold, or transferred by or through a licensed dealer, the dealer must keep as a part of its records a copy of any CVIs or alternate documentation required to move the poultry.

(Indiana State Board of Animal Health; [345 IAC 7-3.5-9.1](#))

SECTION 6. [345 IAC 7-4.5-1](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 7-4.5-1](#) Definitions and general provisions**

Authority: [IC 15-17-3-12](#); [IC 15-17-3-21](#)

Affected: [IC 15-17](#)

Sec. 1. (a) The definitions in [IC 15-17-2](#) and the following definitions apply throughout this rule:

- (1) "Board" means the Indiana state board of animal health appointed under [IC 15-17-3](#).
- (2) "Exhibition" means a fair, show, or competition of limited duration that congregates animals from multiple sources on a premises.
- (3) "Game birds" means domesticated fowl such as:
  - (A) pheasants;
  - (B) partridge;
  - (C) quail;
  - (D) grouse; and
  - (E) guineas;

but not doves or pigeons.

~~(3)~~ (4) "Livestock" has the meaning set forth in [IC 15-17-2-47](#)(a).

(5) "Poultry" means domesticated fowl, including the following:

- (A) Chickens.
- (B) Turkeys.
- (C) Ostriches.
- (D) Emus.
- (E) Rheas.
- (F) Cassowaries.
- (G) Waterfowl.
- (H) Game birds.

The term does not include doves and pigeons.

~~(4)~~ (6) "State veterinarian" means the state veterinarian appointed by the board under [IC 15-17-4](#) and any authorized agents.

(7) "Waterfowl" means domesticated fowl that normally swim, such as ducks and geese.

(b) Notwithstanding any other provision of this rule, a person holding an exhibition that involves only the following animals is exempt from the requirements in this rule:

- (1) Animals of the family equidae (horses, asses, and donkeys).
- (2) Animals of the family camelidae (camels, llamas, and alpacas).
- ~~(3) Ostriches, rheas, cassowaries, and emus.~~

(Indiana State Board of Animal Health; [345 IAC 7-4.5-1](#); filed Jul 18, 2005, 1:00 p.m.: 28 IR 3556, eff Sep 1, 2006; errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); readopted filed Aug 16, 2012, 8:27 a.m.: [20120912-IR-345120197RFA](#))

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

### [345 IAC 7-4.5-2](#) Registration required

**Authority:** [IC 15-17-3-12](#); [IC 15-17-3-21](#)

**Affected:** [IC 15-17-3-13](#); [IC 15-17-15-9](#)

Sec. 2. Except as provided in section 1(b) of this rule, a person holding an exhibition of livestock **or poultry** shall register the event with the board not less than ten (10) days before the opening of the exhibition by notifying the state veterinarian of the following information:

- (1) The opening date of the exhibition.
- (2) The duration of the exhibition.
- (3) The location of the event.
- (4) The nature of the event and the species of animals that are expected at the event.
- (5) The name, address, and phone number of the person organizing the event.
- (6) The name, address, and phone number of the person that will be keeping the records required under section 3 of this rule.
- (7) If there is a veterinarian for the exhibition, the name and address of the exhibition veterinarian.

(Indiana State Board of Animal Health; [345 IAC 7-4.5-2](#); filed Jul 18, 2005, 1:00 p.m.: 28 IR 3557, eff Sep 1, 2006; readopted filed Aug 16, 2012, 8:27 a.m.: [20120912-IR-345120197RFA](#))

SECTION 8. [345 IAC 7-4.5-3](#) IS AMENDED TO READ AS FOLLOWS:

### [345 IAC 7-4.5-3](#) Record keeping

**Authority:** [IC 15-17-3-12](#); [IC 15-17-3-21](#)

**Affected:** [IC 15-17-3-13](#); [IC 15-17-15](#)

Sec. 3. (a) A person holding an exhibition of livestock **or poultry** shall keep the following records associated with each participant in the event:

- (1) The participant's name and address.
- (2) The species of each animal exhibited by the participant.
- (3) If an animal is sold through an auction or other sale as a part of the exhibition, the name and address of the purchaser of each animal.

(b) The records required under this section shall be kept for not less than two (2) years from the opening date of the exhibition.

(c) A person keeping records required under this section shall make the records available to board personnel for inspection and copying upon request during normal business hours.

(Indiana State Board of Animal Health; [345 IAC 7-4.5-3](#); filed Jul 18, 2005, 1:00 p.m.: 28 IR 3557, eff Sep 1, 2006; readopted filed Aug 16, 2012, 8:27 a.m.: [20120912-IR-345120197RFA](#))

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

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