

Proposed Rule
LSA Document #16-221

DIGEST

Amends [345 IAC 2-7-3](#) to change the deadline for a hunting preserve to submit chronic wasting disease (CWD) samples to an approved laboratory. Adds [345 IAC 2-9](#) to include definitions for the hunting preserve rule, to establish licensing and inspection requirements for hunting preserves, to set forth the requirements for a licensed owner to issue special hunting permits, to establish the signage requirements for hunting preserves, to state the record keeping requirements for hunting preserves, to clarify when a hunting preserve may cull permitted animals from the preserve without obtaining a special hunting permit, to set forth the requirements governing the use of a permitted animal for food after the animal has been sedated or treated with medications, and to state the violations for failure to comply with the hunting preserve rule. Effective 30 days after filing with the Publisher.

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

[345 IAC 2-7-3](#); [345 IAC 2-9](#)

SECTION 1. [345 IAC 2-7-3](#) IS AMENDED TO READ AS FOLLOWS:

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

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

Affected: [IC 15-17-11-20](#)

Sec. 3. (a) The requirements in this section apply to captive cervids. The owner of a captive cervid that is of a species that is not known to be susceptible to CWD and therefore not required to participate in the CWD program may voluntarily participate in the CWD program.

(b) The following requirements apply to any person that keeps a captive cervid at a location in Indiana:

- (1) The person 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.
 - (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 this rule and the existing identification is recorded in the herd inventory.

(3) Cervids identified under this section must be identified using at least two (2) forms of identification attached to the animal. One (1) of the animal identifications must be an official identification that is a tamper resistant ear tag. The second animal identification may be a tamper resistant ear tag or one (1) of the following forms of identification that is unique to the animal within the herd:

- (A) An electronic implant.
- (B) A flank tattoo.
- (C) An ear tattoo.
- (D) An identification device approved by the state veterinarian.

Identification of a cervid must be maintained on the animal until the animal is deceased and any samples required by the board are collected from the animal. If the identification is not collected as a part of a sample collection, it must remain with the animal until the carcass is disposed of in accordance with this rule and [IC 15-17-11-20](#).

(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 including the following:
 - (i) The animal's species.
 - (ii) All of the animal's 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;
- (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.

(D) A person must keep a record of any purchase and resale of an animal, even if the animal never enters that person's possession or herd, and to include transactions brokered by the person. The records must include the source of the animal under clause (B) and the destination of the animal under clause (C).

(5) Upon request of the state veterinarian, the owner or custodian of cervids must do the following:

- (A) Provide the state veterinarian access to or a copy of the written herd inventory.
- (B) Provide access to the herd premises and present each animal in the herd to the state veterinarian for inspection, verification or application of identification, testing or evaluation, to include assembling, handling, and restraining the animals.

(6) The herd owner shall, within one (1) business day of discovery, 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 of a hunting preserve 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 procuring the services of an approved CWD sample collector to collect appropriate samples for CWD testing.
- (C) By any other procedure authorized by the state veterinarian that ensures appropriate sample collection, handling, and transportation for testing.

Samples must be submitted to an approved laboratory no later than ~~February 4~~ **March 31** of the year immediately following the hunting season. Samples must be adequately preserved to ensure they are in a condition that may be tested.

(8) The state veterinarian may inspect any 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 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 15-17-11-20](#). The state veterinarian may require that the owner identify the carcass in a particular manner.

(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.

(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; and
- (2) consider all relevant factors, including the:
 - (A) length of time the herd has been under a CWD surveillance program;
 - (B) herd's health history;
 - (C) potential effects of any additions to the herd; and
 - (D) potential effect of wild cervids on the herd;

when evaluating herds under this subsection.

(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; filed Jul 23, 2008, 1:01 p.m.: [20080820-IR-345070824FRA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed May 23, 2013, 3:16 p.m.: [20130619-IR-345120491FRA](#))

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

Rule 9. Hunting Preserves

[345 IAC 2-9-1](#) Definitions

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

Affected: [IC 15-17-2](#); [IC 15-17-14.7](#)

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

(b) "Special hunting permit" means a permit issued by the board to allow a person to hunt a permitted animal.

(Indiana State Board of Animal Health; [345 IAC 2-9-1](#))

[345 IAC 2-9-2](#) Hunting preserve licensing and inspection

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

Affected: [IC 15-17-14.7](#)

Sec. 2. (a) A person desiring to operate a hunting preserve must obtain a license from the state veterinarian. To apply for a hunting preserve license, a person must submit the following to the state veterinarian:

(1) A completed license application on a form that will be furnished by the state veterinarian.

(2) The following information must be included with the completed license application:

(A) A site plan that contains a detailed layout of the hunting preserve that includes the following:

(i) Fences, with the length of each side of the fence that encloses the hunting preserve.

(ii) The acreage of the fenced area where hunting will occur.

(iii) Buildings.

(iv) Public roads and other barriers that intersect the hunting preserve.

(B) A description of the efforts that were made to clear the hunting preserve of wild deer.

(C) A description of the cover on the preserve that will allow permitted animals the opportunity to evade hunters.

(3) The license fee specified in [IC 15-17-14.7](#).

(b) Prior to the issuance of a license, each applicant must demonstrate during an inspection by the board that the premises and facilities to be used comply with the requirements in [IC 15-17-14.7](#) and this rule.

(c) A license issued under this section is effective on September 1 and expires on August 31 of the following year.

(d) A license may be renewed by submitting a renewal application and the annual fee specified in [IC 15-17-14.7](#) prior to the license expiration. A renewal application must include an updated site plan for the hunting preserve if changes to the site were made after the license was issued.

(e) A licensed owner must operate a hunting preserve in compliance with the requirements set forth in [IC 15-17-14.7](#) and this rule.

(f) A licensed owner must make the hunting preserve premises, facilities, animals, and records available at any reasonable time to an employee of the board to determine continued compliance with [IC 15-17-14.7](#) and the requirements of this rule.

(Indiana State Board of Animal Health; [345 IAC 2-9-2](#))

[345 IAC 2-9-3](#) Special hunting permit

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

Affected: [IC 15-17-14.7-9](#)

Sec. 3. (a) A person must obtain a special hunting permit from the state veterinarian prior to hunting on a hunting preserve. A special hunting permit authorizes a person to hunt one (1) permitted animal. The fee for a special hunting permit is the fee specified in [IC 15-17-14.7-9](#).

(b) The state veterinarian may appoint licensed owners to issue special hunting permits.

(c) A licensed owner appointed under subsection (b) must do the following:

(1) Maintain records that accurately reflect transactions with individuals hunting on the hunting preserve.

(2) Remit fees collected for special hunting permits sales at least monthly in a manner directed by the state veterinarian. Permit fees collected during a month must be submitted to the board not later than the tenth day of the following month.

(3) Submit reports as required by the state veterinarian to verify compliance with [IC 15-17-14.7](#) and this rule.

(d) The state veterinarian may suspend or revoke an appointment of a licensed owner to sell special hunting permits for violations of this rule.

(Indiana State Board of Animal Health; [345 IAC 2-9-3](#))

[345 IAC 2-9-4](#) Signage

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

Affected: [IC 15-17-14.7](#)

Sec. 4. A hunting preserve licensed under this rule must mark the fence enclosing the hunting preserve with clearly visible signs that are:

(1) at least twelve (12) inches wide and twelve (12) inches long;

(2) made of a weatherproof material with a yellow or white background;

(3) written with at least one (1) inch high black or dark colored lettering with sufficient contrast so as to be readable from a distance that states "Hunting Preserve"; and

(4) placed facing outward on the fence that encloses the hunting preserve at each point of entry or exit to the hunting preserve.

(Indiana State Board of Animal Health; [345 IAC 2-9-4](#))

[345 IAC 2-9-5](#) Record keeping requirements

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

Affected: [IC 15-17-14.7](#)

Sec. 5. (a) A licensed owner shall keep a complete, accurate, and current herd record of each animal that is added to the herd or removed from the herd on the hunting preserve, including the following:

(1) The animal's species.

(2) All of the animal's identification.

(3) The animal's sex and estimated age.

(4) The date the animal is added or removed.

(5) The name and address of the source or destination of the animal.

(6) The cause for removal (taken by hunt, escape, death by accident, or death by other means).

(b) A licensed owner shall keep complete, accurate, and current records related to the issuance of special hunting permits and use of transportation and cull tags, including the:

(1) name, address, and telephone number for each hunter who purchases a permit;

(2) permit number and date of issuance to each hunter and the associated fee collected;

- (3) species, sex, identification number, and number of the transportation tag issued for each animal taken by a hunter;
- (4) species, sex, identification number, and cull date for each animal culled from the herd and the cull tag number associated with the animal;
- (5) records of sedation and treatment under section 7(b) of this rule and a record of any notices provided under section 7(c) of this rule.

(c) The records required by this section must be maintained for a period of five (5) years.

(Indiana State Board of Animal Health; [345 IAC 2-9-5](#))

[345 IAC 2-9-6](#) Culling

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

Affected: [IC 15-17-14.7](#)

Sec. 6. The owner of a hunting preserve or his or her authorized agent may cull permitted animals from the preserve without obtaining a special hunting permit for the purpose of:

- (1) controlling the population of the herd;
- (2) addressing an animal welfare issue;
- (3) consumption by the owner and members of his or her household; or
- (4) donation to a charitable organization that is qualified under Section 501(c)(3) of the Internal Revenue Code.

(Indiana State Board of Animal Health; [345 IAC 2-9-6](#))

[345 IAC 2-9-7](#) Medications and use of animals for food

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

Affected: [IC 15-17-14.7](#)

Sec. 7. (a) A licensed owner shall follow the:

- (1) label instructions; or
- (2) extra-label drug use instructions of a veterinarian within the context of a veterinarian-client-patient relationship governing the appropriate administration of medications to permitted animals for sedation or treatment.

(b) If a permitted animal has been sedated or treated with medications to move the animal to the preserve or while under the care of the licensed owner, the licensed owner shall document the date and amount of medication administered to a permitted animal.

(c) When a permitted animal that has been sedated or treated is allowed to be hunted, the licensed owner shall do one (1) of the following:

- (1) Verify that the withdrawal times associated with the type of medication administered have been observed.
- (2) If:
 - (A) the animal is allowed to be hunted prior to the end of the withdrawal period; or
 - (B) there is no stated withdrawal period for the substance administered and the animal is hunted within forty-five (45) days of treatment;notify the hunter that the animal should not be consumed because it was sedated or treated and taken before the end of an established withdrawal period or the withdrawal period is unknown.
- (3) Maintain custody of the portion of carcass bearing meat and take measures to ensure it is not distributed.

(Indiana State Board of Animal Health; [345 IAC 2-9-7](#))

[345 IAC 2-9-8](#) Violations

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

Affected: [IC 15-17-14.7](#); [IC 15-17-18-12](#)

Sec. 8. The state veterinarian may take any of the following actions against a hunting preserve or other individual that violates any provision of this rule:

- (1) Suspend or revoke the following:**
 - (A) A hunting preserve license.**
 - (B) An authorization to issue special hunting permits issued under section 3(b) of this rule.**
 - (C) A special hunting permit.**
- (2) Issue compliance orders.**
- (3) Impose a monetary penalty under [IC 15-17-18-12](#).**
- (4) Any other action authorized by law.**

(Indiana State Board of Animal Health; [345 IAC 2-9-8](#))

[Notice of Public Hearing](#)

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