

**Proposed Rule**  
LSA Document #18-280

DIGEST

Amends [345 IAC 2.5-3-1](#) to modify the definition of "test eligible cattle" for purposes of moving animals to remove sexually intact female cattle of dairy breeds and dairy cross breeds that are six months of age or older from accredited-free and modified accredited advanced states or zones and remove the requirement that cattle under two months of age must originate from a herd that had a negative tuberculosis herd test of all animals 12 months of age and older within the past year when moving from modified accredited states or zones. Amends [345 IAC 2.5-3-2](#) to remove the requirement for a person to test sexually intact female cattle of dairy breeds, including dairy cross breeds, that are six months of age or older that originate from an accredited-free state or zone or a modified accredited advanced state or zone prior to movement into the state. Amends [345 IAC 2.5-3-4](#) and [345 IAC 2.5-4-4](#) to extend the validity of the accredited herd status for both cattle and goat herds from 365 days to 730 days from the date it is earned. Effective 30 days after filing with the Publisher.

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

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

SECTION 1. [345 IAC 2.5-3-1](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 2.5-3-1](#) Definitions and general provisions**

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

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

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 B.
- (2) "~~Accredited~~ **Accreditation** preparatory state or zone" means a state or zone that is classified by the United States Department of Agriculture as ~~accredited~~ **accreditation** preparatory state or zone under 9 CFR Part 77, Subpart B.
- (3) "Cattle and bison not known to be affected" means all cattle and bison except those originating from tuberculosis affected herds or from herds containing tuberculosis suspect cattle or bison.
- (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 B.
- (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 B.
- (6) "Negative animal" means cattle and bison that are classified as negative for tuberculosis in accordance with this article and the bovine TB UM&R.
- (7) "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 B.
- (8) "Suspect cattle and bison" means cattle or bison that meet one (1) of the following descriptions:
  - (A) Show a response to the caudal fold tuberculin test and are not classified as reactor.
  - (B) Have been classified as suspect by comparative cervical tuberculin tests, the bovine interferon gamma assay, or any other official test for tuberculosis.

(b) Whenever a tuberculosis test is required under this rule, the test requirement shall be for animals that are test eligible animals as defined in subsections (c) and (d), unless indicated otherwise in ~~the~~ **this** rule.

(c) For purposes of herd accreditation and reaccreditation testing, test eligible cattle or bison means the following:

- (1) Cattle and bison of all ages in accreditation preparatory states or zones.
- (2) Cattle and bison twelve (12) months of age and older in a modified accredited state or zone.
- (3) Cattle and bison eighteen (18) months of age and older, as evidenced by the loss of the central deciduous incisors, in modified accredited advanced states or zones.
- (4) Cattle and bison twenty-four (24) months of age and older, as evidenced by the central incisors being fully

erupted and in wear, in an accredited-free state or zone.

(d) For purposes of moving animals, test eligible cattle or bison means the following:

- ~~(1) Sexually intact female cattle of dairy breeds and dairy cross breeds, that are six (6) months of age or older, from an accredited-free state or zone or a modified accredited advanced state or zone.~~
- ~~(2) (1) Cattle and bison of all ages from accreditation preparatory states or zones.~~
- ~~(3) (2) Cattle and bison of all ages except those under two (2) months of age originating from a herd that had a negative tuberculosis herd test of all animals twelve (12) months of age and older within the past year from modified accredited states or zones.~~
- ~~(4) (3) Cattle and bison eighteen (18) months of age and older from modified accredited advanced states or zones.~~
- ~~(5) (4) Cattle and bison from accredited-free states and or zones need not be tested except that cattle and bison moving from a herd that is not accredited to an accredited herd must be tested within sixty (60) days of the movement.~~

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

*(Indiana State Board of Animal Health; [345 IAC 2.5-3-1](#); filed Apr 13, 2005, 12:30 p.m.: 28 IR 2678; readopted filed Nov 1, 2011, 3:50 p.m.: [20111130-IR-345110312RFA](#); readopted filed Jul 17, 2017, 9:06 a.m.: [20170816-IR-345170165RFA](#))*

SECTION 2. [345 IAC 2.5-3-2](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 2.5-3-2](#) Tuberculosis requirements for cattle and bison entering the state**

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

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

Sec. 2. (a) Reactor cattle and bison may not be moved into the state unless they are moved directly to an approved slaughtering establishment in a manner that meets the requirements for reactors in 9 CFR 77.17. Exposed cattle and bison may not be moved into the state unless they are moved directly to an approved slaughtering establishment in a manner that meets the requirements for exposed animals in 9 CFR 77.17. Suspect cattle and bison may not be moved into the state unless they are moved directly to an approved slaughtering establishment in a manner that meets the requirements for suspect cattle and bison in 9 CFR 77.17.

~~(b) A person may move into the state sexually intact female cattle of dairy breeds, including dairy cross breeds, that are six (6) months of age or older that originate from an accredited-free state or zone or a modified accredited advanced state or zone only under one (1) of the following conditions:~~

~~(1) The animals are moved:~~

~~(A) directly to an approved slaughtering establishment for slaughter; or~~

~~(B) through one (1) approved livestock facility;~~

~~and then directly to slaughter.~~

~~(2) The animals originate from an accredited herd that has completed the tuberculosis testing necessary for accredited status with negative results within one (1) year before the date of movement into the state.~~

~~(3) If the animals are moved:~~

~~(A) into the state to an exhibition; and~~

~~(B) back out of the state within ten (10) days of arrival;~~

~~the requirements in subsections (c) through (g) apply.~~

~~(4) The animals are moved in accordance with a commuter herd agreement under subsection (h).~~

~~(5) Each animal, without regard to its age, has tested negative for tuberculosis on an official test conducted within the sixty (60) days immediately before the animal's entering the state. Animals to be moved need not be retested if they were tested negative for tuberculosis as a part of a herd tuberculosis test at their herd of origin within the six (6) months before the movement into the state.~~

(e) **(b)** A person may move into the state cattle and bison other than animals described in subsection (b) that originate from accredited-free states or zones.

(d) **(c)** A person may move into the state cattle and bison other than animals described in subsection (b) that originate from modified accredited advanced states or zones if the animals are not infected with and have not

been exposed to tuberculosis and one (1) of the following conditions is met:

- (1) The animals are moved:
  - (A) directly to an approved slaughtering establishment for slaughter; or
  - (B) through one (1) approved livestock facility;and then directly to slaughter only.
- (2) The cattle or bison are as follows:
  - (A) Steers or spayed heifers.
  - (B) Officially identified or officially identified by premises of origin identification.
- (3) The cattle or bison originate from an accredited herd that has completed the tuberculosis testing necessary for accredited status with negative results within two (2) years before the date of movement into the state.
- (4) The cattle and bison are sexually intact animals that are not from an accredited herd, and each animal has tested negative for tuberculosis on an official test conducted within the sixty (60) days immediately before the ~~animal's entering~~ **date the animal is moved into** the state. Animals to be moved need not be retested if they were tested negative for tuberculosis as a part of a herd tuberculosis test at their herd of origin within the six (6) months before the movement into the state.

(e) **(d)** A person may move into the state cattle and bison that originate from modified accredited states or zones if the animals are not infected with and have not been exposed to tuberculosis and one (1) of the following conditions is met:

- (1) The animals are moved:
  - (A) directly to an approved slaughtering establishment for slaughter; or
  - (B) through one (1) approved livestock facility;and then directly to slaughter only.
- (2) The cattle or bison are as follows:
  - (A) Steers or spayed heifers.
  - (B) Officially identified or identified by official premises of origin identification.
  - (C) Tested negative for tuberculosis on an official test within the sixty (60) days immediately before the ~~animal's entering~~ **date the animal is moved into** the state.
- (3) The cattle and bison originate from an accredited herd that has completed the tuberculosis testing necessary for accredited status with negative results within one (1) year before the date of movement into the state.
- (4) The cattle and bison are sexually intact animals that are not from an accredited herd and meet each of the following requirements:
  - (A) The animal originated from a herd that tested negative for tuberculosis to a herd test of animals twelve (12) months of age and older conducted within one (1) year before the date of movement into the state.
  - (B) Each animal that is two (2) months of age or older has tested negative for tuberculosis on an official test conducted within the sixty (60) days immediately before the ~~animal's entering~~ **date the animal is moved into** the state. Animals to be moved need not be retested if they were tested negative for tuberculosis as a part of a herd tuberculosis test at their herd of origin within the sixty (60) days before the movement into the state.

(f) **(e)** A person may move into the state cattle and bison that originate from accreditation preparatory states or zones if the animals are not infected with and have not been exposed to tuberculosis and one (1) of the following conditions is met:

- (1) The animals are moved:
  - (A) directly to an approved slaughter establishment for slaughter; or
  - (B) through one (1) approved livestock facility;and then directly to slaughter only.
- (2) The cattle or bison are as follows:
  - (A) Steers or spayed heifers.
  - (B) Officially identified or identified by official premises of origin identification.
  - (C) Originate from a herd that tested negative for tuberculosis to a herd test conducted within one (1) year before the date of movement into the state.
  - (D) Tested negative for tuberculosis on an official test within the sixty (60) days immediately before the ~~animal's entering~~ **date the animal is moved into** the state.

Animals to be moved need not be retested if they were tested negative for tuberculosis as a part of a herd tuberculosis test at their herd of origin within the six (6) months before the movement into the state.

- (3) The cattle and bison:
  - (A) originate from an accredited herd that has completed the tuberculosis testing necessary for accredited status within one (1) year before the date of movement; and

(B) have tested negative for tuberculosis on an official test within the sixty (60) days immediately before the animal's entering **date the animal is moved into** the state.

(4) The cattle and bison are sexually intact animals that are not from an accredited herd and meet each of the following requirements:

(A) The herd from which the animals originated tested negative for tuberculosis to a herd test conducted within one (1) year before the date of movement into the state.

(B) Each animal has tested negative for tuberculosis twice on official tests conducted between sixty (60) and one hundred eighty (180) days apart, with the second test conducted not more than sixty (60) days immediately before the animal's entering **date the animal is moved into** the state. The second test is not required if the animals are moved interstate within sixty (60) days following the herd of origin test.

~~(g)~~ (f) A person may move into the state cattle and bison that originate from a nonaccredited state or zone if the animals are as follows:

- (1) Not infected with and have not been exposed to tuberculosis.
- (2) Moved directly to an approved slaughter establishment for slaughter.
- (3) Accompanied by a permit.
- (4) Moved in a conveyance that has been sealed with an official seal.

~~(h)~~ (g) Cattle or bison that are members of a recognized and approved commuter herd may be moved interstate in accordance with the applicable commuter herd agreement. Animals must move directly from without commingling with animals from outside the production system under the terms of an approved ~~herd~~ **herd** agreement. The state veterinarian may accept applications for commuter herd recognition and issue approvals for commuter herd movements under an approved commuter herd agreement as follows:

- (1) Movements must be as follows:
  - (A) Without change of ownership.
  - (B) A part of and within the normal operations of a production system.
- (2) The commuter herd agreement must address and may waive or alter the following:
  - (A) The requirements in [345 IAC 1-3](#) for the following:
    - (i) Permits to enter the state.
    - (ii) Animal identification.
    - (iii) Certificates of veterinary inspection.
  - (B) The requirements in this article for tuberculosis testing.
- (3) The owner must do the following:
  - (A) Keep records of all movements for at least five (5) years.
  - (B) Present the records to state or federal officials for inspection upon request.
  - (C) Submit reports as required by the commuter herd agreement.

Commuter herd agreements shall be for a period of one (1) year and must be reviewed and renewed annually to remain in effect.

~~(i)~~ (h) The state veterinarian may permit the movement of any animal, including reactor, exposed, or quarantined cattle and bison, into the state:

- (1) for the purpose of research or disposal; or
- (2) to further the purposes of this article.

*(Indiana State Board of Animal Health; [345 IAC 2.5-3-2](#); filed Apr 13, 2005, 12:30 p.m.: 28 IR 2679; filed Mar 30, 2006, 1:42 p.m.: 29 IR 2520; readopted filed Nov 1, 2011, 3:50 p.m.: [20111130-IR-345110312RFA](#); filed Aug 22, 2014, 4:04 p.m.: [20140917-IR-345140057FRA](#); errata filed Oct 1, 2014, 10:21 a.m.: [20141022-IR-345140057ACA](#); readopted filed Jul 17, 2017, 9:06 a.m.: [20170816-IR-345170165RFA](#))*

SECTION 3. [345 IAC 2.5-3-4](#) IS AMENDED TO READ AS FOLLOWS:

#### **[345 IAC 2.5-3-4](#) Accredited herd status for cattle and bison herds**

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

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

Sec. 4. (a) Owners of cattle and bison herds in the state may obtain and maintain an accredited herd status for tuberculosis by complying with the requirements in this section. The state veterinarian may suspend or revoke an accredited herd status if:

- (1) tuberculosis is indicated in a herd; or
- (2) the requirements of this rule are not met.

(b) To qualify for accredited herd status, the owner of a cattle or bison 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 three hundred sixty-five (365) and four hundred twenty-five (425) days after the first test is conducted. All animals in the herd must test negative for tuberculosis.
- (3) **Verify that** all animals added to the herd meet the requirements in subsection (e).

The state veterinarian shall issue the owner of an accredited herd an accreditation certificate or notice indicating the accredited herd status. Herd accreditation status is valid for ~~three hundred sixty-five (365)~~ **seven hundred thirty (730)** days from the date it is earned and then it expires.

(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 ninety (90) days prior to and ninety (90) days after the date that the herd's accredited herd status expires under subsection (b).

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

- (1) All cattle and bison twenty-four (24) months of age and older as evidenced by the central incisors being fully erupted and in wear.
- (2) Any cattle and bison other than natural additions that are under twenty-four (24) months of age.
- (3) In a herd that has completed the two (2) annual tuberculosis tests required of high risk herds, the two (2) annual negative tests will requalify a herd for accreditation.

All natural additions shall be identified and recorded on the test report as members of the herd at the time of the annual test.

(e) Animals that are added to an accredited herd must be from an accredited herd located in an accredited-free state, zone, or region that has been recognized as accredited-free by the United States Department of Agriculture more than five (5) years ago or originate directly from a state, zone, or region and meet the tuberculosis testing requirements as indicated in the bovine TB UM&R, Part IV, B – Accredited Herd Plan for Cattle or Bison – Additions.

(f) Animals added shall not receive accredited herd status for sale purposes until they meet the requirements in the bovine TB UM&R, Part IV, B – Accredited Herd Plan for Cattle or Bison – Additions.

(g) Semen for artificial insemination in accredited herds must be from sires:

- (1) in accredited herds; or
- (2) with a negative result on an official test for tuberculosis performed within twelve (12) months prior to the date of the semen collection.

*(Indiana State Board of Animal Health; [345 IAC 2.5-3-4](#); filed Apr 13, 2005, 12:30 p.m.: 28 IR 2681; readopted filed Nov 1, 2011, 3:50 p.m.: [20111130-IR-345110312RFA](#); readopted filed Jul 17, 2017, 9:06 a.m.: [20170816-IR-345170165RFA](#))*

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

#### **[345 IAC 2.5-4-4 Accredited herd status for goat herds](#)**

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

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

Sec. 4. (a) Owners of goat 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 goat 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 three hundred sixty-five (365) and four hundred twenty-five (425) days after the first test is conducted. All animals in the herd must test negative for tuberculosis.
- (3) **Verify that** all animals added to the herd meet the requirements in subsection (e).

The state veterinarian shall issue the owner of an accredited herd an accreditation certificate or notice indicating the accredited herd status. Herd accreditation status is valid for ~~three hundred sixty-five (365)~~ **seven hundred thirty (730)** days from the date it is earned and then it expires.

(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 sixty (60) days prior to and sixty (60) days after the date that the herd's accredited herd status expires under subsection (b).

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

- (1) All goats twelve (12) months of age and older.
- (2) 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 one (1) of the following sets of criteria:

- (1) Originate from an accredited herd.
- (2) Originate from a herd that is located in a modified accredited area that has passed a herd tuberculosis test of all animals twelve (12) months of age and older conducted within twelve (12) months immediately prior to the animal entering the herd. Each individual animal that is to be added to the accredited herd must test negative for tuberculosis within the sixty (60) days immediately prior to the animal entering the herd.
- (3) Originate from a herd that is located in a modified accredited state or zone that does not meet the requirements of subdivision (1) or (2), each individual animal that is to be added to the accredited herd tests negative for tuberculosis within the sixty (60) days immediately prior to the animal entering the premises and must be kept in isolation from all members of the accredited herd until the animal tests negative for tuberculosis more than sixty (60) days after the date of entry onto the premises.

Animals added under subdivision (2) or (3) shall not receive accredited herd status for sale purposes until they have been members of the herd at least sixty (60) days and have been retested negative for tuberculosis at least sixty (60) days after entry into the herd.

*(Indiana State Board of Animal Health; [345 IAC 2.5-4-4](#); filed Apr 13, 2005, 12:30 p.m.: 28 IR 2686; readopted filed Nov 1, 2011, 3:50 p.m.: [20111130-IR-345110312RFA](#); readopted filed Jul 17, 2017, 9:06 a.m.: [20170816-IR-345170165RFA](#))*

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

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