

## **ARTICLE 7. LIVESTOCK DEALERS, MARKETING, EXHIBITIONS, AND SLAUGHTER LIVESTOCK**

### **Rule 1. Livestock Auction Markets; Approved Laboratories (Repealed)**

*(Repealed by Indiana State Board of Animal Health; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1294)*

### **Rule 2. Stockyard Operation and Maintenance; Approved Laboratories (Repealed)**

*(Repealed by Indiana State Board of Animal Health; filed Jan 20, 1988, 4:02 pm: 11 IR 1750)*

### **Rule 3. Interim License for Multi-Location Dealers (Repealed)**

*(Repealed by Indiana State Board of Animal Health; filed Jan 20, 1988, 4:02 pm: 11 IR 1754)*

### **Rule 3.5. Licensing and Bonding of Livestock Dealers and Markets**

#### **345 IAC 7-3.5-1 General provisions**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14

Sec. 1. The Indiana state board of animal health, livestock dealers licensing division is the designated state agency to provide for the licensing and bonding of livestock dealers and the classification under which such dealers shall be licensed. *(Indiana State Board of Animal Health; 345 IAC 7-3.5-1; filed Jan 20, 1988, 4:01 pm: 11 IR 1750; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)*

#### **345 IAC 7-3.5-1.5 Incorporation by reference**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14; IC 15-2.1-15

Sec. 1.5. IC 15-2.1-14-1 through IC 15-2.1-14-9 are incorporated by reference into this rule. *(Indiana State Board of Animal Health; 345 IAC 7-3.5-1.5; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1285; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)*

#### **345 IAC 7-3.5-2 Definitions**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2-15; IC 15-2.1-2-27; IC 15-2.1-3; IC 15-2.1-4; IC 15-2.1-14; IC 15-2.1-15

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

- (1) "Board" means the Indiana state board of animal health appointed under IC 15-2.1-3.
- (2) "Cattle" means all dairy and beef animals and bison.
- (3) "Concentration point" means a licensed place of business under the provisions of IC 15-2.1-14 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.
- (4) "Consignee" means one to whom livestock is delivered or assigned for the purpose of sale, resale, or exchange.
- (5) "Consignment" or "consigning" means the act of delivering or shipping domestic animals to another for sale, resale, or exchange.
- (6) "Consignor" means any person consigning, shipping, or delivering domestic animals for sale, resale, or exchange.
- (7) "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.
- (8) "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.
- (9) "Domestic animals" has the meaning set forth in IC 15-2.1-2-15.
- (10) "Draft" means a group of animals that are weighed and sold together as a unit.

- (11) "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.
- (12) "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.
- (13) "Licensee" means any person:
  - (A) licensed by the state of Indiana as an individual or market facility dealer; or
  - (B) holding a combination license.
- (14) "Livestock" has the meaning set forth in IC 15-2.1-2-27(a).
- (15) "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.
- (16) "Market facility" means a livestock auction market, stockyard, or concentration point.
- (17) "Nonambulatory" or "downed" animal means a conscious animal that is unable to stand or walk without assistance.
- (18) "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.
- (19) "Permit" means permission granted by the board for the importation of domestic animals that will include an identification number of the permit.
- (20) "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.
- (21) "Quarantined" means the subject of an order issued by the board restricting the movement of animals onto or off of a premises.
- (22) "Sale" means:
  - (A) sale;
  - (B) lease;
  - (C) donation;
  - (D) trade; or
  - (E) exchange in any manner.
- (23) "Sell" means to:
  - (A) sell;
  - (B) lease;
  - (C) donate;
  - (D) trade;
  - (E) barter; or
  - (F) exchange in any manner.
- (24) "Selling" means:
  - (A) selling;
  - (B) leasing;
  - (C) donating;
  - (D) trading;
  - (E) bartering; or

(F) exchanging in any manner.

(25) "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.

(26) "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.

(27) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4.

(28) "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.

*(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)*

### **345 IAC 7-3.5-3 Individual and market facility dealer license and exceptions**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14-2

Sec. 3. (a) A person may not engage in the business of operating a market facility, buying, selling, or otherwise dealing in livestock without obtaining a license from the state veterinarian. The following persons and activities are exempt from the livestock dealer license requirement:

(1) The purchase of livestock by an individual for the individual's own use other than resale on the livestock market.

(2) The distribution of livestock in connection with programs dedicated to improvement of breeding practices or experimental procedures and ownership of the livestock remains, in whole or in part, in the distributor or breeder.

(3) The sale or purchase of livestock by a producer or farmer that buys or sells livestock in connection with a business of raising, feeding, grazing, or breeding livestock as part of a farming enterprise, as distinguished from that of a dealer or trader, and does not follow a definite or routine pattern of disposing of acquired livestock through the channels of trade in less than sixty (60) days from the date of acquisition.

(4) Purchases of livestock by operators of restaurants, grocery stores, meat processing plants, and slaughtering plants for the sole purpose of processing and sale in connection with the business enterprise if the total number of head of livestock purchased does not exceed twenty (20) head in any one (1) week.

(b) Nothing contained in this rule shall apply to any of the following:

(1) Pens or enclosures where livestock is housed or kept temporarily for the purpose of public exhibition.

(2) Pens and enclosures maintained by slaughtering establishments and used for the temporary deposit and holding of livestock immediately prior to their being slaughtered and processed for human consumption.

(c) No person may continue the business of operating a market facility, buying, selling, or otherwise dealing in livestock after his or her license has expired or been suspended or revoked. *(Indiana State Board of Animal Health; 345 IAC 7-3.5-3; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1751; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1287; 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 1610; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)*

### **345 IAC 7-3.5-4 License requirement (Repealed)**

Sec. 4. *(Repealed by Indiana State Board of Animal Health; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1294)*

### **345 IAC 7-3.5-5 Classification; fees**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14-4

Sec. 5. (a) Classifications under which livestock dealer licenses will be issued are as follows:

(1) A market facility dealer license issued to stockyards, packers, concentration points, and livestock auction markets.

(2) An individual dealer license issued to individual dealers and market agencies not operating as a market facility.

(b) The following requirements shall be used in determining license classifications:

(1) A person is operating a market facility at a location when more than one (1) auction that is not exempt under section 3 of this rule is conducted at that location in a twelve (12) month period. Separate licenses are required for each location a market facility is operated. Even if a market facility license is not required for an auction, an individual dealer license may be required.

(2) Any person who operates a licensed market facility and deals in livestock outside of said market facility must have an individual dealer license in addition to the market facility dealer license.

(3) Final determination of classifications will be made by the state veterinarian.

(c) Each license described in this section shall be valid until such time as the license is voluntarily surrendered by the licensee or suspended or revoked by the state veterinarian.

(d) Applications for a license shall be on a form supplied by the state veterinarian and must contain the information requested on the form. The state veterinarian may issue a license under this rule if the applicant submits a completed application, obtains the security required under section 8 of this rule, and meets all other requirements of IC 15-2.1-14 and this rule.

(e) The state veterinarian may require that an applicant for a license for a new facility that is intended to be used as a market facility provide proof to the board that the new facility will be constructed in conformance with local zoning ordinances and other laws governing the establishment and operation of such a business in Indiana. The state veterinarian may refuse to issue a license until such proof is submitted. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-5; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1752; errata, 11 IR 2901; filed Nov 20, 1997, 1997, 2:45 p.m.: 21 IR 1287; 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 1610; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

#### **345 IAC 7-3.5-5.5 Annual report; license termination**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14-6

Sec. 5.5. (a) A person holding a license under this rule shall submit to the state veterinarian an annual report of the licensee's livestock dealing. The report shall be filed with the state veterinarian not sooner than January 1 and not later than April 15 of each year and shall cover the previous year's business. The report shall be one (1) of the following:

(1) A report on a form prescribed by the state veterinarian that includes all information that the state veterinarian determines is required to ascertain the nature of the business enterprise, the amount of the bond or other security required under IC 15-2.1-14-6 and this rule, and compliance with the other provisions of IC 15-2.1-14-6 and this rule.

(2) A licensee that is registered with the United States Department of Agriculture Grain Inspection and Packers and Stockyards Administration (USDA–GIPSA) and holds a Packers and Stockyards bond or other USDA–GIPSA approved security may submit a copy of the most recent USDA–GIPSA annual report, as required under 9 CFR 201.97, for the licensee's business.

(b) A licensee shall notify the state veterinarian when the licensee ceases operating as a livestock dealer and no longer desires to be licensed as such. Said license shall be considered surrendered and no longer active as of the date of notification.

(c) If a licensee fails to comply with any provision of IC 15-2.1 or this rule, the state veterinarian may do the following:

(1) Suspend the licensee's license for a time certain or until such time as the violation has been corrected.

(2) Revoke the licensee's license.

(*Indiana State Board of Animal Health; 345 IAC 7-3.5-5.5; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1611; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

#### **345 IAC 7-3.5-6 Agents**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14-5

Sec. 6. (a) All agents for market facilities and individual dealers must be listed on the license application. To add or delete an agent after a license has been issued, the principal must send a written request to the state veterinarian's office for approval. Any person whose dealer license has been suspended or revoked in any state may not be designated as an agent by any livestock dealer

for a period of two (2) years from the date of such suspension or revocation. A licensee must request the deletion of an agent from its license immediately upon learning of the revocation of an agent's dealer's license by any state.

(b) An act or omission of any agent of an individual dealer or market facility that falls within the scope of that agency shall be deemed the act or omission of the principal dealer for the purposes of this rule. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-6; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1752; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1942; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1288; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1611; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

### **345 IAC 7-3.5-7 Interim license for multi-location dealers (Repealed)**

Sec. 7. (*Repealed by Indiana State Board of Animal Health; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1294*)

### **345 IAC 7-3.5-8 Bond requirements**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14-6

Sec. 8. (a) Every dealer, before engaging or continuing in the business of buying or selling livestock, must execute and maintain a bond or other security in the amount and in the form required by IC 15-2.1-14-6 and this section.

(b) Each dealer buying and selling livestock interstate shall obtain a U.S. Department of Agriculture, Packers and Stockyards bond or other USDA approved security where required by federal law. Where an applicant or licensee already has a bond or other security on file with the Packers and Stockyards Division, U.S. Department of Agriculture, further security under this rule shall not be required if such security is an adequate amount and conditioned upon such terms so as to provide at least as much protection as the requirements of this rule.

(c) The surety on any bond must be a surety company authorized to do business in Indiana, and the bond shall bear the seal of the surety company. The bonding company agent must attach a duly executed power of attorney form to such bond.

(d) Security in lieu of a bond must be in one (1) of the following forms:

(1) A trust fund agreement governing funds actually deposited or invested in fully negotiable obligations of the United States or federally insured deposits or accounts in the name of and readily convertible to currency by a trustee as provided in subsection (e).

(2) A trust fund agreement governing funds which may be drawn by a trustee as provided under subsection (e) under one (1) or more irrevocable, transferable, standby letters of credit issued by a federally insured bank or institution and physically received and retained by such trustee.

(e) A bond may be in favor of a trustee. The trustee shall be a financially responsible and disinterested person. Attorneys at law, banks, and trust companies are, without limitation, suitable trustees. If a trustee is not named in the bond, the state veterinarian may serve as trustee or designate a person to act as trustee in an action to recover damages for breach of the bond's conditions. The state veterinarian may agree to serve as trustee under 9 CFR 201.32 in actions under the jurisdiction of the United States Department of Agriculture, Grain Inspection and Packers and Stockyards Administration.

(f) Bond and other security coverage shall be annually adjusted for business transacted during the preceding twelve (12) month period. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-8; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1752; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1942; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1288; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1612; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

### **345 IAC 7-3.5-8.5 Claims**

Authority: IC 15-2.1-3-19; IC 15-2.1-14-4

Affected: IC 15-2.1-3-13; IC 15-2.1-14-6

Sec. 8.5. (a) Each bond and bond equivalent filed pursuant to section 8 of this rule shall contain provisions substantially equivalent to the following:

(1) Any persons damaged by failure of the principal to comply with any condition of the bond or bond equivalent may maintain a suit to recover on the bond or bond equivalent even though such claimant is not a party named in the bond or bond

equivalent.

(2) Any claim for recovery on the bond or bond equivalent must be filed in writing with:

- (A) the surety, if any;
- (B) the trustee, if any; or
- (C) the state veterinarian.

Whichever party receives notice of the claim shall notify the other party or parties as soon as possible.

(b) The proceeds of the bond or bond equivalent shall not be used to pay fees, salaries, or other expenses of the surety or principal. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-8.5; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1612; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

### **345 IAC 7-3.5-9 Dealer and market facility records**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14-8; IC 15-2.1-15-3

Sec. 9. The records of each dealer shall fully disclose the true ownership of such business by stockholders or otherwise. The dealer's records shall fully and correctly disclose all purchases, sales, or transfers involving livestock and shall include the following information:

- (1) The description and identification of each animal or draft received for sale or consignment.
- (2) The name and address of the seller or consignor.
- (3) The date on which such animals were received.
- (4) The name and address of the buyer or consignee.
- (5) The description of each animal or draft sold to each buyer.
- (6) The price paid for each animal or draft and, if sold by weight, the number and live weight for which each animal or draft was sold.
- (7) A record of individual animal identification, including ear tags, ear notches, back tags, tattoos, or brands.
- (8) Any commissions or other charges withheld or deducted and the net proceeds paid to the seller or consignor.
- (9) If tested, individual test records, health records, and health certificates.
- (10) Any other facts necessary to complete the account and reflect the true nature of the transaction.

(*Indiana State Board of Animal Health; 345 IAC 7-3.5-9; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1753; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1289; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

### **345 IAC 7-3.5-9.5 Records and facilities inspection; falsification, retention**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14; IC 15-2.1-15-3

Sec. 9.5. (a) It shall be unlawful for any person to:

(1) make or cause to be made a false entry or statement of fact in any report or record kept by any business subject to this rule; and

(2) willfully mutilate, alter, deface, remove, or otherwise destroy any identification or to otherwise change or conceal the true identity of any animal that is required by state or federal law to be identified.

(b) Every person licensed by the state as an individual or market facility dealer and their agents and employees shall, upon request during ordinary business hours, permit authorized representatives of the board to:

(1) enter the licensee's place of business for the purpose of examining records, accounts, and memoranda pertinent to livestock transactions made in connection with the licensee's business;

(2) make copies of such records, memoranda, or accounts; and

(3) inspect such property and facilities used in connection with such business as may be necessary to effectively carry out the duties of the board.

(c) Records required to be kept by this rule shall be kept open for inspection by authorized personnel of the board for a period of two (2) years. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-9.5; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1290; 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; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)*

**345 IAC 7-3.5-10 Health certificate, permit, quarantine requirements (Repealed)**

Sec. 10. *(Repealed by Indiana State Board of Animal Health; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1294)*

**345 IAC 7-3.5-11 Scales**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14-7; IC 15-2.1-14-9

Sec. 11. Whenever livestock is weighed incidentally to purchase or sale at a market facility in Indiana, a scale ticket shall be issued by the agent performing the weighing service. The scale ticket shall clearly indicate the following:

- (1) The marketing agency.
- (2) The consignor or seller.
- (3) The buyer.
- (4) The recorded weight of the animal.
- (5) The amount of dockage (if any).
- (6) The initials of the person who weighed the livestock.

No change in weight shall be shown on any scale ticket except upon reweighing of the animal. In the event an error, other than in the weight, in recording is made when preparing the scale ticket, a corrected scale ticket showing the correction and the reason for such correction shall be made and affixed to the original incorrect ticket provided, however, that the name of the buyer need not be recorded on the scale ticket when the livestock is weighed prior to sale and where the marketing agency maintains the basic records of the transaction that fully disclose the name of the buyer. *(Indiana State Board of Animal Health; 345 IAC 7-3.5-11; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1754; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1290; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)*

**345 IAC 7-3.5-12 Penalties (Repealed)**

Sec. 12. *(Repealed by Indiana State Board of Animal Health; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1294)*

**345 IAC 7-3.5-13 Sale of animals at a market facility**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14; IC 15-2.1-15

Sec. 13. (a) A person consigning livestock to a dealer to be sold or offered for sale by competitive bidding shall, upon consignment or delivery of the animal to such dealer, stipulate the specific purpose for which the animal is to be sold or offered for sale. However, where the consignor does not declare such intent or purpose and relies upon the dealer to make the determination in his or her behalf, the dealer shall make the determination and proceed to sell or offer for sale the animal in such manner as will be in the best interests of the consignor.

(b) The following shall apply to animals sold for immediate slaughter:

- (1) When an animal is consigned to a dealer under the stipulation that it is to be sold or offered for sale solely for the purpose of immediate slaughter, the auctioneer or any other selling agent acting in behalf of the consignor shall clearly announce to all prospective buyers the specific purpose for which the animal is to be sold. When an animal is sold for slaughter, the dealer shall clearly identify on a bill of sale given to the buyer and in the dealer's records that the animal was sold for slaughter only.
- (2) When it has been determined or stipulated that any given animal is to be sold or offered for sale for the sole purpose of immediate slaughter, it shall be unlawful for any person to divert said animal or cause said animal to be diverted for any other purpose or use.
- (3) Any duly authorized representative of the state veterinarian shall have the right to identify any animal which has been designated for immediate slaughter by paint branding the letter "S" just behind the point of the shoulder. Such letter "S" shall be at least twelve (12) inches in height.

(c) The following requirements apply to sales on consignment:

(1) Any dealer engaged in the business of receiving, buying, or selling livestock on a commission basis, by competitive bidding, or otherwise, shall market the livestock consigned to his or her place of business openly so as to obtain the highest available bid and in a manner that will best promote the interest of the consignor.

(2) A dealer shall sell each consignment of livestock on its merits and shall not make the sale of one (1) consignment conditional on the sale of another and different consignment, provided, however, that this shall not prohibit the sale in graded lots of livestock belonging to different consignors who have agreed to such procedure.

(d) It is a violation of this rule to knowingly make any false statement or representation of fact with respect to the consignment or sale of any domestic animal that is intended to induce action by another if such statement causes another to act upon it to his or her damage.

(e) Promptly following the purchase or sale of livestock at public auction, the dealer shall transmit or deliver to the seller or consignor and the buyer, or their agent, an itemized written account of the purchase or sale which shall include the following:

(1) The number, weight (if sold by weight), and price for each animal or draft.

(2) The name of the person for whose account the transaction was made.

(3) The amount of the commission or other lawful charges or deductions withheld from the gross proceeds.

(4) Such other facts as may be necessary to complete the account and show fully the true nature of the transaction.

(f) Each market facility dealer must provide marketing services and facilities that are reasonably necessary in the buying, selling, assembling, holding, feeding, watering, testing, identifying, inspecting, and delivering livestock for public marketing. The services of a licensed, accredited veterinarian approved by the board to conduct all testing, vaccinating, and inspection of animals sold through the market facility if needed to perform services required by state and federal law. (*Indiana State Board of Animal Health*; 345 IAC 7-3.5-13; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1290; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Jul 1, 2002, 1:28 p.m.: 25 IR 3740; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-34507003RFA)

#### **345 IAC 7-3.5-14      Animals not intended for slaughter; inspection and identification**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14; IC 15-2.1-15

Sec. 14. (a) Dealers having the custody of animals subject to inspection under state or federal law shall make the animals readily available to inspecting agencies in such manner as to preserve the identity of the consignment until such inspection has been completed.

(b) Employees of the board and all other persons duly authorized by the state veterinarian shall have the right to inspect any animal at market facilities in Indiana in order to determine ownership, point of origin, evaluate the health of the animals, and pursue any lawful objective of the board.

(c) When animals are tested, vaccinated, or otherwise professionally treated by a qualified veterinarian on the premises of a market facility incidentally to their being sold or offered for sale through such market, it shall be the duty of the market operator to furnish the veterinarian:

(1) all available identification of the animal;

(2) the name and address of the consignor; and

(3) all other pertinent information that may be required in order for the veterinarian to complete a report of the professional services rendered.

(d) Any expense or cost incidental to professional services rendered at a market, along with other lawful charges, may be withheld or deducted by the marketing agency from the consignor's gross proceeds of sale. In such case, when accounting to the consignor of animals, the marketing agency shall clearly show the amount withheld or deducted and the reason for which such deduction was made.

(e) It shall be the duty of every person licensed by the state to operate a market in this state to compile and file with the state veterinarian a complete and accurate report of all cattle that have been identified (tagged) at his or her place of business in connection with the market-cattle test program currently being conducted by state-federal regulatory agencies. Such report shall be prepared by the licensee on a form provided for this purpose without charge by the regulatory agencies. The completed forms shall be forwarded by the dealer to the state veterinarian.

(f) Unless specifically stated otherwise, the dealer is responsible for sending all prepared and completed forms that are required to be forwarded to the office of the state veterinarian by this rule or otherwise within ten (10) days following the date of the event



requiring the form. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-14; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1291; 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 Jul 1, 2002, 1:28 p.m.: 25 IR 3741; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

**345 IAC 7-3.5-15 Facilities for handling livestock; minimum construction standards**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14; IC 15-2.1-15

Sec. 15. All persons licensed to operate a market facility in Indiana shall provide and maintain adequate and suitable facilities for loading, unloading, holding, identifying, segregating, and otherwise handling livestock. Said facilities shall include the following, which shall be considered the minimum requirements:

- (1) Suitable pens of sufficient space and number shall be provided to accommodate the safe and humane handling of all kinds of livestock moved through such marketing facility.
- (2) Floors of all pens and alleyways shall be of concrete or other impermeable material. Floors shall afford adequate drainage and be conducive to regular, systematic cleaning and disinfection. All floors shall be free from holes, cracks, or depressions and shall be constructed to provide proper and adequate drainage.
- (3) A separate pen or pens shall be provided for the yarding of animals infected with a contagious, infectious, or communicable disease and for animals which are in a diseased condition. Such pens shall be thoroughly cleaned and disinfected after each use.
- (4) A chute of suitable size and proportions shall be provided for the tagging or individual identification of animals. Such tagging chute shall be constructed of durable material and arranged and located as to provide minimum interference with routine handling and movement of livestock through the market.
- (5) All areas of the market facility shall be sufficiently well lighted so as to allow for close observation or inspection of individual animals regardless of where they may be penned or confined on the premises.

(*Indiana State Board of Animal Health; 345 IAC 7-3.5-15; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1292; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

**345 IAC 7-3.5-16 Care and handling; nonambulatory livestock**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14; IC 15-2.1-15

Sec. 16. (a) All persons licensed to operate a market facility in Indiana shall maintain the following minimum standards of care:

- (1) Livestock housed at a market facility for more than twenty-four (24) hours from the time of receipt at the facility must have access to feed and water.
- (2) Any person using implements to drive animals, such as electric prods, canes, whips, paddles, or canvas straps, must use such implements only to the extent reasonably necessary to handle or move livestock.

(b) Market facilities in Indiana may not accept delivery of nonambulatory livestock. Market facilities in Indiana may unload nonambulatory livestock for the purpose of euthanizing the livestock at the market facility. Market facilities must have written policies, procedures, and equipment in place to handle animals that become nonambulatory after delivery to the market facility. Livestock that becomes nonambulatory after arriving at a market facility must be disposed of within twenty-four (24) hours of discovering or receiving notice of the animal's condition. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-16; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1292; 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 Jul 14, 2004, 9:25 a.m.: 27 IR 3982; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

**345 IAC 7-3.5-17 Sale of diseased animal restricted**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15-1

Sec. 17. (a) The state veterinarian may restrict the sale of any diseased animal in Indiana by imposing conditions that are necessary to prevent the spread of disease, including restricting the sale to a recognized slaughtering establishment.

(b) Quarantined animals may not be sold or offered for sale at a market facility in Indiana for any purpose other than immediate slaughter except by special permission of the state veterinarian.

(c) Animals that are under quarantine for any reason shall be individually identified and shall not be removed from the sale premises unless accompanied by a written release on the proper board form. The accompanying release form shall be attached to the buyer's invoice or bill of sale and be delivered with the animals to the slaughtering establishment. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-17; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1293; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

### **345 IAC 7-3.5-18      Waste disposal**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14; IC 15-2.1-15

Sec. 18. (a) A market facility must not allow sewage, drainage, or waste water that is detrimental to human, animal, plant, or aquatic life to collect in any manner that creates and continues unnecessarily a public nuisance.

(b) A market facility must not allow trash, bedding, manure, or other waste solids to collect upon the market facility premises. Waste solids must be removed from the market facility premises at regular intervals so they do not create and continue unnecessarily a public nuisance.

(c) A market facility must not allow weeds to grow next to the facility and junk to accumulate so as to create harborages for rodents. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-18; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1293; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

### **345 IAC 7-3.5-19      Sanitation requirements**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14; IC 15-2.1-15-7

Sec. 19. (a) A market facility premises and contiguous surroundings, including yards, pens, alleyways, chutes, and all other equipment which is used for the purpose of receiving, yarding, handling, and otherwise selling livestock shall be maintained in a clean and sanitary manner at all times.

(b) Any person licensed to operate a market facility in Indiana shall provide and maintain on the premises, or have immediate access to, power spray or other disinfecting equipment. Such disinfecting equipment shall be maintained in serviceable condition at all times.

(c) In order to prevent the spread of disease through markets in the state, the state veterinarian may prescribe circumstances under which market facilities must clean and disinfect their premises. The state veterinarian may place any market facility under temporary quarantine until the premises are thoroughly cleaned and disinfected as directed.

(d) All trucks, trailers, or other conveyances used for the transportation of livestock in Indiana shall be maintained in a clean and sanitary condition at all times. The state veterinarian or his duly authorized agent may order any conveyances be thoroughly cleaned and disinfected by the operator in order to prevent the spread of disease.

(e) Disinfecting agents and the methods of disinfecting shall meet the approval of the state veterinarian. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-19; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1293; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

### **345 IAC 7-3.5-20      Brucellosis testing service laboratories; approval requirements**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14; IC 15-2.1-15

Sec. 20. (a) Any person licensed to operate a market facility in Indiana who desires to establish and maintain a Brucellosis testing service laboratory on the premises shall file with the board a written application for approval of the laboratory. The application must be provided to the operator without charge.

(b) Within thirty (30) days after receipt of an application for approval of a Brucellosis laboratory, the state veterinarian or a duly authorized agent shall inspect the laboratory and ascertain whether or not the facilities and procedures meet the minimum standards required by this rule. The state veterinarian shall approve the laboratory if the facilities and procedures meet the minimum

requirements set forth in this rule and generally accepted laboratory procedures.

(c) The following requirements apply to Brucellosis tests:

(1) Brucellosis tests conducted at approved laboratories shall be recognized as official tests for purposes of selling domestic animals through public markets in Indiana and shall be recognized as valid or official tests for purposes of interstate sale or movement of domestic animals.

(2) No Brucellosis testing service laboratory in Indiana shall be approved by the state veterinarian nor shall any test conducted at such a laboratory in Indiana be recognized as an official test unless the facilities, equipment, and techniques employed in conducting the tests meet the standards in this rule and generally accepted laboratory techniques recognized by the state veterinarian.

(d) The management of all market facilities shall provide and maintain in clean, serviceable condition the following:

(1) A durable, stanchioned stock chute for the close restraint of domestic animals that may require testing, vaccinating, examination, or other individual attention. Such stanchion and chute shall be so constructed and located in close proximity to the veterinarian's office or laboratory and away from the flow of traffic normally associated with the yarding and movement of other animals.

(2) A room or area set aside for use as a veterinarian's office or laboratory. The laboratory shall:

(A) be of sufficient size as to provide adequate and uncrowded work space for the veterinarian;

(B) be set apart from other work areas and public accommodations so as to afford the maximum privacy for the veterinarian;

(C) include a sound, serviceable floor, ceiling, and four (4) complete walls that are maintained in a clean sanitary condition at all times;

(D) include walls and a ceiling that are made of a white washable material or that are painted with a white washable paint;

(E) be screened against fly and insect menace and constructed and maintained as to be vermin and rodent free;

(F) afford adequate lighting and wired for one hundred ten (110) through one hundred fifteen (115) volt electric current;

(G) be well ventilated and maintain a room temperature of not less than seventy-two (72) degrees Fahrenheit at all times when the laboratory is in use;

(H) include a sink with running water (under pressure) and adequate drainage; the water facilities shall be maintained in serviceable condition at all times regardless of outside weather conditions; and

(I) not be used for any purpose other than laboratory or veterinary work.

(e) The management of a market facility operating an approved Brucellosis testing laboratory shall supply and equip the laboratory with the following items:

(1) One (1) electric centrifuge (four (4) tubes, minimum capacity).

(2) One (1) interval timer (calibrated to indicate minutes).

(3) One (1) wire test tube rack for one-half (½) inch diameter blood vials.

(4) An adequate supply of soap and towels.

(f) A veterinarian conducting tests at an approved Brucellosis testing laboratory shall provide the following supplies and equipment for the Brucellosis laboratory:

(1) An adequate supply of currently dated, approved Brucella antigen.

(2) An adequate supply (minimum, one (1) dozen) of clean bleeding needles.

(3) Required charts for recording results of tests.

(4) An adequate supply of one-half (½) inch diameter blood sample tubes (vials).

(5) An indelible pencil or pen, absorbent cotton, antiseptic, and other miscellaneous articles such as are needed to complete the required tests.

*(Indiana State Board of Animal Health; 345 IAC 7-3.5-20; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1293; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1482; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)*

### **345 IAC 7-3.5-21 Penalties**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14; IC 15-2.1-17-5; IC 15-2.1-17-10; IC 15-2.1-20-3; IC 15-2.1-21-14

Sec. 21. (a) Under IC 15-2.1-17-10, dealing in livestock without a license is a crime constituting a Class D felony.

(b) Violations of this rule may result in:

- (1) a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each day of the violation plus costs (IC 15-2.1-21-14);
- (2) an injunction prohibiting actions in violation of this rule (IC 15-2.1-20-3);
- (3) deferral by the board of the grant of a license or the suspension or revocation of a license already issued (IC 15-2.1-17-5); or
- (4) the commencement of any other enforcement action allowed by law.

*(Indiana State Board of Animal Health; 345 IAC 7-3.5-21; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1294; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)*

#### **Rule 4. Livestock Marketing Operations (Repealed)**

*(Repealed by Indiana State Board of Animal Health; filed Jan 20, 1988, 4:02 pm: 11 IR 1750)*

#### **Rule 4.5. Exhibitions**

##### **345 IAC 7-4.5-1 Definitions and general provisions**

Authority: IC 15-2.1-3-12; IC 15-2.1-3-19

Affected: IC 15-2.1-2-27; IC 15-2.1-3; IC 15-2.1-4

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

(1) "Board" means the Indiana state board of animal health appointed under IC 15-2.1-3.

(2) "Exhibition" means a fair, show, or competition of limited duration that congregates animals from multiple sources on a premises.

(3) "Livestock" has the meaning set forth in IC 15-2.1-2-27(a).

(4) "State veterinarian" means the state veterinarian appointed by the board under IC 15-2.1-4 and any authorized agents.

(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)*

##### **345 IAC 7-4.5-2 Registration required**

Authority: IC 15-2.1-3-12; IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15-14

Sec. 2. Except as provided in section 1(b) of this rule, a person holding an exhibition of livestock 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)*

**345 IAC 7-4.5-3 Record keeping**

Authority: IC 15-2.1-3-12; IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15

Sec. 3. (a) A person holding an exhibition of livestock 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*)

**Rule 5. Exhibition of Domestic Animals and Poultry**

**345 IAC 7-5-1 Definitions**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2; IC 15-2.1-3; IC 15-2.1-4; IC 15-2.1-15-14

Sec. 1. The following definitions and the definitions in IC 15-2.1-2 apply throughout this rule:

(1) "Accredited veterinarian" means a veterinarian that is accredited by the United States Department of Agriculture under 9 CFR, Subchapter J.

(2) "Approved official health certificate" or "approved certificate of veterinary inspection" means an official certificate of veterinary inspection that bears the endorsement or other approval of the chief livestock health official of the state of origin.

(3) "Board" means the Indiana state board of animal health appointed under IC 15-2.1-3.

(4) "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.

(5) "Equine infectious anemia" or "EIA" means an acute or chronic disease of Equidae, characterized by the following:

- (A) Intermittent fever.
- (B) Depression.
- (C) Progressive weakness.
- (D) Loss of weight.
- (E) Edema.
- (F) Progressive or transitory anemia.

(6) "Equine infectious anemia test" has the meaning set forth in 345 IAC 6-1.1-1.

(7) "Exhibition" means a fair, show, or competition of limited duration that congregates animals from multiple sources on a premises.

(8) "National Poultry Improvement Plan" or "NPIP" means the National Poultry Improvement Plan and Auxiliary Provisions adopted by the board in 345 IAC 4-4-1.

(9) "Official ear tag" means an identification ear tag approved by the state veterinarian and conforming to the alphanumeric, security, and design requirements set by the state veterinarian.

(10) "Quarantine" means an order restricting the movement of animals into or out of, or both, a premises.

(11) "State 4-H department" means the branch of the Cooperative Extension Service of the United States Department of Agriculture (USDA) that is responsible for administering the state 4-H programs.

(12) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4 and authorized agents.

(*Indiana State Board of Animal Health; Reg 77-2, Title I; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed May 2, 1983, 10:03 a.m.: 6 IR 1035; filed May 21, 1984, 3:20 p.m.: 7 IR 1714; filed Feb 15, 1985, 9:05 a.m.: 8 IR 790; filed Jan 8, 1986, 2:54 p.m.: 9 IR 997; filed Dec 2, 1994, 3:50 p.m.: 18 IR 859; filed Oct 11, 1996, 2:00 p.m.: 20 IR 750; errata filed Jan 2, 1997, 4:00 p.m.: 20 IR 1124; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1535; filed Sep 29, 2006, 8:56 a.m.:*)

20061025-IR-345050315FRA; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)

### **345 IAC 7-5-2 Health certificate required; exemption (Repealed)**

Sec. 2. (Repealed by Indiana State Board of Animal Health; filed May 24, 1988, 9:45 am: 11 IR 3538)

#### **345 IAC 7-5-2.1 Exhibition limitations**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 2.1. (a) The following animals may not be exhibited in the state:

(1) An animal that originates from a herd that is under an order of quarantine.

(2) An animal that is a health hazard to persons or other animals. A determination that an animal is a health hazard may be based on any of the following:

(A) Tests.

(B) Clinical diagnoses.

(C) A determination that the animal is showing signs that suggest the animal may be infected with or afflicted with an infectious, contagious, or communicable disease or condition.

(D) Epidemiologic evidence.

(3) An animal that does not meet the requirements in this rule.

(4) An animal that is prohibited from exhibition under any law or order.

(b) The state veterinarian is authorized to make the final determination as to an animal's eligibility for exhibition under this rule. The state veterinarian may order any animal that may not be exhibited removed from the exhibition grounds. (*Indiana State Board of Animal Health; 345 IAC 7-5-2.1; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1536; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

#### **345 IAC 7-5-2.3 Requirements imposed by the exhibition**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3; IC 15-2.1-15-14

Sec. 2.3. (a) Nothing in this rule prohibits an exhibition organizer from imposing animal health requirements in addition to those prescribed by the board. Requirements added by an exhibitor may not contradict requirements imposed by the board.

(b) An exhibition organizer may procure a licensed and accredited veterinarian to review animals and animal health documentation during the exhibition. (*Indiana State Board of Animal Health; 345 IAC 7-5-2.3; filed Sep 29, 2006, 8:56 a.m.: 20061025-IR-345050315FRA; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

#### **345 IAC 7-5-2.5 Animal health documentation**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3; IC 15-2.1-15-14

Sec. 2.5. (a) A person moving animals into the state for exhibition must comply with the requirements in 345 IAC 1-3 and this rule.

(b) If a test, vaccination, inspection, or other procedure is required under this title to exhibit an animal, written record of the test, vaccination, inspection, or procedure must accompany the animal while on the exhibition premises. The written record must include the following:

(1) The official identification of each animal as required under section 9 of this rule.

(2) The age and sex of each animal.

(3) The test, vaccination, inspection, or procedure conducted on each animal including any applicable results.

(4) The name and address of the exhibitor.

(5) The name, address, and veterinary license code of the veterinarian performing the test, vaccination, inspection, or procedure.

*(Indiana State Board of Animal Health; 345 IAC 7-5-2.5; filed May 24, 1988, 9:45 a.m.: 11 IR 3537; filed Jun 18, 1990, 2:49 p.m.: 13 IR 1990; filed Dec 2, 1994, 3:50 p.m.: 18 IR 860; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1536; filed Sep 29, 2006, 8:56 a.m.: 20061025-IR-345050315FRA; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)*

**345 IAC 7-5-3 Period of certificate validity (Repealed)**

Sec. 3. *(Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1540)*

**345 IAC 7-5-4 Filing of health certificate (Repealed)**

Sec. 4. *(Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1540)*

**345 IAC 7-5-5 Quarantined animals prohibited (Repealed)**

Sec. 5. *(Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1540)*

**345 IAC 7-5-6 Suspect animals prohibited**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 6. (a) Any animal classified as a Brucellosis suspect or a stabilized suspect under 345 IAC 2-6 is not eligible for exhibition in Indiana.

(b) All Brucellosis tests must be conducted at the Animal Disease Diagnostic Laboratory at Purdue University, a state or federal laboratory where tests are conducted by a state or federal employee, or a laboratory approved by the state veterinarian. *(Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 5; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1537; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)*

**345 IAC 7-5-7 Determination of eligibility of animal**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 7. (a) The determination as to whether any animal meets the requirements for exhibition in this rule may be made by board personnel assigned to the exhibit by the state veterinarian. An animal shall not be exhibited pending any appeal.

(b) Any animal that develops or shows signs of any infectious, contagious, or communicable disease or condition during exhibition must be removed from the premises and surrounding exhibition grounds. Personnel assigned to the exhibit by the state veterinarian may order any such animal removed.

(c) Whenever the state veterinarian orders an animal not be exhibited under this rule, the person with custody of the animal at that time shall immediately remove the animal from the exhibition grounds. *(Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 6; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1383; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1537; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)*

**345 IAC 7-5-8 Approved brucellosis tests (Repealed)**

Sec. 8. *(Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1540)*

**345 IAC 7-5-9 Identification and description**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-7; IC 15-2.1-12-7.5; IC 15-2.1-15-14

Sec. 9. (a) Before delivering an animal to an exhibition, a person exhibiting any member of the following animal families must permanently, individually, and uniquely identify each animal utilizing one (1) of the methods of identification described in this section:

- (1) Bovidae, such as the following:
    - (A) Cattle.
    - (B) Sheep.
    - (C) Goats.
    - (D) Buffalo.
  - (2) Equidae, if the animal originates from outside the state.
  - (3) Suidae, such as domestic and feral swine.
  - (4) Cervidae, such as the following:
    - (A) Deer.
    - (B) Elk.
  - (5) Camelidae, such as the following:
    - (A) Camels.
    - (B) Llamas.
    - (C) Alpacas.
  - (b) One (1) of the following methods of identification shall be used for animals not specifically addressed in subsection (c):
    - (1) An ear tag.
    - (2) A tattoo.
    - (3) A standard ear notch.
    - (4) An individual brand.
    - (5) A breed registration number.
  - (c) The following methods of identification shall be used to identify animals of the respective listed species for exhibition:
    - (1) Domestic swine must be identified utilizing a standard ear notch system approved by the state veterinarian, except that swine that are to be exhibited as part of an Indiana 4-H swine exhibition may use a plastic tag approved by the Indiana state 4-H department. The tag shall consist of the following two (2) parts:
      - (A) The male part imprinted with a permanent identification number.
      - (B) The female part imprinted with a coded number or letters that identify the county of the 4-H member's residence.
    - (2) Cattle must be identified using one (1) of the following methods of identification:
      - (A) An official ear tag.
      - (B) A tattoo.
      - (C) An individual brand.
      - (D) A registration number if accompanied by registration papers.
- However, Indiana steers may be identified using any type of individual ear tag, including plastic tags.
- (3) Sheep must be identified using one (1) of the following methods of identification:
    - (A) A tattoo.
    - (B) A standard ear notch.
    - (C) An ear tag.
    - (D) A breed association ear tag.
  - (4) Goats must be identified using one (1) of the following methods of identification:
    - (A) A tattoo.
    - (B) A standard ear notch.
    - (C) An ear tag.
    - (D) A breed association ear tag.
  - (5) Horses and other equine must be identified using one (1) of the following methods of identification:
    - (A) A lip tattoo.
    - (B) An individual brand.
    - (C) A registration number if accompanied by registration papers.
    - (D) A descriptive marking with the animal's name.
  - (6) Cervidae must be identified using one (1) of the following methods of identification:



- (A) An ear tag.
- (B) A tattoo.
- (C) Other identification approved by the state veterinarian.

*(Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 8; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed May 2, 1983, 10:03 a.m.: 6 IR 1036; filed May 21, 1984, 3:20 p.m.: 7 IR 1714; filed Feb 15, 1985, 9:05 a.m.: 8 IR 792; filed Jan 8, 1986, 2:54 p.m.: 9 IR 998; filed Dec 2, 1994, 3:50 p.m.: 18 IR 860; 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; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1538; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; filed Dec 18, 2007, 3:45 p.m.: 20080116-IR-345070295FRA)*

### **345 IAC 7-5-10 Observation by veterinarian (Repealed)**

Sec. 10. *(Repealed by Indiana State Board of Animal Health; filed Feb 15, 1985, 9:05 am: 8 IR 794)*

### **345 IAC 7-5-11 Isolation of domestic animals from Pseudorabies premises**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 11. Cattle, sheep, and goats housed on premises quarantined because Pseudorabies has been diagnosed in an animal on or from the premises must be isolated from the quarantined animals for at least fourteen (14) days prior to exhibition. *(Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 10; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1538; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)*

### **345 IAC 7-5-12 Tuberculosis control in cattle and bison**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15-14

Sec. 12. All cattle and bison originating from outside the state and entering the state for exhibition shall meet the tuberculosis control requirements in 345 IAC 2.5-3-2 prior to exhibition. *(Indiana State Board of Animal Health; Reg 77-2, Title III, Sec 1; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed May 2, 1983, 10:03 a.m.: 6 IR 1036; filed May 21, 1984, 3:20 p.m.: 7 IR 1714; filed Feb 15, 1985, 9:05 a.m.: 8 IR 791; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Apr 13, 2005, 12:30 p.m.: 28 IR 2687; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)*

### **345 IAC 7-5-13 Brucellosis test for cattle**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 13. (a) A Brucellosis test is not required to exhibit cattle that originate from:

- (1) Indiana; or
- (2) a state that is recognized by the United States Department of Agriculture as being Brucellosis-free.

(b) Cattle that originate from a state classified as "Class A" or "Class B" in the Brucellosis eradication program by the United States Department of Agriculture must test negative for Brucellosis within thirty (30) days prior to the opening date of the exhibition. The following are exempt from the testing requirement in this subsection:

- (1) Steers.
- (2) Calves under one hundred eighty (180) days of age.
- (3) Cattle from the exhibitor's certified Brucellosis-free herd (the certifying date must be listed on the health certificate).
- (4) Official vaccinates of dairy breeds under twenty (20) months of age and official vaccinates of beef breeds under twenty-four (24) months of age must be accompanied by proof of vaccination and the date of vaccination recorded on the accompanying health certificate. All cattle from out of state must meet federal requirements for interstate movement.

(c) Cattle described in subsection (b) that are sold at exhibition must be tested according to the retest requirements established in 345 IAC 1-3-7. *(Indiana State Board of Animal Health; Reg 77-2, Title III, Sec 2; filed Jul 21, 1978, 2:30 p.m.: 1 IR 568; filed May 2, 1983, 10:03 a.m.: 6 IR 1036; filed May 21, 1984, 3:20 p.m.: 7 IR 1714; filed Feb 15, 1985, 9:05 a.m.: 8 IR 791; filed Jan*

8, 1986, 2:54 p.m.: 9 IR 998; filed Dec 2, 1994, 3:50 p.m.: 18 IR 861; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1483; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)

**345 IAC 7-5-14 Brucellosis test for swine; exceptions**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1

Sec. 14. All swine over six (6) months of age shall have passed a negative test for Brucellosis within thirty (30) days prior to the opening date of exhibition or sale, except as follows:

(1) Castrated males.

(2) Swine from the exhibitor's validated Brucellosis-free herd (date of validation must be listed on health certificate).

(3) Swine from a validated Brucellosis-free state, except feral swine.

(4) Swine qualifying for slaughter shows, as defined in section 1 of this rule.

(Indiana State Board of Animal Health; Reg 77-2, Title IV, Sec 1; filed Jul 21, 1978, 2:30 p.m.: 1 IR 568; filed May 2, 1983, 10:03 a.m.: 6 IR 1037; filed Feb 15, 1985, 9:05 a.m.: 8 IR 792; filed May 24, 1988, 9:45 a.m.: 11 IR 3537; filed June 18, 1990, 2:49 p.m.: 13 IR 1991; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)

**345 IAC 7-5-15 Pseudorabies tests for swine (Repealed)**

Sec. 15. (Repealed by Indiana State Board of Animal Health; filed Oct 11, 1996, 2:00 p.m.: 20 IR 752, eff Jan 1, 1997)

**345 IAC 7-5-15.1 Pseudorabies tests for swine (Repealed)**

Sec. 15.1. (Repealed by Indiana State Board of Animal Health; filed Sep 29, 2006, 8:56 a.m.: 20061025-IR-345050315FRA)

**345 IAC 7-5-15.5 No health certificate required for slaughter swine (Repealed)**

Sec. 15.5. (Repealed by Indiana State Board of Animal Health; filed Oct 11, 1996, 2:00 p.m.: 20 IR 752, eff Jan 1, 1997)

**345 IAC 7-5-16 Restriction when Pseudorabies previously existed (Repealed)**

Sec. 16. (Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1540)

**345 IAC 7-5-16.1 Restrictions on exhibitions (Repealed)**

Sec. 16.1. (Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1540)

**345 IAC 7-5-17 Exhibition of sheep (Repealed)**

Sec. 17. (Repealed by Indiana State Board of Animal Health; filed Mar 30, 2006, 1:42 p.m.: 29 IR 2523)

**345 IAC 7-5-18 Health inspection for goats (Repealed)**

Sec. 18. (Repealed by Indiana State Board of Animal Health; filed Mar 30, 2006, 1:42 p.m.: 29 IR 2523)

**345 IAC 7-5-19 Brucellosis test required for goats; exceptions (Repealed)**

Sec. 19. (Repealed by Indiana State Board of Animal Health; filed Feb 15, 1985, 9:05 am: 8 IR 794)

**345 IAC 7-5-20 No health certificate requirement for dogs or cats (Repealed)**

Sec. 20. *(Repealed by Indiana State Board of Animal Health; filed Sep 29, 2006, 8:56 a.m.: 20061025-IR-345050315FRA)*

**345 IAC 7-5-21 Diseased dog or cat prohibited (Repealed)**

Sec. 21. *(Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1540)*

**345 IAC 7-5-22 Vaccinations and tests required for dogs and cats**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-6; IC 15-2.1-15-14

Sec. 22. (a) Dogs and cats three (3) months of age or older must meet the following requirements for exhibition:

(1) Animals that originate in the state must have a current vaccination for rabies as defined in 345 IAC 1-5 at the time they are exhibited.

(2) Animals that originate from outside the state must meet the applicable requirements in 345 IAC 1-3.

(b) A person exhibiting a dog or cat must have with the animal a certificate or other statement from the veterinarian performing the vaccinations and tests required by this section certifying that the vaccinations and tests have been completed and the date each was completed. *(Indiana State Board of Animal Health; Reg 77-2, Title VII, Sec 3; filed Jul 21, 1978, 2:30 p.m.: 1 IR 569; filed Feb 15, 1985, 9:05 a.m.: 8 IR 793; filed Dec 2, 1994, 3:50 p.m.: 18 IR 861; filed Mar 23, 2000, 4:24 p.m.: 23 IR 1914; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1539; filed Sep 21, 2004, 8:36 a.m.: 28 IR 559; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)*

**345 IAC 7-5-23 Rabies vaccination required for dogs or cats (Repealed)**

Sec. 23. *(Repealed by Indiana State Board of Animal Health; filed Mar 23, 2000, 4:24 p.m.: 23 IR 1914)*

**345 IAC 7-5-24 Poultry exhibition rules**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 24. (a) All poultry for exhibition shall be accompanied by an official health certificate or appropriate NPIP certificate.

(b) All poultry for exhibition shall have passed a negative test for pullorum-typhoid within ninety (90) days prior to the date of their exhibition or originate from NPIP-approved flocks, hatched from eggs originating from NPIP-approved flocks, or the entire flock must be certified NPIP pullorum-typhoid clean. *(Indiana State Board of Animal Health; Reg 77-2, Title VIII, Sec 1; filed Jul 21, 1978, 2:30 p.m.: 1 IR 569; filed May 2, 1983, 10:03 a.m.: 6 IR 1038; filed Feb 15, 1985, 9:05 a.m.: 8 IR 793; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1384; filed May 24, 1988, 9:45 a.m.: 11 IR 3538; filed Dec 2, 1994, 3:50 p.m.: 18 IR 861; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1539; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)*

**345 IAC 7-5-25 Diseased poultry prohibited (Repealed)**

Sec. 25. *(Repealed by Indiana State Board of Animal Health; filed Feb 13, 1987, 2:15 pm: 10 IR 1384)*

**345 IAC 7-5-25.5 Out-of-state equines for exhibition**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15-14

Sec. 25.5. Equine entering Indiana from another state for exhibition in Indiana must test negative for equine infectious anemia (E.I.A.) within the twelve (12) months preceding the date of exhibition. The following equine are exempt from the E.I.A. test required in this subsection:

(1) A suckling foal that is accompanied by its dam, and the dam meets the E.I.A. testing requirements in this section.

(2) The state veterinarian may exempt equine from the test required in this section to accommodate unique and emergency

situations if the waiver does not subject Indiana equine to a substantial risk of E.I.A. infection.

The state veterinarian may order an equine not tested for E.I.A. prior to exhibition be tested for E.I.A. during or after exhibition. (*Indiana State Board of Animal Health; 345 IAC 7-5-25.5; filed May 2, 1983, 10:03 a.m.: 6 IR 1038; filed Feb 15, 1985, 9:05 a.m.: 8 IR 793; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1384; filed Feb 7, 2000, 3:28 p.m.: 23 IR 1376; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

**345 IAC 7-5-25.6 Health certificate not required for Indiana equine (Repealed)**

Sec. 25.6. (*Repealed by Indiana State Board of Animal Health; filed Sep 29, 2006, 8:56 a.m.: 20061025-IR-345050315FRA*)

**345 IAC 7-5-25.7 Equine not to show symptoms of communicable disease (Repealed)**

Sec. 25.7. (*Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1540*)

**345 IAC 7-5-26 Penalties for violations (Repealed)**

Sec. 26. (*Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1540*)

**345 IAC 7-5-27 Severability (Repealed)**

Sec. 27. (*Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1540*)

**345 IAC 7-5-28 Cervidae exhibition**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15-14

Sec. 28. If cervidae are to be exhibited at a show or 4-H fair, the cervidae must meet the following requirements or they may not enter the exhibition grounds:

(1) The animal must meet one (1) of the following requirements:

(A) Test negative for tuberculosis within ninety (90) days prior to the date of exhibition.

(B) Originate from a herd that is accredited under requirements that are at least equal to those in 345 IAC 2-4.5-3.

(2) The animal must test negative for Brucellosis within ninety (90) days prior to the date of exhibition.

(*Indiana State Board of Animal Health; 345 IAC 7-5-28; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1477; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1540; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

**Rule 6. Butcher's Permits (Repealed)**

(*Repealed by Indiana State Board of Animal Health; filed May 17, 1985, 8:21 am: 8 IR 1279*)

**Rule 7. Disposal of Dead Animals**

**345 IAC 7-7-1 Transfer of dead animals to disposal plant (Repealed)**

Sec. 1. (*Repealed by Indiana State Board of Animal Health; filed Jan 20, 1988, 4:04 pm: 11 IR 1760*) NOTE: Originally adopted by the Indiana State Livestock Sanitary Board. Name changed by Acts 1969, Ch. 81, Sec. 1.

**345 IAC 7-7-1.5 Definitions**

Authority: IC 15-2.1-3-19; IC 15-2.1-24-7

Affected: IC 15-2.1-2-15; IC 15-2.1-3-13; IC 15-2.1-4; IC 15-2.1-16; IC 15-2.1-24

Sec. 1.5. The definitions in IC 15-2.1-2 and the following definitions apply throughout this rule:

- (1) "Animal" means domestic animal.
- (2) "Condemned and inedible waste" means any part of a slaughtered animal that is unfit for human food or that is not intended for human food. The term does not include eggs and parts thereof.
- (3) "Dead animal" means an animal that has died other than by slaughter.
- (4) "Domestic animal" has the meaning set forth in IC 15-2.1-2-15.
- (5) "Exotic animal" means a flesh-eating wild animal. Some examples are tigers, lions, bears, and cougars.
- (6) "Restaurant grease" means animal or vegetable oils and fats that have been used or generated as a result of the preparation of food by a restaurant or other establishment that prepares food for human consumption.
- (7) "Slaughter" means the killing and processing of an animal for human food.
- (8) "Slaughtering establishment" means an establishment that is inspected or that has been granted an exemption from inspection under IC 15-2.1-24, the Federal Meat Inspection Act (21 U.S.C. et seq.), or the Federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.).
- (9) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4 and all authorized representatives.
- (10) "Wild animal" means an animal that is not a domestic animal.

*(Indiana State Board of Animal Health; 345 IAC 7-7-1.5; filed Nov 4, 2002, 12:07 p.m.: 26 IR 693)*

### **345 IAC 7-7-2 Exemption or license required**

Authority: IC 15-2.1-3-19; IC 15-2.1-24-7

Affected: IC 15-2.1-3-13; IC 15-2.1-16-1; IC 15-2.1-16-7; IC 15-2.1-24

Sec. 2. (a) No person shall transport dead animals, condemned and inedible waste, or restaurant grease in the state unless that person meets one (1) of the following requirements:

- (1) The person holds a valid disposal plant license or collection service license and transport vehicle licenses issued under IC 15-2.1-16.
- (2) The person is exempt under IC 15-2.1-16-1 or this rule.
- (b) A person who owns, cares for, or possesses an animal that dies must dispose of all parts of the dead animal within twenty-four (24) hours of knowing of the death in a manner that meets the requirements in this rule.
- (c) A slaughtering establishment must dispose of condemned and inedible waste in compliance with IC 15-2.1-24, 345 IAC 9, 345 IAC 10, and this rule.
- (d) The following persons and activities are exempt from the requirements in this rule:
  - (1) The transportation or selling of any animal flesh or products solely for the purpose of human consumption.
  - (2) Persons transporting, disposing of, or selling the hides or skins of animals, or tanning animal hides or skins provided no other byproducts operation is involved.
  - (3) Persons transporting and disposing of bodies of dead fish, reptiles, dogs, cats, and small game.
  - (4) Any governmental agency collecting, transporting, or disposing of dead animals in any manner.
  - (5) Any animal owner transporting his or her dead animal to a diagnostic facility or a site for disposal in compliance with this rule.
  - (6) Transportation and disposal of dead wild deer and other wild animals.
  - (7) Any person collecting, transporting, or disposing of dead animals or poultry in any manner for educational or research purposes.
- (e) The following apply to disposal plant, collection service, and transport vehicle licenses issued under this section:
  - (1) The license fees are those listed in IC 15-2.1-16-7.
  - (2) Each license expires at the end of the day on January 31 or the date a replacement license is issued, whichever is earlier. Licenses issued in November or December expire January 31 of the next year.
  - (3) A license may be renewed.

*(Indiana State Board of Animal Health; 345 IAC 7-7-2; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1758; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Nov 4, 2002, 12:07 p.m.: 26 IR 694)*

### **345 IAC 7-7-3 Disposal methods**

Authority: IC 15-2.1-3-19; IC 15-2.1-24-7

Affected: IC 15-2.1-3-13; IC 15-2.1-16-19; IC 15-2.1-16-26; IC 15-2.1-24-15

Sec. 3. (a) Dead animals and condemned and inedible waste shall be disposed of by one (1) or more of the following methods:

(1) Removal to a licensed disposal plant.

(2) Burying the carcass or condemned and inedible waste on the owner's premises to a depth of four (4) feet or more, with a covering of at least four (4) feet of earth in addition to any other materials that may be used for covering. Burying a carcass or condemned and inedible waste in a location without the land owner's permission is prohibited.

(3) Thorough and complete incineration of the carcass or condemned and inedible waste.

(4) Thorough and complete composting of the carcass or condemned and inedible waste in compliance with the standards in this rule.

(5) By sale to a plant producing pet food under permit issued by the state veterinarian under IC 15-2.1-16-26.

(b) A person may dispose of a dead animal or condemned and inedible waste by delivering the animal or waste to a facility approved by the state to operate as a landfill. But a person may not dispose of a dead animal or waste as described in this subsection if other state laws or local ordinances prohibit such activity. The operator of a landfill is not required by this rule to accept dead animals or condemned and inedible waste.

(c) A person meets the disposal requirement in section 2(b) of this rule if they have arranged for a disposal plant or collection service to pick up the dead animal or animals, including a prearranged contract for ongoing periodic collection, even if the actual pick up by the disposal plant or collection service occurs after twenty-four (24) hours have passed. The person responsible for disposal shall take steps to prevent other animals from accessing the dead animals prior to pick-up. An authorized person may give permission for a disposal plant or collection service to enter a premises as required under IC 15-2.1-16-19 and section 7(4) of this rule in any manner that communicates their intent, including placing an order to pick up a dead animal or entering into a prearranged contract for ongoing periodic collection.

(d) No person may bury an animal or condemned and inedible waste within the corporate limits of any city or town if prohibited by a city or town ordinance.

(e) A person applying for meat or poultry inspection or an exemption from inspection under IC 15-2.1-24 shall notify the state veterinarian in writing of the method by which the applicant will dispose of the dead animals and condemned and inedible waste from the establishment. If the establishment changes the method of disposal the owner must notify the state veterinarian in writing within fifteen (15) days of the change.

(f) The state veterinarian may authorize or order that any particular animal or condemned and inedible waste, or any class of animal or waste, be disposed of in a particular manner, including a manner not listed in subsection (a), for the purpose of addressing an emergency, facilitating research, preventing the spread of disease, or protecting the public health. (*Indiana State Board of Animal Health*; 345 IAC 7-7-3; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Nov 4, 2002, 12:07 p.m.: 26 IR 694)

### **345 IAC 7-7-3.5 Composting**

Authority: IC 15-2.1-3-19; IC 15-2.1-24-7

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-24-15

Sec. 3.5. (a) A person composting dead animals or condemned and inedible waste must meet the following standards:

(1) The composting operation must be operated in a manner that meets all of the following conditions:

(A) Domestic animals are kept from accessing the compost pile.

(B) Rodents and other wild animals are controlled so they do not disrupt the compost pile or create a health hazard to humans or animals.

(C) Leachate run-off must be prevented or controlled.

(D) The material must be thoroughly and completely composted. Any part that is not completely composted must be removed from the compost prior to application and must be disposed of in accordance with section 3 of this rule.

(2) Dead animals and condemned and inedible waste from other operations may not be accepted for composting. But, the following may be transported to another site and accepted for composting:

(A) Sheep and goat condemned and inedible waste from slaughtering establishments.

(B) Animals excluded from this rule under section 2(d) of this rule.

(C) Dead animals and condemned and inedible waste from facilities under common ownership or management.

(b) A slaughtering establishment must meet the following additional requirements to compost dead animals and condemned and inedible waste:

- (1) The composting operation may not be located in a facility that:
  - (A) shares a common wall or roof with the slaughtering establishment; or
  - (B) utilizes the same air handling equipment as the slaughtering establishment.
- (2) Equipment and supplies used in the composting operation may not be moved into the slaughtering establishment.
- (3) The slaughtering establishment must establish and follow procedures that will prevent adulteration of products intended for human food from the movement of personnel between the compost facility and the slaughtering establishment.
- (c) The state veterinarian may order that any particular animal or condemned and inedible waste, or any class of animal or waste, not be composted, or composted in a particular manner, in order to prevent the spread of disease and protect the public health. (*Indiana State Board of Animal Health; 345 IAC 7-7-3.5; filed Nov 4, 2002, 12:07 p.m.: 26 IR 695*)

**345 IAC 7-7-4 Unloading of trucks**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-24-15

Sec. 4. (a) No dead animal carcasses or condemned and inedible waste shall remain on a truck more than twenty-four (24) hours, but shall be unloaded at a licensed disposal plant or a licensed substation.

(b) All carcasses of dead animals and condemned and inedible waste that have been unloaded in a licensed substation shall be transferred to a licensed disposal plant within twenty-four (24) hours of the time the carcasses and waste arrived at the substation. (*Indiana State Board of Animal Health; 345 IAC 7-7-4; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Nov 4, 2002, 12:07 p.m.: 26 IR 695*)

**345 IAC 7-7-5 Transportation for feeding**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-24-15

Sec. 5. (a) No person may transport and dispose of carcasses of domestic animals by feeding the carcasses to exotic animals. But, a person who, prior to July 1, 2003, notifies the state veterinarian of their intent to transport and dispose of the carcasses of domestic animals by feeding them to exotic animals may transport and dispose of carcasses in that manner.

(b) A person transporting carcasses for feeding to exotic animals shall keep records of the following information for each collection:

- (1) The name and address of the person from whom the dead animal is obtained.
- (2) The date the dead animal is obtained.
- (3) A description of what was obtained from the premises on each date.

The records shall be kept for not less than two (2) years.

(c) A person storing on their premises dead animal carcasses for the purpose of feeding exotic animals shall totally dispose of the carcasses and waste within seventy-two (72) hours of arrival at the premises. Any remains of a carcass not eaten within seventy-two (72) hours shall be disposed of by a method allowed under section 3 of this rule. But, carcasses that are placed in a refrigerator or freezer immediately upon arrival at the premises shall be disposed of within seventy-two (72) hours of being removed from the appliance. (*Indiana State Board of Animal Health; 345 IAC 7-7-5; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Nov 4, 2002, 12:07 p.m.: 26 IR 695*)

**345 IAC 7-7-6 Feral or domestic swine prohibited (Repealed)**

Sec. 6. (*Repealed by Indiana State Board of Animal Health; filed Nov 4, 2002, 12:07 p.m.: 26 IR 696*)

**345 IAC 7-7-7 Vehicle requirements**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-24-15

Sec. 7. A person transporting dead animals and condemned and inedible waste under this rule shall comply with the following requirements:

- (1) A vehicle used to transport dead animals or waste must be configured to not allow fluids from the dead animals or waste to leak onto public roads.
- (2) Dead animals and waste shall be contained or covered while transported so that they are not visible when on public roads.
- (3) A vehicle used to transport dead animals or waste shall be thoroughly cleaned and disinfected after each time that it is used for transporting dead animals or waste.
- (4) A vehicle transporting dead animals or waste from a premises is prohibited from entry onto any other premises unless given permission by the owner, until the carcasses and waste are unloaded at the final destination and the vehicle is cleaned and disinfected.
- (5) In the event any dead animal, condemned and inedible waste, or seepage therefrom escapes from the transporting vehicle, the licensee shall clean it up as soon as is reasonably possible.

*(Indiana State Board of Animal Health; 345 IAC 7-7-7; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Nov 4, 2002, 12:07 p.m.: 26 IR 696)*

### **345 IAC 7-7-8 Disposal by permit holder (Repealed)**

Sec. 8. *(Repealed by Indiana State Board of Animal Health; filed Nov 4, 2002, 12:07 p.m.: 26 IR 696)*

### **345 IAC 7-7-9 Inspections (Repealed)**

Sec. 9. *(Repealed by Indiana State Board of Animal Health; filed Nov 4, 2002, 12:07 p.m.: 26 IR 696)*

### **345 IAC 7-7-10 Denial, suspension, or revocation of licenses**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-17-5

Sec. 10. The state veterinarian may refuse to issue a license under this rule and may suspend or revoke any license issued under this rule if the state veterinarian finds the following:

- (1) The applicant or licensee violated a requirement of this rule.
- (2) Any reason listed in IC 15-2.1-16, IC 15-2.1-17-5, or this rule.
- (3) The transportation or disposal of dead animals or condemned and inedible waste by the applicant or licensee presents a health hazard to animals or the citizens of Indiana.

*(Indiana State Board of Animal Health; 345 IAC 7-7-10; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1760; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Nov 4, 2002, 12:07 p.m.: 26 IR 696)*

## **Rule 8. Livestock Brands**

### **345 IAC 7-8-1 Recording livestock brands; administration; duties**

Authority: IC 15-2.1-3-13.5; IC 15-2.1-3-19; IC 15-5-14-3

Affected: IC 15-5-14

Sec. 1. (a) Livestock brands within the state of Indiana shall be recorded in the office of the state veterinarian for the Indiana state board of animal health.

(b) The duty to certify and record livestock brands along with all other duties concerning the board's oversight of livestock brands in Indiana are hereby delegated to the state veterinarian under IC 15-2.1-3-13.5. *(Indiana State Board of Animal Health; 345 IAC 7-8-1; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1943; errata filed Mar 30, 1993, 3:00 p.m.: 16 IR 1955; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA)*

### **345 IAC 7-8-2 Definitions**

Authority: IC 15-2.1-3-13.5; IC 15-2.1-3-19; IC 15-5-14-3

Affected: IC 15-2.1-3-1; IC 15-2.1-3-13; IC 15-5-14



Sec. 2. (a) The definitions in this section apply throughout this rule.

(b) "Board" refers to the Indiana state board of animal health established by IC 15-2.1-3-1.

(c) "Brand" means a distinctive design or mark of identification made or applied to the hide on livestock by the use of a hot iron or by any other method or process approved by the board. Such brands shall be applied to the shoulder, ribs, or hip on either the right or left side as determined by standing behind the animal. No brand, except those for livestock disease control purposes, may be applied to the head or neck area.

(d) "Livestock" means the following:

(1) All cattle or animals of the bovine species.

(2) All horses, mules, burros, and asses or animals of the equine species.

(3) All swine or animals of the porcine species.

(4) All goats or animals of the caprine species.

(e) "Owner" refers to:

(1) an individual, firm, association, partnership, corporation, or other legal entity;

(2) any public or private institution;

(3) the state of Indiana; or

(4) any municipal corporation or political subdivision of the state.

(f) "State veterinarian" means the chief administrative officer of the board who shall be appointed by the board with the approval of the governor. (*Indiana State Board of Animal Health; 345 IAC 7-8-2; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1943; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

#### **345 IAC 7-8-3 Notice required**

Authority: IC 15-2.1-3-13.5; IC 15-2.1-3-19; IC 15-5-14-3

Affected: IC 15-2.1-3-13; IC 15-5-14

Sec. 3. (a) In addition to all other information required by IC 15-5-14, the owner of a recorded livestock brand shall immediately give written notice to the office of the state veterinarian upon the occurrence of any of the following:

(1) Change in ownership of a recorded brand.

(2) Change in name under which a brand is recorded.

(3) Change in address of the owner of a recorded brand.

(b) The owner of a recorded livestock brand shall immediately give verbal notice to the office of the state veterinarian of the loss of any livestock from the owner's operation due to theft or suspected theft.

(c) Written notice, when required under this rule, shall be delivered by first class United States mail or in person to the office of the state veterinarian. (*Indiana State Board of Animal Health; 345 IAC 7-8-3; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1943; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

#### **345 IAC 7-8-4 Restrictions and guidelines in creating new brands**

Authority: IC 15-2.1-3-13.5; IC 15-2.1-3-19; IC 15-5-14-3

Affected: IC 15-2.1-3-13; IC 15-5-14

Sec. 4. (a) Except for disease control purposes, no person within the state of Indiana may use any brand for identifying livestock unless that brand has been recorded in the office of the state veterinarian.

(b) In order to avoid confusion, according to the style of brand chosen, the state veterinarian requires that a brand be read as follows:

(1) Left to right.

(2) Top to bottom.

(3) Outside to inside.

(c) All stacked and/or connected brands will be read from top to bottom whether or not the bottom letter may extend to the left.

(d) A brand will be filed in the category read first (left takes preference over top).

(e) A brand will be filed in the sequence as follows:

(1) A to Z.

(2) 1 to 9.

(3) Symbols and characters as follows:

(A) Double letters.

(B) Letters with numbers.

(C) Letters with characters (to the right or below).

(f) A single letter brand shall not be recorded.

(g) No lazy open A will be recorded; > < will be considered as a V.

(h) The letter G will only be recorded in the reversed position, for example,  $\mathcal{G}$ .

(i) The letter C will never be recorded in the reverse position.

(j) The letter W will not be recorded in the lazy position;  $\Sigma$  will be considered as the letter M.

(k) The letter I will only be recorded with another letter.

(l) A lowercase letter, for example, a, c, t, or d, will not be recorded.

(m) A circle or a zero (0) will be recorded as the letter O.

(n) The letter Q will not be recorded.

(o) A half diamond must always have the points (ends) toward the brand, for example,  $\hat{H}$ .

(p) A quarter circle must always be recorded with the points away from the brand, for example,  $\check{H}$ , and is never connected with the letter.

(q) A brand consisting of arabic numbers only may be used for individual livestock identification (in-herd) if it is located at least ten (10) inches away from any recorded livestock brand. The arabic number brand will not be recorded.

(r) When a recorded brand is applied to livestock which may have been branded by a previous owner, the new brand must be applied so as not to overlap, obliterate, disfigure, or mutilate the previous brand.

(s) A brand shall be placed in one (1) specific location upon an animal. The appropriate location shall be designated on the brand recordation application.

(t) A horse may be branded on the shoulder regardless of the specific location designated for other livestock. The brand shall not be recorded on the ribs of the horse.

(u) All cattle brands must be a minimum of three (3) inches in height, and all other brands must be a minimum of two (2) inches in height. (*Indiana State Board of Animal Health; 345 IAC 7-8-4; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1943; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

### **345 IAC 7-8-5 Fees (Repealed)**

Sec. 5. (*Repealed by Indiana State Board of Animal Health; filed Jun 6, 1996, 9:00 a.m.: 19 IR 3050*)

### **345 IAC 7-8-6 Brand adjustment or recall**

Authority: IC 15-2.1-3-13.5; IC 15-2.1-3-19; IC 15-5-14-3

Affected: IC 15-2.1-3-13; IC 15-5-14-5

Sec. 6. (a) All livestock marked with brands later recalled or adjusted under IC 15-5-14-5(d) shall retain the brand on livestock previously branded. The owner of the recalled or adjusted brand shall not apply any new brand so as to interfere, overlap, obliterate, disfigure, or mutilate the previously recorded brand.

(b) Any brand which, in the opinion of the state veterinarian, is designed in such a manner as to cause difficulty in obtaining a readable brand (due to blotching, etc.) shall not be recorded. The state veterinarian shall notify the applicant and either adjust or return the facsimile brand. If the facsimile brand is returned to the applicant, the recording fee shall also be returned. (*Indiana State Board of Animal Health; 345 IAC 7-8-6; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1944; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

### **345 IAC 7-8-7 Ear marks**

Authority: IC 15-2.1-3-13.5; IC 15-2.1-3-19; IC 15-5-14-3

Affected: IC 15-2.1-3-13; IC 15-5-14

Sec. 7. Owners of livestock wishing to use ear marks or notches in addition to a recorded brand may so notify the state

veterinarian in writing, and the marks or notches will be listed in the state recorded livestock brand book. However, ear marks or notches listed in the state brand book shall only appear there as a courtesy to the owners of recorded livestock brands. (*Indiana State Board of Animal Health; 345 IAC 7-8-7; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1945; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

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