

ARTICLE 9. MEAT AND MEAT PRODUCTS INSPECTION

Rule 1. Conformance with Federal Regulations; Definitions

345 IAC 9-1-1 History and scope of rules

Authority: IC 15-17

Affected: IC 15; IC 16

Sec. 1. (a) The Indiana Meat and Poultry Inspection and Humane Slaughter Act, Chapter 302, Acts of 1967, was extensively amended by the 1969 Indiana general assembly as Chapter 377, Burns' Annotated Statutes 35-4116-35-4141. The 1969 amendments were introduced in order for the Indiana Act to be uniform with the federal Wholesome Meat Act of 1967 (81 Stat. 584).

(b) Section 10 of the Indiana Act states that operations that would be exempt under the provisions of the federal Wholesome Meat Act or the federal Poultry Products Inspection Act are exempt under the Indiana Act. The exemptions under the federal Wholesome Meat Act were not clarified until passage of the Curtis Amendment to the federal Wholesome Meat Act (July 18, 1970, P.L.91-342, 84 Stat. 438). The federal regulations governing meat inspection became effective on December 1, 1970. Completion of the revision for the state of Indiana was withheld until receipt of formal notice that the Indiana meat inspection program had been found to be "equal to" the program of meat inspection as provided by the Meat and Poultry Inspection Program, Consumer and Marketing Service, U.S. Department of Agriculture. Copies of the proposed revision were forwarded to the Indiana Meat Packers Association and the Indiana Locker and Meat Processors Association.

(c) Effective July 1, 1996, the Indiana general assembly transferred the Meat and Poultry Inspection; Humane Slaughter Act from IC 16 to IC 15-17-5. Jurisdiction over the meat and poultry inspection program was transferred from the Indiana state department of health to the Indiana state board of animal health at that time. The 1997 rule revision makes substantial use of incorporation of federal rules by reference in order to maintain continuity with the federal program where possible. (*Indiana State Board of Animal Health; Reg HMP-1R, CHA, Introduction; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 222; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1296; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2392; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Oct 16, 2014, 9:43 a.m.: 20141112-IR-345140300RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-1-1) to the Indiana State Board of Animal Health (345 IAC 9-1-1) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-1-2 Terms; number; gender

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 2. As used in this article, unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall also import the feminine, and vice versa. (*Indiana State Board of Animal Health; Reg HMP-1R, CHA, PT 1, Sec 1.1; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 223; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1296; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-1-2) to the Indiana State Board of Animal Health (345 IAC 9-1-2) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-1-3 Definitions

Authority: IC 15-17

Affected: IC 15-17; IC 16-42

Sec. 3. Unless otherwise required by context, the definitions in IC 15-17-2 and IC 15-17-5 and the following definitions apply throughout this article:

(1) "Act" means the Indiana Meat and Poultry Inspection and Humane Slaughter Act in IC 15-17-5.

(2) "Administrator" means the state veterinarian, division director, or other board employee to whom authority has been delegated under the act.

- (3) "Animal food manufacturer" means any person, firm, or corporation engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses or parts or products of the carcasses of livestock.
- (4) "Antelope" means any animal belonging to the antelope family.
- (5) "Area supervisor", "circuit supervisor", or "meat inspector supervisor" means a designated division employee who is in charge of the division's inspection and operational duties in a geographical area of the state.
- (6) "Bison" means any American bison or catalo or cattalo.
- (7) "Board", "state board", or "department" means the Indiana state board of animal health.
- (8) "Buffalo" means any animal belonging to the buffalo family.
- (9) "Commerce" means commerce within Indiana. The term includes, without limitation, a transfer of ownership or an offer to transfer ownership by sale or otherwise, and the transportation of products on public roads of the state pursuant to a business transaction.
- (10) "Catalo" or "cattalo" means any hybrid animal with American bison appearance resulting from direct crossbreeding of American bison and cattle.
- (11) "Deer" means any member of the deer family.
- (12) "Division" or "program" means the meat and poultry inspection division of the board.
- (13) "Division director" or "regional director" means the veterinarian employed by the board to whom authority has been delegated to direct the meat and poultry inspection program.
- (14) "Division employee" or "program employee" means the inspectors and all other individuals employed by the board and authorized to do any work or perform any duty in connection with the enforcement of the act.
- (15) "Establishment" or "recognized establishment" means any building, or part thereof, or other location used for slaughtering animals or poultry or preparing meat or poultry, meat food products, and meat byproducts capable of use as a human food.
- (16) "Elk" means any American elk.
- (17) "Exotic livestock" or "exotic animal" means any:
 - (A) reindeer;
 - (B) elk;
 - (C) deer;
 - (D) antelope;
 - (E) water buffalo; or
 - (F) bison;that are livestock.
- (18) "Field antemortem inspection" means the antemortem inspection of an animal away from the official establishment's premises.
- (19) "Field designated area" means a designated area approved by the board where field antemortem inspection is to be performed.
- (20) "Food safety and inspection service" or "FSIS", referenced in 9 CFR, means the board.
- (21) "Household consumer" or "household" means those who dwell under the same roof as a family and utilize economic goods.
- (22) "Indiana Food, Drug, and Cosmetic Act" means the act found at IC 16-42-1 through IC 16-42-4.
- (23) "Inspection" or "inspection service" means inspection under the act by agents of the board.
- (24) "Inspector-in-charge" means a designated division employee who is in charge of one (1) or more official establishments within an area and is responsible to the area supervisor.
- (25) "Livestock" means the following:
 - (A) Cattle.
 - (B) Sheep.
 - (C) Swine.
 - (D) Goats.
 - (E) Bison.
 - (F) Farm-raised cervidae.

- (G) Horses.
- (H) Mules.
- (I) Other equine.

(26) "Meat" means the part of the muscle of any livestock that is skeletal or is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels that:

- (A) normally accompany the muscle tissue; and
- (B) are not separated from it in the process of dressing.

The term does not mean the muscle found in the lips, snout, or ears.

(27) "Official establishment" means an establishment granted inspection under the provisions of the act and this article.

(28) "Official inspection legend" means the official inspection mark prescribed in 345 IAC 9-12.

(29) "Official mark" means any symbol prescribed in 345 IAC 9-12 to identify the status of any article or poultry under the act.

(30) "Person" means any:

- (A) individual;
- (B) partnership;
- (C) copartnership;
- (D) firm;
- (E) company;
- (F) corporation;
- (G) association;
- (H) joint-stock company;
- (I) trust; or
- (J) estate;

or his or her legal representative or agent.

(31) "Poultry" means a domesticated bird, whether live or dead, and includes domesticated:

- (A) chickens;
- (B) turkeys;
- (C) ducks;
- (D) geese;
- (E) ratitae; and
- (F) squabs.

(32) "Raw agricultural commodity" has the meaning set forth in the federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.)

(33) "Reindeer" means any reindeer commonly referred to as caribou.

(34) "Renderer" means any person engaged in the business of rendering carcasses or parts or products of the carcasses of livestock or poultry. The term does not include rendering conducted under inspection or exemption under this rule.

(35) "Secretary", "state veterinarian", or "administrator" means the state veterinarian appointed under IC 15-17-4.

(36) "Supervision" means controls implemented by board officials under the act and this article to ensure compliance with the act and this article. Supervision may include periodic observation or review as allowed under board policies.

(37) "United States" or "U.S.", as used in 9 CFR, followed by the term:

- (A) inspected and passed;
- (B) condemned;
- (C) inspected and condemned;
- (D) passed for cooking;
- (E) passed for refrigeration;
- (F) retained; or
- (G) suspect;

means Indiana or state of Indiana followed by the appropriate term.

(38) "Water buffalo" means:

(A) any Asiatic water buffalo, commonly referred to as carabao; and

(B) the water buffalo of India, commonly referred to as the Indian buffalo.

(Indiana State Board of Animal Health; Reg HMP-1R, CHA, PT 1, Sec 1.2; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 223; filed Aug 13, 1973, 9:20 a.m.: Rules and Regs. 1974, p. 227; filed May 26, 1978, 3:30 p.m.: 1 IR 102; filed Aug 12, 1987, 4:30 p.m.: 11 IR 11; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1296; filed Sep 10, 1999, 9:14 a.m.: 23 IR 13; filed Oct 30, 2000, 2:06 p.m.: 24 IR 676; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; filed Sep 18, 2012, 2:21 p.m.: 20121017-IR-345120108FRA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-1-3) to the Indiana State Board of Animal Health (345 IAC 9-1-3) by P.L.137-1996, SECTION 76, effective July 1, 1996.

Rule 2. Application of Inspection and Other Requirements

345 IAC 9-2-1 Establishments requiring inspection or a grant of exemption

Authority: IC 15-17

Affected: IC 15-17

Sec. 1. (a) Unless otherwise exempted, a person may not operate an establishment without receiving inspection service by the division. A person desiring to operate an establishment must meet at least one (1) of the following sets of requirements:

(1) A person may operate an official establishment by:

(A) meeting the requirements of the act and this article for an official establishment;

(B) applying to the division for inspection; and

(C) receiving a grant of inspection from the division;

prior to beginning operation.

(2) A person may operate a custom exempt establishment by:

(A) meeting the requirements of the act and this article for a custom exempt establishment;

(B) applying to the division for inspection; and

(C) receiving a grant of exemption from inspection from the division;

prior to beginning operation.

(b) Establishments that must receive a grant of inspection under this section are those establishments that slaughter livestock or process meat, meat byproducts, or meat food products derived from livestock. Processing, for the purpose of this section, includes:

(1) canning;

(2) curing;

(3) salting;

(4) cooking;

(5) smoking;

(6) packing;

(7) rendering;

(8) manufacturing;

(9) freezing;

(10) drying; and

(11) any other similar operation;

that is conducted on meat.

(c) Establishments conducting activities described in 9 CFR 303.1(a)(2) must receive a grant of exemption under this section.

(d) The division shall inspect the construction, sanitation, and operation of an applicant's establishment according to this article prior to and after granting inspection services or an exemption from inspection services. The division may temporarily or permanently withdraw inspection services or a grant of exemption from an establishment for violations of the act and this article.

(e) A person submitting an application for inspection under this section must include a description of the means by which

the establishment will dispose of inedible products. The division shall approve the inedible disposal method if the proposed method complies with the act, this article, and IC 15-17-11.

(f) A person conducting activities that are exempted by IC 15-17-5-11 is not required to apply for and maintain inspection.

(g) The state veterinarian may refuse to provide, or withdraw, inspection service under this rule with respect to any establishment if he or she determines that the applicant or recipient is unfit to engage in any business requiring inspection under the act or rules adopted under the act because the applicant or recipient, or anyone responsibly connected with the applicant or recipient, has been convicted in a federal or state court of:

(1) any felony; or

(2) more than one (1) violation of any law, other than a felony;

based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food. This subsection shall not affect in any way other provisions of the act or rules adopted under the act for withdrawal of inspection services from establishments for any other reason. The state veterinarian's refusal or withdrawal action may be for a period of time or indefinitely as he or she deems necessary to effectuate the purposes of the act. The state veterinarian shall notify the applicant or recipient of the service of their opportunity for a hearing to review the action under IC 15-17-17. For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he or she was a partner, an officer, a director, a holder, or an owner of ten percent (10%) or more of its voting stock, or an employee in a managerial or an executive capacity. (*Indiana State Board of Animal Health; Reg HMP-1R, CHA, PT 2, Sec 2.1; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 230; filed May 26, 1978, 3:30 p.m.: 1 IR 103; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1301; filed Oct 30, 2000, 2:06 p.m.: 24 IR 677; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; filed Nov 24, 2010, 3:20 p.m.: 20101222-IR-345100122FRA; filed Sep 18, 2012, 2:21 p.m.: 20121017-IR-345120108FRA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-2-1) to the Indiana State Board of Animal Health (345 IAC 9-2-1) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-2-2 Inspection of livestock and products; applicability

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 2. (a) All livestock and all products entering any official establishment and all products prepared in whole or in part therein, shall be:

- (1) inspected;
- (2) handled;
- (3) stored;
- (4) prepared;
- (5) packaged;
- (6) marked; and
- (7) labeled;

as required by this article. All livestock and all products entering a custom exempt establishment shall meet those requirements in this article that apply to custom exempt establishments and those products produced at custom exempt establishments.

(b) An official establishment that believes or has reason to believe that adulterated or misbranded meat or meat product received by or originating from the establishment has entered into commerce shall notify the division within twenty-four (24) hours of learning or determining that the product has entered commerce. The official establishment shall notify the division of the:

- (1) type;
- (2) amount;
- (3) origin; and
- (4) destination;

of the meat or meat product.

(c) Each establishment shall prepare and maintain current written procedures for the recall of meat and meat products produced and shipped by the establishment. The procedures must specify how the official establishment will decide whether to

conduct a product recall and how a recall will be conducted. The establishment must do the following:

- (1) Document each reassessment of its recall plans.
- (2) Make the plans available to the division upon request.

(Indiana State Board of Animal Health; Reg HMP-IR, CH A, PT 2, Sec 2.2; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 230; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1301; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2392; filed Oct 30, 2000, 2:06 p.m.: 24 IR 678; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; filed Sep 18, 2012, 2:21 p.m.: 20121017-IR-345120108FRA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-2-2) to the Indiana State Board of Animal Health (345 IAC 9-2-2) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-2-3 Verification of HACCP systems

Authority: IC 15-17

Affected: IC 15-17

Sec. 3. (a) Every establishment must conduct validation, verification, and reassessment activities pursuant to 9 CFR 417.4 to support that the HACCP system is designed and functioning as intended on an ongoing basis.

(b) An establishment that:

- (1) produces a non-intact beef product; and
- (2) pursuant to 9 CFR 417.2, has determined that contamination with Shiga toxin-producing *Escherichia coli* (STEC) is a food safety hazard reasonably likely to occur;

must include microbiological testing as a component of their ongoing verification activities. The testing must demonstrate that the HACCP system is effectively preventing this identified hazard. The microbiological testing frequency for an establishment will be determined by the board based upon the volume of product produced, the type of product produced, the establishment's compliance history, and any other factors affecting the risk that the pathogen is in the product. *(Indiana State Board of Animal Health; 345 IAC 9-2-3; filed Mar 25, 2014, 10:18 a.m.: 20140423-IR-345130230FRA)*

Rule 2.1. Incorporation by Reference

345 IAC 9-2.1-1 Incorporation by reference

Authority: IC 15-17

Affected: IC 4-21.5-3; IC 15-17-2; IC 15-17-17

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, 2016:

- (1) 9 CFR 301, except the definitions in IC 15-17-2 and 345 IAC 9-1-3 shall control over conflicting definitions in 9 CFR.
- (2) 9 CFR 303 through 9 CFR 311, except the following are not incorporated:
 - (A) 9 CFR 303.1(c), 9 CFR 303.1(g), and 9 CFR 303.2.
 - (B) 9 CFR 306.1.
 - (C) 9 CFR 307.4, 9 CFR 307.5, and 9 CFR 307.6.
 - (D) 9 CFR 308.
- (3) 9 CFR 313 through 9 CFR 320, except 9 CFR 317.4 and 9 CFR 317.5.
- (4) 9 CFR 325.
- (5) 9 CFR 416 through 9 CFR 441.
- (6) 9 CFR 500, except the following:
 - (A) References to the Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H, shall mean IC 15-17-17 and IC 4-21.5-3.
 - (B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in IC 15-17-2.
- (b) When interpreting this article, including all matters incorporated by reference, the following shall apply:

- (1) A reference to any subpart of 9 CFR 302 refers to the corresponding section of 345 IAC 9-2.
- (2) A reference to:
 - (A) 9 CFR 307.4 shall refer to 345 IAC 9-7-4;
 - (B) 9 CFR 307.5 shall refer to 345 IAC 9-7-6; and
 - (C) 9 CFR 307.6 shall refer to 345 IAC 9-7-6.
- (3) A reference to any subpart of 9 CFR 312 refers to the corresponding section of 345 IAC 9-12.
- (4) A reference to:
 - (A) 9 CFR 316.16 shall refer to 345 IAC 9-16-16; and
 - (B) 9 CFR 317.16 shall refer to 345 IAC 9-17-16.
- (5) A reference to:
 - (A) 9 CFR 321.1 shall refer to 345 IAC 9-20; and
 - (B) 9 CFR 321.2 shall refer to 345 IAC 9-20.
- (6) A reference to any subpart of 9 CFR 329 shall refer to the corresponding section in 345 IAC 9-22.
- (c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control.
- (d) The board will utilize the latest edition of the following documents issued by the United States Department of Agriculture when interpreting and implementing the provisions of this article and IC 15-17:
 - (1) Food Safety and Inspection Service Regulatory Directives.
 - (2) Food Safety and Inspection Service Notices.
- (e) Copies of incorporated documents and interpreting and implementing documents may be obtained from the United States Department of Agriculture, Food Safety Inspection Service website, the U.S. Government Printing Office website, or by sending a written request to the board. (*Indiana State Board of Animal Health; 345 IAC 9-2.1-1; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1301; filed Sep 10, 1999, 9:14 a.m.: 23 IR 14; filed Oct 30, 2000, 2:06 p.m.: 24 IR 678; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:43 p.m.: 26 IR 1540; filed Jul 14, 2004, 9:25 a.m.: 27 IR 3982; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1552; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; filed Aug 11, 2008, 3:39 p.m.: 20080910-IR-345080126FRA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; filed Nov 24, 2010, 3:20 p.m.: 20101222-IR-345100122FRA; filed Sep 18, 2012, 2:21 p.m.: 20121017-IR-345120108FRA; filed Mar 25, 2014, 10:18 a.m.: 20140423-IR-345130230FRA; filed Dec 14, 2016, 11:58 a.m.: 20170111-IR-345160220FRA*)

Rule 3. Exemptions (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)

Rule 4. Application for Inspection: Grant or Refusal of Inspection (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)

Rule 5. Official Numbers; Inauguration of Inspection; Withdrawal of Inspection; Reports of Violations (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)

Rule 6. Assignments and Authorities of Division Employees

345 IAC 9-6-1 Designation of area supervisor; assistants (Repealed)

Sec. 1. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-6-2 Right of access to establishments (Repealed)

Sec. 2. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-6-3 Identification of inspectors (Repealed)

Sec. 3. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-6-4 Inspectors' powers and duties

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 4. Board employees that are trained as veterinarians shall conduct final postmortem inspection of carcasses or parts thereof before condemnation unless the establishment's agent waives the right of examination by a board veterinarian and accepts condemnation by a board meat inspector. Meat inspectors may retain carcasses or parts thereof for final postmortem examination by a board veterinarian and perform the necessary inspections to enforce this article. *(Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 6, Sec 6.4; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 237; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1302; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2392; filed Oct 30, 2000, 2:06 p.m.: 24 IR 679; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-6-4) to the Indiana State Board of Animal Health (345 IAC 9-6-4) by P.L.137-1996, SECTION 76, effective July 1, 1996.*

345 IAC 9-6-5 Assignment of inspector where relative employed; employee procuring establishment product; prohibitions (Repealed)

Sec. 5. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-6-6 Appeals (Repealed)

Sec. 6. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

Rule 7. Facilities for Inspection

345 IAC 9-7-1 Office facilities for division employees (Repealed)

Sec. 1. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-7-2 Necessary inspection facilities; duty to provide (Repealed)

Sec. 2. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-7-3 Inspector's equipment; duty to provide (Repealed)

Sec. 3. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-7-4 Inspection required; work schedules of establishments

Authority: IC 15-17

Affected: IC 15-17-5-12

Sec. 4. (a) No operation requiring inspection under this article may be conducted unless it is conducted under the supervision of a division employee. All slaughtering of animals shall be done:

- (1) under the direct supervision of a division employee; and
- (2) with reasonable speed, considering the official establishment's facilities.

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The division may implement inspection procedures for processing operations that are different than the inspection procedures for slaughter operations. Processing procedures may include procedures that allow for varied frequency of inspection depending on the processing operations conducted.

(b) Each official establishment shall submit a work schedule to the board for approval upon the occurrence of any of the following:

- (1) Prior to the inauguration of inspection.
- (2) When a change in work schedule is requested.
- (3) Upon request by a board employee.

Work schedules must specify for all departments the daily clock hours of inspected and custom exempt operations and must specify lunch periods.

(c) The division director shall take into account the efficient and effective use of inspection personnel when approving work schedules. The division director will designate the hours of the day and the days of the week during which inspection will be provided when an establishment conducts operations requiring inspection less than eight (8) hours a day, fewer than five (5) days a week, or less than forty (40) hours in a work week. The division director shall consult with the establishments involved when designating work schedules.

(d) Establishments shall maintain consistent work schedules. Any request by an establishment for a change in its work schedule shall be submitted to the board at least two (2) weeks in advance of the proposed change. Frequent requests for change will not be approved. Minor deviations from a daily operating schedule may be approved by the area supervisor.

(e) Request for inspection service outside an approved work schedule shall be made:

- (1) as early in the day as possible for overtime work to be performed within that same workday; or
- (2) prior to the end of the day's operation when such a request will result in overtime service at the start of the following day.

But, an inspector may be recalled to his or her assignment after completion of the daily tour of duty under section 6(d) of this rule.

(f) IC 15-17-5-12 and section 6 of this rule will govern the scheduling of inspection in the following circumstances:

- (1) On any Saturday, Sunday, or holiday.
- (2) For more than eight (8) hours on any other day.
- (3) For more than forty (40) hours any one (1) week.

(g) For the purpose of administration of this rule, "few livestock" shall be construed as less than fifty (50) cattle or calves per week or an equivalent number of other species of livestock (two (2) animals of all other species being deemed equivalent to one (1) cattle). In addition, "small quantity of any product" shall be construed as less than seven hundred fifty (750) pounds per day or less than three thousand (3,000) pounds per week of any one (1) class of product. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 7, Sec 7.4; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 240; filed May 26, 1978, 3:30 p.m.: 1 IR 105; filed Jun 2, 1980, 1:00 p.m.: 3 IR 1270; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1302; errata filed Dec 10, 1997, 3:50 p.m.: 21 IR 1349; filed Oct 30, 2000, 2:06 p.m.: 24 IR 679; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; filed Nov 24, 2010, 3:20 p.m.: 20101222-IR-345100122FRA; readopted filed Jul 11, 2016, 10:38 a.m.: 20160810-IR-345160135RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-7-4) to the Indiana State Board of Animal Health (345 IAC 9-7-4) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-7-5 Assignment of inspectors; days and hours of operation (Repealed)

Sec. 5. (*Repealed by Indiana State Board of Animal Health; filed Nov 24, 2010, 3:20 p.m.: 20101222-IR-345100122FRA*)

345 IAC 9-7-6 Overtime work of inspectors

Authority: IC 15-17

Affected: IC 15-17-5-12

Sec. 6. (a) The management of an official establishment desiring to conduct operations that will require board inspection services during a time the board is not required to provide inspection under IC 15-17-5-12(a), may receive inspection but must comply with all of the following requirements:

(1) The establishment must sufficiently in advance of the period of overtime request the area supervisor to furnish inspection service during such overtime period.

(2) The establishment must pay the board the fee required under IC 15-17-5-12(c).

No official establishment shall be assessed for overtime services when such overtime is due to late arrival of the inspector for any cause. An official establishment that has been designated to slaughter for a limited number of hours that operates longer than the designated period must pay any overtime caused by the extended operation.

(b) Holidays for assigned division employees that are considered overtime work days are those designated in IC 15-17-5-12.

(c) Any establishment that requires the overtime services of a division employee shall pay to the board the per hour rate as designated by the state budget agency to reimburse the state for the cost of inspection so furnished. Bills are payable upon receipt and become delinquent thirty (30) days from date of billing. Overtime or holiday inspection service will not be performed at any establishment that is delinquent in payment and processing operations thereat shall be confined to the regular operating schedule of the establishment. Failure to comply with this section by nonpayment of the overtime due the board will result in inspection being withdrawn from the establishment thirty (30) days after notification of such action by certified mail. Inspection will not be reinstated until the amount due for overtime has been paid to the board.

(d) An official establishment that requests and receives the services of a division employee after the employee has completed his or her day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of two (2) hours of overtime or holiday inspection service at the established rate. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 7, Sec 7.6; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 241; filed Aug 13, 1973, 9:20 a.m.: Rules and Regs. 1974, p. 229; filed May 26, 1978, 3:30 p.m.: 1 IR 106; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1303; filed Oct 30, 2000, 2:06 p.m.: 24 IR 680; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Oct 16, 2014, 9:43 a.m.: 20141112-IR-345140300RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-7-6) to the Indiana State Board of Animal Health (345 IAC 9-7-6) by P.L.137-1996, SECTION 76, effective July 1, 1996.

Rule 8. Sanitation

345 IAC 9-8-1 Sanitation requirements prior to inspection; waiver (Repealed)

Sec. 1. (*Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327*)

345 IAC 9-8-2 Examination prior to inauguration of inspection (Repealed)

Sec. 2. (*Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327*)

345 IAC 9-8-3 Submission of construction plans (Repealed)

Sec. 3. (*Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327*)

345 IAC 9-8-4 Sanitary requirements (Repealed)

Sec. 4. (*Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327*)

345 IAC 9-8-5 Toilet facilities (Repealed)

Sec. 5. (*Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327*)

345 IAC 9-8-6 Construction of equipment to ensure cleanliness; receptacles for inedible products (Repealed)

Sec. 6. (*Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327*)

345 IAC 9-8-7 Knife scabbards (Repealed)

Sec. 7. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-8-8 Rooms and equipment to be kept clean (Repealed)

Sec. 8. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-8-9 Operations to be clean and sanitary (Repealed)

Sec. 9. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-8-10 Protection of product from contamination (Repealed)

Sec. 10. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-8-10.5 Product protection

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 10.5. Product shall be protected from contamination at all times during production, preparation, storage, and transportation. *(Indiana State Board of Animal Health; 345 IAC 9-8-10.5; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1304; filed Oct 30, 2000, 2:06 p.m.: 24 IR 681; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA)*

345 IAC 9-8-11 Lining of slack barrels and similar means of conveyance (Repealed)

Sec. 11. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-8-12 Burlap wrapping for meat; requirements (Repealed)

Sec. 12. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-8-13 Secondhand containers and means of transport; inspection and cleaning (Repealed)

Sec. 13. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-8-14 Rooms used for inedible products; sanitation requirements (Repealed)

Sec. 14. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-8-15 Employment of diseased persons (Repealed)

Sec. 15. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-8-16 Poultry slaughtering (Repealed)

Sec. 16. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-8-17 Tagging unsanitary facilities (Repealed)

Sec. 17. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

Rule 9. Ante-Mortem Inspection (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)

Rule 9.5. Antemortem Inspection

345 IAC 9-9.5-1 Antemortem inspection of exotic livestock

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 1. (a) Antemortem inspection of exotic livestock must be conducted according to 9 CFR 309 and subsection (b), (d), or (e).

(b) Upon request, the state veterinarian or a division employee may permit field antemortem inspection of exotic livestock if the following requirements are met:

(1) The animal's owner provides an area to perform the antemortem inspection and an area to stun or kill, shackle, hoist, stick, and bleed the animal. A division employee must approve a field-designated area and the stunning or kill area prior to the antemortem inspection.

(2) The antemortem inspection is performed on the same day as the slaughter and in the field-designated area.

(3) The antemortem inspection is conducted in accordance with the humane procedures outlined in 9 CFR 313.2.

(4) After the antemortem inspection, the animal is stunned or killed in the approved area. Immediately after an animal is stunned or killed, it must be shackled, hoisted, stuck, and bled in the approved area.

(5) The carcass is transported to an official establishment for postmortem inspection as soon as possible, but not later than the end of the day within which the animal was killed.

(6) The transport used to move the carcass to the official establishment must be approved by a division employee. A division employee may approve only those transports that are as sanitary as is reasonable and practical under the circumstances and that will not likely result in carcass contamination.

(c) The state veterinarian or a division employee may refuse to permit field antemortem inspection under any of the following circumstances:

(1) The board is unable to provide qualified persons to conduct the field antemortem inspection at the time or location desired due to commitments to provide inspection services elsewhere in the state.

(2) The safety of board personnel would be put at risk by performing the requested field antemortem inspection service.

(3) The animal's owner cannot provide a field-designated area that will permit the board to fully evaluate the animal's fitness for slaughter.

(4) The animal's owner cannot provide an area for stunning, killing, shackling, hoisting, and bleeding that will minimize the likelihood of carcass contamination.

(5) The owner does not or cannot otherwise comply with the requirements of this rule.

(d) Antemortem inspection of exotic livestock delivered to an establishment may be performed while the animals remain in the transport vehicle if the following requirements are met:

(1) The transport vehicle is constructed so that it will reasonably protect the antemortem inspector from dangers posed by the animals.

(2) The transport vehicle and the circumstances surrounding the animal's delivery will reasonably allow the inspector to perform all of the duties required in an antemortem inspection.

(e) Antemortem inspection of exotic livestock may be conducted at an official establishment pursuant to the requirements in 9 CFR 309 and this article. *(Indiana State Board of Animal Health; 345 IAC 9-9.5-1; filed Sep 10, 1999, 9:14 a.m.: 23 IR 15; errata filed Oct 5, 1999, 3:52 p.m.: 23 IR 344; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA)*

Rule 10. Post-Mortem Inspection (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)

Rule 10.5. Postmortem Inspection

345 IAC 9-10.5-1 Postmortem inspection of exotic livestock

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 1. (a) Postmortem inspection of exotic livestock shall be conducted pursuant to the requirements in 9 CFR 310.

(b) Postmortem inspection of exotic livestock that are subjected to field antemortem inspection must occur as soon as reasonably possible after the animal is killed, but not later than the end of the day within which the animal was killed.

(c) The veterinarian conducting postmortem exams shall inspect and determine the disposition of all field antemortem inspected exotic livestock carcasses that are tagged "Ind. Suspect". *(Indiana State Board of Animal Health; 345 IAC 9-10.5-1; filed Sep 10, 1999, 9:14 a.m.: 23 IR 15; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA)*

345 IAC 9-10.5-2 Animals tested for bovine spongiform encephalopathy

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 2. The following apply to the carcass and parts of carcasses of an animal that is tested for bovine spongiform encephalopathy (BSE):

(1) In an official establishment, carcass and parts thereof shall be retained until such time as the BSE test results are received and a board representative releases the carcass and parts. If the animal tests negative for BSE, the carcass and parts thereof may be passed if the carcass and parts otherwise qualify to be passed. If the animal tests positive for BSE, the carcasses and parts shall be condemned as adulterated and held for disposition in a manner approved by the state veterinarian.

(2) In a custom exempt establishment, carcass and parts thereof shall be retained until such time as the BSE test results are received and a board representative releases the carcass and parts. If the animal tests negative for BSE, the carcass and parts may be released. If the animal tests positive for BSE, the carcass and parts shall be condemned as adulterated and held for disposition in a manner approved by the state veterinarian.

(Indiana State Board of Animal Health; 345 IAC 9-10.5-2; filed Jul 14, 2004, 9:25 a.m.: 27 IR 3983; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA)

Rule 11. Disposal of Diseased or Otherwise Adulterated Carcasses and Parts (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)

Rule 12. Official Marks, Devices, and Certificates

345 IAC 9-12-1 General marking

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 1. The marks, devices, and certificates prescribed or referenced in this article shall be:

(1) official marks, devices, and certificates for purposes of the act; and

(2) used in accordance with the provisions of this article.

However, an establishment that is a selected establishment under 9 CFR Part 332 shall use the official marks, devices, and certificates in 9 CFR Part 312 for products that are intended for interstate commerce. *(Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 12, Sec 12.1; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 276; filed Dec 10, 1997, 11:30 a.m.: 21*

IR 1304; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; filed Sep 18, 2012, 2:21 p.m.: 20121017-IR-345120108FRA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-12-1) to the Indiana State Board of Animal Health (345 IAC 9-12-1) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-12-2 Inspected and passed products; official marks

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 2. (a) The official inspection legend required by 9 CFR 316 to be applied to inspected and passed carcasses and parts of carcasses of cattle, sheep, swine, goats, and rabbits, meat food products in animal casings, and other products as approved by the board, shall be in the form of an outline of the state of Indiana with the words "IND. INSP. & PASSED BOAH EST. 000" inside the outline, as specified and depicted in this subsection, substituting the assigned establishment number where the number "000" is used. However, legend markers that were in use before July 1, 1996, may contain "St. B. of H" followed by "Est. 000", and the establishment number may be placed elsewhere on a label as allowed under 9 CFR 317.2. The official inspection legend described in this subsection is depicted in subdivision (2). Each mark must be a size specified in the following subdivisions but may vary by one-sixteenth (1/16) of an inch, plus or minus, in either direction:

(1) For applications to:

- (A) sheep, calf, goat, and rabbit carcasses;
- (B) the loins and ribs of pork;
- (C) beef tails; and
- (D) all varieties of sausage and meat food products in animal casings;

a mark that is either one and one-eighth (1 1/8) inches tall by five-eighths (5/8) inches wide or the size indicated in subdivision (2).

(2) For applications to:

- (A) cattle, swine, equine, cervid, and carcasses, primal parts, and cuts therefrom;
- (B) beef livers;
- (C) beef tongues;
- (D) beef hearts;
- (E) smoked meats not in casings; and

(F) burlap, muslin, cheesecloth, heavy paper, or other acceptable material that encloses carcasses or parts of carcasses; a mark that is one and fifteen-sixteenths (1 15/16) inches tall by one and one-eighth (1 1/8) inches wide. The following is a picture of the mark:



(b) The official inspection legend required by 9 CFR to be shown on all labels for inspected and passed products of livestock shall be in the form described and illustrated in subsection (a), except that it need not be of the size specified or illustrated, provided that it is proportionate to the size of the label, and a sufficient size and of such color as to be conspicuously displayed and readily legible and the same proportions of letter size and boldness are maintained as illustrated. This official mark shall be applied by mechanical means and shall not be applied by a hand stamp.

(c) The official inspection legend described in subsection (a) may also be used for purposes of 9 CFR 316 on shipping containers, band labels, artificial casings, and other articles with the approval of the secretary.

(d) Any brand, stamp, label, or other device approved by the board and bearing any official mark prescribed in this section shall be an official device for purposes of the act. Notwithstanding any other provision of this section, an establishment that is a selected establishment under 9 CFR Part 332 shall use the official marks, devices, and certificates in 9 CFR Part 312 for products that are intended for interstate commerce. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 12, Sec 12.2; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 276; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1305; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2392; filed Oct 30, 2000, 2:06 p.m.: 24 IR 682; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1553; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; filed Sep 18, 2012, 2:21 p.m.: 20121017-IR-345120108FRA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-12-2) to the Indiana State Board of Animal Health (345 IAC 9-12-2) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-12-3 Antemortem inspection; official marks

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 3. The official marks and devices used in connection with ante-mortem inspection are those prescribed in 9 CFR 309.18. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 12, Sec 12.3; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 278; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1306; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-12-3) to the Indiana State Board of Animal Health (345 IAC 9-12-3) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-12-4 Transportation of products; official marks

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 4. (a) The official mark for use in sealing railroad cars or other means of conveyance, as prescribed in 9 CFR 325 or otherwise, shall be a seal bearing the inscription "IN STATE BD of ANIMAL HEALTH" and a unique serial number. The state veterinarian may approve a different seal for use as an official mark if necessary to enforce the provisions of the act. The marks described in this subsection shall be official devices for purposes of the act. A seal shall be attached to the means of conveyance only by a state or federal official.

(b) The number "0000000" in the following example is given as an example only. The serial number of the specific seal will be shown in lieu thereof. The following is an example of the seal described in this section:

IN STATE BD of ANIMAL HEALTH	000000
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(c) Notwithstanding any other provision of this section, an establishment that is a selected establishment under 9 CFR Part 332 shall use the official marks, devices, and certificates in 9 CFR Part 312 for products that are intended for interstate commerce. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 12, Sec 12.4; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 278; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1306; filed Oct 30, 2000, 2:06 p.m.: 24 IR 682; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; filed Sep 18, 2012, 2:21 p.m.: 20121017-IR-345120108FRA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-12-4) to the Indiana State Board of Animal Health (345 IAC 9-12-4) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-12-5 Adulterated products or insanitary facilities; official marks

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 5. (a) The official marks required by 9 CFR 416 and 9 CFR 310 for use in postmortem inspection and identification of adulterated products and insanitary equipment and facilities are as follows:

(1) The tag that is used to retain carcasses and parts of carcasses in the slaughter department shall appear as follows:

(A) Black and white.

- (B) Bears the legend "IND. Retained".
- (C) Is a three-section or five-section tag as used for:
 - (i) hogs;
 - (ii) sheep;
 - (iii) goats;
 - (iv) ratitae; and
 - (v) calves.
- (D) Is a five-section tag as used for:
 - (i) cattle;
 - (ii) farm-raised cervidae; and
 - (iii) bison.

(2) The "IND. Retained" mark is applied to products and articles as prescribed in 9 CFR 310 by means of a paper tag bearing the legend "IND. Retained".

(3) The "IND. Rejected" mark is used to identify insanitary buildings, rooms, or equipment as prescribed in 9 CFR 416 and is applied by means of a paper tag bearing the legend "IND. Rejected".

(4) The "IND. Passed for Cooking" mark is applied on products passed for cooking as prescribed in 9 CFR 310 by means of a brand and is in the following form:

IND. PASSED FOR COOKING

(5) The "IND. Condemned" mark is applied to products condemned as prescribed in 9 CFR 310 by means of a brand and is in the following form:

IND. CONDEMNED

(b) The IND. Retained and IND. Rejected tags, and all other brands, stamps, labels, and other devices approved by the board and bearing any official mark prescribed in this section, shall be official devices for purposes of the act.

(c) Notwithstanding any other provision of this section, an establishment that is a selected establishment under 9 CFR Part 332 shall use the official marks, devices, and certificates in 9 CFR Part 312 for products that are intended for interstate commerce. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 12, Sec 12.5; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 278; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1306; filed Oct 30, 2000, 2:06 p.m.: 24 IR 683; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; filed Sep 18, 2012, 2:21 p.m.: 20121017-IR-345120108FRA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-12-5) to the Indiana State Board of Animal Health (345 IAC 9-12-5) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-12-6 Detention marks

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 6. The official mark for articles and livestock detained under 9 CFR 329 shall be the designation "IND. Detained", and the official device for applying such mark shall be official tag as prescribed in 9 CFR 329.2. However, the official marks, devices, and certificates in 9 CFR Part 312 shall be used for products that are intended for interstate commerce under the selected establishment program in 9 CFR Part 332. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 12, Sec 12.6; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 279; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1307; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; filed Sep 18, 2012, 2:21 p.m.: 20121017-IR-345120108FRA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-12-6) to the Indiana State Board of Animal Health (345 IAC 9-12-6) by P.L.137-1996, SECTION 76, effective July 1, 1996.

Rule 13. Handling and Disposal of Condemned or other Inedible Products at Official Establishments (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)

Rule 14. Rendering or Other Disposal of Carcasses and Parts Passed for Cooking (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)

Rule 15. Marking Products and Their Containers (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)

Rule 16. Marking Products and Their Containers

345 IAC 9-16-1 Labels required; exceptions; supervision (Repealed)

Sec. 1. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-16-2 Label information requirements; definitions (Repealed)

Sec. 2. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-16-3 Authorized abbreviations of inspection marks; approval required prior to label use (Repealed)

Sec. 3. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-16-4 Submission of labels for approval (Repealed)

Sec. 4. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-16-5 Modifications of approved label; permission of area supervisor (Repealed)

Sec. 5. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-16-6 Labels to be used only on approved product; existing label stock (Repealed)

Sec. 6. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-16-7 Foreign language labels (Repealed)

Sec. 7. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-16-8 False or misleading labeling or practices; specific prohibitions for labels and containers (Repealed)

Sec. 8. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-16-9 Reuse of official marks or labels prohibited; exception (Repealed)

Sec. 9. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-16-10 Compliance with labeling regulations required (Repealed)

Sec. 10. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-16-11 Relabeling products; permission required (Repealed)

Sec. 11. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-16-12 Storage and transportation of labels and containers (Repealed)

Sec. 12. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-16-13 Obsolete labels; reports (Repealed)

Sec. 13. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-16-14 Custom prepared products; labels and containers (Repealed)

Sec. 14. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-16-15 Cured products labeling policy; special labeling requirements concerning nitrate and nitrite (Repealed)

Sec. 15. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-16-16 Custom products; marking "not for sale"

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 16. (a) Carcasses and parts therefrom, including edible offal, that are prepared on a custom basis under 9 CFR 303, shall be marked at the time of preparation with the term "Not for Sale" in letters at least three-eighths (⅜) inch in height, except that such products need not be so marked if they are in immediate containers properly labeled in accordance with this rule. Ink used for marking such products must comply with the requirements of 9 CFR 316.5.

(b) Carcasses and parts therefrom, including edible offal, that are inspected and passed and are prepared on a custom basis in an official establishment, shall be marked at the time of preparation with the inspection legend, the name of the product, and properly labeled in accordance with 9 CFR 316. *(Indiana State Board of Animal Health; Reg HMP-1R, Ch A, PT 17, Sec 17.19; filed May 26, 1978, 3:30 p.m.: 1 IR 113; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1307; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-16-16) to the Indiana State Board of Animal Health (345 IAC 9-16-16) by P.L.137-1996, SECTION 76, effective July 1, 1996.*

345 IAC 9-16-17 Packaging materials (Repealed)

Sec. 17. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

Rule 17. Labeling, Marking Devices, and Containers

345 IAC 9-17-1 Products and other articles entering official establishments; regulations; violations (Repealed)

Sec. 1. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-17-2 Reinspection (Repealed)

Sec. 2. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-17-3 Designation of place for receipt of products subject to reinspection (Repealed)

Sec. 3. (Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)

345 IAC 9-17-4 Submission of labels for approval

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 4. (a) Notwithstanding any provision of this rule, labels for products to be shipped interstate by an establishment that is a selected establishment under 9 CFR Part 332 shall comply with the requirements for participation in the interstate shipment program, such as label approval under 9 CFR Part 317. Except as provided in subsection (d), no label shall be used on any product until it has been approved in its final form by the board. For the convenience of the establishment, sketches or proofs of new labels may be submitted in triplicate through the officer in charge to the division for approval and the preparation of finished labels deferred until such approval is obtained. All finished labels shall be submitted in triplicate through the officer in charge to the division for approval.

(b) In case of lithographed labels, paper take-offs in lieu of sections of the metal containers shall be submitted for approval. Such paper take-offs shall be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved. In case of fiber containers, printed layers, such as the kraft paper sheet, shall be submitted for approval in lieu of the complete container.

(c) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter and for use on, or to be placed within, containers and coverings of product shall be submitted for approval in the same manner as provided for labels in subsection (a), except that officers in charge may permit use of such devices that contain no reference to product and bear no misleading feature.

(d) Stencils, labels, box dies, and brands may be used on shipping containers and on such immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers, provided the markings are as follows:

- (1) Applicable to the product.
- (2) Not false or deceptive.
- (3) Used with the approval of the officer in charge.

The inspection legend for use in combination with such markings shall be approved by the board. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 18, Sec 19-4; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 313; filed Aug 13, 1973, 9:20 a.m.: Rules and Regs. 1974, p. 238; filed Jan 8, 1982, 10:42 a.m.: 5 IR 362; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1307; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; filed Mar 25, 2014, 10:18 a.m.: 20140423-IR-345130230FRA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-17-4) to the Indiana State Board of Animal Health (345 IAC 9-17-4) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-17-5 Modifications of approved label; permission of area supervisor

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 5. An area supervisor may permit modification of approved labels or markings in the following circumstances if the board's central office is notified of the changes and the labeling or marking as modified and used is not false or misleading:

- (1) When all features of the label or marking are proportionately enlarged and the color scheme remains the same.
- (2) When:
 - (A) there is substitution of such abbreviations as:
 - (i) "lb." for "pound"; or
 - (ii) "oz." for "ounce"; or
 - (B) the word "pound" or "ounce" is substituted for the abbreviation.
- (3) When a master or stock label has been approved from which the name and address of the distributor are omitted and such name and address are applied before being used (in such case, the words "prepared for" or similar statement must be shown

together with the blank space reserved for the insertion of the name and address when such labels are offered for approval).

(4) When, during Christmas and other holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labels or markings. (The use of such designs will not make necessary the application of labeling not otherwise required.)

(5) When there is a slight change in arrangement of directions pertaining to the opening of cans or the serving of the product.

(6) When there is a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label; provided that the change in quantity of ingredients complies with any minimum or maximum limits for the use of such ingredients prescribed in 9 CFR 319.

(Indiana State Board of Animal Health; Reg HMP-1R, CHA, PT 18, Sec 18.5; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 313; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1309; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-17-5) to the Indiana State Board of Animal Health (345 IAC 9-17-5) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-17-6 Ingredients used in preparation; casings (Repealed)

Sec. 6. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-17-7 Product preparation; substances table (Repealed)

Sec. 7. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-17-8 Samples of products and ingredients (Repealed)

Sec. 8. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-17-9 Prescribed treatment of pork and pork products to destroy trichinae (Repealed)

Sec. 9. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-17-10 Canning procedures; cleaning containers; sealing; tagging; incubation (Repealed)

Sec. 10. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-17-11 Dog food or other uninspected products; separation from edible product areas (Repealed)

Sec. 11. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-17-12 Mixtures containing product but not within Act (Repealed)

Sec. 12. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-17-13 Polluted water adulterating products; rehandling procedure (Repealed)

Sec. 13. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-17-14 Tagging chemicals or ingredients as unacceptable or "IND. retained" (Repealed)

Sec. 14. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-17-15 Pesticide or other chemical residues; limits (Repealed)

Sec. 15. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-17-16 Custom prepared products; labels and containers

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 16. Labeling of custom prepared products must be as follows:

(1) Products that are custom prepared under 9 CFR 303 (a)(2) must be packaged immediately after preparation and must be labeled (in lieu of information otherwise required by 9 CFR 317) with the words, "Not For Sale" in lettering not less than three-eighths (3/8) inch in height. Such exempted custom prepared products or their containers may bear additional labeling provided such labeling is not false or misleading.

(2) Inspected products that are custom prepared in an official establishment for the ultimate consumer and according to specifications shall bear identification as to the individual patron, including the date of processing. The packaged products shall comply with all of the requirements of labeling in 9 CFR 317 and this rule with the exception of the net weight declaration.

(Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 18, Sec 18.17; filed May 26, 1978, 3:30 p.m.: 1 IR 118; filed Aug 12, 1987, 4:30 p.m.: 11 IR 57; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1310; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-17-16) to the Indiana State Board of Animal Health (345 IAC 9-17-16) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-17-17 Mechanically separated products; handling procedures (Repealed)

Sec. 17. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-17-18 Animal drugs; use (Repealed)

Sec. 18. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-17-19 Cured pork products; compliance procedure (Repealed)

Sec. 19. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 9-17-20 Incorporation by reference; quantity of contents labeling and procedures and requirements for accurate weights

Authority: IC 15-17

Affected: IC 15-17

Sec. 20. (a) All scales used to determine the net weight of meat and poultry products sold or otherwise distributed in commerce in establishments must meet all of the following requirements:

(1) The scales must be installed, maintained, and operated in a manner that ensures accurate weights.

(2) The scales must meet the applicable requirements contained in the matters incorporated by reference in 410 IAC 12-1-1.1.

(3) The scales must have the capacity to weigh the entire unit or package.

(b) No person may use a scale in an establishment to determine the net weight of meat or poultry products unless it has been found upon test and inspection to provide accurate weight. The operator of each establishment must cause their scales to be tested for accuracy in accordance with the standards in subsection (a)(2) at least once each year. The board may order more frequent tests

when scales are found not to maintain accuracy between tests.

(c) The operator of each official establishment shall display on or near each scale a valid certification of the scale's accuracy from a state or federal official or a state registered or licensed scale repair firm or person. The state veterinarian may approve alternative documented procedures showing that the scale has been tested for accuracy in accordance with the requirements in subsection (a)(2).

(d) If:

(1) a scale is inspected or tested and found to be inaccurate; or

(2) any repairs, adjustments, or replacements are made to the scale;

it may not be used until it has been reinspected and retested by a state or federal weights and measures official, or a state registered or licensed scale repair firm or person. All tests, inspections, repairs, adjustments, and replacements must be performed in accordance with the standards described in subsection (a).

(e) A board inspector may place a "retain" tag on a scale that does not meet the requirements of this section. A board inspector is the only person that may remove such a tag. A scale that has been tagged may not be used as long as the tag is on the scale.

(f) A product lot that is found to be out of compliance with net weight requirements upon testing in accordance with the methods prescribed in this section shall be handled as follows:

(1) A lot tested in an official establishment and found not to comply with the net weight requirements may be reprocessed and must be reweighed and remarked in accordance with the requirements of this section.

(2) A lot tested outside of an official establishment and found not to comply with net weight requirements must be reweighed and remarked with a proper net weight statement. Such reweighing and remarking may not deface, cover, or destroy any other marking or labeling required under this article. The net quantity of contents must be shown with the same prominence as the most conspicuous feature of a label.

(Indiana State Board of Animal Health; 345 IAC 9-17-20; filed Nov 24, 2010, 3:20 p.m.: 20101222-IR-345100122FRA; readopted filed Jul 11, 2016, 10:38 a.m.: 20160810-IR-345160135RFA)

Rule 18. Definitions and Standards of Identity or Composition (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)

Rule 19. Records, Registration, and Reports (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)

Rule 20. Cooperation with Federal Programs

345 IAC 9-20-1 State-federal program

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 1. (a) The state veterinarian is authorized to cooperate with the Secretary of Agriculture of the United States to effectuate the purposes of the Act.

(b) Such cooperation may be the receiving of advisory assistance, technical and laboratory assistance and training, and financial aid from the Secretary of Agriculture of the United States. The secretary may receive any funds available from the United States government toward the cost of the program. The cooperative program under this section is called a state-federal program. *(Indiana State Board of Animal Health; Reg HMP-IR, CH A, PT 21, Sec 21.1; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 363; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1312; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-20-1) to the Indiana State Board of Animal Health (345 IAC 9-20-1) by P.L.137-1996, SECTION 76, effective July 1, 1996.*

345 IAC 9-20-2 Federal-state program

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 2. (a) At the discretion of the state veterinarian, state employees may be assigned to plants granted federal inspection under the "Talmadge-Aiken Act" (7 U.S.C. 450) and receive any funds available from the United States government for the carrying out such required functions at plants granted federal meat inspection. The cooperative program under this section is called a federal-state program.

(b) The state veterinarian may authorize board employees to become licensed or otherwise approved by the United States Department of Agriculture to conduct inspection activities under federal meat inspection regulations and federal programs, including the voluntary rabbit inspection program under 9 CFR Part 354.

(c) The state veterinarian may enter into an agreement with the United States Department of Agriculture to participate in a cooperative program for interstate shipment of carcasses, meat, and meat products under 9 CFR Part 332. Notwithstanding any provision of this article, an establishment that is a selected establishment for the purposes of interstate shipment under 9 CFR Part 332 shall follow the federal regulations governing participation in the selected establishment interstate shipment program. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 21, Sec 21.2; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 364; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1313; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1554; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; filed Sep 18, 2012, 2:21 p.m.: 20121017-IR-345120108FRA*) NOTE: Parts 22, 23 and 24 reserved by agency. NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-20-2) to the Indiana State Board of Animal Health (345 IAC 9-20-2) by P.L.137-1996, SECTION 76, effective July 1, 1996.

Rule 21. Transportation (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)

Rule 21.5. Inspection of Rabbits and Rabbit Products

345 IAC 9-21.5-1 Voluntary rabbit inspection

Authority: IC 15-17

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

Sec. 1. The state veterinarian may do the following:

(1) Establish a voluntary inspection program for the slaughter of domesticated rabbits and the processing of rabbit products under 9 CFR Part 354.

(2) Refuse to provide inspection under this rule if doing so would likely result in personnel or other resource limitations that would inhibit providing mandatory inspection services or carrying out other provisions of the Act governing livestock or poultry.

(*Indiana State Board of Animal Health; 345 IAC 9-21.5-1; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1554; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA*)

345 IAC 9-21.5-2 General provisions and incorporation by reference

Authority: IC 15-17

Affected: IC 15-17-5; IC 15-17-17

Sec. 2. (a) The board adopts as its rule and incorporates by reference the regulations in 9 CFR Part 354 for the voluntary inspection of rabbits in effect on January 1, 2016.

(b) The following revisions, exclusions, and limitations apply to the regulations adopted by reference in subsection (a):

(1) The term "department" shall mean and refer to the board.

(2) 9 CFR 354.45(b) is not incorporated by reference. The state veterinarian shall follow the notice provisions in IC 15-17-17

when suspending or denying services under this rule.

(3) 9 CFR 354.100 through 9 CFR 354.110 are not incorporated. The state veterinarian shall follow the procedures in IC 15-17-5 and other state laws when assessing and collecting fees and charges.

(4) The marks, devices, and certificates in 345 IAC 9-12 shall be the official marks, devices, and certificates for the purposes of the inspection program authorized in section 1 of this rule. The state veterinarian may authorize, after consultation with the United States Department of Agriculture, use of the marks described in 9 CFR 354.63 and 9 CFR 354.65.

(5) 9 CFR Part 416 and 9 CFR Part 417 apply to establishments participating in the inspection program established under section 1 of this rule.

(Indiana State Board of Animal Health; 345 IAC 9-21.5-2; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1554; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; filed Nov 24, 2010, 3:20 p.m.: 20101222-IR-345100122FRA; filed Sep 18, 2012, 2:21 p.m.: 20121017-IR-345120108FRA; filed Dec 14, 2016, 11:58 a.m.: 20170111-IR-345160220FRA)

345 IAC 9-21.5-3 Fees

Authority: IC 15-17

Affected: IC 15-17-5-12

Sec. 3. The state veterinarian shall charge an hourly fee for inspection service provided under this rule. The fee may not be more than the hourly fee charged for comparable voluntary inspection services by the United States Department of Agriculture. The state veterinarian shall establish overtime fees for services that qualify as overtime under IC 15-17-5-12. *(Indiana State Board of Animal Health; 345 IAC 9-21.5-3; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1554; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA)*

Rule 22. Detention; Seizure and Condemnation; Criminal Offenses

345 IAC 9-22-1 Applicability of detention provisions

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 1. Any carcass, part of a carcass, meat or meat food product of livestock, or article exempted from the definition of meat food product, or any dead, dying, disabled, or diseased livestock is subject to detention for a period not to exceed twenty (20) days when found by any authorized representative of the board upon any premises where it is held for the purposes of, or during or after distribution in, commerce or it is otherwise subject to the antemortem, postmortem, and reinspection provisions of the Act, and there is reason to believe that:

(1) any such article is adulterated or misbranded and is capable of use as human food;

(2) any such article has not been inspected, in violation of the provisions of the Act or any laws of the state; or

(3) any such article or livestock has been, or is intended to be, distributed in violation of the inspection provisions of the Act or any laws of the state.

(Indiana State Board of Animal Health; Reg HMP-1R, CHA, PT 29, Sec 29.1; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 378; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1313; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-22-1) to the Indiana State Board of Animal Health (345 IAC 9-22-1) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-22-2 Tagging article or livestock; notice of detention

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 2. An authorized representative of the board shall detain any article or livestock to be detained under this rule, by

affixing the official "Ind. Retained Tag" to such article or livestock. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 29, Sec 29.2; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 378; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1313; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-22-2) to the Indiana State Board of Animal Health (345 IAC 9-22-2) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-22-3 Notification of detention to owner

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 3. When any article or livestock is detained under this rule, an authorized representative of the board shall give oral notification to the owner of the article or livestock detained if the owner can be ascertained and notified, and, if not, to the owner's agent or the immediate custodian of the article or livestock, and promptly furnish the person so notified with a completed "Notice of Detention". (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 29, Sec 29.3; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 378; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1313; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-22-3) to the Indiana State Board of Animal Health (345 IAC 9-22-3) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-22-4 Notification of detention to governmental authorities

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 4. Within forty-eight (48) hours after the detention of any livestock or article pursuant to this rule, an authorized representative of the board shall give oral or written notification of such detention to any federal authorities not connected with the state board having jurisdiction over such livestock or article. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 29, Sec 29.4; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 379; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1313; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-22-4) to the Indiana State Board of Animal Health (345 IAC 9-22-4) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-22-5 Movement of article or livestock; termination of detention

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 5. No article or livestock detained in accordance with the provisions in this rule shall be moved by any person from the place at which it is located when so detained until released by an authorized representative of the board; provided that any such article or livestock may be moved from the place at which it is located when so detained for refrigeration, freezing, or storage purposes if such movement has been approved by an authorized representative of the board. Provided further, that the article or livestock so moved will be detained by an authorized representative of the board after such movement until such time as the detention is terminated. When the detention of such article or livestock is terminated, an authorized representative will remove the "retained tags" and the notice of detention, the owner, or the owner's agent or the carrier or other person in possession of the article or livestock who was notified when the article or livestock was detained, will receive notification of the termination. All official marks may be required by such representative to be removed from such article or livestock before it is released unless it appears to the satisfaction of the representative that the article or livestock is eligible to retain such marks. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 29, Sec 29.5; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 379; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1314; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-22-5) to the Indiana State Board of Animal Health (345 IAC 9-22-5) by

P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-22-6 Applicability of judicial seizure and condemnation provisions

Authority: IC 15-17

Affected: IC 15-17-5-21

Sec. 6. Any carcass, part of a carcass, meat or meat food product, or dead, dying, disabled, or diseased livestock that is being transported in commerce or is otherwise subject to the Act, or is held for sale in the state after such transportation, is subject to seizure and condemnation in a judicial proceeding pursuant to IC 15-17-5-21 if such article or livestock:

- (1) is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of the Act;
- (2) is capable of use as human food and is adulterated or misbranded; or
- (3) in any other way is in violation of the Act.

(Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 29, Sec 29.6; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 379; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1314; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-22-6) to the Indiana State Board of Animal Health (345 IAC 9-22-6) by P.L.137-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-22-7 Procedure for seizure, condemnation, and disposition; jurisdiction

Authority: IC 15-17

Affected: IC 15-17-5-21

Sec. 7. Any article or livestock subject to seizure and condemnation under IC 15-17-5-21 shall be liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any county or judicial court, or as specified in IC 15-17-5-21, within the jurisdiction of which the article or livestock is found. *(Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 29, Sec 29.7; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 379; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1314; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-22-7) to the Indiana State Board of Animal Health (345 IAC 9-22-7) by P.L.137-1996, SECTION 76, effective July 1, 1996.*

345 IAC 9-22-8 Authority; condemnation or seizure

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 8. The provisions of this rule relating to seizure, condemnation, and disposition of articles or livestock do not derogate from authority for condemnation or seizure conferred by other provisions of the Act or other laws. *(Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 29, Sec 29.8; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 380; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1314; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-22-8) to the Indiana State Board of Animal Health (345 IAC 9-22-8) by P.L.137-1996, SECTION 76, effective July 1, 1996.*

345 IAC 9-22-9 Criminal offenses (Repealed)

Sec. 9. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

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