

ARTICLE 10. POULTRY AND POULTRY PRODUCTS INSPECTION

Rule 1. Definitions

345 IAC 10-1-1 Definitions

Authority: IC 15-17

Affected: IC 15-17

Sec. 1. The definitions in IC 15-17-2, IC 15-17-5, and this section apply throughout this article:

- (1) "Act" means the Indiana Meat and Poultry Inspection and Humane Slaughter Act under 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 a person 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 poultry.
- (4) "Area supervisor", "circuit supervisor", or "poultry inspector supervisor" means a designated division employee who is in charge of the division's inspection and operational duties in a geographical region of the state.
- (5) "Board", "state board", or "department" means the Indiana state board of animal health.
- (6) "Capable of use as human food" means any carcass or part or product of a carcass of poultry that is not:
 - (A) denatured or otherwise identified as required by rules of the board to deter its use as human food; or
 - (B) naturally inedible by humans.
- (7) "Commerce" means commerce within the state. 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.
- (8) "Container" or "package" means any box, can, tin, cloth, plastic or other receptacle, wrapper, or cover.
- (9) "Division" or "program" means the meat and poultry division of the board.
- (10) "Division director" means the veterinarian employed by the board to whom authority has heretofore been delegated or may be delegated to act in his or her stead.
- (11) "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.
- (12) "Establishment" or "recognized establishment" means any building or part thereof, or other location, used for:
 - (A) slaughtering animals or poultry; or
 - (B) preparing:
 - (i) meat or poultry;
 - (ii) meat or poultry food products; and
 - (iii) meat or poultry byproducts;for human consumption.
- (13) "Food safety and inspection service", as referenced in 9 CFR, means the board.
- (14) "Immediate container" means any consumer package or any other container in which poultry products are packed.
- (15) "Inspection" or "inspection service" means inspection under IC 15-17-5 and this rule by agents of the board or the United States Department of Agriculture.
- (16) "Inspector" means an employee or official of the state authorized by the board to inspect poultry and poultry products under the authority of the act, or an employee of the United States government authorized to inspect poultry or poultry products under the authority of the act under an agreement between the board and the United States government.
- (17) "Label" means a display of written, printed, or graphic matter on any article or the immediate container of any article. The term does not include packaged liners.
- (18) "Labeling" means all labels and other written, printed, or graphic matter on any article or any of its containers or wrappers or that accompanies the article.
- (19) "Official certificate" means a certificate prescribed by this article for issuance by an inspector or other person performing official functions under this article.
- (20) "Official device" means any device prescribed or authorized by the board for use in applying an official mark.
- (21) "Official establishment" means an establishment granted inspection service under the act and this article.

- (22) "Official inspection legend" means the official inspection mark prescribed in 345 IAC 10-13 that indicates a product was inspected under this article.
- (23) "Official mark" means the official inspection legend or any other symbol prescribed in this rule to identify the status of any article or poultry under the act.
- (24) "Person" has the meaning set forth in IC 15-17-2-83.
- (25) "Poultry" means any domesticated bird, including:
- (A) chickens;
 - (B) turkeys;
 - (C) ducks;
 - (D) geese;
 - (E) guineas;
 - (F) ratitae; or
 - (G) squabs;
- whether live or dead.
- (26) "Poultry products broker" means any person engaged in the business of buying or selling poultry products on commission or otherwise negotiating purchases or sales of such articles other than for his or her own account or as an employee of another person.
- (27) "Processed" means:
- (A) slaughtered;
 - (B) canned;
 - (C) salted;
 - (D) stuffed;
 - (E) rendered;
 - (F) boned;
 - (G) cut up; or
 - (H) otherwise manufactured or processed.
- (28) "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.
- (29) "Secretary", "state veterinarian", or "administrator" means the Indiana state veterinarian appointed under IC 15-17-4 or a legally authorized representative.
- (30) "Shipping container" means any container used or intended for use in packaging the product packed in an immediate container.
- (31) "State" means the state of Indiana.
- (32) "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.
- (33) "United States" or "U.S.", as referenced in 9 CFR, followed by:
- (A) detained;
 - (B) retained;
 - (C) rejected; or
 - (D) suspect;

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

(Indiana State Board of Animal Health; Reg HMP 1R, CH B, Subpt A, Sec 1.1; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 268; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1315; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Oct 30, 2000, 2:06 p.m.: 24 IR 683; errata filed Apr 9, 2001, 12:52 p.m.: 24 IR 2470; 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 10-1-1) to the Indiana State Board of Animal Health (345 IAC 10-1-1) by P.L.138-1996, SECTION 76, effective July 1, 1996.

Rule 2. Administration; Application of Inspection and Other Requirements

345 IAC 10-2-1 Administration; waiver of provisions

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 1. (a) General authority to administer the act has been delegated to the state veterinarian under the act. The state veterinarian may delegate any duty under the act to a board employee.

(b) The state veterinarian may, in specific classes of cases, waive for limited periods any provisions of this article in order to permit appropriate and necessary action in the event of a national, state, or local emergency or to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements, provided that such waivers of the provisions of the regulations are not in conflict with the purposes or provisions of the act. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt B, Sec 1.3; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 275; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1318; filed Oct 30, 2000, 2:06 p.m.: 24 IR 684; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-2-1) to the Indiana State Board of Animal Health (345 IAC 10-2-1) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-2-2 Inspection pursuant to regulations

Authority: IC 15-17

Affected: IC 15-17-5-9

Sec. 2. Inspection of poultry products shall be rendered under such conditions and in accordance with the methods set forth in this article. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt B, Sec 1.4; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 275; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1319; filed Oct 30, 2000, 2:06 p.m.: 24 IR 684; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-2-2) to the Indiana State Board of Animal Health (345 IAC 10-2-2) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-2-3 Applicability of inspection provisions

Authority: IC 15-17

Affected: IC 15-17

Sec. 3. (a) Except as provided in this article, inspection under the act and this article is required at every establishment in which any poultry is slaughtered or any poultry products are processed for transportation or sale in commerce as articles intended for use as human food. 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) 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.

(c) 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.

(d) A person conducting activities that are exempted by IC 15-17-5-11 or Subpart C of 9 CFR 381 is not required to apply for and maintain inspection.

(e) The state veterinarian may refuse to provide, or withdraw, inspection service under this rule with respect to any establishment if he 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 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,CH B,Subpt B, Sec 1.6; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 275; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1319; filed Oct 30, 2000, 2:06 p.m.: 24 IR 684; 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 10-2-3) to the Indiana State Board of Animal Health (345 IAC 10-2-3) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-2-4 Poultry requirements

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 4. (a) A person slaughtering poultry or preparing poultry products for human food must slaughter the poultry and prepare poultry products in an official establishment in compliance with this article. Slaughtered poultry and poultry products must be:

- (1) inspected;
- (2) handled;
- (3) processed;
- (4) marked; and
- (5) labeled;

as required by this article and IC 15-17-5.

(b) An official establishment that believes or has reason to believe that adulterated or misbranded poultry or poultry product received by or originating from the establishment has entered into commerce shall promptly notify the division of the:

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

of the poultry or poultry product.

(c) Each establishment shall prepare and maintain current procedures for the recall of poultry and poultry products produced and shipped by the establishment. The establishment must make the plans available to the division upon request. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt B,Sec 1.7; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 275; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1319; 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 10-2-4) to the Indiana State Board of Animal Health (345 IAC 10-2-4) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-2-5 Delivery and acceptance of poultry for slaughter

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 5. (a) A person accepting poultry for slaughter, including inspected establishments and establishments slaughtering under an exemption in 9 CFR 381.10, must slaughter delivered poultry within twenty-four (24) hours of the poultry's arrival at the establishment.

(b) An establishment that provides cages for use by its customers to transport poultry to the establishment for slaughter shall clean and disinfect the cages after each use before providing the cages to another customer. The state veterinarian may designate minimum standards for cleaning and disinfecting that will facilitate public health and animal health by reducing the risk of disease transmission. (*Indiana State Board of Animal Health; 345 IAC 10-2-5; filed Dec 16, 2004, 1:30 p.m.: 28 IR 1473; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)

Rule 2.1. Incorporation by Reference

345 IAC 10-2.1-1 Incorporation by reference; poultry products inspection

Authority: IC 15-17

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

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, 2012:

(1) 9 CFR Part 362 with the following amendments and additions:

(A) 9 CFR 362.4(a)(2), 9 CFR 362.4(b)(2), 9 CFR 362.4(c), 9 CFR 362.4(d), and 9 CFR 362.5 are not incorporated.

(B) Fees for voluntary inspection service shall be charged in accordance with IC 15-17-5-12.

(C) The state veterinarian may refuse to provide or withdraw voluntary inspection service for administrative reasons, including nonavailability of personnel and failure to pay for service.

(2) 9 CFR 381.1, except the definitions in IC 15-17 and 345 IAC 10-1-1 shall control over conflicting definitions in 9 CFR.

(3) 9 CFR 381.10 with the following amendments and additions:

(A) 9 CFR 381.10(d)(2)(i) shall be amended by deleting the word "unless" and the remaining part of the sentence that follows that word.

(B) A person operating a facility engaged in exempt operations described in 9 CFR 381.10(a)(4) through 9 CFR 381.10(a)(7) and 9 CFR 381.10(b) through 9 CFR 381.10(c) shall comply with the registration and record keeping requirements in 9 CFR 381.175 through 9 CFR 381.182.

(4) 9 CFR 381.11 through 9 CFR 381.95, except the following are not incorporated:

(A) 9 CFR 381.36.

(B) 9 CFR 381.37.

(C) 9 CFR 381.38.

(D) 9 CFR 381.39.

(5) 9 CFR 381.115 through 9 CFR 381.182, except the following are not incorporated:

(A) 9 CFR 381.132.

(B) 9 CFR 381.133.

(6) 9 CFR 381.189 through 9 CFR 381.194.

(7) 9 CFR 381.300 through 9 CFR 381.500.

(8) 9 CFR 416 through 9 CFR 441.

(9) 9 CFR 500, except the following:

(A) References to 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) References to 9 CFR 381.3 through 9 CFR 381.7 refer to the corresponding section in 345 IAC 10-2.

(2) References to:

(A) 9 CFR 381.36 refer to 345 IAC 10-7-1;

(B) 9 CFR 381.37 refer to 345 IAC 10-7-2 and 345 IAC 10-7-3; and

(C) 9 CFR 381.38 and 9 CFR 381.39 refer to 345 IAC 10-7-4.

(3) References to:

- (A) 9 CFR 381.96 refer to 345 IAC 10-13-1;
 - (B) 9 CFR 381.98 refer to 345 IAC 10-13-2;
 - (C) 9 CFR 381.99 refer to 345 IAC 10-13-3;
 - (D) 9 CFR 381.100 refer to 345 IAC 10-13-4;
 - (E) 9 CFR 381.101 refer to 345 IAC 10-13-5;
 - (F) 9 CFR 381.103 refer to 345 IAC 10-13-6;
 - (G) 9 CFR 381.110 refer to 345 IAC 10-13-7; and
 - (H) 9 CFR 381.111 refer to 345 IAC 10-13-8.
- (4) References to 9 CFR 381.131, 9 CFR 381.132, and 9 CFR 381.133 refer to 345 IAC 10-14-18 and 345 IAC 10-14-20.
- (5) References to:
- (A) 9 CFR 381.185 refer to 345 IAC 10-18-1; and
 - (B) 9 CFR 381.186 refer to 345 IAC 10-18-2.
- (6) References to 9 CFR 381.210 through 9 CFR 381.218 refer to the corresponding section of 345 IAC 10-20.
- (c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control. (*Indiana State Board of Animal Health; 345 IAC 10-2.1-1; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1319; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Sep 10, 1999, 9:14 a.m.: 23 IR 16; filed Oct 30, 2000, 2:06 p.m.: 24 IR 685; errata filed Apr 9, 2001, 12:52 p.m.: 24 IR 2470; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:43 p.m.: 26 IR 1541; filed Dec 16, 2004, 1:30 p.m.: 28 IR 1474; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1554; 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*)

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. Inauguration of Inspection; Official Establishment Numbers, Separation of Establishments and Other Requirements; Withdrawal of Inspection (Repealed)

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

Rule 6. Assignment and Authorities of Program Employees (Repealed)

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

Rule 7. Facilities for Inspection; Overtime and Holiday Service, Billing Establishments

345 IAC 10-7-1 Office facilities; duty to supply

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 1. (a) Office space, including, but not limited to, furnishings, light, heat, and janitor service, shall be provided rent free in the official establishment for the use of inspection personnel for official purposes. The room or space set apart for this purpose must meet the approval of the board and be conveniently located, properly ventilated, and provided with lockers or file cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors to change clothing.

(b) Batteries, coops, or other facilities in which live poultry is presented for ante-mortem inspection shall be of such arrangement and construction and shall be so placed with sufficient light provided so that the inspector can clearly see the birds to the extent needed to carry out an adequate inspection. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt G,Sec*

1.36; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 288; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1320; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-7-1) to the Indiana State Board of Animal Health (345 IAC 10-7-1) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-7-2 Time of inspection

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 2. The operator of an establishment shall notify the board, in advance, of the hours when inspection at that establishment will be required. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt G, Sec 1.37; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 288; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1320; filed Oct 30, 2000, 2:06 p.m.: 24 IR 685; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-7-2) to the Indiana State Board of Animal Health (345 IAC 10-7-2) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-7-3 Scheduling of inspection

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 3. 345 IAC 9-7-4, 345 IAC 9-7-5, and 345 IAC 9-7-6 shall govern the scheduling of inspection at an official establishment operating under this article. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt G, Sec 1.38; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 288; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1320; filed Oct 30, 2000, 2:06 p.m.: 24 IR 685; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-7-3) to the Indiana State Board of Animal Health (345 IAC 10-7-3) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-7-4 Overtime work of inspectors (Repealed)

Sec. 4. (*Repealed by Indiana State Board of Animal Health; filed Nov 24, 2010, 3:20 p.m.: 20101222-IR-345100122FRA*)

Rule 8. Sanitation (Repealed)

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

Rule 9. Operating Procedures (Repealed)

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

Rule 10. Ante-Mortem Inspection (Repealed)

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

Rule 11. Post-Mortem Inspection; Disposition of 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. 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 13. Official Marks, Devices, and Certificates; Certification Procedures

345 IAC 10-13-1 Official inspection legend

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 1. (a) Except as otherwise provided in this article, the official inspection legend required to be used with respect to inspected and passed poultry and poultry products shall include wording and abbreviations as follows:

(1) IND. INSP. and PASSED BOAH Est. # (three (3) digit number).

(2) Legend markers that were in use prior to July 1, 1996, may also contain ST. B. of H. Est. # (three (3) digit number).

This wording shall be contained within an outlined shape of the state of Indiana. The form and arrangement of the wording shall be exactly as indicated in the example in subsection (b), except that the appropriate official establishment number shall be shown, as assigned by the board.

(b) The official inspection legend shall be printed on consumer packages and other immediate containers of inspected and passed poultry and poultry products, or on labels to be securely affixed to the containers. Further, the legend shall be applied to shipping containers of the products and may be printed or stenciled thereon, but shall not be applied by rubber stamping.

(c) The following is an example of the stamp that complies with subsection (a):



(d) An establishment that is a selected establishment under 9 CFR Part 381, Subpart Z shall use the official marks, devices, and certificates in 9 CFR Part 381, Subpart M for products that are intended for interstate commerce. (*Indiana State Board of Animal Health; Reg HMP 1R, CH B, Subpt M, Sec 1.96; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 313; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1321; 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; filed Sep 18, 2012, 2:21 p.m.: 20121017-IR-345120108FRA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-13-1) to the Indiana State Board of Animal Health (345 IAC 10-13-1) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-13-2 Official seal

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 2. (a) Except as provided in subsection (b), the official mark for use in sealing means of conveyance used in transporting poultry products under any requirement in this article shall be 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 section shall be official devices for the purposes of the act. A seal may be attached to a means of conveyance only by a state or federal official. The following is an example of the seal described in this section:

IN STATE BD of ANIMAL HEALTH	000000
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(b) An establishment that is a selected establishment under 9 CFR Part 381, Subpart Z shall use the official marks, devices, and certificates in 9 CFR Part 381, Subpart M for products that are intended for interstate commerce. (*Indiana State Board of Animal Health; Reg HMP 1R, CH B, Subpt M, Sec 1.98; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 314; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1321; filed Oct 30, 2000, 2:06 p.m.: 24 IR 686; 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 10-13-2) to the Indiana State Board of Animal Health (345 IAC 10-13-2) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-13-3 Official tags

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 3. (a) An inspector may use the tags or other devices and methods at an official establishment that are approved by the board for the identification and control of the following:

(1) Poultry and poultry products that:

(A) appear to be out of compliance with this article; or

(B) are held for further examination.

(2) Any equipment, utensils, rooms, or compartments at such establishments found to be unclean or otherwise in violation of this article.

No poultry, poultry product, other article, equipment, utensil, room, or compartment so identified shall be used until it has been made acceptable. The board has approved a paper tag bearing the statement "Indiana Retained" for use on poultry or poultry products under this section, and has approved a paper tag bearing the statement "Indiana Rejected" for use on equipment, utensils, rooms, and compartments under this section. The tags are official devices and shall not be removed by anyone other than an inspector.

(b) An establishment that is a selected establishment under 9 CFR Part 381, Subpart Z shall use the official marks, devices, and certificates in 9 CFR Part 381, Subpart M for products that are intended for interstate commerce. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt M,Sec 1.99; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 314; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1322; 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 10-13-3) to the Indiana State Board of Animal Health (345 IAC 10-13-3) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-13-4 Official detention form

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 4. The detention form prescribed in 9 CFR 381.211 is an official device. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt M,Sec 1.100; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 315; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1322; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-13-4) to the Indiana State Board of Animal Health (345 IAC 10-13-4) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-13-5 Official Indiana condemned tag

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 5. (a) The paper tag "INDIANA CONDEMNED" shall be attached to poultry and poultry products to identify such until disposition is accomplished.

(b) An establishment that is a selected establishment under 9 CFR Part 381, Subpart Z shall use the official marks, devices, and certificates in 9 CFR Part 381, Subpart M for products that are intended for interstate commerce. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt M,Sec 1.101; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 315; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1322; 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 10-13-5) to the Indiana State Board of Animal Health (345 IAC 10-13-5) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-13-6 Official poultry condemnation certificates; requests

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 6. The operator of each official establishment shall slaughter, as a separate lot or lots, all live poultry received from each grower or other person who sold such poultry to the operator, so that the seller of each lot given antemortem or postmortem inspection at the establishment can be identified. Upon request by the operator of the establishment, or by the seller of the live poultry, the inspector in charge shall issue a poultry condemnation certificate on an official form showing the total number of poultry in the lot and the numbers condemned and the reasons for such condemnations. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt M,Sec 1.103; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 315; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1322; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-13-6) to the Indiana State Board of Animal Health (345 IAC 10-13-6) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-13-7 Changes to certificates; copies

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 7. Erasures or alterations not initialed by the issuing inspector shall not be permitted on any official certificate or any copy thereof. All certificates rendered useless through clerical error or otherwise and all certificates cancelled for whatever cause shall be voided and initialed. One (1) copy shall be retained in the inspector's file, and the original and all other copies shall be forwarded to the officer in charge. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt M,Sec 1.110; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 315; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1323; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-13-7) to the Indiana State Board of Animal Health (345 IAC 10-13-7) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-13-8 Entry of data

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 8. All certificates shall be so executed that the data entered thereon will appear in the proper spaces on each copy of the certificate. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt M,Sec 1.111; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 315; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1323; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-13-8) to the Indiana State Board of Animal Health (345 IAC 10-13-8) by P.L.138-1996, SECTION 76, effective July 1, 1996.

Rule 14. Labeling and Containers

345 IAC 10-14-1 Labeling required for passed poultry (Repealed)

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

345 IAC 10-14-2 Labeling of immediate containers; principal display panel (Repealed)

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

345 IAC 10-14-3 Name of product; label terminology (Repealed)

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

345 IAC 10-14-4 Ingredients statement (Repealed)

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

345 IAC 10-14-5 Artificial flavoring or coloring; smoke flavoring (Repealed)

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

345 IAC 10-14-6 Antioxidants; chemical preservatives (Repealed)

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

345 IAC 10-14-7 Quantity of contents; net weight (Repealed)

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

345 IAC 10-14-8 Manufacturer, packer or distributor; identification (Repealed)

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

345 IAC 10-14-9 Official inspection legend and establishment number (Repealed)

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

345 IAC 10-14-10 Dietary claims (Repealed)

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

345 IAC 10-14-11 Handling requirements (Repealed)

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

345 IAC 10-14-12 Processing dates (Repealed)

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

345 IAC 10-14-13 Shipping container labels (Repealed)

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

345 IAC 10-14-14 Foreign language labels (Repealed)

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

345 IAC 10-14-15 False or misleading labels (Repealed)

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

345 IAC 10-14-16 Use of false or misleading article withheld (Repealed)

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

345 IAC 10-14-17 Manufacture of label containing official marks prior to approval; prohibition (Repealed)

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

345 IAC 10-14-18 Approval required for manufacture of label bearing official mark

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 18. (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 381, Subpart Z shall comply with the requirements for participation in the interstate shipment program, such as label approval under 9 CFR Part 381, Subpart N. 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. The 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:

- (1) applicable to the product;
- (2) not false or deceptive; and
- (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 B,Subpt N,Sec 1.132; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 325; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1323; 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; filed Sep 18, 2012, 2:21 p.m.: 20121017-IR-345120108FRA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-14-18) to the Indiana State Board of Animal Health (345 IAC 10-14-18) by P.L.138-1996, SECTION 76, effective July 1, 1996.*

345 IAC 10-14-19 Submission of formulas and chemical analyses (Repealed)

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

345 IAC 10-14-20 Modifications of approved label; permission of officer in charge

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 20. 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 381, Subpart P.

(Indiana State Board of Animal Health; Reg HMP 1R, CH B, Subpt N, Sec 1.135; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 325; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1323; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-14-20) to the Indiana State Board of Animal Health (345 IAC 10-14-20) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-14-21 Supervision required to affix label (Repealed)

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

345 IAC 10-14-22 Proof of label approval (Repealed)

Sec. 22. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 10-14-23 Unauthorized use of approved labels; shipment between establishments (Repealed)

Sec. 23. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 10-14-24 Removal of official identifications (Repealed)

Sec. 24. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 10-14-25 Relabeling poultry products; permission (Repealed)

Sec. 25. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 10-14-26 Obsolete labels; reports (Repealed)

Sec. 26. *(Repealed by Indiana State Board of Animal Health; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1327)*

345 IAC 10-14-27 Incorporation by reference; quantity of contents labeling and procedures and requirements for accurate weights

Authority: IC 15-17

Affected: IC 15-17

Sec. 27. The provisions of 345 IAC 9-17-20 apply to poultry establishments. (*Indiana State Board of Animal Health; 345 IAC 10-14-27; filed Nov 24, 2010, 3:20 p.m.: 20101222-IR-345100122FRA*)

Rule 15. Entry of Articles into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements (Repealed)

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

Rule 16. 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 17. 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 18. Cooperation with Federal Programs

345 IAC 10-18-1 State-federal program

Authority: IC 15-17

Affected: IC 15-17-5

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

(b) Such cooperation may include receiving the advisory assistance, technical and laboratory assistance and training, and financial aid from the Secretary of Agriculture of the United States. The state veterinarian 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 1R,CH B,Subpt R,Sec 1.185; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 355; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1324; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-18-1) to the Indiana State Board of Animal Health (345 IAC 10-18-1) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-18-2 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 enter into an agreement with the United States Department of Agriculture to participate in a cooperative program for interstate shipment of carcasses, poultry, and poultry products under 9 CFR Part 381, Subpart Z. Notwithstanding any provision of this article, an establishment that is a selected establishment for the purposes of interstate shipment under 9 CFR Part 381, Subpart Z shall follow the federal regulations governing participation in the selected establishment interstate shipment program. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt R,Sec 1.186; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 356; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1324; 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: Sec. 1.187 reserved by agency. NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-18-2) to the Indiana State Board of Animal Health (345 IAC 10-18-2) by P.L.138-1996, SECTION 76, effective July 1, 1996.

Rule 19. Transportation; Sale of Poultry or Poultry Products (Repealed)

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

Rule 20. Detention; Seizure and Condemnation; Criminal Offenses

345 IAC 10-20-1 Applicability

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 1. An authorized representative of the board may detain any poultry carcass or part thereof, any product made wholly or in part from any poultry carcass or part thereof, and any dead, dying, disabled, or diseased poultry that is subject to this article and the Act for a period not to exceed twenty (20) days if there is reason to believe that any such poultry or other article is adulterated or misbranded and is capable of use as human food, or has not been inspected in violation of the provisions of this article or the Act. *(Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt U,Sec 1.210; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 357; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1325; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-20-1) to the Indiana State Board of Animal Health (345 IAC 10-20-1) by P.L.138-1996, SECTION 76, effective July 1, 1996.*

345 IAC 10-20-2 Tagging poultry

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 2. An authorized representative of the board shall detain any poultry or other article to be detained under this article, by affixing to such article an official "Indiana Retained Tag" and issuing the "Notice of Detention". *(Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt U,Sec 1.211; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 357; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1325; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-20-2) to the Indiana State Board of Animal Health (345 IAC 10-20-2) by P.L.138-1996, SECTION 76, effective July 1, 1996.*

345 IAC 10-20-3 Notification of detention to owner

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 3. When any poultry or other article is detained under this article, an authorized representative of the board shall give oral notification of the detention to the owner of the article or poultry detained. The notification shall be made to the owner only if the owner can be ascertained and notified after a reasonable inquiry. If the owner cannot be ascertained or notified, the board representative may notify the owner's agent or the immediate custodian of the article or poultry. The board representative shall promptly furnish the person notified a completed "Notice of Detention". *(Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt U,Sec 1.212; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 358; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1325; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-20-3) to the Indiana State Board of Animal Health (345 IAC 10-20-3) by P.L.138-1996, SECTION 76, effective July 1, 1996.*

345 IAC 10-20-4 Notification of detention to federal authorities

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 4. Within forty-eight (48) hours after the detention of any poultry or article pursuant to this article, an authorized

representative of the board shall give oral or written notification of such detention to any federal authorities not connected with the inspection service having jurisdiction over such poultry or article. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt U,Sec 1.213; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 358; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1325; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)
NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-20-4) to the Indiana State Board of Animal Health (345 IAC 10-20-4) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-20-5 Movement of article or poultry; termination of detention

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 5. No article or poultry detained in accordance with this article 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 poultry 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 poultry 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 poultry is terminated, an authorized representative of the board will remove the "Retained Tags" and the "Notice of Detention". The owner or his agent or the carrier or other person in possession of the article or poultry who was notified when the article or poultry was detained will receive notification of the termination. All official marks may be required by such representative to be removed from such article or poultry before it is released unless it appears to the satisfaction of the representative that the article or poultry is eligible to retain such marks. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt U,Sec 1.214; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 358; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1326; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*)
NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-20-5) to the Indiana State Board of Animal Health (345 IAC 10-20-5) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-20-6 Applicability of judicial seizure and condemnation provisions

Authority: IC 15-17

Affected: IC 15-17-5-21

Sec. 6. Any poultry carcass or part thereof, any product made wholly or in part from any poultry carcass or part thereof, or any dead, dying, disabled, or diseased poultry that is subject to the Act is subject to seizure and condemnation in a judicial proceeding pursuant to IC 15-17-5-21 if such article or poultry:

- (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) is in violation of the Act in any other way.

(*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt U,Sec 1.215; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 358; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1326; 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*)
NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-20-6) to the Indiana State Board of Animal Health (345 IAC 10-20-6) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-20-7 Procedure for condemnation and disposition; jurisdiction

Authority: IC 15-17

Affected: IC 15-17-5-21

Sec. 7. Any article or poultry subject to seizure and condemnation under this article shall be liable to be proceeded against, seized, 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 in which the article or poultry is found. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt U,Sec 1.216; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 359; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1326; 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*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-20-7) to the Indiana State Board of Animal Health (345 IAC 10-20-7) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-20-8 Authority for condemnation or seizure

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 8. The provisions of this article relating to seizure, condemnation, and disposition of articles or poultry 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 B,Subpt U, Sec 1.217; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 359; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1326; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-20-8) to the Indiana State Board of Animal Health (345 IAC 10-20-8) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 10-20-9 Criminal offenses

Authority: IC 15-17

Affected: IC 15-17-5

Sec. 9. Criminal offenses. The act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to bribery of division employees, receipt of gifts by division employees, and forcible assaults on, or other interference with, division employees while engaged in, or on account of, the performance of their official duties under the Act. (*Indiana State Board of Animal Health; Reg HMP 1R,CH B,Subpt U,Sec 1.218; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 359; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-20-9) to the Indiana State Board of Animal Health (345 IAC 10-20-9) by P.L.138-1996, SECTION 76, effective July 1, 1996.

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