

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

ARTICLE 1. DOMESTIC ANIMAL DISEASE CONTROL; GENERAL PROVISIONS

Rule 1. Vaccine Sales Restrictions (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Mar 15, 1983, 10:53 am: 6 IR 911)

Rule 1.1. Sale of Disease Treatments or Diagnostic Agents

345 IAC 1-1.1-1 Sale of disease treatment or diagnostic agent; restrictions

Authority: IC 15-2.1-3-18; IC 15-2.1-3-19

Affected: IC 15-2.1-18-5; IC 15-2.1-18-8

Sec. 1. It shall be unlawful for any person, firm or corporation to sell, offer for sale or distribute in any manner within the state of Indiana any Tuberculin or Brucella antigen used as a diagnostic agent for domestic animals except to the state or federal regulatory agency which is directly responsible for the control of livestock diseases. *(Indiana State Board of Animal Health; 345 IAC 1-1.1-1; filed Mar 15, 1983, 10:53 am: 6 IR 911; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 1-1.1-2 Purchase of Tuberculin or Brucella antigen

Authority: IC 15-2.1-3-18; IC 15-2.1-3-19

Affected: IC 15-2.1-18-5; IC 15-2.1-18-8

Sec. 2. It shall be unlawful for any firm or corporation to purchase, receive, possess or cause to be imported any Tuberculin or Brucella antigen into Indiana from any other state for the purpose of sale or use in the state of Indiana, except as permitted in 345 IAC 1-1.1-1. *(Indiana State Board of Animal Health; 345 IAC 1-1.1-2; filed Mar 15, 1983, 10:53 am: 6 IR 911; filed Dec 22, 1986, 3:40 pm: 10 IR 1059; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 1-1.1-3 Sale of Brucella abortus vaccine, rabies vaccine or Pseudorabies vaccine

Authority: IC 15-2.1-3-18; IC 15-2.1-3-19

Affected: IC 15-2.1-18-5; IC 15-2.1-18-8

Sec. 3. It shall be unlawful for any person, firm or corporation to sell, offer for sale or distribute in any manner within the state of Indiana any Brucella Abortus Vaccine, Rabies Vaccine or Pseudorabies Vaccine for use in domestic animals except to an accredited, licensed veterinarian, or a registered distributor.

A distributor of Brucella Abortus Vaccine, Rabies Vaccine or Pseudorabies Vaccine, must be registered with the office of the state veterinarian and must have received prior written approval before receiving or selling any of the vaccines listed in this section. Sales of these vaccines by a registered distributor must be made only to a licensed, accredited veterinarian. *(Indiana State Board of Animal Health; 345 IAC 1-1.1-3; filed Mar 15, 1983, 10:53 am: 6 IR 911; filed Dec 22, 1986, 3:40 pm: 10 IR 1060; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 1-1.1-4 Violations; criminal penalties

Authority: IC 15-2.1-3-18; IC 15-2.1-3-19

Affected: IC 15-2.1-3; IC 15-2.1-18-5; IC 15-2.1-18-8

Sec. 4. Any violators of this regulation [345 IAC 1-1.1] may be subject to criminal penalties provided for in IC 15-2.1-3. *(Indiana State Board of Animal Health; 345 IAC 1-1.1-4; filed Mar 15, 1983, 10:53 am: 6 IR 911; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 1-1.1-5 Severability

Authority: IC 15-2.1-3-18; IC 15-2.1-3-19

Affected: IC 15-2.1-18-5; IC 15-2.1-18-8

Sec. 5. If any provision of this regulation [345 IAC 1-1.1] as now or later amended or its application to any purpose or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application. (*Indiana State Board of Animal Health; 345 IAC 1-1.1-5; filed Mar 15, 1983, 10:53 am: 6 IR 911; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

Rule 2. Cooking of Garbage for Feeding Purposes (Repealed)

(*Repealed by Indiana State Board of Animal Health; filed Jan 20, 1988, 4:00 pm: 11 IR 1739*)

Rule 2.1. Garbage Feeding and Disposal

345 IAC 1-2.1-1 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-11

Sec. 1. "Garbage" means any material derived in whole or in part from any animal including fish and poultry.

"Rendered product" means waste material derived in whole or in part from any animal, including fish and poultry that is heated to a minimum temperature of 230° F to make products such as animal, poultry or fish protein meal, grease, or tallow. (*Indiana State Board of Animal Health; 345 IAC 1-2.1-1; filed Jan 20, 1988, 4:00 pm: 11 IR 1738; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 1-2.1-2 Disposition of refuse

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-11

Sec. 2. (a) Refuse from the handling, preparation, cooking, or consumption of food that has been associated with waste material derived in whole or in part from any animal, including fish and poultry is identified as garbage.

(b) Refuse from the handling, preparation, cooking, or consumption of food that has been ground and heated to a minimum temperature of 230° F is identified as a rendered product. (*Indiana State Board of Animal Health; 345 IAC 1-2.1-2; filed Jan 20, 1988, 4:00 pm: 11 IR 1738; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 1-2.1-3 Products not included as garbage

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-11

Sec. 3. The following are not included as garbage:

(1) Bakery waste.

(2) Candy waste.

(3) Eggs.

(4) Domestic dairy products.

(5) Waste from ordinary household operations that is fed directly to swine on the same premises where the household is located.

(*Indiana State Board of Animal Health; 345 IAC 1-2.1-3; filed Jan 20, 1988, 4:00 p.m.: 11 IR 1738; filed Jan 8, 1992, 12:00 p.m.: 15 IR 700; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 1-2.1-4 Violations

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-11

Sec. 4. It shall be a violation of 345 IAC 1-2.1:

(1) to collect garbage from restaurants, hotels, hospitals, and institutions to be fed to swine;

(2) for owners or managers of restaurants, hotels, hospitals, and institutions to permit the removal of garbage to be fed to swine;

(3) to transport garbage interstate into Indiana to be fed to swine;

(4) to pick up garbage, grease, or tallow and haul to an Indiana licensed renderer without a vehicle permit.

(Indiana State Board of Animal Health; 345 IAC 1-2.1-4; filed Jan 20, 1988, 4:00 pm: 11 IR 1738; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

Rule 3. Importation of Domestic Animals

345 IAC 1-3-1 General provisions for preventing spread of contagious disease

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18-16; IC 15-2.1-21-6

Sec. 1. (a) No person may transport into Indiana any animal unless the requirements in this rule are first met.

(b) When the state veterinarian has reason to believe that:

(1) the transportation of animals or products derived from animals into Indiana would create a hazard to the citizens or animals of Indiana; or

(2) a person has not met the requirements in this rule;

the state veterinarian may do the following:

(A) Take any legal action necessary to prevent the transportation of animals and products derived from animals into, out of, within, or through Indiana.

(B) Control or prohibit the public or private sale of animals.

(C) Issue an order quarantining animals to a premises or otherwise restricting the movement of animals onto or off of a premises.

(D) Issue an order requiring animals be moved.

(E) Order the vaccination, testing, or veterinary evaluation of any animal.

(F) Order the testing and evaluation of any product derived from animals.

(G) Order an animal be identified with a tag, brand, notch, tattoo, or any other form of identification.

(H) Order the cleaning and disinfecting of any building, premises, equipment, and conveyance to guard against the spread of disease.

(I) Order animal byproducts, including manure and carcasses, be disposed of in a manner that protects against the spread of disease.

(J) Order an animal be sold for slaughter.

(K) Order an animal be condemned pursuant to IC 15-2.1-18-16.

(c) Whenever an animal is transported into Indiana, a copy of any certificate of veterinary inspection approved by the state of origin shall be forwarded to the Indiana state veterinarian within ten (10) days after the date of issue by the state veterinarian in the state of origin. *(Indiana State Board of Animal Health; Reg 76-1, Title I; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 128; filed Jan 8, 1986, 2:52 p.m.: 9 IR 990; errata, 9 IR 1379; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1334; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 1-3-1.5 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2-15; IC 15-2.1-3-13; IC 15-2.1-4; IC 15-2.1-8; IC 15-2.1-21-6; IC 15-2.1-24

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

(1) "Approved official health certificate" or "approved certificate of veterinary inspection" means an official certificate of veterinary inspection endorsed or approved by the chief livestock health official of the state of origin.

(2) "Approved vaccine" means a vaccine that is:

(A) approved by the board for use in Indiana; and

(B) manufactured under license granted by the Veterinary Biologics Division, United States Department of Agriculture.

- (3) "Baby calves" means calves of all breeds that are:
 - (A) imported without dams; and
 - (B) under two hundred (200) pounds in weight.
- (4) "Board" means the Indiana state board of animal health created under IC 15-2.1.
- (5) "Cattle" means all animals of the bovine species and all animals of the bison species.
- (6) "Cervid" or "cervidae" means all members of the cervidae family, including deer, elk, moose, caribou, reindeer, and related species and hybrids thereof.
- (7) "Chronic wasting disease" or "CWD" means a transmissible spongiform encephalopathy of cervids.
- (8) "Class A", "Class B", or "Class C" state or zone means the state or zone is designated or classified by the United States Department of Agriculture as a Brucellosis "A", Brucellosis "B", or Brucellosis "C" area.
- (9) "Domestic animal" has the meaning set forth in IC 15-2.1-2-15.
- (10) "Duly recognized slaughtering establishment" or "approved slaughtering establishment" means an establishment where domestic animals are slaughtered and processed for human consumption under the federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Indiana Meat and Poultry Inspection Act (IC 15-2.1-24).
- (11) "Equine infectious anemia" or "EIA" means the infectious disease equine infectious anemia caused by a lentivirus, equine infectious anemia virus (EIAV).
- (12) "Equine infectious anemia test" means the official test for the detection of EIA as defined in 345 IAC 6-1.1.
- (13) "Farm of origin of cattle and bison" means a farm or other premises where cattle or bison to be shipped interstate were born or have been kept for not less than four (4) months prior to the date of shipment and which premises, within the four (4) months prior to the date of shipment, have not been used to assemble cattle or bison from any other premises.
- (14) "Feeder cattle" means the following cattle, but does not include female dairy type cattle of any kind:
 - (A) Steers of any age.
 - (B) Nonpregnant and nonparturient females.
 - (C) Bulls of beef breeds that are obviously under eighteen (18) months of age and are intended for slaughter after having reached the desired feeding state.
- (15) "Feeder pigs" means:
 - (A) swine intended for feeding purposes, commonly designated as feeder pigs; and
 - (B) swine of any breed, weighing not in excess of one hundred eighty (180) pounds.
- (16) "Hatchery" means hatchery equipment on one (1) premises operated or controlled by any person, company, or corporation for the hatching of poultry.
- (17) "Hatching eggs" means eggs of poultry for hatching purposes, including embryonated eggs.
- (18) "Immediate slaughter" means livestock that are designated for slaughter must be slaughtered within seven (7) days of first consignment.
- (19) "Johne's disease" means an infectious communicable disease that primarily affects cattle, sheep, goats, and other domestic, exotic, and wild ruminants, also known as paratuberculosis, caused by *Mycobacterium paratuberculosis*.
- (20) "National Poultry Improvement Plan" or "NPIP" means the National Poultry Improvement Plan and Auxiliary Provisions adopted by the board in 345 IAC 4-4-1.
- (21) "Normal trade area" means an area in an adjoining state in which are located buyers and sellers who normally do business at an Indiana auction market, the size and extent of such area to be determined by the board.
- (22) "Official ear tag" is a metal identification ear tag that conforms to the nine (9) character alpha-numeric National Uniform Ear Tagging System and that is the appropriate color.
- (23) "Official health certificate", "health certificate", or "certificate of veterinary inspection" means the printed form adopted by a state to record the owner, identification, description, tests, vaccinations, and other data concerning the health status of domestic animals listed thereon. The certificate must be:
 - (A) issued for feeder pigs within fifteen (15) days prior to importation;
 - (B) issued for all other domestic animals within thirty (30) days prior to importation;
 - (C) signed by a licensed and accredited veterinarian; and
 - (D) in compliance with all board rules for health certificates.
- (24) "Official test" means a disease detection test approved by the state veterinarian conducted in a laboratory approved by the state veterinarian.

(25) "Permit" means a permit for importation of domestic animals issued by the the [sic.] state veterinarian.

(26) "Poultry" means live chickens and turkeys of all ages.

(27) "Premises identification number" means a unique number assigned by the state veterinarian to a livestock production unit that is, in the judgment of the state veterinarian, epidemiologically distinct from other livestock production units. A premises identification number shall consist of the state's two-letter postal abbreviation (IN) followed by the premises' assigned number.

(28) "Quarantine" means a law or order restricting or prohibiting the movement of animals onto or off of a premises, or into or out of an area.

(29) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4 or an authorized agent.

(Indiana State Board of Animal Health; 345 IAC 1-3-1.5; filed Jan 8, 1986, 2:52 p.m.: 9 IR 990; filed Dec 2, 1994, 3:52 p.m.: 18 IR 855; filed Oct 11, 1996, 2:00 p.m.: 20 IR 738; errata filed Jan 2, 1997, 4:00 p.m.: 20 IR 1124; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1477; errata filed Mar 31, 1999, 9:36 a.m.: 22 IR 2534; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1334; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 1-3-1.8 Test results

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 1.8. (a) An animal tests negative for a disease or passes a test for a disease when a test conducted in compliance with Indiana law and generally accepted testing procedures indicates that the animal is not infected with the disease.

(b) An animal fails, responds to, or has a response to a test for a disease when a test conducted in compliance with Indiana law and generally accepted testing procedures indicates that an animal is or may be infected with the disease. *(Indiana State Board of Animal Health; 345 IAC 1-3-1.8; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1472; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 1-3-2 Restricted movement of animals

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 2. (a) A person may not transport into Indiana an animal that originates from a herd, premises, or area under quarantine because of disease concerns unless a rule of the board or an order of the state veterinarian specifically allows for such movement.

(b) A person may not transport into Indiana an animal that has tested positive for a disease that is required to be reported under 345 IAC 1-6 unless another rule of the board or an order of the state veterinarian specifically allows for such movement.

(c) The state veterinarian may control the transportation of animals into, out of, or through Indiana to achieve any lawful objective of the board, including the prevention, mitigation, diagnosis, or control of diseases in animals or products derived from animals. *(Indiana State Board of Animal Health; Reg 76-1, Title I, Sec 1; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 128; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1336; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 1-3-3 Identification required; exceptions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-12-7; IC 15-2.1-12-7.5; IC 15-2.1-15-17

Sec. 3. (a) All domestic animals entering Indiana, regardless of age, sex, or breed, shall be identified as follows:

(1) Each animal shall be individually identified utilizing a method of identification acceptable for that species. Acceptable methods of identification are as follows:

(A) An ear tag.

(B) A tattoo.

(C) An individual brand.

(D) A standard ear notch.

(E) A registration number.

(F) A method of identification that is approved by the state veterinarian.

(2) Each animal shall be individually described on the accompanying certificate of veterinary inspection.

(b) The following official identification is approved for livestock transported into Indiana:

(1) Swine must be identified as provided in section 11 of this rule.

(2) Cattle must be identified using one (1) of the following methods of identification:

(A) An official ear tag.

(B) A tattoo.

(C) An individual brand.

(D) A registration number if accompanied by registration papers.

(3) Sheep must be identified using one (1) of the following methods of identification:

(A) A tattoo.

(B) A standard ear notch.

(C) An ear tag.

(D) A breed association ear tag.

(4) Goats must be identified using one (1) of the following methods of identification:

(A) A tattoo.

(B) A standard ear notch.

(C) An ear tag.

(D) A breed association ear tag.

(5) Horses and other equine must be identified using one (1) of the following methods of identification:

(A) A lip tattoo.

(B) An individual brand.

(C) A registration number if accompanied by registration papers.

(D) A descriptive marking with the animal's name.

(6) Cervidae must be identified using one (1) of the following methods of identification:

(A) An ear tag.

(B) A tattoo.

(7) Any species may be identified using other identification approved by the state veterinarian.

(c) Any animal may be identified using a permanent electronic chip implant that uniquely identifies the animal if the following requirements are met:

(1) The chip identification number is written on the certificate of veterinary inspection or shipping manifest.

(2) A piece of equipment that is capable of accurately reading the chip implant accompanies the animal at all times.

(3) The owner or caretaker of the animal allows board personnel to use the equipment necessary to read the implanted chip upon request.

If the equipment provided by an owner or caretaker of an animal does not allow for an accurate identification of an animal for any reason, the animal will be deemed unidentified for the purpose of this rule unless the animal is identified using another method authorized by this rule.

(d) If additional identification is present, at least one (1) additional identification shall also be listed on the certificate of veterinary inspection.

(e) The following types of animals are exempt from the identification requirements in this section:

(1) Steers.

(2) Poultry.

(3) Slaughter animals.

(4) Baby calves and feeder heifers from Brucellosis-free and Class A states.

(Indiana State Board of Animal Health; Reg 76-1, Title I, Sec 2; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 128; filed May 2, 1983, 10:02 a.m.: 6 IR 1039; filed May 10, 1984, 8:36 a.m.: 7 IR 1447; filed Jan 8, 1986, 2:52 p.m.: 9 IR 991; filed Dec 2, 1994, 3:52 p.m.: 18 IR 856; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1472; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1336; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1523)

345 IAC 1-3-4 Certificate of veterinary inspection and permit required for importation

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1

Sec. 4. (a) A person may not transport into Indiana a domestic animal, or a wild animal of the family Bovidae, family Suidae, family Equidae, family Cervidae, or family Camelidae, unless the animal is accompanied by an official certificate of veterinary inspection. The following animals may be transported into Indiana without a certificate of veterinary inspection:

(1) Those consigned for immediate slaughter.

(2) The state veterinarian may allow a person to transport into Indiana an animal without a certificate of veterinary inspection in order to facilitate the diagnosis, prevention, or control of disease.

(3) Swine moving under the procedures in section 16.5 of this rule.

(b) No person may transport into Indiana an animal other than those described in subsection (a) unless the animal is accompanied by a shipping manifest clearly stating the following information:

(1) The origin of each animal.

(2) An individual description and identification of each animal.

(3) The destination of each animal.

(4) The import permit number, if required under subsection (d), for the shipment.

(c) The state veterinarian may set specific restrictions, prerequisites, and other requirements for the transportation of diseased or experimental animals into Indiana. Each official certificate of veterinary inspection or shipping manifest must note any restrictions imposed.

(d) No person may transport into Indiana any domestic or wild animal of the family Bovidae, family Suidae, family Cervidae, or family Camelidae regardless of age, sex, or breed, without first obtaining a permit to transport the animal into Indiana. Permits shall be obtained from the state veterinarian. The state veterinarian shall assign a permit number for each permit issued. The permit number shall be recorded on the certificate of veterinary inspection associated with the permitted animals, or if a certificate of veterinary inspection is not required, the shipping manifest accompanying the shipment. The certificate of veterinary inspection or shipping manifest with the correct permit number must be in possession of the person in charge of animals during movement. A person transporting the following animals into Indiana is exempt from the requirements in this subsection:

(1) Animals transported into Indiana for immediate slaughter.

(2) The state veterinarian may waive all or part of the requirements in this subsection for a specific shipment of animals to facilitate the diagnosis, prevention, or control of disease.

(3) Swine moving under the procedures in section 16.5 of this rule.

(e) Permits for the transportation of animals into Indiana may be obtained day or night, including weekends and holidays, by calling the following telephone numbers:

(1) For a permit to transport an animal of the bovine, ovine, caprine, bison, cervidae, or camelid species, call (317) 227-0316.

(2) For a permit to transport an animal of the porcine species, call (317) 227-0311.

(Indiana State Board of Animal Health; Reg 76-1, Title I, Sec 3; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 128; filed May 2, 1983, 10:02 a.m.: 6 IR 1039; filed Jan 8, 1986, 2:52 p.m.: 9 IR 992; filed May 24, 1988, 9:40 a.m.: 11 IR 3535; filed May 1, 1990, 10:25 a.m.: 13 IR 1700; filed Dec 2, 1994, 3:52 p.m.: 18 IR 857; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1478; errata filed Mar 31, 1999, 9:36 a.m.: 22 IR 2534; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1337; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1524)

345 IAC 1-3-4.5 Carriers; inspection; sanitation

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-11; IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 4.5. (a) Owners and operators of common carriers and private conveyances may not transport any animal into, within, or through the state of Indiana, except in compliance with the provisions set forth in this rule.

(b) All common carriers and private conveyances transporting animals into, within, or through the state of Indiana shall be subject to inspection and may be stopped by any agent or employee of the board or any other law enforcement officer commissioned in the state of Indiana, to make an investigation to determine compliance with the provisions of this rule.

(c) All railway cars, trucks, and other conveyances used for the transportation of animals and poultry shall be maintained in a sanitary condition.

(d) Owners and operators of conveyances that have been used to transport animals infected with or exposed to infectious, contagious, or communicable disease shall have such conveyances thoroughly cleaned and disinfected prior to transporting any other animals and upon the order of the state veterinarian. (*Indiana State Board of Animal Health; 345 IAC 1-3-4.5; filed May 10, 1984, 8:36 a.m.: 7 IR 1448; filed Jan 8, 1986, 2:52 p.m.: 9 IR 992; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1338; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 1-3-5 Approved copy of health certificate (Repealed)

Sec. 5. (*Repealed by Indiana State Board of Animal Health; filed Jan 8, 1986, 2:52 pm: 9 IR 997*)

345 IAC 1-3-6 Definitions (Repealed)

Sec. 6. (*Repealed by Indiana State Board of Animal Health; filed Jan 8, 1986, 2:52 pm: 9 IR 997*)

345 IAC 1-3-6.5 Animals from Michigan

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 6.5. (a) Notwithstanding sections 7 through 9 and 29 of this rule, the requirements in this section apply to animals originating from the state of Michigan. A person may transport into Indiana cattle, bison, goats, and cervids originating from Michigan only if all of the following requirements are met:

(1) Each animal must originate from a herd that has been subject to an official whole herd Tuberculosis test, with the animals in the herd testing negative for Tuberculosis, not more than three hundred sixty-five (365) days prior to the animal entering Indiana.

(2) Each animal must test negative for Tuberculosis on an official Tuberculosis test within sixty (60) days prior to entering Indiana. If an animal is tested under subdivision (1), it must be tested again more than sixty (60) days later to satisfy the requirement in this subdivision.

(3) Each animal must be uniquely identified with an official eartag that includes a designation indicating the state of origin.

(4) The animals must be accompanied by an official certificate of veterinary inspection that documents the permit obtained under section 4(b) of this rule, individual animal identification required in this subsection, and the results of the whole herd and individual animal tests required in this subsection.

(5) The following apply if an animal originates from a county where an animal of the bovine, bison, cervidae, or caprine species has been diagnosed with Tuberculosis in the previous thirty-six (36) months or from a county that is immediately adjacent to such a county:

(A) Each animal is quarantined to its Indiana destination until such time as the animal is retested for Tuberculosis under this subdivision.

(B) The owner of the animal must procure the services of a licensed and accredited veterinarian to retest the animal for Tuberculosis. The retest must be conducted between ninety (90) and one hundred twenty (120) days after the date the animal entered Indiana.

(6) Notwithstanding 345 IAC 7-5, animals entering Indiana for exhibition must meet the requirements in this section prior to entering Indiana, but the movement and retest requirements in subdivision (5) are not required if the animal does not stay in Indiana for longer than ten (10) days.

(7) Animals moved directly to an establishment for immediate slaughter after entering Indiana are exempt from the requirements in subdivisions (1) through (5).

(8) A baby calf that is transported into Indiana to be fed for veal production is exempt from the requirements in subdivisions (2), (3), and (5). The animal may not be sold through a market and is quarantined to its destination in Indiana until such time as the animal is sold for slaughter.

(b) The state veterinarian may waive some or all of the requirements in this section for a movement of animals if an

epidemiological evaluation of the proposed movement indicates that the risk of Tuberculosis transmission into Indiana is minimal. An epidemiological evaluation shall include an evaluation of the proposed destination, the sex and age of the animal to be moved, the animal's origin and the length of time the animal has been in Michigan, and whether the identification and documentation of the animal will allow an accurate trace of the animal to its origin. (*Indiana State Board of Animal Health; 345 IAC 1-3-6.5; filed Sep 1, 2000, 2:13 p.m.: 24 IR 13; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 1-3-7 Dairy and breeding cattle (including bison)

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15-4; IC 15-2.1-21-6

Sec. 7. (a) All cattle entering Indiana for dairy or breeding purposes shall test negative for Tuberculosis within sixty (60) days prior to the date of entry with the following exceptions:

- (1) Dairy or breeding cattle from accredited Tuberculosis-free herds.
- (2) Dairy or breeding cattle under one hundred eighty (180) days of age.
- (3) Dairy or breeding cattle from an accredited Tuberculosis-free state.

(b) All test eligible cattle entering Indiana for dairy or breeding purposes shall test negative for Brucellosis prior to entry, utilizing a test conducted at a state-federal laboratory. The following provisions apply to the entry Brucellosis test required in this subsection:

- (1) Calves under four hundred (400) pounds and obviously under one hundred eighty (180) days of age are exempt.
- (2) Officially vaccinated cattle of beef breeds under twenty-four (24) months of age and officially vaccinated cattle of dairy breeds under twenty (20) months of age, which are accompanied by proof of vaccination with an approved Brucella vaccine and are identified with a legible official vaccination tattoo, are exempt.
- (3) Feeder cattle must comply with this section and section 8 of this rule.
- (4) Cattle that originate from a state that the United States Department of Agriculture certifies as being Brucellosis-free are exempt.
- (5) Dairy or breeding cattle from Class A and Class B states must meet the following requirements:
 - (A) Dairy or breeding cattle originating from certified Brucellosis-free herds are exempt from the Brucellosis entry test provided the health certificate indicates the certified herd number and the date of the last herd test. The last herd test must have been within the twelve (12) months prior to entry into Indiana.
 - (B) All test eligible dairy or breeding cattle originating from herds that are not certified Brucellosis-free must have a negative Brucellosis test conducted within thirty (30) days prior to entry.
 - (C) All test-eligible dairy and breeding cattle shall be quarantined at the point of destination and retested for Brucellosis at the owner's expense in forty-five (45) to ninety (90) days after entry into Indiana. The retest must be conducted at a state-federal approved laboratory.
- (6) A licensed livestock dealer may sell dairy and breeding cattle that have been imported into Indiana from Class A and Class B states before the forty-five (45) to ninety (90) day quarantine and retest period is over if the following requirements are met:
 - (A) The cattle were imported into Indiana after meeting the import requirements in this rule.
 - (B) The purchaser signs a form prescribed by the board stating that they are aware of and will comply with the following requirements:
 - (i) The cattle are quarantined on the premises of the purchaser until the cattle are retested.
 - (ii) He or she will have the cattle retested for Brucellosis in not less than forty-five (45) days and not more than ninety (90) days from date of importation.
 - (iii) The retest will be conducted at a state-federal approved laboratory.
 - (iv) Any other provisions agreed to and prescribed on the form.
 - (C) A copy of the form must be signed by the purchaser and forwarded to the office of the state veterinarian by the seller within seven (7) days of the date of sale.

A person purchasing cattle described in this subdivision may not reconsign or sell the cattle until the required testing for Brucellosis is completed.

(7) A licensed Indiana auction market may accept farm of origin dairy and/or breeding cattle for consignment from any state that is Brucellosis and Tuberculosis-free without the Brucellosis and Tuberculosis tests normally required for importation into

the state.

(8) Cattle from an adult herd vaccinated for Brucellosis, regardless of a particular animal's vaccination status, may not be imported into Indiana except under provisions stipulated on a written permit issued by the Indiana state veterinarian according to established guidelines.

(Indiana State Board of Animal Health; Reg 76-1, Title III, Sec 1; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 130; filed May 2, 1983, 10:02 a.m.: 6 IR 1041; filed May 10, 1984, 8:36 a.m.: 7 IR 1449; filed Jan 8, 1986, 2:52 p.m.: 9 IR 992; filed Dec 2, 1994, 3:52 p.m.: 18 IR 857; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1479; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 1-3-8 Feeder cattle; quarantine; testing (Repealed)

Sec. 8. *(Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1535)*

345 IAC 1-3-8.5 Mexican cattle

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 8.5. (a) A person may import into Indiana cattle that originate from Mexico only under the following conditions:

(1) The cattle originate from a Mexican state that has fully implemented the eradication phase of the Mexican Tuberculosis Eradication Program (Stage 2) and meet either of the following requirements:

(A) Steers and spayed heifers must have tested negative for Tuberculosis in accord with the Norma Oficial Mexicana (NOM) within sixty (60) days prior to entry into the United States. Sexually intact animals must meet current board requirements for importing sexually intact animals into Indiana; however, the animals must be quarantined at the point of destination in Indiana and tested for Tuberculosis within ninety (90) days of importation into Indiana and retested between three hundred (300) and four hundred twenty (420) days of importation into Indiana.

(B) The cattle originate from a Mexican herd that has passed standards equal to the United States' accredited Tuberculosis-free herd standards and the cattle are moved as a single group directly from the herd of origin across the border without being commingled with other cattle prior to arriving in the United States. Sexually intact cattle from Tuberculosis-free herds must be quarantined at the point of destination in Indiana and tested for Tuberculosis between ninety (90) and one hundred twenty (120) days of importation into Indiana.

(2) The cattle originate from a Mexican state that has achieved accredited-free status under the Mexican Tuberculosis Eradication Program (Stage 3), and the cattle are moved as a single group directly from the herd of origin across the border without being commingled with other cattle prior to arriving in the United States.

(b) Holstein and holstein cross steers and holstein and holstein cross spayed heifers that originate from Mexico are prohibited from entering Indiana regardless of test history.

(c) An animal is considered to have originated from Mexico if it is imported into the United States from Mexico and has been in the United States one hundred twenty (120) days or less.

(d) The state veterinarian shall determine if a state in Mexico has achieved a status within a tuberculosis eradication program. The state veterinarian shall consider recommendations from the United States Department of Agriculture–Animal and Plant Health Inspection Service and determinations of the Tuberculosis binational committee formed by Mexico and the United States states bordering Mexico. Notwithstanding the other requirements of this section, the state veterinarian may quarantine and order Tuberculosis testing of any cattle originating from Mexico that pose a disease threat to the domestic animal population in Indiana. *(Indiana State Board of Animal Health; 345 IAC 1-3-8.5; filed Dec 5, 1997, 3:00 p.m.: 21 IR 1328; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 1-3-9 Baby calves; destination

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 9. (a) All baby calves imported without dams must meet provisions of 345 IAC 1-3-7.

(b) Baby calves may not be imported directly to any auction market, but must go directly to the premises of the consignee and

may not be sold, bartered or exchanged in less than thirty (30) days after importation, except for slaughter. (*Indiana State Board of Animal Health; Reg 76-1, Title III, Sec 3; filed Aug 10, 1976, 10:29 am; Rules and Regs. 1977, p. 132; filed May 2, 1983, 10:02 am; 6 IR 1042; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 1-3-10 Cattle for immediate slaughter; consignment

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15-6; IC 15-2.1-21-6

Sec. 10. Cattle consigned for sale in Indiana for immediate slaughter shall be consigned to a recognized slaughtering establishment or to a licensed public livestock market for resale directly to a recognized slaughtering establishment. Cattle for immediate slaughter entering Indiana shall be accompanied by a waybill, bill of lading, cargo manifest, or similar document describing the cattle and listing the point of destination. (*Indiana State Board of Animal Health; Reg 76-1, Title III, Sec 4; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 132; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1481; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 1-3-11 Swine identification; certificate of veterinary inspection; permit

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-10-1; IC 15-2.1-21-6

Sec. 11. (a) Except as provided in subsection (d), a person moving swine into the state must comply with the identification requirements in subsection (b) and the permit and certificate of veterinary inspection requirements in section 4 of this rule.

(b) A person moving swine into the state must identify the swine at the earliest of the following:

- (1) The point of first commingling the swine with swine from any other source.
- (2) Upon unloading the swine at a livestock market.
- (3) Before transfer of ownership.
- (4) Before arrival at the animal's final destination.

The method of identification must be one specified in subsection (c).

(c) The following methods of identification are approved to move swine into the state:

- (1) Official ear tags with individual animal identification.
- (2) United States Department of Agriculture back tags may be used on swine moving to slaughter.
- (3) Official swine tattoos may be used on swine moving to slaughter if the tattoo is approved by the state veterinarian or the United States Department of Agriculture.
- (4) Ear notching of swine if the ear notching has been recorded in the book of record of a pure-bred registry association.
- (5) Tattoos on the ear or inner flank of swine if the tattoos have been recorded in the book of record of a swine registry association.
- (6) Feeder pigs and swine moving to slaughter may be identified with an ear tag or tattoo bearing only the premises identification number assigned by a state or federal animal health official to the premises from which the swine originated.
- (d) A person may move swine into the state without individually identifying each animal if one (1) of the following sets of procedures are followed:

(1) Using the procedures in section 16.5 of this rule.

(2) The swine are kept as a group during movement to their final destination and the following requirements are met:

- (A) The animals were born on the same premises.
- (B) The animals were raised on the premises where they were born.
- (C) They are moved directly to a slaughter establishment from the place where they were raised.
- (D) They are not commingled with swine from any other premises prior to arriving at the slaughter establishment.
- (E) Approved identification is applied to the swine at the slaughter establishment or the animals are slaughtered one after another as a group and not mixed with other swine at slaughter.

(*Indiana State Board of Animal Health; Reg 76-1, Title IV, Sec 1; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 133; filed May 2, 1983, 10:02 a.m.: 6 IR 1043; filed Sep 1, 2000, 2:03 p.m.: 24 IR 6; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1524*)

345 IAC 1-3-12 Swine herds infected with Pseudorabies; transportation into Indiana prohibited

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 12. A person may not transport any of the following swine into the state:

- (1) Swine that originate from a herd that is known to be infected with the Pseudorabies virus.
- (2) Swine that are subject to an order of quarantine issued by the United States government or another state because the animals may harbor a disease.
- (3) Swine that originate from a herd that has been fed garbage as defined in 345 IAC 1-2.1-1.
- (4) Swine that originate from a herd located in a state that does not require the reporting of Pseudorabies diagnosis or quarantine all known Pseudorabies infected swine.

(Indiana State Board of Animal Health; Reg 76-1, Title IV, Sec 2; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 133; filed Jan 8, 1986, 2:52 p.m.: 9 IR 995; filed Jun 18, 1990, 2:49 p.m.: 13 IR 1989; filed Sep 1, 2000, 2:03 p.m.: 24 IR 6; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1525)

345 IAC 1-3-13 Breeding swine; tests for Brucellosis and Pseudorabies

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 13. (a) Before swine for breeding purposes may be transported into the state, the swine must have passed a negative test for Brucellosis within thirty (30) days prior to transportation into the state. The following swine are exempt from the test required in this subsection:

- (1) Swine under one hundred eighty (180) days of age.
- (2) Swine that originate from a herd that qualifies as a validated Brucellosis-free herd as defined in 345 IAC 3-4-2.
- (3) Swine that originate from a validated Brucellosis-free area as defined in 345 IAC 3-4-2. But, feral swine are not exempt.
- (b) All breeding swine that originate from an area that is not validated Brucellosis-free as defined in 345 IAC 3-4-2 are quarantined to the receiving producer's premises, must be:

- (1) isolated from all other animals; and
- (2) tested for Brucellosis;

in not less than thirty (30) nor more than forty-five (45) days after the date of entry. But, no more than fifty (50) head of swine in any one (1) shipment from one (1) farm of origin must be tested after entry.

(c) Before breeding swine may be transported into the state, the swine must test negative for Pseudorabies on an official serology test that is conducted within the thirty (30) days prior to transportation into the state. But, swine that meet one (1) of the following sets of criteria are exempt from the test required in this subsection:

- (1) Swine originating from a herd in an area designated by the United States Department of Agriculture as Stage III under the national Pseudorabies eradication program and the swine originate from a herd that is a Pseudorabies-qualified herd or a qualified Pseudorabies-negative gene-altered virus-vaccinated herd, utilizing monthly herd testing, under the national Pseudorabies Program Standards defined in 345 IAC 3-5.1.
- (2) Swine, except feral swine, from an area designated Stage IV or Stage V by the United States Department of Agriculture under the national Pseudorabies eradication program.

(d) All breeding swine transported into the state are quarantined to the destination premises and must be isolated from other animals and tested for Pseudorabies in not less than thirty (30) nor more than forty-five (45) days from date of entry. But, the following are exemptions and alterations to the test required in this subsection:

- (1) No more than fifty (50) head of swine in any one (1) shipment from one (1) farm of origin must be tested after entry.
- (2) Swine that are shipped directly from a swine herd that is located in an area designated Stage IV or Stage V by the United States Department of Agriculture under the national Pseudorabies eradication program are exempt.
- (3) Swine that originate from a herd in an area designated by the United States Department of Agriculture as Stage III under the national Pseudorabies eradication program and the herd of origin is a Pseudorabies-qualified herd or qualified negative gene-altered virus-vaccinated herd, utilizing monthly herd testing, under the national Pseudorabies Program Standards defined in 345 IAC 3-5.1 are exempt.

(e) Feral swine shall not be transported into Indiana unless consigned directly to a recognized slaughter establishment. (*Indiana State Board of Animal Health; Reg 76-1, Title IV, Sec 3; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 133; filed May 2, 1983, 10:02 a.m.: 6 IR 1043; filed Jan 8, 1986, 2:52 p.m.: 9 IR 995; filed May 24, 1988, 9:40 a.m.: 11 IR 3535; filed Jun 18, 1990, 2:49 p.m.: 13 IR 1990; filed Nov 30, 1990, 4:35 p.m.: 14 IR 620; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1079; filed Feb 9, 1994, 10:00 a.m.: 17 IR 1089; filed Sep 1, 2000, 2:03 p.m.: 24 IR 6; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1525*)

345 IAC 1-3-14 Feeder pigs

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 14. (a) Feeder pigs that originate from an area designated Stage II or Stage III by the United States Department of Agriculture under the national Pseudorabies eradication program must be tested for Pseudorabies utilizing an official random sample test (95/10) under the Program Standards defined in 345 IAC 3-5.1 within the thirty (30) days immediately prior to the feeder pigs entering the state. Feeder pigs originating from an area designated Stage III and from a herd that qualifies as a Pseudorabies-qualified herd or a qualified negative gene-altered virus-vaccinated herd, utilizing monthly testing, in the Program Standards defined in 345 IAC 3-5.1 are exempt from the test required under this subsection. If the test required in this subsection is not completed or if any feeder pig tests positive for Pseudorabies, a person is prohibited from transporting any part of that group of feeder pigs into Indiana.

(b) The sale of feeder pigs through a concentration point must be documented on forms approved by the state veterinarian.

(c) The owner of feeder pigs that are transported into Indiana shall procure the services of a licensed and accredited veterinarian to test the imported swine for Pseudorabies between thirty (30) and forty-five (45) days after entry into Indiana utilizing an official random sample test (95/10) under the Program Standards defined in 345 IAC 3-5.1. But, the test required in this subsection is waived if one (1) of the following conditions are met:

(1) The swine originated from an area designated Stage IV or Stage V by the United States Department of Agriculture under the national Pseudorabies eradication program.

(2) The swine originated from an area designated Stage III by the United States Department of Agriculture under the national Pseudorabies eradication program and originated from a herd that qualifies as a Pseudorabies-qualified herd or a qualified negative gene-altered virus-vaccinated herd, utilizing monthly testing, under the Pseudorabies Program Standards defined in 345 IAC 3-5.1.

(*Indiana State Board of Animal Health; Reg 76-1, Title IV, Sec 4; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 133; filed May 2, 1983, 10:02 a.m.: 6 IR 1043; filed Jan 8, 1986, 2:52 p.m.: 9 IR 995; filed Feb 9, 1994, 10:00 a.m.: 17 IR 1089; filed Sep 1, 2000, 2:03 p.m.: 24 IR 7; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1526*)

345 IAC 1-3-15 Slaughter swine; consignment

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 15. (a) Swine consigned for sale for immediate slaughter shall be consigned to an approved slaughtering establishment or to a licensed public livestock market that buys and sells only slaughter swine for resale directly to an approved slaughtering establishment. Swine sold for immediate slaughter must be slaughtered within seven (7) days of the date of the first consignment and must not move through more than two (2) markets.

(b) All swine sold for immediate slaughter shall be accompanied by a proper way-bill, bill-of-lading, cargo manifest, or similar document showing the point of destination.

(c) Swine moved through a slaughter market or otherwise sold for slaughter in another state may be moved into the state only to a slaughter establishment or to a market for sale for slaughter.

(d) Sows and boars moved to a livestock market shall be consigned for sale for slaughter only. Any sow or boar in a livestock market shall be considered a slaughter only animal for the purposes of this rule. (*Indiana State Board of Animal Health; Reg 76-1, Title IV, Sec 5; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 133; filed May 2, 1983, 10:02 a.m.: 6 IR 1043; filed Jan 8, 1986, 2:52 p.m.: 9 IR 995; filed Sep 1, 2000, 2:03 p.m.: 24 IR 8; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1527*)

345 IAC 1-3-16 Swine at slaughter market; immediate slaughter (Repealed)

Sec. 16. *(Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1535)*

345 IAC 1-3-16.5 Interstate movement of swine within a production system

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 16.5. (a) For the purposes of this section the following apply:

(1) A swine production health plan for a swine production system must be designed to maintain the health of the swine and detect signs of communicable disease and must meet the following requirements:

(A) The plan must be in writing.

(B) The plan must identify all premises that are part of the swine production system that are in the state and that receive swine from outside the state or send swine out of the state.

(C) The plan must provide for inspections of identified premises by the swine production system accredited veterinarian at intervals not greater than thirty (30) days.

(D) The plan must describe the swine production system record keeping system.

(E) The plan must be signed by an official of each swine production system identified in the plan, the swine production system accredited veterinarian or veterinarians, a United States Department of Agriculture official, the state veterinarian, and a state animal health official from each state in which the swine production system has premises.

(2) A swine production system is a swine production enterprise that consists of multiple sites of production that are connected by ownership or contractual relationships, between which swine move while remaining under the control of a single owner or a group of contractually connected owners. But, slaughter plants and livestock markets are not part of a swine production system.

(b) A person may move swine into the state without a permit and certificate of veterinary inspection required under section 4 of this rule and without individual animal identification if the following requirements are met:

(1) The animals may not be moved to a livestock market or concentration point.

(2) The animals must be moved only to another premises identified in a valid swine production health plan for that swine production system. The swine production health plan for the swine production system must be approved by the state veterinarian and allow for the movement.

(3) The swine production system accredited veterinarian must have found the swine to be free from signs of any communicable disease during the most recent inspection of the originating premises. The inspection must have been within the thirty (30) days prior to movement.

(4) Prior to the movement, the person moving swine must deliver a report of the proposed movement to the swine production system accredited veterinarian for the premises of origin, the state animal health official for the state of origin, and the state veterinarian.

(5) During movement and after arriving at the destination premises, the swine may not be commingled with other swine in a manner that prevents identification of the premises of origin for each animal. Permanent marking of animals, physical separation, and any other effective means may be used to identify the premises of origin.

(6) The swine production system must keep the following records for not less than three (3) years:

(A) A copy of each swine production health plan signed by the producer.

(B) All interstate swine movement reports issued by the producer.

(C) All reports issued by the swine production system accredited veterinarian that document the health status of the swine on the premises.

(D) Records that will allow a state or federal official to trace any animal on the premises back to its previous premises.

(7) The swine health production system must allow state and federal officials access to the premises upon request to inspect animals and review records.

(8) Once each month each swine production system must send the state veterinarian a written summary of the number of animals moved into the state in the past month, the premises from which they were moved, and the premises to which they

were moved.

(c) The following procedures apply to the cancellation of, or withdrawal from, a swine production health plan:

(1) A swine production system may withdraw one (1) or more of its premises from the swine production health plan by giving written notice to all parties signing the plan. The withdrawal shall be effective on the date specified in the notice.

(2) The state veterinarian may cancel the board's participation in a swine production health plan by giving written notice to all parties signing the plan. The state veterinarian may cancel state approval if the state veterinarian determines that it is necessary or helpful to protect animal or public health, or if the swine production system violates a law enforced by the board.

The cancellation shall be effective on the date specified in the notice.

(Indiana State Board of Animal Health; 345 IAC 1-3-16.5; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1527)

345 IAC 1-3-17 Sheep; applicability; importation restrictions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 17. (a) Sheep must meet the provisions of 345 IAC 1-3-1 through 345 IAC 1-3-5 [345 IAC 1-3-5 was repealed filed Jan 8, 1986, 2:52 pm: 9 IR 997].

(b) Sheep from a flock where sore mouth, foot rot or caseous lymphadenitis exists are not eligible for entry into Indiana except for immediate slaughter. *(Indiana State Board of Animal Health; Reg 76-1, Title V, Sec 1; filed Aug 10, 1976, 10:29 am: Rules and Regs. 1977, p. 133; filed May 2, 1983, 10:02 am: 6 IR 1044; filed Jan 8, 1986, 2:52 pm: 9 IR 996; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 1-3-18 Treatment of sheep (Repealed)

Sec. 18. *(Repealed by Indiana State Board of Animal Health; filed Jan 8, 1986, 2:52 pm: 9 IR 997)*

345 IAC 1-3-19 Goats; prohibitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 19. (a) Goats must meet the provisions of 345 IAC 1-3-1 through 345 IAC 1-3-5 [345 IAC 1-3-5 repealed by Indiana State Board of Animal Health; filed Jan 8, 1986, 2:52 pm: 9 IR 997].

(b) Goats from herds in which sore mouth, foot rot or caseous lymphadenitis exists may not be imported into Indiana except for immediate slaughter. *(Indiana State Board of Animal Health; Reg 76-1, Title VI, Sec 1; filed Aug 10, 1976, 10:29 am: Rules and Regs. 1977, p. 134; filed May 2, 1983, 10:02 am: 6 IR 1044; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 1-3-20 Goats; brucellosis test

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 20. Goats from Class "C" states shall have been tested for Brucellosis within thirty (30) days prior to date of shipment and found to be negative, except:

(1) Goats under one hundred eighty (180) days of age.

(2) Goats directly from the owner's certified Brucellosis-free herd with date of last herd test recorded on the approved health certificate.

(3) Goats for immediate slaughter.

(Indiana State Board of Animal Health; Reg 76-1, Title VI, Sec 2; filed Aug 10, 1976, 10:29 am: Rules and Regs. 1977, p. 134; filed May 2, 1983, 10:02 am: 6 IR 1044; filed May 10, 1984, 8:36 am: 7 IR 1451; filed Jan 8, 1986, 2:52 pm: 9 IR 996; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 1-3-21 Dogs, cats, and ferrets; general provisions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 21. A person transporting a dog or cat into Indiana must comply with sections 1, 2, and 4 of this rule. A person transporting a ferret into Indiana must comply with sections 1 and 2 of this rule. (*Indiana State Board of Animal Health; Reg 76-1, Title VII, Sec 1; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 134; filed May 2, 1983, 10:02 a.m.: 6 IR 1044; filed Mar 23, 2000, 4:24 p.m.: 23 IR 1913; errata filed Jun 7, 2000, 9:45 a.m.: 23 IR 2760; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 1-3-22 Rabies vaccination required for dogs, cats, and ferrets

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 22. (a) Before a person may move a dog, cat, or ferret ninety (90) days of age or older into the state, the animal must be vaccinated against rabies by a licensed and accredited veterinarian as follows:

(1) Ferrets must be vaccinated within the twelve (12) months prior to the animal entering the state.

(2) Dogs and cats must be vaccinated within one (1) of the following time frames:

(A) Within the twelve (12) months prior to entering the state in the following circumstances:

(i) The animal has not previously been vaccinated against rabies.

(ii) The animal was previously vaccinated against rabies and the manufacturer of the vaccine used recommends a booster within one (1) year as designated on the rabies vaccine label and package insert.

(iii) The animal has, within the last twelve (12) months, been bitten by a wild animal or a domestic animal of unknown rabies status.

(B) Within the thirty-six (36) months prior to entering the state if:

(i) none of the circumstances in clause (A) apply; and

(ii) the animal was previously vaccinated against rabies and the manufacturer of the vaccine used recommends a booster within three (3) years as designated on the rabies vaccine label and package insert.

(b) A dog, cat, or ferret moved into the state for immediate delivery to or use by a research or teaching facility is exempt from the requirements in subsection (a). The state veterinarian shall determine if animals are exempt under this section.

(c) No one may transport into the state an animal that has been exposed to a rabid animal within the twelve (12) months prior to the animal entering the state. (*Indiana State Board of Animal Health; Reg 76-1, Title VII, Sec 2; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 134; filed Jan 8, 1986, 2:52 p.m.: 9 IR 996; filed Mar 23, 2000, 4:24 p.m.: 23 IR 1913; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 18, 2003, 5:25 p.m.: 27 IR 490*)

345 IAC 1-3-23 Poultry; general requirements (Repealed)

Sec. 23. (*Repealed by Indiana State Board of Animal Health; filed Feb 13, 1987, 2:15 pm: 10 IR 1379*)

345 IAC 1-3-24 Imported poultry rules; participation in National Poultry Improvement Plans required

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 24. No person may transport any poultry except for immediate slaughter or hatching eggs into Indiana unless:

(1) the flock or hatchery of origin is:

(A) a participant in the NPIP for the eradication of:

(i) pullorum-typhoid; and

(ii) *Mycoplasma gallisepticum* in turkeys; or

(B) following a program similar to that described in clause (A) which has been officially approved by the board; or

(2) the individual birds have passed a negative test for pullorum-typhoid and, in turkeys, a negative test for *Mycoplasma*

gallisepticum within thirty (30) days prior to date of importation.

(Indiana State Board of Animal Health; Reg 76-1, Title VIII, Sec 2; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 134; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1378; filed Dec 2, 1994, 3:52 p.m.: 18 IR 858; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 1-3-25 Health or NPIP certificate required for all poultry

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 25. All persons transporting poultry or hatching eggs into Indiana must provide an official health certificate or appropriate NPIP certificate. *(Indiana State Board of Animal Health; Reg 76-1, Title VIII, Sec 3; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 134; filed May 2, 1983, 10:02 a.m.: 6 IR 1045; filed Dec 2, 1994, 3:52 p.m.: 18 IR 859; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 1-3-26 Laryngotracheitis; importation restriction (Repealed)

Sec. 26. *(Repealed by Indiana State Board of Animal Health; filed Dec 2, 1994, 3:52 p.m.: 18 IR 859)*

345 IAC 1-3-26.5 Equines; interstate movement

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 26.5. (a) All equines imported into Indiana must have tested negative for E.I.A. within the twelve (12) months prior to the animal entering Indiana. The animal must be accompanied by an official laboratory test report indicating the negative E.I.A. test. The following animals are exempt from the testing required in this subsection:

- (1) Suckling foals if they are accompanied by their dam and the dam meets the testing requirements in this subsection.
- (2) The state veterinarian may exempt equine from the import test required in this subsection to accommodate unique and emergency situations if the waiver does not subject Indiana equine to a substantial risk of E.I.A. infection.
- (3) Animals exempted under subsection (b).

(b) All equines imported into Indiana to be delivered directly to an Indiana licensed auction market must have tested negative for E.I.A. within the twelve (12) months prior to the animal entering Indiana. The animals must be accompanied by an official laboratory test report indicating the negative E.I.A. test. The following animals are exempt from the testing required in this subsection:

- (1) Suckling foals if they are accompanied by their dam and the dam meets the testing requirements in this subsection.
- (2) Equine sold for slaughter.
- (3) The state veterinarian may exempt an equine from the import test required in this subsection to accommodate unique and emergency situations if the waiver does not subject Indiana equine to a substantial risk of E.I.A. infection.

The consignor is responsible for obtaining the negative E.I.A. test. If the consignor does not obtain a negative E.I.A. test and the animal tests positive for E.I.A. within sixty (60) days of the sale, the sale is void.

(c) The state veterinarian may order any equine not tested for E.I.A. prior to entry into Indiana be tested for E.I.A. after entry into Indiana. *(Indiana State Board of Animal Health; 345 IAC 1-3-26.5; filed Jan 8, 1986, 2:52 p.m.: 9 IR 996; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1379; filed Feb 7, 2000, 3:28 p.m.: 23 IR 1373; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 1-3-27 Penalty for violation (Repealed)

Sec. 27. *(Repealed by Indiana State Board of Animal Health; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1477)*

345 IAC 1-3-28 Severability (Repealed)

Sec. 28. *(Repealed by Indiana State Board of Animal Health; filed Jan 8, 1986, 2:52 pm: 9 IR 997)*

345 IAC 1-3-29 Importing cervidae into Indiana

Authority: IC 15-2.1-3-19

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

Sec. 29. (a) Cervidae may be imported into Indiana if the requirements of this rule and 345 IAC 2-4.5 are met. Before cervidae are imported into Indiana, the owner must obtain a permit from the board. Permit numbers must be written on the health certificate accompanying the animal. Permits may be obtained by calling the board at (317) 227-0316.

(b) A person may not import into Indiana cervidae that respond to a Tuberculosis test.

(c) Cervidae that respond to a Tuberculosis test may be imported into Indiana if either of the following are met:

(1) The animal subsequently, prior to importation into Indiana, tests negative for Tuberculosis using an official Tuberculosis test.

(2) The animal is sold or consigned to slaughter and is moved directly to the slaughter establishment.

(d) A person may import into Indiana cervidae not known to be infected with or exposed to Tuberculosis. Upon arriving in Indiana, an imported cervidae must be kept isolated from other animals that were not imported with it until the animal tests negative for Tuberculosis. The import retest required in this subsection must be an official test and must be conducted between ninety (90) and one hundred twenty (120) days after the animal enters Indiana.

(e) Before a person imports a cervidae into Indiana, one (1) of the following set of requirements must be met:

(1) The animal:

(A) originated from a herd that is accredited Tuberculosis free under requirements that are at least equal to those in 345 IAC 2-4.5; and

(B) is accompanied by a certificate of veterinary inspection certifying that the animal originated from an accredited herd.

(2) The animal:

(A) originated from a herd that is qualified Tuberculosis free under requirements that are at least equal to those in 345 IAC 2-4.5;

(B) tests negative for Tuberculosis using an official test conducted within ninety (90) days prior to the animal entering Indiana; and

(C) is accompanied by a certificate of veterinary inspection certifying that the animal originated from a qualified herd and tested negative for Tuberculosis on a specific date.

(3) The animal:

(A) originated from a herd that is a monitored herd under requirements that are at least equal to those in 345 IAC 2-4.5;

(B) tests negative for Tuberculosis using an official test conducted within ninety (90) days prior to the animal entering Indiana; and

(C) is accompanied by a certificate of veterinary inspection certifying that the animal originated from a monitored herd and tested negative for Tuberculosis on a specific date.

(4) The animal originated from a herd that is not an accredited, qualified, or monitored herd and the following requirements are met:

(A) If the animal is to be added to a herd that is accredited, qualified, or monitored under 345 IAC 2-4.5-3, the animal meets the requirements in the Cervidae Uniform Methods and Rules adopted under 345 IAC 2-4.5-2 for additions to a herd with that status.

(B) If the animal is to be added to a herd that is not accredited, qualified, or monitored under 345 IAC 2-4.5-3, the animal tests negative for Tuberculosis using an official test within ninety (90) days prior to the animal entering Indiana.

(C) The animal is accompanied by a certificate of veterinary inspection certifying that the animal met the requirements for importation listing the specific test dates.

(5) The animal:

(A) is less than twelve (12) months of age;

(B) originated from and was born in an accredited, qualified, or monitored herd under 345 IAC 2-4.5 and has not been exposed to cervidae from herds that are not from an accredited, qualified, or monitored herd; and

(C) is accompanied by a certificate of veterinary inspection certifying that each animal meets the qualifications in this subdivision.

- (6) The animal is being moved from an American Zoo and Aquarium Association (AZAA) accredited institution to another AZAA accredited institution. Animals imported under this subdivision are exempt from the retest requirement in subsection (d).

(Indiana State Board of Animal Health; 345 IAC 1-3-29; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1473; errata filed Mar 31, 1999, 9:37 a.m.: 22 IR 2534; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 1-3-30 Chronic wasting disease

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 30. (a) Notwithstanding any other provision of this rule, a person may not move or cause to be moved any of the following live animals, or semen or embryos from the animals, into the state:

- (1) A member of the cervus elaphus species (elk, wapiti, and red deer).
- (2) A member of the cervus nippon species (Sika deer, Japanese deer, Japanese Sika deer, spotted deer, and Japanese spotted deer).
- (3) A member of the odocoileus hemionus species (mule deer).
- (4) A member of the odocoileus virginianus species (whitetail deer).
- (5) Hybrids of the species listed in this subsection.
- (6) An animal of the family cervidae if any member of its species has been diagnosed with CWD.

But, a person may move live animals, semen, or embryos from these species under the conditions set forth in subsection (b).

(b) A person may move or cause to be moved a live animal, semen, or embryos of the species listed in subsection (a) into the state by complying with one (1) of the following:

- (1) A person may transport a live animal, semen, or embryos directly through the state without stopping and unloading the animal, semen, or embryos in the state.
- (2) The person obtains a pre-entry permit from the state veterinarian that authorizes the movement as follows:
 - (A) The person must first apply to the state veterinarian for a pre-entry permit to move the animal, semen, or embryos into the state.
 - (B) The state veterinarian may require from an applicant for a pre-entry permit and the applicant must provide any information, including supporting documentation, that is relevant to evaluating the disease risk associated with the movement and compliance with subsections (c) through (f). The state veterinarian may require that the application for a permit be in writing and be submitted not less than one hundred twenty (120) hours prior to the movement date.

(c) The state veterinarian may issue a pre-entry permit to move a live animal and embryos of the species listed in subsection (a) into the state if the epidemiology as it relates to CWD indicates that the proposed movement is consistent with reasonable animal health precautions. The state veterinarian must follow the principles in subsections (d) through (h) when issuing pre-entry permits.

(d) Except as provided in subsections (e), (f), and (h), the state veterinarian must follow the following principles when issuing pre-entry permits for live animals and embryos:

- (1) Each animal, in the proposed movement must originate from an area that meets all of the following conditions:
 - (A) The principal animal health official in the state of origin has authority to quarantine CWD infected, CWD exposed, and CWD suspect animals.
 - (B) State law in the state of origin requires that a diagnosis of CWD be reported to the principal animal health official of the state.
 - (C) The state of origin is engaged in surveillance for CWD in captive and pre-ranging cervids.
 - (D) CWD has not been diagnosed in a captive or free-ranging cervid in the state within the sixty (60) months immediately prior to the date of the proposed movement.
- (2) Each animal in the proposed movement must originate from a herd that meets all of the following conditions:
 - (A) No animal in the herd and no animal that originated from the herd, and no animal that has been traced to the herd has been diagnosed as positive for CWD within the sixty (60) months immediately prior to the date of transportation into Indiana.
 - (B) The herd has been enrolled in or subject to an official state or federal surveillance program whereby the herd has been monitored for CWD for not less than sixty (60) consecutive months and the owner of the herd is in compliance

with the surveillance program requirements. The certification program information shall be disclosed when applying for an entry permit under this section and shall be included on the certificate of veterinary inspection required under section 4 of this rule.

(e) The state veterinarian may issue a pre-entry permit under this section for any of the following:

(1) An animal if the animal has tested negative for CWD using a live animal test that has been approved by the United States Department of Agriculture and the state veterinarian.

(2) Semen or embryos if the donor animal has tested negative for CWD using a test that has been approved by the United States Department of Agriculture and the state veterinarian.

(f) The state veterinarian may issue a pre-entry permit under this section to move a live animal of the species listed in subsection (a) into the state directly to slaughter if the following requirements are met:

(1) An official certificate of veterinary inspection is obtained for the animals on the shipment.

(2) Each animal is identified and the identification is recorded on the certificate of veterinary inspection.

(3) The permit requires a copy of the certificate of veterinary inspection to move with the animals and be presented to a state or federal official at the slaughtering plant.

(4) The permit requires that the animals be moved directly to a slaughtering plant inspected by the board or the United States Department of Agriculture without stopping and unloading the animals elsewhere in the state.

(5) The permit requires that the state veterinarian be allowed to collect samples from each animal for testing for disease.

(6) The permit contains any other conditions the state veterinarian determines to be necessary to prevent, detect, and control disease.

(g) The state veterinarian may issue a pre-entry permit under this section to move semen from animals of the species listed in subsection (a) into the state if the following requirements are met:

(1) The semen donor is not a CWD positive, CWD suspect, or CWD exposed animal.

(2) The semen donor has not been kept on a premise where a CWD positive animal has been kept within the last sixty (60) months.

(3) The semen donor is not an offspring of a CWD positive animal.

(4) A veterinarian accredited under 9 CFR Subchapter J prepares a certificate of veterinary inspection for the semen donor and the shipment indicating that the provisions of this subsection are met and that the donor does not currently show any signs of a neurological disorder. The state veterinarian may require a copy of the certificate of veterinary inspection be submitted prior to issuing the pre-entry permit. The certificate must be prepared within the thirty (30) days prior to the shipment into the state.

(h) The state veterinarian may permit the movement of any animal, semen, or embryo into the state under conditions prescribed by the state veterinarian for the purpose of research or to facilitate the diagnosis, treatment, prevention, or control of disease. (*Indiana State Board of Animal Health; 345 IAC 1-3-30; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1338; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 345; filed Sep 5, 2003, 8:41 a.m.: 27 IR 87*)

345 IAC 1-3-31 Chronic wasting disease; carcasses

Authority: IC 15-2.1-3-19

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

Sec. 31. (a) The provisions in this section supersede any conflicting provisions in 345 IAC 7-7. Except as provided in subsection (b), a person may not move into the state a carcass or any part thereof of the following animals:

(1) A member of the cervus elaphus species (elk, wapiti, and red deer).

(2) A member of the cervus nippon species (Sika deer, Japanese deer, Japanese Sika deer, spotted deer, and Japanese spotted deer).

(3) A member of the odocoileus hemionus species (mule deer).

(4) A member of the odocoileus virginianus species (whitetail deer).

(5) Hybrids of the species listed in this subsection.

(6) An animal of the family cervidae, if any member of its species has been diagnosed with CWD.

But, semen and embryos authorized for entry under section 30 of this rule may be moved into the state.

(b) Notwithstanding the prohibition in subsection (a), the following apply:

(1) A person may transport a carcass or parts directly through the state without stopping and unloading the carcass or parts in the state.

(2) A person may move the following parts into the state:

(A) Deboned meat.

(B) Carcasses or parts of carcasses with the head or spinal column attached if they are delivered within seventy-two (72) hours after entry to a meat processor inspected under IC 15-2.1-24 for processing.

(C) Antlers, including antlers attached to skull caps, if the skull cap is cleaned of all brain and muscle tissue.

(D) Hides.

(E) Upper canine teeth, also known as "buglers", "whistlers", or "ivories".

(F) Heads if they are delivered to a taxidermist licensed by the Indiana department of natural resources within seventy-two (72) hours after entry.

(G) Finished taxidermist mounts.

(3) A person licensed as a disposal plant or collection service under IC 15-2.1-16 may move carcasses and parts into the state if the carcasses and parts are moved directly to a licensed disposal plant.

(4) Samples taken for disease control purposes may be moved directly to a diagnostic laboratory.

(5) The state veterinarian may permit the movement of any carcass or part into the state for the purpose of research or to facilitate the diagnosis, treatment, prevention, or control of disease.

(c) A meat plant accepting live animals for slaughter under section 30 of this rule or carcasses under subsection (b)(2)(B) and a taxidermist accepting carcasses under subsection (b)(2)(F) must dispose of discarded tissue from the animals at a landfill permitted by the Indiana department of environmental management or through a renderer or collection service licensed under IC 15-2.1-16. (*Indiana State Board of Animal Health; 345 IAC 1-3-31; filed Sep 5, 2003, 8:41 a.m.: 27 IR 89*)

345 IAC 1-3-32 Duties of applicants and shippers; violations; penalties

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18-9; IC 15-2.1-21-6; IC 15-2.1-21-14

Sec. 32. (a) A person applying for a permit under this rule and any person moving animals into the state under this rule must comply with the following:

(1) The person must provide all information, including supporting documentation, requested by a board representative that is evaluating a permit request or compliance with this rule.

(2) All information provided to board representatives must be complete and accurate.

(3) The person must comply with all relevant provisions of this rule.

(b) Knowingly or intentionally providing false or misleading information to any board representative is a violation of IC 15-2.1-18-9, IC 15-2.1-21-6, and this rule.

(c) Knowingly or intentionally failing to comply with the provisions of this rule is a violation of IC 15-2.1-21-6.

(d) Failing to comply with any provision of this rule is a violation of this rule. The state veterinarian may impose civil penalties under IC 15-2.1-21-14 for any violation of this rule.

(e) The state veterinarian may deny a request for a permit because the provisions of this rule have not been met or have been violated.

(f) The state veterinarian may take any action authorized under IC 15-2.1 or other laws to enforce the provisions of this rule. (*Indiana State Board of Animal Health; 345 IAC 1-3-32; filed Sep 5, 2003, 8:41 a.m.: 27 IR 90*)

Rule 4. Anthrax; Temporary Quarantine of Domestic Animals

345 IAC 1-4-1 Anthrax; quarantine (Repealed)

Sec. 1. (*Repealed by Indiana State Board of Animal Health; filed Jul 1, 2002, 1:30 p.m.: 25 IR 3742*)

345 IAC 1-4-2 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2; IC 15-2.1-3-11; IC 15-2.1-3-13; IC 15-2.1-4

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

(1) "Anthrax" means *Bacillus anthracis*.

(2) "Quarantine" means limiting, including prohibiting, movement onto or off of a premises or into or out of a facility.

(3) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4 and all authorized representatives.

(Indiana State Board of Animal Health; 345 IAC 1-4-2; filed Jul 1, 2002, 1:30 p.m.: 25 IR 3742)

345 IAC 1-4-3 Anthrax control measures

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-11; IC 15-2.1-3-13

Sec. 3. (a) Whenever evidence indicates the presence of anthrax on a premises, the following apply:

(1) The state veterinarian may immediately impose a quarantine on the premises. The quarantine may restrict animals, products derived from animals, and feed and other material that are or may be contaminated with anthrax. The quarantine shall contain such restrictions, including prohibitions, as is necessary to prevent the spread of anthrax and protect public health and animal health.

(2) The state veterinarian shall evaluate the epidemiology of the occurrence.

(3) The state veterinarian may take any action necessary to prevent the spread of anthrax, eliminate anthrax contamination, and protect the public health and animal health from anthrax including condemning animals, products derived from animals, and feed and other material that are or may be contaminated with anthrax.

(4) The state veterinarian may order any dead animal or part thereof, product derived from an animal, and feed and other material that is or may be contaminated with anthrax disposed of in a particular manner that prevents the spread of anthrax and protects the public health and animal health.

(5) The state veterinarian may order any:

(A) animal;

(B) product derived from an animal;

(C) feed and other material;

(D) premises;

(E) building; and

(F) equipment;

cleaned, disinfected, and treated in a particular manner that prevents the spread of anthrax and protects the public health and animal health.

(b) The state veterinarian may rescind all or part of a quarantine issued under this rule when the totality of the circumstances indicates that doing so is consistent with protecting the public and animal health from anthrax contamination. *(Indiana State Board of Animal Health; 345 IAC 1-4-3; filed Jul 1, 2002, 1:30 p.m.: 25 IR 3742)*

Rule 5. Rabies Immunization

345 IAC 1-5-1 Rabies vaccination

Authority: IC 15-2.1-3-19

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

Sec. 1. (a) For the purpose of administering IC 15-2.1-6 and this rule, an animal is deemed to be vaccinated for rabies only when the following provisions are met:

(1) The animal is vaccinated by a veterinarian that is:

(A) licensed to practice veterinary medicine; and

(B) accredited by the United States Department of Agriculture under 9 CFR, Subchapter J.

(2) The vaccine used must be licensed and approved by the United States Department of Agriculture. The dosage and administration of the vaccine used must be in accordance with this rule and the manufacturers' specifications described on the vaccine's label and package insert.

(b) The veterinarian performing a rabies vaccination of an animal shall do the following:

(1) Complete a vaccination certificate or computerized record, in triplicate, on each animal being vaccinated for rabies that shall include the following information:

(A) The name and address of the animal's owner.

(B) The species, sex, and age of the animal vaccinated.

(C) The date the animal was vaccinated.

(D) The product name and lot or serial number of the vaccine used.

(E) The date the animal must be revaccinated under section 2 of this rule.

(F) The number of the tag issued if a tag is issued under subdivision (3).

(G) The name of the veterinarian completing the vaccination and his or her Indiana veterinary license number.

(2) The rabies vaccination certificate completed under subdivision (1) shall be distributed as follows:

(A) One (1) copy of the certificate or computerized record shall be given to the owner or custodian of the animal being vaccinated for rabies.

(B) One (1) copy of the certificate or computerized record shall be forwarded to the county health officer or the officer's designated agent upon the county health officer's request, or as the state veterinarian otherwise directs, within thirty (30) days of the vaccination.

(C) One (1) copy of the certificate or computerized record shall be retained by the veterinarian vaccinating such animal covering the period of immunization.

(3) A veterinarian that vaccinates a dog, cat, or ferret shall furnish to the owner or custodian of the animal a rabies vaccination identification tag that contains the following:

(A) The veterinarian's or clinic's name and telephone number.

(B) A unique identification number.

(c) The owner or custodian of an animal vaccinated for rabies shall keep a copy of the certificate and tag required to be issued under subsection (b) until such time as the animal must be revaccinated under section 2 of this rule. The board recommends that the owner or custodian of a dog affix the rabies vaccination tag to the collar or harness of the dog and that it be worn at all times. Nothing in this rule shall prevent a local unit of government from requiring that rabies vaccination tags be worn at all times.

(d) Animals that have been vaccinated for rabies are subject to all quarantine provisions that may be imposed by state or local regulations. The final determination of an animal's rabies vaccination status shall be made by the state veterinarian. (*Indiana State Board of Animal Health; Reg 57-2, Title 1; filed Jun 4, 1958, 3:30 p.m.: Rules and Regs. 1959, p. 284; filed Jan 20, 1988, 4:05 p.m.: 11 IR 1740; filed Oct 23, 1989, 5:00 p.m.: 13 IR 383; filed Jun 14, 1995, 3:30 p.m.: 18 IR 2759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Oct 1, 2001, 11:10 a.m.: 25 IR 374; filed Sep 18, 2003, 5:25 p.m.: 27 IR 491*) NOTE: Originally adopted by the Indiana State Livestock Sanitary Board. Name changed by Acts 1969, Ch. 81, Sec. 1.

345 IAC 1-5-2 Required rabies vaccination of dogs, cats, and ferrets

Authority: IC 15-2.1-3-19

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

Sec. 2. All dogs, cats, and ferrets three (3) months of age and older must be vaccinated against rabies. The rabies vaccination of a dog, cat, and ferret shall be maintained by ongoing revaccination of the animal as follows:

(1) Ferrets shall be revaccinated within twelve (12) months of the prior vaccination.

(2) Dogs and cats that are vaccinated with a rabies vaccine whose label recommends annual boosters shall be revaccinated within twelve (12) months of the prior vaccination.

(3) Dogs and cats that are vaccinated with a rabies vaccine whose label recommends a booster one (1) year later and triennially thereafter shall be revaccinated within twelve (12) months of the first vaccination and shall be revaccinated within thirty-six

(36) months of each vaccination thereafter.

The owner of the animal is responsible for procuring the vaccinations required by this section. (*Indiana State Board of Animal Health; 345 IAC 1-5-2; filed Jun 14, 1995, 3:30 p.m.: 18 IR 2760; filed Jun. 17, 1998, 9:03 a.m.: 21 IR 4204; readopted filed May*

2, 2001, 1:45 p.m.: 24 IR 2895; filed Oct 1, 2001, 11:10 a.m.: 25 IR 375)

345 IAC 1-5-3 Animal rabies control program

Authority: IC 15-2.1-3-19

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

Sec. 3. (a) A statewide animal rabies control program is established. The state veterinarian shall implement the rabies control program.

(b) The Compendium of Animal Rabies Control, 2001, National Association of State Public Health Veterinarians, Inc., is hereby incorporated by reference as a rule of the Indiana state board of animal health and shall be used in the implementation of the program established under subsection (a), provided, however, the following shall apply:

(1) References to preexposure or postexposure treatment of humans are recommendations from the National Association of State Public Health Veterinarians and are not requirements of the Indiana state board of animal health.

(2) Part III(B)(2) concerning stray dogs, cats, and ferrets is a recommendation but not a requirement of the Indiana state board of animal health.

(3) Part III(B)(4) is not incorporated.

(4) Part III(C) is not a requirement of the Indiana state board of animal health.

(c) Where the matters incorporated by reference in this section conflict with the provisions of IC 15-2.1-6 and this rule, the express provisions of the statute and this rule shall control. (*Indiana State Board of Animal Health; 345 IAC 1-5-3; filed Jun 14, 1995, 3:30 p.m.: 18 IR 2760; filed Dec 10, 1997, 11:00 a.m.: 21 IR 1327; filed Jun 17, 1998, 9:03 a.m.: 21 IR 4205; filed Mar 23, 2000, 4:24 p.m.: 23 IR 1913; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Oct 1, 2001, 11:10 a.m.: 25 IR 375*)

Rule 6. Reportable Diseases

345 IAC 1-6-1 Reportable diseases identified (Repealed)

Sec. 1. (*Repealed by Indiana State Board of Animal Health; filed Dec 31, 2001, 10:00 a.m.: 25 IR 1608*)

345 IAC 1-6-1.5 Definitions and general provisions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2; IC 15-2.1-3; IC 15-2.1-4; IC 15-2.1-18-10

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

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

(2) "Reportable disease" means a transmissible disease that the board determines to have socio-economic or public health importance to the state and which is significant in the trade of animals and animal products. Reportable diseases are designated as reportable to the state veterinarian under this rule.

(3) "State veterinarian" means the Indiana state veterinarian appointed under IC 15-2.1-4 or an authorized agent.

(*Indiana State Board of Animal Health; 345 IAC 1-6-1.5; filed Dec 31, 2001, 10:00 a.m.: 25 IR 1607*)

345 IAC 1-6-2 Individual and veterinarian responsibility

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18-10

Sec. 2. A diagnostic laboratory, veterinarian, owner, or custodian that receives information indicating a clinical diagnosis of any of the following reportable diseases in an animal or article must report that information to the state veterinarian within two (2) business days of receiving the information:

(1) Anthrax (*Bacillus anthracis*).

(2) Aujeszky's disease (*Pseudorabies*).

(3) Avian mycoplasmosis (*Mycoplasma gallisepticum*) in turkeys.

- (4) Bovine tuberculosis (*Mycobacterium bovis*).
- (5) Brucellosis (*Brucella abortus*, *brucella suis*, caprine and ovine brucellosis).
- (6) Equine infectious anemia (EIA).
- (7) Foreign animal diseases.
- (8) Fowl typhoid (*Salmonella gallinarum*).
- (9) Paratuberculosis (Johne's disease, *Mycobacterium paratuberculosis*).
- (10) Pullorum disease (*Salmonella pullorum*).
- (11) Rabies.
- (12) Transmissible spongiform encephalopathies, including the following:
 - (A) Chronic wasting disease.
 - (B) Scrapie.
 - (C) Bovine spongiform encephalopathy.
- (13) Vesicular diseases, including the following:
 - (A) Foot-and-mouth disease.
 - (B) Vesicular stomatitis.
 - (C) Swine vesicular disease.
 - (D) Vesicular exanthema.

(Indiana State Board of Animal Health; 345 IAC 1-6-2; filed Jul 23, 1992, 2:00 p.m.: 15 IR 2568; filed Oct 11, 1996, 2:00 p.m.: 20 IR 740; filed Jun 17, 1998, 9:03 a.m.: 21 IR 4205; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:00 a.m.: 25 IR 1607; filed Sep 5, 2003, 8:41 a.m.: 27 IR 90)

345 IAC 1-6-3 Laboratory responsibility

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18-10

Sec. 3. For the purpose of participating in the United States Department of Agriculture, National Animal Health Reporting System, a diagnostic laboratory must report a diagnosis of any of the following reportable diseases in an animal or article from Indiana or whose owner is from Indiana to the state veterinarian within two (2) business days of the diagnosis:

- (1) Multiple species diseases as follows:
 - (A) Anthrax (*Bacillus anthracis*).
 - (B) Aujeszky's disease (*Pseudorabies*).
 - (C) Bluetongue.
 - (D) Bovine tuberculosis (*Mycobacterium bovis*).
 - (E) Brucellosis (*Brucella abortus*, *brucella suis*, caprine and ovine brucellosis).
 - (F) Contagious bovine pleuropneumonia (*Mycoplasma mycoides mycoides*).
 - (G) Foot-and-mouth disease (all FMD virus types).
 - (H) Echinococcosis/hydatidosis.
 - (I) Heartwater (*Cowdria ruminantium*).
 - (J) Leptospirosis.
 - (K) Lumpy skin disease.
 - (L) New World screwworm (*Cochliomyia hominivorax*).
 - (M) Old World screwworm (*Chrysomya bezziana*).
 - (N) Paratuberculosis (Johne's disease, *Mycobacterium paratuberculosis*).
 - (O) Peste des petits ruminants.
 - (P) Q Fever (*Coxiella burnetii*).
 - (Q) Rabies.
 - (R) Rift valley fever.
 - (S) Rinderpest.
 - (T) Transmissible spongiform encephalopathies, including the following:
 - (i) Chronic wasting disease.

- (ii) Scrapie.
- (iii) Bovine spongiform encephalopathy.
- (U) Trichinellosis (*Trichinella spiralis*).
- (V) Vesicular stomatitis (VS viruses Indiana, New Jersey, or not typed).
- (2) Cattle diseases as follows:
 - (A) Bovine anaplasmosis (*Anaplasma marginale*, *A. centrale*).
 - (B) Bovine babesiosis (*Babesia bovis*, *B. bigemina*).
 - (C) Bovine cysticercosis (*Cysticercus bovis* metacestode stage of *Taenia saginata*).
 - (D) Bovine genital campylobacteriosis (*Campylobacter fetus venerealis*).
 - (E) Dermatophilosis (*Dermatophilus congolensis*).
 - (F) Enzootic bovine leukosis (BLV).
 - (G) Haemorrhagic septicaemia (*Pasteurella multocida*, B/Asian or E/African serotypes).
 - (H) Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis (IBR/IPV).
 - (I) Malignant catarrhal fever (Bovine malignant catarrh, wildebeest associated).
 - (J) Theileriosis (*Theileria annulata*, *T. parva*).
 - (K) Trichomonosis (*Tritrichomonas* (*Trichomonas*) *foetus*).
 - (L) Trypanosomosis (*Trypanosoma congolense*, *T. vivax*, *T. brucei brucei*).
- (3) Sheep and goat diseases as follows:
 - (A) Caprine and ovine brucellosis (excluding *B. ovis*).
 - (B) Caprine arthritis/encephalitis (CAE).
 - (C) Contagious agalactia (*Mycoplasma agalactiae*, *M. capricolum capricolum*, *M. putrefaciens*, *M. mycoides mycoides*, *M. mycoides mycoides* (LC)).
 - (D) Contagious caprine pleuropneumonia (*Mycoplasma capricolum capripneumoniae*).
 - (E) Enzootic abortion of ewes (Ovine Psittacosis, *Chlamydia psittaci*).
 - (F) Ovine pulmonary adenomatosis.
 - (G) Maedi-visna/ovine progressive pneumonia.
 - (H) Nairobi sheep disease.
 - (I) Ovine epididymitis (*Brucella ovis* infection).
 - (J) Salmonellosis (*Salmonella abortusovis*).
 - (K) Sheep pox and goat pox.
- (4) Equine diseases as follows:
 - (A) African horse sickness.
 - (B) Contagious equine metritis (*Tylorella equigenitalis*).
 - (C) Dourine (*Trypanosoma equiperdum*).
 - (D) Epizootic lymphangitis (*Histoplasma farciminosum*).
 - (E) Equine encephalomyelitis (Eastern and Western).
 - (F) Equine infectious anemia (EIA).
 - (G) Equine influenza (virus type A).
 - (H) Equine piroplasmosis (Babesiosis, *Babesia* (*Piroplasma*) *equi*, *B. caballi*).
 - (I) Equine rhinopneumonitis (1 and 4).
 - (J) Equine viral arteritis (EVA).
 - (K) Glanders (*Pseudomonas mallei*).
 - (L) Horse mange.
 - (M) Horse pox.
 - (N) Japanese encephalitis.
 - (O) Surra (*Trypanosoma evansi*).
 - (P) Venezuelan equine encephalomyelitis.
- (5) Swine diseases as follows:
 - (A) Atrophic rhinitis of swine (*Bordetella bronchiseptica*, *Pasteurella multocida*).
 - (B) African swine fever.

- (C) Classical swine fever.
- (D) Enterovirus encephalomyelitis.
- (E) Porcine brucellosis (*Brucella suis*).
- (F) Porcine cysticercosis (*Cysticercus cellulosae* metacestode stage of *Taenia solium*).
- (G) Porcine reproductive and respiratory syndrome (PRRS).
- (H) Swine vesicular disease.
- (I) Transmissible gastroenteritis (TGE).
- (6) Avian diseases as follows:
 - (A) Avian chlamydiosis (*Psittacosis* and *Ornithosis*, *Chlamydia psittaci*).
 - (B) Avian infectious bronchitis.
 - (C) Avian infectious laryngotracheitis.
 - (D) Avian influenza.
 - (E) Avian mycoplasmosis (*Mycoplasma gallisepticum*).
 - (F) Avian tuberculosis (*Mycobacterium avian*).
 - (G) Duck virus hepatitis.
 - (H) Duck virus enteritis.
 - (I) Fowl cholera (*Pasteurella multocida*).
 - (J) Fowl pox.
 - (K) Fowl typhoid (*Salmonella gallinarum*).
 - (L) Infectious bursal disease (Gumboro disease).
 - (M) Marek's disease.
 - (N) Newcastle disease.
 - (O) Pullorum disease (*Salmonella pullorum*).
- (7) Fish diseases as follows:
 - (A) Viral haemorrhagic septicaemia.
 - (B) Spring viraemia of carp.
 - (C) Infectious haematopoietic necrosis.
 - (D) Epizootic haematopoietic necrosis.
 - (E) *Oncorhynchus masou* virus disease.

(Indiana State Board of Animal Health; 345 IAC 1-6-3; filed Jul 23, 1992, 2:00 p.m.: 15 IR 2568; filed Oct 11, 1996, 2:00 p.m.: 20 IR 740; filed Jun 17, 1998, 9:03 a.m.: 21 IR 4205; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:00 a.m.: 25 IR 1607; filed Sep 5, 2003, 8:41 a.m.: 27 IR 90)

ARTICLE 2. CATTLE, GOATS, AND OTHER TUBERCULOSIS OR BRUCELLOSIS CARRYING ANIMALS

Rule 1. Certificates for Interstate Movement of Cattle (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Jun 18, 1979, 9:16 am: 2 IR 1123)

Rule 2. Tuberculin Test Tag (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Jun 18, 1979, 9:16 am: 2 IR 1123)

Rule 3. Tuberculosis Quarantine (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Jul 8, 1981, 10:15 am: 4 IR 1447)

Rule 4. Tuberculosis-free Counties; Accreditation Procedures (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Jul 8, 1981, 10:15 am: 4 IR 1447)

Rule 4.1. Administration and Testing Procedures

345 IAC 2-4.1-1 Purpose

Authority: IC 15-2.1-3-19

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

Sec. 1. The purpose of this rule is to maintain the eradication of Tuberculosis (*Mycobacterium bovis*) by using current knowledge and procedures for the eradication of the disease. This rule is to be administered in cooperation with the United States Department of Agriculture. (*Indiana State Board of Animal Health; Reg 80-1, TITLE I; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1440; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1474; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-2 Definitions (Repealed)

Sec. 2 (*Repealed by Indiana State Board of Animal Health; filed Sep 6, 1990, 2:45 p.m.: 14 IR 83*)

345 IAC 2-4.1-2.1 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 2.1. (a) "Accredited herd" means a herd of cattle or goats which has passed at least two (2) consecutive annual tuberculin tests in which no other evidence of Tuberculosis has been disclosed and meets the standards of this rule.

(b) "Accredited veterinarian" means a veterinarian who is a graduate of a college of veterinary medicine, has passed an examination for accreditation administered by Veterinary Services and approved by the state animal health official and the deputy administrator of Veterinary Services or his agent.

(c) "Affected herd" means a herd of cattle or goats in which Tuberculosis has been disclosed in any such cattle or goats by an official tuberculin test, postmortem examination, or laboratory confirmation.

(d) "Animals" means any mammalian species which may serve as a carrier or reservoir of Tuberculosis except man.

(e) "Annual test" means tests conducted at intervals of not less than ten (10) months nor more than fourteen (14) months.

(f) "Approved laboratory" means the National Animal Diagnostic Veterinary Services Laboratory at Ames, Iowa, and the Animal Disease Diagnostic Laboratory at Purdue University.

(g) "Board" means the Indiana state board of animal health.

(h) "Cattle" means genus *Bos* and includes all dairy and beef animals and bison.

(i) "Cattle or goats not known to be affected" means all cattle or goats except those originating from or being associated with Tuberculosis infected herds or herds containing Tuberculosis suspect cattle or goats.

(j) "Caudal Fold Test" means the official test for routine use shall be the intradermal injection of one-tenth (0.1) cubic centimeter of tuberculin in the caudal fold. The injection site shall be observed and palpated seventy-two (72) hours after the injection of the tuberculin plus or minus six (6) hours.

(k) "Comparative cervical tuberculin test" means the injection of one-tenth (0.1) cubic centimeter standardized mammalian and one-tenth (0.1) cubic centimeter avian tuberculin at separate sites in the cervical area, and a determination is made as to the probable presence of mammalian Tuberculosis by comparing the responses to the two (2) tuberculins seventy-two (72) hours following injection, plus or minus six (6) hours.

(l) "Cooperating agencies" means the Indiana state board of animal health and the Animal and Plant Health Inspection Service (APHIS) Veterinary Services of the United States Department of Agriculture (USDA).

(m) "Deputy administrator" means the deputy administrator, Veterinary Services or any other Veterinary Services official to whom authority has been delegated or hereafter may be delegated to act in his place.

(n) "Direct to slaughter" means the shipment of cattle or goats directly to a slaughter establishment or rendering plant without diversion to assembly points such as auction markets, stockyards, or feedlots.

(o) "Exposed cattle or goats" means those that are part of a Tuberculosis infected herd or have been in contact with a Tuberculosis reactor twenty-four (24) hours.

(p) "Goats" means genus *Capra*.

(q) "Herd" means any group of cattle or goats maintained on common ground for any purpose, or two (2) or more groups of cattle or goats under common ownership or supervision which are geographically separated, but among which there is an interchange

of movement of cattle, goats, equipment, or caretakers.

(r) "Herd depopulation" means removal of all cattle and goats direct to slaughter prior to any restocking of the premises with cattle or goats.

(s) "Moved" means shipped, transported, or otherwise moved, delivered, or received for movement.

(t) "Negative" means any cattle or goats that show no response to the Caudal Fold Test or those animals which have been classified negative for *Mycobacterium bovis* by the comparative tuberculin test.

(u) "No gross lesion (NGL) animal" means an animal in which a lesion of Tuberculosis is not found during slaughter inspection or postmortem examination. Animals with skin lesions only will be considered in the same category as NGL.

(v) "Official tuberculin test" means a test for Tuberculosis applied and reported by approved personnel as required by this rule.

(w) "Permit" means an official document permitting the movement of animals directly to slaughter and accompanying such shipment. It is to be issued by a Veterinary Services representative, a state representative, or an accredited veterinarian at the point of origin of the shipment of cattle or goats indicating the slaughtering establishment. It shows the Tuberculosis status of each animal, its identification, name of owner, name of establishment to which animals are to be moved, and the purpose of movement.

(x) "Person" means any individual, corporation, company, association, firm, partnership, society or joint stock company, or legal entity.

(y) "Reactor" means any cattle or goats that show a response to an official tuberculin test and classified as a reactor by a veterinarian employed by the Indiana state board of animal health or Veterinary Services.

(z) "Single cervical test" means intradermal injection of one-tenth (0.1) cubic centimeter mammalian tuberculin in the cervical area. The injection site shall be observed and palpated seventy-two (72) hours after the injection of the tuberculin plus or minus six (6) hours. All animals that respond shall be classified as a reactor.

(aa) "State representative" means a veterinarian or other person employed by the Indiana state board of animal health who is authorized to perform the functions involved.

(bb) "Suspect" means any cattle or goats that show a response to the Caudal Fold Test and not classified as a reactor or has been classified as suspects by the comparative cervical test.

(cc) "Tuberculin" means a product that is approved by and produced under license of the United States Department of Agriculture for the purpose of detecting Tuberculosis.

(dd) "Tuberculosis" means the contagious, infectious disease of animals caused by *Mycobacterium bovis*.

(ee) "Veterinarian in charge" means the veterinary official of Veterinary Services who is assigned by the deputy administrator to supervise and perform official animal health duties of Veterinary Services in the state concerned.

(ff) "Veterinary Services" means Veterinary Services, United States Department of Agriculture.

(gg) "Veterinary Services representative" means a veterinarian or other person employed by Veterinary Services who is authorized to perform the functions involved. (*Indiana State Board of Animal Health; 345 IAC 2-4.1-2.1; filed Sep 6, 1990, 2:45 p.m.: 14 IR 81; errata filed Oct 24, 1990, 10:30 a.m.: 14 IR 452; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-2.8 Incorporation by reference

Authority: IC 15-2.1-3-19

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

Sec. 2. (a) The Indiana state board of animal health incorporates by reference as a rule of the board the "Bovine Tuberculosis Eradication—Uniform Methods and Rules", United States Department of Agriculture, Animal and Plant Health Inspection Service, 1998. Where the Bovine Tuberculosis Eradication—Uniform Methods and Rules conflict with this rule, the express provisions of this rule control.

(b) IC 15-2.1-7 is incorporated into this rule. (*Indiana State Board of Animal Health; 345 IAC 2-4.1-2.8; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1474; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-3 Official test procedures

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 3. Official Test Procedures: (a) Authority to Test: The Indiana State Board of Animal Health shall have the authority to test any animal or herd as may be deemed necessary by the cooperating agencies. The owner shall be notified by the cooperating agencies or their representatives of this requirement and the cooperating agencies have the right to supervise any test conducted by an accredited veterinarian. It shall be the duty of all persons owning or having custody of such animals to render all reasonable assistance to the cooperating agencies and their representatives in performing their duties under this regulation [345 IAC 2-4.1], including but not limited to, the submission and restraint of such animals for testing, retesting, identification and branding and tagging reactors.

(b) Restriction of Personnel to Apply Tuberculin Test: The official tuberculin test shall be applied only by a veterinarian employed by the Board of Animal Health, Veterinary Services or an accredited veterinarian.

(c) Caudal Fold Test: This official test is for routine use in individual cattle, goats and herds where the Tuberculosis status of the animal is unknown.

(d) Single Cervical Test: This official test is for use in herds affected with bovine Tuberculosis and for testing exposed cattle from such herds. It shall be applied only by a veterinarian employed by cooperating agencies.

(e) Comparative Cervical Test: This official tuberculin test is for retesting suspect animals. It shall be applied by a veterinarian employed by the Indiana Board of Animal Health or Veterinary Services within ten (10) days of injection date, or not less than sixty (60) days after the official test that disclosed the suspect(s).

(f) Report of Tuberculin Test: A report of all tuberculin tests, including the individual identification of each animal by registration number, eartag number or tattoo, sex, age, breed and a record of the size of the response shall be submitted on an approved form. Animals classified as suspects by the Caudal Fold Test must be reported via telephone to the Indiana State Veterinarian or his agent within 48 hours of time the site of injection is observed.

(g) Requirements for Special Procedures in Infected Herds: All cattle or goats in herds from which Tuberculosis cattle or goats originate and all cattle or goats that are known to have associated with infected cattle or goats shall be tested promptly, EXCEPT:

(1) Cattle in feedlots known to be exposed shall be quarantined and shipped under permit directly to slaughter or be tested.

(h) Tuberculin Test Interpretation: Decisions will be based upon the professional judgement of the testing veterinarian in accordance with the policy established by the cooperating agencies. The injection site will be observed and palpated 72 hours after time of injection of tuberculin plus or minus six (6) hours.

(1) Caudal Fold Test

(A) Suspect—Animals showing a response to tuberculin.

(B) Negative—Animals showing no response to tuberculin or those animals with responses that have been classified negative for *Mycobacterium bovis*.

(2) Comparative Cervical Test

Responses shall be reported (and plotted) on the scattergram. Classification shall be according to the scattergram interpretation.

(3) Single Cervical Test

All animals that respond shall be classified as a reactor.

(i) Restriction of "Suspect" Cattle or Goats: Suspect cattle or goats which have not been retested and found negative to the comparative cervical test from herds in which no reactor cattle or goats have been disclosed on an official tuberculin test shall be deemed under quarantine until it is determined the animal(s) are negative to an official tuberculin test or moved under permit direct to slaughter to an establishment where State or Federal meat inspection is maintained. Negative cattle or goats in a herd where a suspect has been disclosed may be quarantined until such suspect has been retested and classified negative to *Mycobacterium bovis* by the comparative cervical tuberculin test. (*Indiana State Board of Animal Health; Reg 80-1, TITLE III; filed Jul 8, 1981, 10:15 am: 4 IR 1442; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-4 Quarantine procedures

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-7-8

Sec. 4. Quarantine Procedures: (a) All herds in which reactor animals are disclosed shall be quarantined and the exposed animals shall remain on the premises where Tuberculosis is disclosed until a State or Federal permit has been obtained for their movement. All movement for immediate slaughter must be direct to a slaughter establishment where approved State or Federal meat

inspection is maintained or to a rendering plant.

(b) Herds in which *Mycobacterium bovis* infection has been disclosed shall remain under quarantine and must pass two (2) tuberculin tests at intervals of at least sixty (60) days and one (1) additional test after six (6) months. (Special test procedures for these herds are defined in Title V. [345 IAC 2-4.1-5]).

(c) Herds in which NGL reactor(s) occur and no evidence of *Mycobacterium bovis* infection has been disclosed may be released from quarantine after a sixty (60) day negative retest of the entire herd. (*Indiana State Board of Animal Health; Reg 80-1, TITLE IV; filed Jul 8, 1981, 10:15 am: 4 IR 1443; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-5 Special retest of high risk herds

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 5. Special Retest of High Risk Herds: (a) A herd in which *Mycobacterium bovis* infection has been confirmed but the herd is not depopulated, five (5) annual tests on the entire herd followed by two (2) tests at three (3) year intervals shall be applied following the release of quarantine.

(b) In herds with a history of lesions suspicious of bovine Tuberculosis (not confirmed), two (2) complete annual herd tests shall be applied after release of quarantine; the first test to be applied approximately one (1) year after release of quarantine.

(c) In a newly assembled herd on a premise where a Tuberculosis herd has been depopulated, two (2) annual herd tests shall be applied to all cattle or goats the first to be applied approximately six (6) months after assembly of the new herd. These tests are to be followed by two (2) complete herd tests at three (3) year intervals. If the premises have been vacated one (1) year prior to assembly of the new herd, these requirements may be waived.

(d) Exposed animals previously sold from a known infected herd shall be depopulated with indemnity if at all possible however, if the infected herd is not depopulated, only the Single Cervical test shall be used. All responding animals shall be classified as reactors. If negative to the Single Cervical test, the exposed animals shall be retested in one (1) year and the balance of the receiving herd shall be tested as follows:

(1) If lesions of Tuberculosis (based on histopathologic examination) are found on an exposed reactor, the remainder of the herd shall be tested, preferably with the Single Cervical test.

(2) In all other cases the remainder of the herd shall be tested by the Caudal Fold Test, with responding animals classified as suspects and retested with the Comparative Cervical test.

(e) The testing of source herds of regular-kill animals having lesions of Tuberculosis shall be done by a veterinarian employed by the Indiana Board of Animal Health or Veterinary Services. If the herd of origin is positively identified, all animals responding to the Caudal Fold test shall be classified as reactors. Only when the herd of origin is not positively identified should the Comparative Cervical test be used to classify animals that respond to the Caudal Fold test.

(f) Testing source herds of reactors shall be by veterinarians employed by the Indiana Board of Animal Health or Veterinary Services using the Caudal Fold test procedure, and responding animals shall be classified as reactors or retested by the Comparative Cervical test. (*Indiana State Board of Animal Health; Reg 80-1, TITLE V; filed Jul 8, 1981, 10:15 am: 4 IR 1443; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-6 Cleaning and disinfection of premises

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 6. Cleaning and Disinfection of Premises: Premises where Tuberculosis cattle or goats have been maintained shall be thoroughly cleaned and disinfected with a disinfectant approved by Veterinary Services and in a manner satisfactory to the cooperating agencies. Cleaning and disinfection must be completed within fifteen (15) days after removal of reactor(s) unless an extended time is granted by Veterinary Services. (*Indiana State Board of Animal Health; Reg 80-1, TITLE VI; filed Jul 8, 1981, 10:15 am: 4 IR 1444; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-7 Origin of infection

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 7. Origin of Infection: Tuberculosis found during slaughter inspection, or otherwise, in any animals must be followed by a complete epidemiological investigation using all available means to determine the source of infection. (*Indiana State Board of Animal Health; Reg 80-1, TITLE VII; filed Jul 8, 1981, 10:15 am: 4 IR 1444; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-8 Identification of livestock

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-7-5

Sec. 8. Identification of Livestock: (a) All cattle or goats shall be identified by official eartag placed in the right ear, tattoo, registration number or other methods approved by the Board. Identification devices that are easily removed are not acceptable (neck chains).

(b) Reactor Cattle or Goats: Reactor cattle or goats shall be identified by branding the letter "T" not less than two (2) inches nor more than three (3) inches high, on the left jaw and by a Veterinary Services approved eartag bearing a serial number and the inscription "U.S. Reactor" or a similar State eartag bearing such number and inscription. (*Indiana State Board of Animal Health; Reg 80-1, TITLE VIII; filed Jul 8, 1981, 10:15 am: 4 IR 1444; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-9 Accredited herd plan (cattle)

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 9. (a) Cattle to be Tested: Testing of herds for accreditation or reaccreditation shall include all cattle over twenty-four (24) months of age and any cattle other than natural additions under twenty-four (24) months of age in herds released from tests for high-risk herds after five (5) years. The fourth (4th) and fifth (5th) annual negative test will requalify for accreditation. All natural additions shall be identified and recorded on the test report as members of the herd at the time of the annual test.

(b) Additions: Herd additions must originate directly from one of the following:

(1) Accredited herd.

(2) Herd in an accredited free state.

(3) Herd in a modified accredited area that has passed a herd test of all cattle over twenty-four (24) months of age within twelve (12) months, and the individual cattle for addition were negative to the tuberculin test conducted within sixty (60) days.

(4) Herd in a modified accredited area not meeting requirements of (1), (2) or (3) of this section, individual cattle for addition must pass a negative test within sixty (60) days prior to entering the premises of the accredited herd and must be kept in isolation from all members of the accredited herd until negative to a test conducted after sixty (60) days of date of entry.

Cattle added under (2), (3) and (4) shall not receive accredited herd status for sale purposes until they have been members of the herd at least sixty (60) days and have been retested negative at least sixty (60) days after entry.

(c) Accreditation and reaccreditation of a herd of cattle:

(1) To qualify for accredited herd status the owner of the herd must complete and sign agreement forms approved by the Indiana board of animal health and Veterinary Services and the herd must pass at least two (2) consecutive annual tuberculin tests with no evidence of bovine Tuberculosis disclosed and all cattle must be bona fide members of the herd. Qualified herds shall be issued a certificate by the state and federal officials and other appropriate information to emphasize the significance of the herd accreditation plan. The accreditation period will be twelve (12) months (365 days) from the anniversary date and not twelve (12) months from the date of the reaccreditation test.

(2) To qualify for reaccreditation the herd must pass an annual test within a period of ten (10) to fourteen (14) months of the anniversary date.

(*Indiana State Board of Animal Health; Reg 80-1, TITLE IX; filed Jul 8, 1981, 10:15 am: 4 IR 1444; filed May 17, 1985, 8:24 am: 8 IR 1281; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-10 Accredited herd plan (goats)

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 10. (a) Goats to be Tested: Testing of herds for accreditation or reaccreditation shall include all goats over twelve (12) months of age. All natural additions shall be individually identified and recorded on the test report as members of the herd at the time of the annual test.

(b) Additions: Herd additions must originate directly from one of the following:

(1) Accredited herd.

(2) Herd in a Modified Accredited State that has passed a herd test of all animals over twelve (12) months of age, and the individual animals for addition were negative to the tuberculin test conducted within sixty (60) days.

Goats added under (2) shall not receive accredited herd status for sale purposes until they have been members of the herd at least sixty (60) days and have been retested negative at least sixty (60) days after entry. (*Indiana State Board of Animal Health; Reg 80-1, TITLE X; filed Jul 8, 1981, 10:15 am: 4 IR 1445; filed May 17, 1985, 8:24 am: 8 IR 1282; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-11 Movement of reactor and exposed cattle or goats

Authority: IC 15-2.1-3-19

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

Sec. 11. Movement of Reactor and Exposed Cattle or Goats: (a) Reactor cattle or goats shall be accompanied by a permit and moved directly to slaughter or a rendering plant. The means of conveyance must be cleaned and disinfected with a disinfectant approved by Veterinary Services under the supervision of a representative of the cooperating agencies.

If, at the point where the cattle or goats are unloaded, such supervision, proper cleaning and disinfecting facilities are not available, permission may be obtained from a Veterinary Services or State representative to move the empty means of conveyance to a location where such supervision and facilities are available. Permission will be granted only if such movement does not present a risk of dissemination of Tuberculosis.

(b) Movement of Exposed Cattle or Goats: Exposed cattle or goats shall be moved directly to slaughter accompanied by a permit to an establishment operating under the provisions of the Federal Meat Inspection Act or to a State inspected slaughter establishment or a rendering plant and only in compliance with the following conditions:

(1) Such exposed cattle or goats must be identified by branding the letter "S" not less than two (2) inches nor more than three

(3) inches high, on the left jaw and by tagging with a Veterinary Services approved metal tag bearing a serial number attached to either ear of each animal, except that in place of branding, cattle may be accompanied to slaughter by a Veterinary Services or State Representative, or may be moved in a vehicle closed by official seals issued by the cooperating agencies. When such cattle or goats are moved in vehicles closed with official seals, such seals should only be removed by a State or Federal employee specifically designated by the cooperating agencies.

(*Indiana State Board of Animal Health; Reg 80-1, TITLE XI; filed Jul 8, 1981, 10:15 am: 4 IR 1445; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-12 Destruction of cattle or goats

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-7-6

Sec. 12. Destruction of Cattle or Goats: (a) Cattle or goats to be destroyed because of Tuberculosis must be shipped under permit directly to slaughter to a Federal or State inspected slaughtering establishment, or be disposed of by rendering or burial in an approved manner under supervision of a Veterinary Services or State employee.

(b) Time Limit for Destruction of Cattle: Cattle for which indemnity may be paid because of Tuberculosis must be destroyed and carcass disposal completed within fifteen (15) days after appraisal, except that the Veterinarian in Charge, for reasons satisfactory to him, may extend the time limit for slaughter to thirty (30) days when request for such extension is received by him prior to the expiration of the original fifteen (15) day period allowed. The Deputy Administrator may extend the time limit beyond

thirty (30) days upon request in specific cases and for reasons satisfactory to him.

(c) Time Limit for Destruction of Goats: Goats for which indemnity may be paid because of Tuberculosis must be destroyed within fifteen (15) days after appraisal, except that the Indiana State Veterinarian, for reasons satisfactory to him, may extend the time limit for slaughter to thirty (30) days when a request for such extension is received prior to the expiration of the original fifteen (15) day period allowed. (*Indiana State Board of Animal Health; Reg 80-1, TITLE XII; filed Jul 8, 1981, 10:15 am: 4 IR 1445; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-13 Appraisals

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-7-6

Sec. 13. Appraisals: (a) Cattle to be destroyed because of Tuberculosis shall be appraised within fifteen (15) days after being classified as reactors or otherwise condemned because of Tuberculosis by an independent professional appraiser, at Veterinary Services expense except that the Veterinarian in Charge may waive the requirement for an independent professional appraiser for reasons satisfactory to him. When thus appraised, due consideration shall be given to their breeding value as well as their dairy and meat value. Cattle presented as registered shall be accompanied by their registration papers, or shall be paid for as non-registered; provided however, that if the registration papers are temporarily not available or if the cattle are under three (3) years of age and unregistered, the Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers. The owner shall be responsible for proof of their registration. The cooperating agencies may decline to accept any appraisal that appears to be unreasonable or out of proportion of the market value of cattle of like quality.

(b) Goats to be destroyed because of Tuberculosis shall be appraised within fifteen (15) days of being classified as reactors or otherwise condemned because of Tuberculosis. Appraisal shall be made by an employee of the Indiana Board of Animal Health or an individual specifically designated by the Indiana Board of Animal Health. The owner may obtain the services of a qualified person acceptable to the Indiana Board of Animal Health to assist in the appraisal at the owner's expense but in all cases, appraised value must be acceptable to the appraiser designated by the Indiana Board of Animal Health. Appraisals shall be based on breeding value as well as dairy and meat value. (*Indiana State Board of Animal Health; Reg 80-1, TITLE XIII; filed Jul 8, 1981, 10:15 am: 4 IR 1446; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-14 Report of appraisals

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 14. Report of Appraisals: (a) Appraisal of cattle shall be recorded on forms furnished by Veterinary Services and the appraisal forms shall be signed by the owner certifying his acceptance of the appraisal. The "date of appraisal" shall be the date the owner signs the appraisal form. The original of the appraisal form and as many copies thereof as may be required for Veterinary Services, the Indiana Board of Animal Health and the owner of the animals shall be sent to the Veterinarian in Charge.

(b) Appraisal of goats shall be recorded on forms furnished by the Indiana Board of Animal Health. The appraisal forms shall be signed by the owner certifying his acceptance of the appraisal. The "date of appraisal" shall be the date the owner signs the appraisal form. The original of the appraisal form and as many copies thereof as may be required for the Indiana Board of Animal Health and the owner shall be sent to the Indiana Board of Animal Health. (*Indiana State Board of Animal Health; Reg 80-1, TITLE XIV; filed Jul 8, 1981, 10:15 am: 4 IR 1446; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-15 Report of salvage proceeds

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 15. Report of Salvage Proceeds: (a) Cattle: A report of salvage derived from each animal on which claim for indemnity is made shall be made on a form acceptable to the cooperating agencies which shall be signed by the purchaser or his agent or by selling agent handling the animals. If the animals are sold by the pound, the salvage report shall show the weight, price per pound, gross receipts, expenses if any, and net price of each animal must be stated on the salvage form and an explanation showing how

the amount was determined must be submitted. In the event the animals are not disposed of through regular slaughter or selling agents, the owner shall furnish, in place of the salvage report, an affidavit showing the amount of salvage obtained by him and shall certify that such amount is all that he has received or will receive as salvage for said animals. The salvage shall be considered the net amount received for an animal after deducting freight, truckage, yardage, commission, slaughtering charges or other cost. The original of the salvage form or the affidavit of the owner shall be furnished the Veterinarian in Charge if not already in his possession. Two additional copies shall be furnished to the Indiana Board of Animal Health. Destruction of animals by burial, or other disposal of carcasses shall be supervised by a Veterinary Services or State representative who shall prepare and transmit to the cooperating agencies a report identifying the animals and showing their disposition.

(b) Goats: A report of salvage derived from each animal on which claim for indemnity is made shall be made on a form acceptable to the Indiana Board of Animal Health and shall be signed by the purchaser or his agent or by the selling agent handling the animals. The salvage report shall show the gross receipt for each animal, gross receipt for all animals, expenses if any, and an explanation showing how the amounts of salvage and expenses were determined. Two copies of the salvage report must be furnished to the Indiana Board of Animal Health. Destruction of animals by burial, or other means must be supervised by Veterinary Services or State representative who shall prepare and transmit to the Indiana Board of Animal Health a report identifying the animal(s) and showing their disposition. (*Indiana State Board of Animal Health; Reg 80-1, TITLE XV; filed Jul 8, 1981, 10:15 am: 4 IR 1446; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-16 Claims for indemnity for cattle or goats destroyed

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 16. Claims for Indemnity: (a) Claims for indemnity for cattle destroyed because of Tuberculosis shall be presented on indemnity claim forms furnished by Veterinary Services or other forms approved by the Indiana Board of Animal Health, on which the owner of the cattle covered thereby shall certify that the cattle are, or are not, subject to any mortgage. If the owner states there is a mortgage, the indemnity claim form shall be signed by the owner and each person holding a mortgage on the cattle consenting to payment of any indemnity allowed to the person specified thereon. Payment will be made only if the claim form has been approved by the Veterinarian in Charge or by an official designated by him. On claims for indemnity the Veterinarian in Charge, or official designated by him shall record on the indemnity claim form the amount of Federal (and State) indemnity that appears to be due to the owner of the cattle. The owner of the cattle shall be furnished a copy of the indemnity claim form. A copy of the claim form shall be forwarded to the Indiana Board of Animal Health by the Veterinarian in Charge.

(b) Claims for indemnity for goats destroyed because of Tuberculosis shall be presented on a form furnished by the Indiana Board of Animal Health on which the owner of the goats shall certify that the goats are, or are not, subject to any mortgage. If the owner states there is a mortgage, the indemnity claim form shall be signed by the owner and each person holding a mortgage on the goats consenting to the payment of any indemnity allowed to the person specified thereon. Payment will be made only if the claim form has been approved by the Indiana Board of Animal Health or an official designated by the Indiana Board of Animal Health. The owner of the goats shall be furnished a copy of the indemnity claim form, and a copy shall be forwarded to the Indiana Board of Animal Health. (*Indiana State Board of Animal Health; Reg 80-1, TITLE XVI; filed Jul 8, 1981, 10:15 am: 4 IR 1447; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-17 Indemnity incurred due to destruction of cattle or goats

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-7-7; IC 15-2.1-18-14

Sec. 17. Indemnity: (a) Owners of cattle destroyed which have shown a positive reaction to the tuberculin test, or cattle destroyed that have been exposed by reason of association with Tuberculosis cattle, shall be indemnified for such cattle in accordance with regulations of the Indiana Board of Animal Health and the United States Department of Agriculture, but no payment by the State may be more than the sum prescribed in Indiana Code 15-2.1-7-7. Joint State-Federal indemnity plus salvage may not exceed appraised value of each animal. State indemnity may not exceed Federal indemnity on each animal. No indemnity may be paid for cattle reacting to a tuberculin test which has been applied by any veterinarian other than veterinarians employed by the Indiana Board of Animal Health or Veterinary Services.

(b) Goats destroyed which have shown a positive reaction to the tuberculin test or destroyed by reason of association with animals affected with Tuberculosis shall be indemnified as provided under Indiana Code 15-2.1-18-14. Indemnity plus salvage paid by the Indiana Board of Animal Health may not exceed \$50.00 for grade goats nor more than \$250.00 for registered goats and may not exceed the appraised value of any goat. No indemnity may be paid for goats reacting to a tuberculin test which has been applied by any veterinarian other than veterinarians employed by the Indiana Board of Animal Health or Veterinary Services. (*Indiana State Board of Animal Health; Reg 80-1, TITLE XVII; filed Jul 8, 1981, 10:15 am: 4 IR 1447; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.1-18 State free status; herd depopulation

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 18. Tuberculosis-free status was established November 1, 1984, according to USDA, APHIS, Uniform Methods & Rules. The Indiana Code 15-2.1-3-13 provides for the maintenance of a Tuberculosis-free state. Therefore, whenever Tuberculosis organism *Mycobacterium bovis* is identified in a herd of cattle, bison, or goats, all animals will be depopulated to control the spread of Tuberculosis. (*Indiana State Board of Animal Health; 345 IAC 2-4.1-18; filed Sep 6, 1990, 2:45 p.m.: 14 IR 83; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

Rule 4.5. Cervidae

345 IAC 2-4.5-1 Definitions

Authority: IC 15-2.1-3-19

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

Sec. 1. (a) The following definitions apply throughout this rule:

- (1) "Board" means the Indiana state board of animal health or its authorized representative.
- (2) "Cervidae" means all species of deer, elk, and moose that are livestock.
- (3) "Cervidae UM&R" means the "Tuberculosis Eradication in Cervidae–Uniform Methods and Rules" incorporated by reference in section 2 of this rule.
- (4) "Condemned" means ordered destroyed.
- (5) "Domestic animal" has the meaning set forth in IC 15-2.1-2-15.
- (6) "Federal official" means the United States Department of Agriculture–Animal and Plant Health Inspection Service or its authorized representative.
- (7) "Livestock" has the meaning set forth in IC 15-2.1-2-27.
- (8) "Official Tuberculosis test" means the single cervical test or the comparative cervical test for Tuberculosis conducted by a state official, federal official, or a designated accredited veterinarian in accordance with this rule. The blood Tuberculosis (BTB) test is not an official Tuberculosis test in Indiana.
- (9) "State official" means the board as created under IC 15-2.1-3 or its authorized representative.
- (10) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4.

(b) The following apply throughout this rule:

- (1) An animal tests negative for a disease or passes a test for a disease when a test conducted in accordance with Indiana law and generally accepted testing procedures indicates that the animal is not infected with the disease.
- (2) An animal fails, responds to, or has a response to a test for a disease when a test conducted in accordance with Indiana law and generally accepted testing procedures indicates that an animal is or may be infected with the disease.

(*Indiana State Board of Animal Health; 345 IAC 2-4.5-1; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1474; errata filed Mar 31, 1999, 9:37 a.m.: 22 IR 2534; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.5-2 Incorporation by reference

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 2. (a) Tuberculosis control and eradication in captive cervidae is a goal of the board.

(b) Except as provided in subsection (c), the board incorporates by reference, as a rule of the board, the "Tuberculosis Eradication in Cervidae—Uniform Methods and Rules", United States Department of Agriculture, Animal and Plant Health Inspection Service, May 20, 1997, for the regulation of Tuberculosis in cervidae in Indiana. Where the matters incorporated by reference in this section conflict with this rule, the express provisions of this rule control.

(c) The importation requirements for cervidae at 345 IAC 1-3-29 shall control. (*Indiana State Board of Animal Health; 345 IAC 2-4.5-2; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1474; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.5-3 Monitoring for Tuberculosis in cervidae herds; herd status

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 3. Owners of cervidae herds in Indiana may obtain one (1) of the following Tuberculosis herd statuses for their herds:

(1) "Accredited Tuberculosis free" herd status by complying with the procedures in the Cervidae UM&R, Part III(A).

(2) "Tuberculosis monitored" herd status by complying with the procedures in the Cervidae UM&R, Part III(C).

(3) "Qualified" herd status by complying with the procedures in the Cervidae UM&R, Part III(D).

(*Indiana State Board of Animal Health; 345 IAC 2-4.5-3; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1474; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.5-4 Testing and classifying cervidae; reporting

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 4. (a) The board shall have the authority to test any animal or herd for potential Tuberculosis infection as is deemed necessary by the state veterinarian. The owner of animals to be tested shall be notified of the testing. The board may supervise any Tuberculosis test conducted by an accredited veterinarian. It shall be the duty of all persons owning or having custody of animals that are tested to render all reasonable assistance to the board in performing its duties under this rule, including, but not limited to, the submission and restraint of animals for testing, retesting, and identification, including the branding and tagging of reactors.

(b) The testing methods set forth in the Cervidae Uniform Methods and Rules shall be used to conduct official Tuberculosis tests on cervidae, but the blood Tuberculosis (BTB) test may not be used. An official tuberculin test shall be applied only by a veterinarian that is a state or federal official or an accredited veterinarian.

(c) At the time of an official test, each cervidae must be individually and uniquely identified utilizing a permanent official identification. Official permanent identification must be an ear tag, tattoo, or other identification approved by the state veterinarian.

(d) Cervidae tested for Tuberculosis shall be classified pursuant to the Cervidae Uniform Methods and Rules.

(e) After an official test for Tuberculosis is conducted, the results must be reported to the board within ten (10) days of completion of the test. The veterinarian is primarily responsible for seeing that the results are reported to the board. If test results are not reported to the board, the owner's herd status may be revoked or denied.

(f) Each official Tuberculosis test shall be recorded on an approved form and submitted to the board. A report of a tuberculin test must include individual information for each animal and must include the following:

(1) The animal's official identification number.

(2) The animal's sex.

(3) The animal's age.

(4) The animal's breed.

(5) The size of the response to the Tuberculosis test for the animal.

(*Indiana State Board of Animal Health; 345 IAC 2-4.5-4; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1475; errata filed Mar 31, 1999, 9:37 a.m.: 22 IR 2534; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.5-5 Suspects, reactor, and affected herds

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 5. (a) Cervidae that are classified a suspect or a reactor and affected herds must be quarantined.

(b) Cervidae that are classified a suspect or a reactor and affected herds must meet the requirements of the Cervidae Uniform Methods and Rules, Part II(I) through Part II(N) before a quarantine will be released.

(c) The state veterinarian may order any suspect or reactor cervid condemned in order to protect the public health and the health of animals in Indiana. (*Indiana State Board of Animal Health; 345 IAC 2-4.5-5; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1475; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.5-6 Condemnation and indemnity

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 6. (a) The United States Department of Agriculture designated Indiana Tuberculosis-free under the Uniform Methods and Rules on November 1, 1984. The state veterinarian may order any cervidae condemned in order to maintain Indiana's United States Department of Agriculture designation as a Tuberculosis-free state.

(b) Owners of cervidae condemned under this rule shall be indemnified according to this section.

(c) The state veterinarian shall determine an appraised value for all condemned cervidae. When determining a cervid's value, the state veterinarian may consider the following:

(1) The owner's purchase price for the condemned animal.

(2) The sales price of similar animals sold on the open market.

(3) The animal's market value as a food animal and as a breeding animal.

The state veterinarian may hire and rely on the opinion of independent appraisers to value animals. The state veterinarian's determination of the animal's value shall be considered the appraised value for the purposes of this rule.

(d) The board will pay an owner of condemned cervidae the lesser of the following amounts:

(1) The appraised value minus any amounts received by the owner for the condemned cervidae from:

(A) insurance proceeds;

(B) indemnity from the federal government; and

(C) any other source.

(2) One thousand dollars (\$1,000).

The state veterinarian shall keep a record of indemnity paid.

(e) The owner of condemned cervidae must report to the board any money received for the condemned animal from any source other than the state immediately upon receipt of the money. An owner who fails to report as required by this subsection will not be indemnified for the condemned animal and must return any indemnity paid by the board. (*Indiana State Board of Animal Health; 345 IAC 2-4.5-6; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1475; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-4.5-7 Cleaning and disinfecting

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 7. The state veterinarian may order a premises, including:

(1) all structures thereon;

(2) holding facilities;

(3) conveyances;

(4) equipment; and

(5) materials;

that have been or may have been exposed to Tuberculosis so as to constitute a health hazard to humans or animals, cleaned and disinfected according to procedures set forth by the state veterinarian. The procedures for cleaning and disinfecting ordered by the state veterinarian must be reasonably likely to reduce the hazard of potential Tuberculosis exposure to humans and animals. (*Indiana State Board of Animal Health; 345 IAC 2-4.5-7; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1476; errata filed Mar 31, 1999, 9:37 a.m.: 22 IR 2534; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

Rule 5. Cattle Brucellosis Control and Eradication (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Oct 29, 1984, 8:59 am: 8 IR 172)

Rule 6. Cattle Brucellosis Control and Eradication

345 IAC 2-6-1 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 1. The following definitions apply throughout this rule:

(1) “B’ brand permit (VS Form #1-27)” means an official document issued by a USDA–Veterinary Services representative, Indiana state board of animal health representative, or licensed, accredited veterinarian. This document is to accompany “B” branded cattle and bison (or exposed cattle and bison moved under official seal). The permit must include the following:

- (A) Identification tag, tattoo, United States Department of Agriculture (USDA) back tag, registration number, or similar identification.
- (B) The reactor tag number.
- (C) The owner's name and address.
- (D) Origin and destination locations.
- (E) Number of cattle covered.
- (F) The purpose of the movement.

If a change in destination becomes necessary, a new permit must be prepared. No diversion from the permitted destination is allowed. Distribution of the copies is printed on the official document and must be followed.

(2) “B’ branded cattle” means all reactor cattle shall be permanently identified by hot iron branding with the letter “B” (at least two (2) inches by two (2) inches) placed high on the left tailhead (over the fourth to the seventh coccygeal vertebrae). An approved reactor tag must be placed in the left ear. Identification of reactors must be accomplished within fifteen (15) days of the test date. The time may be extended fifteen (15) days for reasons mutually acceptable to the cooperating state and federal officials-in-charge.

(3) “Board” means the Indiana state board of animal health or its authorized agent.

(4) “Brucellosis”, commonly called contagious abortion or Bang's Disease, means a communicable and infectious disease in domestic animals caused by *Brucella* organisms.

(5) “Brucellosis tests”, used at the state or state-federal laboratory, must be approved by USDA, APHIS, VS, and state-federal veterinary Brucellosis epidemiologists.

(6) “Cattle” means genus *Bos* and includes all dairy and beef animals and bison.

(7) “Certified Brucellosis-free herd” means a herd that meets the requirements of section 3 of this rule, and for which the owner holds an unrevoked and unexpired Brucellosis-free certificate issued by the board.

(8) “Cooperating agencies” means the Indiana state board of animal health and the Animal and Plant Health Inspection Service (APHIS) Veterinary Services of the United States Department of Agriculture (USDA).

(9) “Exposed cattle” means those that are part of a Brucellosis infected herd or have been in contact with a Brucellosis reactor twenty-four (24) hours, or less than twenty-four (24) hours if a reactor has recently aborted, calved, or has a vaginal or uterine discharge.

(10) “Feeder cattle” means steers of any age and nonpregnant, nonparturient females and bulls of beef breeds:

- (A) obviously under eighteen (18) months of age; and
- (B) intended for slaughter after having reached the desired feeding state.

(11) “Goats” means genus *Capra*.

(12) “Herd depopulation” means removal of all sexually intact animals to an approved slaughter establishment.

(13) “Herds” means all cattle, except steers and spayed heifers, under common ownership or supervision that are grouped on one (1) or more parts of any single premise (lot, farm, or ranch), or all cattle on two (2) or more premises geographically separated, but on which the cattle have been interchanged or where there has been:

- (A) contact of cattle between the premises; or
- (B) interchange of equipment used or caretakers.

For Brucellosis eradication purposes, groups of cattle, under multiple ownership on common premises, such as community pastures or grazing association units, shall also be considered as a herd. Such herds shall include all other groups of cattle owned by those persons unless the epidemiological investigation establishes that association has not occurred.

(14) "Immediate slaughter" means a shipment of cattle from the premises of origin directly to a slaughtering establishment or consigned to one (1) market for reconsignment directly to an approved state or federal slaughtering establishment within seven (7) days of the first consignment.

(15) "Individual herd plan" means a herd management and testing plan designed by:

- (A) the herd owner;
- (B) his or her veterinarian if so requested; and
- (C) a veterinarian of the cooperative Brucellosis eradication program that will control and eventually eradicate Brucellosis from an affected herd.

A similar plan for determining the true status of suspects and preventing exposure to Brucellosis within the herd is also within the meaning of the term.

(16) "Livestock auction market" or "salebarn" means an established place of business and contiguous surroundings, including vehicles of transportation:

- (A) from which domestic animals consigned to such livestock auction market or salebarn are sold or exchanged at auction or otherwise; and
- (B) for the sale or exchange of which a commission is paid to the operator of such place of business.

(17) "Market cattle reactor herd" means a herd from which one (1) or more reactors were disclosed on the market cattle identification program test (MCI).

(18) "Milk ring suspicious herd" means a herd that has been classified suspicious to the standard milk ring test of milk or cream.

(19) "Milk ring test (BRT)" means a test for Brucellosis using whole milk or cream.

(20) "Negative" means the following:

- (A) Official vaccinates of dairy breeds twenty (20) months of age or over and official vaccinates of beef breeds twenty-four (24) months of age or over with Brucellosis test titers not higher than complete agglutination of 1:50 dilution on the standard plate test or standard tube test unless diagnosed suspect or reactor on the basis of a card test or complement fixation test.
- (B) Cattle more than six (6) months of age when the standard plate test or standard tube test:
 - (i) discloses reactions of not more than complete agglutination in the 1:25 dilution if performed;
 - (ii) is negative to the Brucellosis card test if performed;
 - (iii) discloses twenty-five percent (25%) fixation or less (one (1) plus) at the 1:10 dilution on the complement fixation test if performed; or
 - (iv) discloses less than complete agglutination at the 1:25 dilution on the rivanol plate agglutination test if performed.

The board may accept variations when an epidemiological investigation indicates *Brucella abortus* infection is present. A diagnosis of suspect or reactor will then be accepted.

(C) Cattle negative to the rapid screening test when no other tests are performed.

(D) Cattle negative to the card test when no other tests are performed.

(E) Cattle negative to both rapid screen test and Brucellosis card test where plate titers are disclosed that are less than incomplete 1:100.

(21) "New state classification" shall be as follows:

- (A) "Free status" means no field Strain B. *abortus* infection in the state for the past twelve (12) months, maintained and adjusted as per current UM & R.
- (B) "Class A status" means twelve (12) months' accumulated herd infection rate due to field Strain B. *abortus* shall not exceed twenty-five hundredths percent (.25%) or two and five-tenths (2.5) herds per one thousand (1,000), maintained and adjusted as per current UM & R.
- (C) "Class B status" means twelve (12) months' accumulated herd infection rate not to exceed one and five-tenths percent (1.5%) or fifteen (15) herds per one thousand (1,000), maintained and adjusted as per current UM & R.
- (D) "Class C status" means twelve (12) months' accumulated herd infection rate exceeding one and five-tenths percent

(1.5%) or fifteen (15) herds per one thousand (1,000), maintained and adjusted as per current UM & R.

(22) "Official ear tag" means a metal identification ear tag purchased from Indiana state board of animal health designated source, conforming to the nine (9) character alpha-numerical National Uniform Ear Tagging System of appropriate color, for example, orange for Brucellosis vaccination. The ear tag provides unique identification for each individual animal.

(23) "Official ear tag record" means an accurate record of all ear tags applied by the licensed, accredited veterinarian must be recorded on record of identification card provided with the ear tags and returned to the board as soon as the card is completed.

(24) "Official health certificate" means any prescribed or printed form adopted by a state to be used for the purpose of recording:

- (A) data;
- (B) results of tests; and
- (C) statements;

concerning the health status or other matters in relation thereto with respect to domestic animals listed thereon.

(25) "Official vaccinate" means a female bovine animal or bison vaccinated by a licensed, accredited veterinarian against Brucellosis in accordance with this rule.

(26) "Owner" means the legal owner or his agent or person in possession of, or responsible for, cattle involved.

(27) "Reactor" means the following:

(A) Official vaccinates of dairy breeds twenty (20) months of age or over and official vaccinates of beef breeds twenty-four (24) months of age or over, as evidenced by the presence of the first pair of permanent incisors, or official vaccinates under these ages that are parturient (springers) or postparturient when they disclose complete standard plate test or standard tube test agglutination reactions in the blood titer dilution of 1:200 or higher.

(i) Positive to the Brucellosis card test where it has been the only test conducted.

(ii) Disclose titers of twenty-five percent (25%) fixation (one (1) plus) in a dilution of 1:40 or higher on the complement fixation test, if it is performed.

(iii) Disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test, if it is performed.

(B) All other cattle more than six (6) months of age when they disclose a complete agglutination reaction in the blood titer dilution of 1:100 or higher on the standard plate test or standard tube test.

(i) Are positive to the Brucellosis card test where it has been the only test conducted.

(ii) Disclose titers of fifty percent (50%) fixation (two (2) plus) in a dilution of 1:20 or higher on the complement fixation test.

(iii) Disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test.

(C) Found infected by isolation of *Brucella abortus* microorganisms.

The board may accept variations when an epidemiological investigation indicates *Brucella abortus* is not present. A diagnosis of suspect will then be accepted.

(28) "'S' branded cattle" means cattle that have been identified by branding, with a hot iron, the letter "S" (at least two (2) inches by two (2) inches) placed high on the left tailhead (over the fourth to the seventh coccygeal vertebrae). "S" branding is required for exposed cattle to move in marketing channels from farms or markets to immediate slaughter. Finished fed heifers moving in marketing channels directly to slaughter will be exempted from the "S" branding requirement.

(29) "'S' brand permit" means a document that is required to accompany animals in marketing channels having a restricted destination. The permit must show:

- (A) the origin;
- (B) the destination;
- (C) the number of restricted cattle;
- (D) the purpose of the movement;
- (E) the USDA back tag numbers (when applied serially, only the beginning and the ending number need be recorded); and
- (F) a statement certifying to the "S" brand identification.

The permit shall be prepared at the point of origin by a licensed, accredited veterinarian, a representative of the board, or a designated official at a quarantined feedlot. A copy of this "S" brand permit shall be immediately sent to the state animal health official with the original accompanying the animals. The original shall be delivered at the destination and retained at

that location for a minimum of six (6) months.

(30) "Suspect" means the following:

(A) Official vaccinates of dairy breeds twenty (20) months of age or over and official vaccinates of beef breeds twenty-four (24) months of age or over, as evidenced by the presence of the first pair of permanent incisor teeth or official vaccinates under these ages that are parturient (springers) or postparturient when they disclosed any standard plate test or standard tube agglutination reactions in the dilution of 1:100 or incomplete agglutination in the 1:200 dilution.

(i) Vaccinated cattle serologically negative to the standard plate test or standard tube test but that are positive to the Brucellosis card test, if it is performed.

(ii) Vaccinated cattle having less than twenty-five percent (25%) fixation (one (1) plus) in a dilution of 1:40 and fifty percent (50%) (two (2) plus) or more in a dilution of 1:10 to the complement fixation test, if it is performed.

(B) All other cattle more than six (6) months of age when they disclose a positive rapid screen test or a positive card test or plate titers of incomplete one hundred (100) or over and are not classified as reactors. Cattle having less than fifty percent (50%) fixation (two (2) plus) in a dilution of 1:20 and fifty percent (50%) fixation (two (2) plus) or more in a dilution of 1:10 to the complement fixation test, if it is performed.

(C) The board may accept variations when an epidemiological investigation indicates *Brucella abortus* is not present. A diagnosis of negative will then be accepted. When an epidemiological investigation indicates *Brucella abortus* infection is present, a diagnosis of reactor will be accepted.

(31) "Tested herd", formerly qualified herd, means cattle for which records show that the complete herd has been subjected to official testing for Brucellosis, in accordance with the required procedures for herds. Testing shall be done within the previous twelve (12) months, and the herd must not be known to be affected with Brucellosis.

(32) "Test-eligible cattle" means the following:

(A) All cattle over six (6) months of age except steers, spayed heifers, official calfhooch vaccinates under twenty (20) months of age for dairy breeds and twenty-four (24) months of age for beef breeds that are not parturient (springers) or postparturient and feeder cattle held under quarantine and kept separate and apart from all other cattle.

(B) "Market cattle identification (MCI) and blood sampling" means blood sampling, at a slaughtering establishment, of all cows and bulls over two (2) years of age, including preparturient heifers.

(33) "Uniform methods and rules" or "UM & R" means minimum standards of current Brucellosis eradication procedures recommended by the Brucellosis Committee of the United States Animal Health Association approved by the USDA. The board may accept any of the recommendations of the current uniform methods and rules that are compatible with this rule. In case of conflict, the state rules will prevail.

(34) "Veterinarian" means a person who:

(A) is licensed and accredited to practice veterinary medicine in Indiana; or

(B) graduated veterinarian employed by Animal Plant Health Inspection Service (APHIS) of USDA.

(Indiana State Board of Animal Health; 345 IAC 2-6-1; filed Oct 29, 1984, 8:59 a.m.: 8 IR 163; filed Dec 22, 1986, 3:40 p.m.: 10 IR 1061; filed Sep 6, 1990, 2:30 p.m.: 14 IR 83; errata filed Sep 10, 1990, 9:30 a.m.: 14 IR 155; filed Oct 11, 1996, 2:00 p.m.: 20 IR 740, ineffective under IC 4-22-2-25; filed Mar 27, 1997, 11:15 a.m.: 20 IR 2108; errata, 22 IR 2007; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 2-6-2 General requirements; testing procedures; vaccinations

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 2. (a) This rule pertains to Brucellosis in cattle, bison, and goats, when applicable. All Brucellosis testing shall be done at:

(1) state-federal approved laboratories or by qualified regulatory veterinarians employed by the state or federal government; or

(2) livestock markets by approved licensed, accredited veterinarians or personnel under their supervision.

(b) Grade cattle shall be identified by breed, sex, approximate age, and either:

(1) an official numbered ear tag in the right ear;

(2) a legible tattoo number; or

- (3) an individual brand.

A private ear tag inserted by the owner or his or her agent, which individually identified each animal in the herd, is permissible as ancillary identification.

- (c) Purebred cattle shall be identified by breed, sex, age, and either:

- (1) an official ear tag in the right ear;
- (2) a legible registry tattoo or registration number; or
- (3) an individual brand.

All identification is to be reported on test charts or health certificates.

(d) Every approved laboratory conducting tests shall immediately report the results thereof to the board on a test chart furnished by the board. The test chart shall be completed in its entirety, including all identification numbers of each animal tested.

(e) All blood tested at approved auction markets and stockyard laboratories shall be sent immediately to the animal disease diagnostic laboratory at Purdue University for confirmation.

- (f) Chain numbers are not acceptable for identification.

(g) Control and use of all Brucellosis testing antigens shall be administered by the board. The board shall limit its use only to approved Brucellosis testing laboratories and persons authorized to perform the tests.

(h) Calves shall be vaccinated only by a licensed, accredited veterinarian with an approved reduced dose vaccine, while between one hundred twenty (120) days and two hundred ninety-nine (299) days of age.

(i) It shall be unlawful for the owner to present any bovine for calfhood vaccination, or for the veterinarian to perform such calfhood vaccination, on any bovine that is not within the approved age span for calfhood vaccination as specified in subsection (h).

- (j) The animals so vaccinated shall be identified by:

- (1) an official calfhood vaccination ear tag affixed in the right ear; or
- (2) a legible tattoo number or registration number.

Female multiple offsprings of ova transplants of the same dam must be individually identified at the time of vaccination. Such animals shall be further identified in the right ear by tattooing the quarter number, indicating the quarter of the year, followed by the U.S. Registered Shield followed by a number corresponding with the last digit of the year in which the vaccination was done, for example, May 1996 (2V6), or, if RB51 vaccine is used, by tattooing an "R" followed by the U.S. Registered Shield followed by a number corresponding with the last digit of the year in which the vaccination was done, for example, R⁶.

(k) The veterinarian who administers the vaccine shall submit to the board within ten (10) days an accurate and detailed report of such vaccination on a form prescribed by the board for such purpose.

(l) An animal will be treated as a vaccinee only if it shows a legible vaccination tattoo. Official vaccination tattoos may be applied to both ears. The following identification practices will result in the animal being treated as a nonvaccinee:

- (1) Retattooing of vaccinated animals.
- (2) Retagging of calfhood vaccinated animals with an official calfhood vaccination tag. However, calfhood vaccinated animals may be retagged with an official pass tag when the vaccination tag is lost.
- (3) Multiple vaccination tattoos in a single ear.
- (4) Tattooing of an animal that obviously does not correspond with the age of the animal.

(m) Vaccination of cattle at auction markets shall conform to established guidelines as in this rule. In addition, the consignor or agent shall inform the market veterinarian of the maximum age of the calf or calves at unloading. The Brucellosis calfhood vaccination record shall be in the name of the consignor.

- (n) No male animal of the bovine species shall be vaccinated against Brucellosis nor recognized as an official vaccinee.

(o) An officially Brucellosis vaccinated animal, which is younger than twenty (20) months of age for dairy breeds and twenty-four (24) months of age for beef breeds shall be tested when deemed advisable by the Brucellosis epidemiologist.

(p) With whole herd vaccination, animals older than the age of official vaccination can be vaccinated under specific conditions with a reduced dose of vaccine. All eligible calves shall be vaccinated and identified. (This plan is to be exercised only if and when the board approves the use of reduced dosage of Brucella vaccine in adult herds, in which case the current recommended uniform methods and rules will be used as the guideline.)

(q) Persons or firms engaged in the manufacture, sale, or distribution of Brucella abortus vaccine or any preparation made from or through the agency of Brucella microorganisms shall sell or distribute such products only to duly licensed, accredited veterinarians. (*Indiana State Board of Animal Health; 345 IAC 2-6-2; filed Oct 29, 1984, 8:59 a.m.: 8 IR 166; filed Feb 26, 1986,*

4:00 p.m.: 9 IR 1567; filed Dec 22, 1986, 3:40 p.m.: 10 IR 1068; filed Nov 28, 1988, 5:35 p.m.: 12 IR 915; filed Sep 6, 1990, 2:30 p.m.: 14 IR 86; filed May 1, 1991, 2:30 p.m.: 14 IR 1724; filed Oct 11, 1996, 2:00 p.m.: 20 IR 743, ineffective under IC 4-22-2-25; filed Mar 27, 1997, 11:15 a.m.: 20 IR 2111; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 2-6-3 Certified Brucellosis-free herd; establishment; maintenance

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-8-10

Sec. 3. (a) Agreements. (1) The herd owner shall sign and file with the board an agreement, placing his herd under supervision for the purpose of establishing and maintaining such herd as certified Brucellosis-free herd by complying with the provisions of this section.

(2) Failure to comply with 345 IAC 2-6, or any other rule of the board in respect to the herd maintained under agreement, shall constitute cause for cancelling the agreement.

(b) Testing: All cattle six (6) months of age and over shall be tested, except for the following:

(1) Steers, spayed heifers and officially vaccinated dairy animals under twenty (20) months and beef animals under twenty-four (24) months of age, unless parturient or post-parturient.

(2) Feeding cattle maintained separate and apart from all other cattle with separate watering and feeding facilities.

(c) Certification. (1) The herd will be certified Brucellosis-free when it has passed at least two (2) consecutive negative tests, not less than ten (10) months nor more than fourteen (14) months apart.

(2) Suspect herds shall be retested as prescribed in 345 IAC 2-6-5(a).

(3) Where the milk ring test is employed, herds may become certified Brucellosis-free after passing four (4) consecutive negative milk ring tests conducted at not less than ninety (90) day intervals, followed by a complete negative herd blood test of all eligible animals within ninety (90) days of the last milk ring test.

(4) All animals sold from a certified Brucellosis-free herd must be on record of certified tests, have met the requirements of additions to the certified free herd, or be qualified untested animals of said herd.

(d) Recertification. (1) The Brucellosis-free herd status is for a one (1) year period. A negative herd test conducted within sixty (60) days prior to each anniversary date is required for continuous certification. Herd certification may be reinstated provided a negative herd test is conducted within sixty (60) days following the anniversary date. If a herd test for recertification is not conducted within sixty (60) days following the anniversary date, then certification requirements are the same as for initial certification.

(2) If for any reason a "suspect" or "reactor" is found in the herd, including retest for reason of BRT suspicious test or MCI reactor disclosure, the certification shall be suspended until compliance is met for recertification.

(3) Satisfactory answers must be given to any questionnaire sent to the owner concerning certification or recertification of the herd.

(e) Additions to certified Brucellosis-free herd under supervision. (1) All additions must be accompanied with an official health certificate. Cattle from Class C states must be accompanied by a health certificate endorsed, or approved by state veterinarian of the state of origin, indicating the date of the certification test.

(2) Animals shall originate from a certified Brucellosis-free herd, showing certification number and date of test on the health certificate. Animals added under this provision shall not receive new herd status for sale purposes until they have passed a forty-five (45) to ninety (90) days post-entry retest.

(3) Officially vaccinated dairy cattle under twenty (20) months of age, and beef cattle under twenty-four (24) months of age, if accompanied by an official vaccination certificate or proof of vaccination; except no vaccinated cattle that originated from a previously infected herd, unless at least one (1) generation removed from the infection and quarantine release.

(4) Class Free, A and B states. Test eligible animals six (6) months of age and over from herds not under quarantine must be tested negative for Brucellosis within thirty (30) days prior to the date of movement, and must be retested negative between forty-five (45) and ninety (90) days after being moved. Animals added under this provision shall not receive new herd status for sale purposes until they have passed this post-entry retest. (*Indiana State Board of Animal Health; 345 IAC 2-6-3; filed Oct 29, 1984, 8:59 am: 8 IR 168; filed Dec 22, 1986, 3:40 pm: 10 IR 1069; filed May 26, 1987, 3:45 pm: 10 IR 2275; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-6-4 Brucellosis milk ring tests

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 4. All dairy processing plants and dairy cooperatives must collect, label, and prepare samples of milk from each herd from which they buy milk. Samples must be given to the board upon request by the board. (*Indiana State Board of Animal Health; 345 IAC 2-6-4; filed Oct 29, 1984, 8:59 a.m.: 8 IR 168; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1481; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-6-5 Suspects; retesting; sale; depopulation

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 5. (a) For suspects found in herds on original partial or complete herd test the following applies:

- (1) Only the suspects are quarantined on the premises until retests of the suspects, in not less than thirty (30) day intervals, reveal them to decrease in titer, stabilize (stabilized suspect), or return to a negative status, at which time the herd will be classified as negative. Results of tests will be evaluated by a Brucellosis epidemiologist, and a determination made that infection does not exist, before testing and surveillance on such animals is concluded.
- (2) Supplementary tests will be used to determine advisability of retesting suspects.
- (3) If the retest does not include all previous suspicious animals, the entire herd shall be retested at the owner's expense.
- (4) Suspects or stabilized suspects cannot be sold except to slaughter under permit.
- (5) Suspects or stabilized suspects cannot be exhibited.

(b) Milk ring suspect herds shall be quarantined immediately and tested within thirty (30) days. If the owner fails to comply, attending penalties may be initiated.

(c) Tests and retests at program expense are area tests and tests of herds where infection is suspected or found, or those authorized by regulatory personnel or by an epidemiologist and the following applies:

- (1) The owner shall, upon due notice by a duly designated representative of either cooperating agency, confine his cattle in suitable quarters for testing and shall render reasonable assistance in such testing or retesting.
- (2) The Indiana state board of animal health or its agent reserves the right to supervise any testing or any aspect relating to this rule.

(d) Testing of areas where infection is found shall be conducted as follows:

- (1) All cattle six (6) months of age and over in the area or county shall be tested for Brucellosis, except the following:
 - (A) Steers, spayed heifers, and vaccinated animals under twenty (20) months of age for dairy breeds and twenty-four (24) months of age for beef breeds unless parturient or postparturient.
 - (B) Feeding cattle, approved as such, maintained separate and apart from all other cattle. Any feeder heifers of any age, if visibly pregnant, must be Brucellosis tested.
 - (C) Herds negative to the last three (3) consecutive milk ring tests, sufficient market cattle identification tests, or recent blood tests to be optional with the cooperating agencies.

(2) Any herd, where reasons exist to believe that infection may be present, shall be tested for Brucellosis to determine the possibility and/or extent of infection.

(e) Any person owning or having custody of cattle where testing is deemed advisable who refuses to permit his cattle to be tested or who fails to render reasonable assistance, as set forth in this section, shall be deemed to have violated the provisions of this rule, and shall be subject to all of the penalties provided by law as set forth in the Indiana Code.

(f) Herds in which the state veterinarian or his epidemiologist determine an animal has or had a confirmed Brucellosis infection will be given one (1) year from date of confirmed infection to establish a negative herd. If this does not occur, the herd shall be depopulated. (*Indiana State Board of Animal Health; 345 IAC 2-6-5; filed Oct 29, 1984, 8:59 a.m.: 8 IR 169; filed Sep 6, 1990, 2:30 p.m.: 14 IR 88; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-6-6 Market cattle identification program

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-8-10; IC 15-2.1-21

Sec. 6. (a) Market cattle identification shall consist of the identification of all eligible slaughter animals by an official back tag, traceable to the original owner. Samples of blood are obtained at the time of slaughter and sent to a state-federally approved Brucellosis testing laboratory for testing. Upon disclosure of a reactor to the blood serum test, the remaining animals in the herd of origin shall be blood tested.

(b) Implementation of the program. (1) Every livestock auction market operator, stockyard operator, livestock dealer and owner is required by the board to identify and apply official back tags to all bovine animals not bearing back tags at the time of taking possession or control of the following animals:

(A) Females two (2) years old and over.

(B) All breeding bulls over six (6) months of age.

(C) Not required on beef type bulls under eighteen (18) months old moving on a feeder permit.

(The back tags shall be affixed to the animal as directed by the board. Slaughtering establishments who buy direct shall apply official back tags to any untagged animals and collect and identify all blood samples from eligible animals, as described above, and send them to the animal disease diagnostic laboratory at Purdue University for testing.) (Back tags should be applied four (4) to six (6) inches below the backline and same distance behind the shoulder.)

(2) All persons are required to identify animals in accordance with this section and to file reports of such identification on forms as specified by the board; including thereon the back tag number, the date of application, the name, the address and county of residence of the person who owned or controlled the herd from which such animals originated, and whether the animals were of the beef or dairy type. Each report shall cover all animals identified during the preceding week.

(3) State or federal meat inspection service to collect or supervise the collection of blood samples from all eligible animals, and prepare samples with proper care and send the blood samples, along with all identification on forms supplied by the board, to the animal disease diagnostic laboratory at Purdue University for testing.

(4) The cooperating agencies to furnish back tags and glue, when funds are available, and necessary forms to correlate results of tests with original herd owners.

(c) The removal or altering of any identification of animals, such as official back tags, tattoos, etc., is prohibited. (*Indiana State Board of Animal Health; 345 IAC 2-6-6; filed Oct 29, 1984, 8:59 am: 8 IR 169; filed Dec 22, 1986, 3:40 pm: 10 IR 1070; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-6-7 Infected herds; identification and disposition of reactors; quarantine to be implemented when state status is identified other than Brucellosis-free by USDA Brucellosis Eradication Program

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 7. (a) All reactors shall be further identified, upon demand, as follows:

(1) A reactor tag approved by the board shall be affixed to the left ear.

(2) The letter "B" not less than two (2) inches or more than three (3) inches shall be branded high on the left tailhead (over the fourth to the seventh coccygeal vertebrae) with a hot iron, in such a manner that the brand shall be permanent. This identification shall be prior to movement from the owner's premises.

(b) The disposal of reactors shall be as follows:

(1) All reactors shall be:

(A) isolated immediately from the remaining portion of the herd; and

(B) removed from the premise for slaughter to an approved slaughtering establishment or to an approved market for sale to such slaughtering establishment within fifteen (15) days following branding and tagging. (The time may be extended fifteen (15) days for reasons mutually acceptable to the cooperating state and federal officials in charge.)

(2) Reactors shall be accompanied by a permit for movement of animals as prescribed by the board.

(c) Cleaning and disinfecting shall be performed, except as further noted, following the prescribed methods outlined by regulatory personnel, within fifteen (15) days following removal of reactors. An extension of time may be considered under

extenuating circumstances.

(d) This subsection establishes requirements for quarantine of infected herds or infected feedlots. All cattle, except steers and spayed heifers, must be:

- (1) confined to the premises until the herd is tested and found to be free of Brucellosis; or
- (2) sold for slaughter under permit for movement of animals. (See subsection (e)(3) concerning "S" branding.)

(e) Identification and disposition of exposed cattle shall be as follows:

(1) Animals that have been in contact with Brucellosis reactors in marketing channels for more than twenty-four (24) hours are considered to be exposed regardless of the blood test results and shall be:

- (A) sent to immediate slaughter; or
- (B) returned to the farm of origin under quarantine to be isolated from other cattle and tested as required under subsection (g).

If exposed animals are moved to slaughter, they shall be identified by hot branding with the letter "S" (at least two (2) inches by two (2) inches) placed high on the left tailhead (over the fourth to the seventh coccygeal vertebrae) prior to movement and accompanied by permit for movement.

(2) Exposed cattle returned from the auction market to the herd of origin, under quarantine, pending further testing are exempt from this requirement.

(3) No suspects or any animals from a Brucellosis quarantined herd or quarantined feedlot shall be removed from the premises, until a permit for movement, VS Form #1-27, has been obtained from the board or its agent by the owner or caretaker, and the animal is properly identified with an "S" brand. Feedlot cattle may be sold directly to Indiana approved slaughter plants with head count and permit VS Form #1-27 without branding.

(f) The board or its agent may issue permits for any cattle from a quarantined herd or quarantined feedlots only for consignment directly to an approved state or federal slaughtering establishment, or to a commission firm located at an approved public stockyard or approved auction market for reconsignment for immediate slaughter, and shall include the following:

(1) The owner of the animals shall furnish the following to the board:

- (A) The destination.
- (B) The name and address of:
 - (i) the commission firm; or
 - (ii) the approved state or federal slaughtering establishment.

(2) The permit shall:

- (A) show identification of the animals by tag number; and
- (B) specify the animals described shall be sold for slaughter only.

(3) The trucker shall:

- (A) have the permit in his or her possession when the animals described in this subsection are being transported; and
- (B) deliver the permit to the consignee or his or her agent at destination.

(4) The person to whom such animals are consigned shall immediately report to the board the receipt of such animals.

(g) Release of quarantine shall be as follows:

(1) All cattle, except steers and spayed heifers, including officially vaccinated heifers and calves in affected herds, shall be confined to the premises until the herd is freed of Brucellosis or sold for slaughter under "S" brand and permit and shall include the following:

(A) Three (3) consecutive negative herd blood tests are required for release of quarantine with the first negative herd test occurring not less than thirty (30) days after the removal and slaughter of all previous reactors.

(B) The second negative herd blood test shall occur not less than one hundred twenty (120) days following the removal of the last reactor.

(C) The releasing test (the third negative herd blood test) shall occur not less than ten (10) months (two hundred ninety-nine (299) days) following the removal of the last reactor. Exceptions shall be as follows:

- (i) Herds where Strain 19-Brucella is cultured from milk and/or tissue from the reactor. Those herds may be released from quarantine after a negative herd test thirty (30) days from removal of reactor.
- (ii) Herds where no Brucella are isolated from milk and/or tissue and no further evidence of Brucellosis is evident may be released one hundred twenty (120) days from removal of reactor upon the recommendation of the Brucellosis epidemiologist.

(2) Herd of origin of market cattle test reactors that fail to reveal additional reactors on a test of the entire herd would not be required to be held under quarantine for additional testing unless evidence suggestive of Brucella infection or exposure thereto is present.

(3) Any suspect found on the test for release of quarantine and subsequently testing negative after thirty (30) days may qualify the herd for release of quarantine.

(4) Cleaning and disinfection under the guidelines of state or federal personnel are required before the quarantine can be released.

(h) A herd plan for elimination of Brucellosis from each infected herd formalized between the owner and regulatory veterinarian shall be executed.

(i) Any person owning or having custody of cattle where testing is deemed advisable who:

(1) refuses to permit his or her cattle to be tested; or

(2) fails to render reasonable assistance as set forth in this rule;

shall be deemed to have violated this rule and shall be subject to all the penalties provided by law as set forth in the Indiana Code.

(j) The status of herds placed under quarantine for Brucellosis are to be made known to herd owners in the immediate community. The herd owners shall be notified by personal contact or by mail, including educational information about the disease. (*Indiana State Board of Animal Health; 345 IAC 2-6-7; filed Oct 29, 1984, 8:59 a.m.: 8 IR 170; filed Dec 22, 1986, 3:40 p.m.: 10 IR 1071; filed Sep 6, 1990, 2:30 p.m.: 14 IR 88; filed Oct 11, 1996, 2:00 p.m.: 20 IR 744, ineffective under IC 4-22-2-25; filed Mar 27, 1997, 11:15 a.m.: 20 IR 2112; errata, 22 IR 2007; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-6-8 Sale of cattle; testing required; exceptions; owner responsibilities

Authority: IC 15-2.1-3-19

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

Sec. 8. (a) An owner of cattle that are to be sold, leased, bartered, or exchanged must have a licensed, accredited veterinarian prepare an official health certificate for the cattle within thirty (30) days prior to the sale, lease, barter, or exchange. A copy of the health certificate shall accompany the cattle during transportation. Copies of the health certificate shall be distributed as follows:

(1) A copy to the recipient of the cattle.

(2) The veterinarian preparing the certificate must mail the pink and blue copies of the health certificate to the board's office within seven (7) days of preparing the certificate.

(b) A transaction involving feeder cattle is exempt from the certificate of veterinary inspection requirement in subsection (a). But if the feeder cattle are moved into Indiana from outside the state, the interstate movement requirements in 345 IAC 1-3 must be met. An owner or custodian of feeder cattle must keep the feeder cattle separate and apart from all dairy and breeding cattle.

(c) All cattle sold at an auction market, community sale, or public stockyard must be entered on an approved consignment sheet indicating the name and address of the consignee.

(d) The following apply to cattle sold for immediate slaughter:

(1) The transaction is exempt from the certificate of veterinary inspection requirement in subsection (a).

(2) The cattle shall not be resold or diverted for any other purpose or use.

(e) The responsibility for having cattle tested in accordance with this rule shall be upon the owner of the cattle prior to any transfer.

(f) Blood samples for Brucellosis tests must be drawn by a licensed, accredited veterinarian and tested by the Brucellosis testing service laboratory at Purdue University or at such other laboratory as the state veterinarian may designate. Blood samples tested at an approved laboratory at a licensed auction market shall be sent to the animal disease diagnostic laboratory at Purdue University for confirmation. (*Indiana State Board of Animal Health; 345 IAC 2-6-8; filed Oct 29, 1984, 8:59 a.m.: 8 IR 171; filed Feb 26, 1986, 4:00 p.m.: 9 IR 1568; filed Dec 22, 1986, 3:40 p.m.: 10 IR 1072; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1481; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Jul 1, 2002, 1:28 p.m.: 25 IR 3740*)

Rule 7. Chronic Wasting Disease

345 IAC 2-7-1 Definitions

Authority: IC 15-2.1-3-19

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

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

- (1) "Board" means the Indiana state board of animal health appointed under IC 15-2.1-3.
- (2) "Certification program" means the CWD certification program in sections 3 and 4 of this rule.
- (3) "Cervidae" or "cervid" means all members of the cervidae family and hybrids, including deer, elk, moose, caribou, reindeer, and related species.
- (4) "Chronic wasting disease" or "CWD" means a transmissible spongiform encephalopathy of cervids.
- (5) "CWD exposed animal" means an animal that is, or has been, in the last five (5) years, part of a CWD positive or CWD exposed herd.
- (6) "CWD exposed herd" means a herd in which a CWD positive or exposed animal has resided within sixty (60) months prior to the diagnosis of CWD.
- (7) "CWD negative animal" means an animal that has been subjected to an official CWD test that resulted in a negative classification.
- (8) "CWD positive animal" means an animal that has been diagnosed as having CWD based on official laboratory test results.
- (9) "CWD positive herd" means a herd in which a CWD positive animal resided at the time it was diagnosed and that has not been released from quarantine.
- (10) "CWD suspect" and "suspect" means laboratory evidence or clinical signs suggest a diagnosis of CWD, but laboratory results are not yet available or have been inconclusive.
- (11) "Herd" means an animal or a group of animals that are under common ownership or supervision and that are grouped on one (1) or more parts of a single premises, or on two (2) or more separate premises but on which animals have been interchanged or had direct or indirect contact with one another.
- (12) "Herd plan" means a written herd management agreement developed by the herd owner, the herd owner's veterinarian, and the state veterinarian, and approved by the state veterinarian, that states the steps that will be taken to eradicate CWD from a CWD positive, CWD exposed, or CWD suspect herd.
- (13) "High risk animal" means a cervid that may have been exposed to CWD. The state veterinarian shall determine which animals are high risk animals based on an epidemiological investigation that includes evaluation of animal movements, housing, location, and probable contacts with CWD positive, CWD exposed, or CWD suspect animals.
- (14) "Official test" means a CWD detection test approved by the state veterinarian conducted in a laboratory approved by the state veterinarian.
- (15) "Owner" means a person who legally owns an animal. The state veterinarian may include as an owner a person who possesses an animal under a permit issued by the United States government or the Indiana department of natural resources, whether or not the permit holder actually has ownership rights in the animal, if it furthers the purposes of this rule.
- (16) "Quarantine" means an order restricting the movement of animals onto or off of a premises.
- (17) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4 or his authorized agent.

(Indiana State Board of Animal Health; 345 IAC 2-7-1; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1339; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 346)

345 IAC 2-7-2 General provisions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 2. (a) Any official test for chronic wasting disease must be conducted at the Animal Disease Diagnostic Laboratory at Purdue University, a United States Department of Agriculture laboratory, or a laboratory approved by the state veterinarian. The state veterinarian may approve a laboratory to conduct official tests for chronic wasting disease if the laboratory demonstrates that its diagnostic procedures for chronic wasting disease are in compliance with generally accepted scientific standards and approving the laboratory will further the purposes of this rule.

(b) All tests for CWD required by this rule or conducted pursuant to this rule must be official tests. The results of a test for

CWD that is not an official test will not be used to determine compliance with this rule.

(c) All records required to be kept by this rule shall be kept for not less than six (6) years. (*Indiana State Board of Animal Health; 345 IAC 2-7-2; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1339; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-7-2.4 Interstate movement

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 2.4. A person moving a cervid into the state must comply with the requirements in this article and 345 IAC 1-3. (*Indiana State Board of Animal Health; 345 IAC 2-7-2.4; filed Sep 5, 2003, 8:41 a.m.: 27 IR 92*)

345 IAC 2-7-2.5 Intrastate movement

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 2.5. A person moving a cervid within the state must meet the following requirements:

- (1) The animal must be identified.
- (2) The requirements in this article concerning tuberculosis control must be met.
- (3) The requirements in this article concerning brucellosis control must be met.

(*Indiana State Board of Animal Health; 345 IAC 2-7-2.5; filed Sep 5, 2003, 8:41 a.m.: 27 IR 92*)

345 IAC 2-7-3 Herd registration

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18-9; IC 15-2.1-18-11

Sec. 3. (a) The owner of a cervid located in Indiana must meet the following requirements:

- (1) The owner shall register with the state veterinarian each location where his or her cervids are kept.
- (2) Each animal in the herd must be uniquely identified at the earliest of the following events:
 - (A) At the time the animal is moved onto the premises.
 - (B) At the time the animal is moved off of the premises.
 - (C) At the time the animal is held for testing, vaccination, or veterinary care of any kind.
 - (D) At the time the animal is held for semen, embryo, antler, or other collection from the animal.

Animals that have existing identification do not need to be reidentified upon the occurrence of these events if the existing identification meets the criteria for identification prescribed by the state veterinarian and the existing identification is recorded in the herd inventory. The state veterinarian shall prescribe the methods by which cervids shall be identified.

- (3) The owner must keep a complete, accurate, and current herd inventory. A herd inventory shall include the following:
 - (A) A record of each animal that is part of the herd, its identification, the date the animal was identified, and the event triggering its identification.
 - (B) A record of each animal that is added to the herd, including the date the animal is added and the source of the animal. If the source of the animal is from outside the owner's herd, the name and address of the source.
 - (C) A record of each animal that is removed from the herd, the cause for removal (sale, escape, death by accident, or death by other means), the date removed, and the name and address of the animal's destination.
- (4) Upon request of the state veterinarian, the owner or custodian of the animals must do the following:
 - (A) Provide the state veterinarian access to or a copy of the written herd inventory.
 - (B) Present each animal in the herd to the state veterinarian for inspection and verification of identification.
 - (C) Provide access to any animal in the herd for testing, identification, or evaluation.
- (5) Upon the death of any animal in the herd for any reason the owner shall immediately notify the state veterinarian. The state veterinarian may inspect any dead cervid and take tissues or other material necessary or helpful for detecting disease. The owner shall dispose of the remaining carcass as directed by the state veterinarian. The state veterinarian may require that the owner identify the carcass in a particular manner. The owner must allow the state veterinarian to collect samples from any

animal sent to slaughter.

(6) The herd must be enclosed in a perimeter fence that is made from materials that will prevent cervids from entering or leaving through the structure, has no openings that will allow ingress or egress, and measures at least eight (8) feet from the ground to the top of the fence at all parts of the structure. The state veterinarian may approve a perimeter fence enclosing smaller cervids that is lower than eight (8) feet if the fence is likely to contain the animals.

(b) The state veterinarian may conduct an epidemiologic evaluation of any cervid herd, including testing any animal if it furthers the goal of animal disease surveillance and control. The state veterinarian may consider all relevant factors, including the length of time the herd has been under a CWD surveillance program, the herd's health history, the potential effects of any additions to the herd, and the potential effect of wild cervids on the herd when evaluating herds under this subsection.

(c) The requirements in this section do not apply to a person possessing a dead wild cervid taken pursuant to a hunting permit issued by the Indiana department of natural resources. (*Indiana State Board of Animal Health; 345 IAC 2-7-3; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1339; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 347; filed Sep 5, 2003, 8:41 a.m.: 27 IR 92*)

345 IAC 2-7-4 Chronic wasting disease certified herd status

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 4. (a) An owner of a cervid herd located in Indiana shall obtain a CWD certified status for the herd from the state veterinarian by complying with the requirements in this section and section 3 of this rule.

(b) The state veterinarian may award a cervid owner the following CWD herd statuses in the CWD certification program:

- (1) Level One status after one (1) year of compliance.
- (2) Level Two status after two (2) years of compliance.
- (3) Level Three status after three (3) years of compliance.
- (4) Level Four status after four (4) years of compliance.
- (5) Level Five or "certified" status after five (5) or more years of compliance.
- (6) Unknown status prior to the first complete year of compliance or if a herd is not in compliance.
- (7) CWD positive, CWD suspect, or CWD exposed herd.

(c) If an animal is added to a herd, the CWD certification status of a herd will be altered as follows:

- (1) The CWD status will not change if the animal that is added to the herd originated from a herd that has been in an equivalent CWD certification program for at least as long as the recipient herd.
- (2) If the animal that is added to the herd originated from a herd that has been in a CWD certification program for less time than the recipient herd, the recipient herd's certification status will be lowered to the status of the lowest status cervid added.
- (3) A new herd that is assembled on a premises where CWD has never been diagnosed retains the certification status of the lowest status animal brought into the new herd.

(d) The state veterinarian may suspend, revoke, or lower the certification program status of a herd for the following reasons:

- (1) A herd is found to be CWD positive, CWD suspect, or CWD exposed.
- (2) The herd owner does not meet the requirements under this section.

(3) The herd owner violates the requirements for moving cervids into Indiana in 345 IAC 1-3 or any provision of this rule.

(*Indiana State Board of Animal Health; 345 IAC 2-7-4; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1340; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 348*)

345 IAC 2-7-5 CWD positive, CWD suspect, and CWD exposed animals

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15-1; IC 15-2.1-18-9; IC 15-2.1-18-11

Sec. 5. (a) Whenever an animal is determined to be CWD positive, the state veterinarian shall take steps to prevent, detect, contain, and eradicate CWD and may do the following:

- (1) Quarantine animals, carcasses, and feed or other material.
- (2) Condemn animals, carcasses, and feed or other material.

- (3) Specify the means of disposal for condemned items.
- (4) Conduct a complete epidemiologic investigation to determine the specific cause and source of the disease and to determine the population infected with and exposed to the disease.
- (5) Take steps that are necessary or helpful to prevent, detect, contain, and eradicate CWD.
- (b) Whenever a cervid is determined to be CWD positive, a herd plan shall be developed. The herd plan shall include the following:
 - (1) The specific conditions of the quarantine imposed by the state veterinarian under subsection (a).
 - (2) The specific conditions for the disposal of condemned items and death loss from the herd.
 - (3) A plan for cleaning and disinfecting the CWD positive herd premises according to directions prescribed by the state veterinarian. The plan shall be designed to minimize the likelihood that CWD is spread.
 - (4) A plan for assessing the health of animals in the herd. The plan shall address each of the following:
 - (A) Testing some or all of the animals for CWD.
 - (B) Depopulating some or all of the animals in the herd.
 - (C) Inspections by state or federal officials and other surveillance measures.
 - (D) Animal identification requirements.
 - (E) Herd inventory requirements.
 - (5) If necessary, parameters for separation of animals, captive and wild.
 - (6) Parameters for restocking or adding to the herd.
 - (7) Any other measures necessary to prevent, detect, and eradicate CWD.
- (c) The following apply to CWD exposed and CWD suspect herds:
 - (1) The state veterinarian may quarantine a CWD exposed or CWD suspect herd.
 - (2) The state veterinarian may:
 - (A) condemn animals in the herd; and
 - (B) order testing of any animal in the herd.
 - (3) A herd plan shall be developed for the herd. The herd plan shall meet the requirements in subsection (b).
 - (d) A cervid owner shall follow and implement the provisions of a herd plan developed for the owner's herd under this section.
 - (e) The state veterinarian may release a quarantine imposed on a CWD positive, CWD suspect, or CWD exposed herd after the provisions of the herd plan developed under this section have been completed. (*Indiana State Board of Animal Health; 345 IAC 2-7-5; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1340; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 349*)

Rule 8. Johne's Disease (Mycobacterium Paratuberculosis)

345 IAC 2-8-1 General provisions

Authority: IC 15-2.1-3-19

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

- Sec. 1. (a) The purpose of this rule is to control the spread of Johne's disease in Indiana.
- (b) The applicable definitions in IC 15-2.1-2 and this rule apply to this rule.
- (c) An animal tests negative or passes a test when an official Johne's disease test indicates that the animal is not infected with Johne's disease.
- (d) An animal tests positive, responds to, or fails a test when an official Johne's disease test indicates that the animal is infected with Johne's disease.
- (e) Samples collected for use in any Johne's disease test must be collected by a veterinarian who is:
- (1) licensed or legally able to practice veterinary medicine in Indiana; and
 - (2) accredited by the United States Department of Agriculture under 9 CFR, Subchapter J.
- (f) Any person collecting samples to be used in any Johne's disease test shall identify each animal from which samples were collected by attaching an official ear tag to the animal's right ear. Each sample shall be identified with the respective official ear tag number.
- (g) The state veterinarian may approve disease detection tests that will reliably detect Johne's disease. The state veterinarian

may approve a laboratory that demonstrates that its diagnostic procedures for Johne's disease are likely to produce timely and reliable test results if approving the laboratory will further the purposes of this rule. The state veterinarian may consider generally accepted scientific standards and state and federal licensing, certification, and evaluation programs when approving tests and laboratories. A list of official Johne's disease tests and official laboratories may be obtained from the state veterinarian. (*Indiana State Board of Animal Health; 345 IAC 2-8-1; filed Mar 16, 2001, 11:26 a.m.: 24 IR 2454; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-8-2 "Approved market facility" defined

Authority: IC 15-2.1-3-19

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

Sec. 2. As used in this rule, "approved market facility" means a livestock market, stockyards, concentration point, or other premises that has been licensed under IC 15-2.1-14. (*Indiana State Board of Animal Health; 345 IAC 2-8-2; filed Mar 16, 2001, 11:26 a.m.: 24 IR 2454; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-8-3 "Approved slaughtering establishment" defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2; IC 15-2.1-3; IC 15-2.1-24

Sec. 3. As used in this rule, "approved slaughtering establishment" means an establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Indiana Meat and Poultry Inspection Act (IC 15-2.1-24). (*Indiana State Board of Animal Health; 345 IAC 2-8-3; filed Mar 16, 2001, 11:26 a.m.: 24 IR 2454; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-8-4 "Board" defined

Authority: IC 15-2.1-3-19

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

Sec. 4. As used in this rule, "board" means the Indiana state board of animal health established under IC 15-2.1-3. (*Indiana State Board of Animal Health; 345 IAC 2-8-4; filed Mar 16, 2001, 11:26 a.m.: 24 IR 2455; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-8-5 "Johne's disease" defined

Authority: IC 15-2.1-3-19

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

Sec. 5. As used in this rule "Johne's disease" means an infectious and communicable disease that primarily affects cattle, sheep, goats, and other domestic and wild ruminants, also known as paratuberculosis, caused by *Mycobacterium paratuberculosis*. (*Indiana State Board of Animal Health; 345 IAC 2-8-5; filed Mar 16, 2001, 11:26 a.m.: 24 IR 2455; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-8-6 "Moved" defined

Authority: IC 15-2.1-3-19

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

Sec. 6. As used in this rule, "moved" means shipped, transported, delivered, or received for movement, or otherwise aided, induced, or caused to be moved. (*Indiana State Board of Animal Health; 345 IAC 2-8-6; filed Mar 16, 2001, 11:26 a.m.: 24 IR 2455; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-8-7 “Official ear tag” defined

Authority: IC 15-2.1-3-19

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

Sec. 7. As used in this rule, “official ear tag” means an identification ear tag the state veterinarian approves as being tamper-resistant and providing unique identification for each animal. (*Indiana State Board of Animal Health; 345 IAC 2-8-7; filed Mar 16, 2001, 11:26 a.m.: 24 IR 2455; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-8-8 “Official Johne’s disease test” defined

Authority: IC 15-2.1-3-19

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

Sec. 8. As used in this rule, “official Johne’s disease test” means a disease detection test approved by the state veterinarian performed in a laboratory approved by the state veterinarian. (*Indiana State Board of Animal Health; 345 IAC 2-8-8; filed Mar 16, 2001, 11:26 a.m.: 24 IR 2455; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-8-9 “Owner-shipper statement” defined

Authority: IC 15-2.1-3-19

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

Sec. 9. As used in this rule, “owner-shipper statement” means a written statement that is signed by the owner or shipper of animals and that includes the following information:

- (1) The number of animals to be moved.
- (2) The official ear tag number of each animal.
- (3) The species of the animals.
- (4) Points of origin and destination.
- (5) The name and address of the consignor and consignee.
- (6) A statement that the animals are positive to an official Johne’s disease test.
- (7) Any additional information required by this rule.

(*Indiana State Board of Animal Health; 345 IAC 2-8-9; filed Mar 16, 2001, 11:26 a.m.: 24 IR 2455; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-8-10 “State veterinarian” defined

Authority: IC 15-2.1-3-19

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

Sec. 10. As used in this rule, “state veterinarian” means the state veterinarian appointed under IC 15-2.1-4 or an authorized agent. (*Indiana State Board of Animal Health; 345 IAC 2-8-10; filed Mar 16, 2001, 11:26 a.m.: 24 IR 2455; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 2-8-11 Moving Johne’s disease positive animals

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-21-6; IC 15-2.1-21-7

Sec. 11. (a) No animal that is positive to an official Johne’s disease test may be moved into Indiana unless the requirements in this section are met.

(b) An animal in Indiana that tests positive to an official Johne’s disease test may be moved from the premises only if the animal is moved according to the requirements in this section.

(c) An animal that is positive to an official Johne’s disease test may be moved if the following requirements are met:

- (1) The animal is moved directly to an approved slaughtering establishment for immediate slaughter or to an approved market

facility for sale for immediate slaughter.

(2) The animal bears an official ear tag.

(3) The person transporting the animal keeps an owner-shipper statement with the animal at all times and delivers it to the consignee.

(4) The animal is moved to the destination in one (1) continuous movement without unloading prior to reaching the destination.

(5) Each means of conveyance used to transport the animal is thoroughly and completely cleaned and disinfected according to guidelines issued by the state veterinarian.

(6) Each part of a facility in which the animal is maintained must be thoroughly and completely cleaned and disinfected pursuant to guidelines issued by the state veterinarian.

(d) Animals that are positive to an official Johne's disease test may not be moved in a conveyance containing animals that are susceptible to but not infected with Johne's disease unless all of the animals are for immediate slaughter. The state veterinarian may allow the movement of Johne's disease positive animals with healthy animals if the owner or shipper of the animals demonstrates to the state veterinarian that procedures will be followed that will prevent the transfer of fecal material from Johne's disease positive animals to healthy animals.

(e) The state veterinarian may approve a request to move an animal that is positive to an official Johne's disease test into Indiana under conditions other than those provided in this section if the conditions set by the state veterinarian are designed to prevent the spread of Johne's disease and the movement of the animals will aid in the study, detection, and control of Johne's disease. (*Indiana State Board of Animal Health; 345 IAC 2-8-11; filed Mar 16, 2001, 11:26 a.m.: 24 IR 2455; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

ARTICLE 3. SWINE

Rule 1. Ante-mortem Examination for Disease (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Jun 18, 1979, 9:16 am: 2 IR 1123)

Rule 2. Hog Cholera Testing (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Jun 18, 1979, 9:16 am: 2 IR 1123)

Rule 3. Hog Cholera Quarantine; Indemnity (Repealed)

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

Rule 4. Swine Brucellosis Testing, Control and Eradication; Validated Brucellosis-Free Herds

345 IAC 3-4-1 Scope of rule

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-10

Sec. 1. This rule is established under IC 15-2.1-10 providing for the Brucellosis testing of breeding swine imported into the state. This rule also provides for the establishment of validated Brucellosis-free herds and areas and establishes procedures to be used in the control and eradication of swine Brucellosis. (*Indiana State Board of Animal Health; Reg 73-1, Title I; filed Jan 22, 1974, 9:15 a.m.: Rules and Regs. 1975, p. 177; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2401; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 3-4-2 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2; IC 15-2.1-10

Sec. 2. (a) The "board" means the Indiana state board of animal health.

(b) "Herd of swine" means all swine on the premises six (6) months of age or older maintained for breeding purposes and kept

separate and apart from all other swine.

(c) "Brucellosis test" means the serological test using the Brucellosis test card and buffered Brucella antigen (card test) and/or any other test approved by the board.

(d) "Negative test" means any swine from an infected herd or herd of unknown status that discloses an SPT agglutination reactor of less than complete agglutination in the blood titer dilution of 1:25 or that has no reaction to the card test. Any swine from a validated herd or a herd not known to be infected in a validated area or on a complete or twenty-five percent (25%) herd test that discloses an SPT agglutination reaction of less than complete agglutination in the blood titer dilution of 1:100 or that has no reaction to the card test.

(e) "Suspect" means any swine positive to the card test and negative to the rivanol test.

(f) "Negative herd test" means all eligible swine comprising the herd are negative under the definition of a negative test.

(g) "Reactor" means any swine that discloses complete agglutination reaction to the blood titer dilution of 1:100 or higher, is positive to the card test and positive to the rivanol test. If a veterinary epidemiologist determines that the herd history so indicates the animal may be classified as a suspect and quarantined until subjected to additional test(s) to determine the status of the animal(s). Swine from known infected herds having complete agglutination titer in the 1:25 dilution, or higher, or positive to the card test or found infected by other means shall be classified as reactors.

(h) "Brucellosis infected herd" means a herd of swine in which one or more reactors has been disclosed.

(i) "Approved market Brucellosis test"—the card test (BBA) will be used at salebarns, auction markets, and stockyards and must be conducted by an approved veterinarian or an approved technician under his direct supervision in a Brucellosis testing laboratory in the market that has been authorized and approved by the board.

(j) "Approved market veterinarian" means an accredited veterinarian licensed by the state of Indiana and authorized by the board, in writing, to conduct official tests in an approved laboratory and perform other duties in the market in a manner recommended by the board. Authorization may be revoked by the board for failure to follow recommended procedures or for violation of a regulation of the board.

(k) "Immediate slaughter" means any domestic animal purchased or sold for such purpose, except animals to be slaughtered by the purchaser himself, will be consigned to a recognized slaughtering establishment or to a licensed stockyard for consignment to a recognized slaughtering establishment and must not be diverted for any other purpose.

(l) "Persons" means any individual, firm, partnership, association, joint venture or corporation.

(m) "Recognized slaughter establishment" means a place of business where domestic animals are slaughtered and meat products are processed for human consumption, subject to federal or state meat inspection.

(n) "Cooperating agencies" means the Indiana state board of animal health and the United States Department of Agriculture, and the Animal and Plant Health Inspection Service, Veterinary Services.

(o) "Auction market (salebarn) or community sale" means an established place of business and contiguous surroundings including vehicles of transportation from which animals consigned to such auction market (salebarn) or community sale are sold or exchanged at auction or otherwise and for sale or exchange of which a commission is paid to the operator of such place of business.

(p) "Stockyards" means a place where livestock is assembled for sale, purchase or reassignment.

(q) "Market" means auction market (salebarn), community sale or stockyards.

(r) "Public sale" means any sale where the general public is invited to participate whether held at an established place of business dedicated principally to the sale or exchange of domestic animals or a place where such sales are infrequently held.

(s) "Private sale" means a sale, exchange, lease or barter of domestic animals between persons.

(t) "Validated Brucellosis-free herd" means a herd of swine that has a negative herd test or a negative test of twenty-five percent (25%) of the breeding herd every eighty (80) to one hundred five (105) days with all swine in the herd tested during a twelve (12) month period, provided the owner(s) of the herd has signed the agreement required by the cooperating agencies. Validation shall be for twelve (12) months from the date of the herd test provided the herd is maintained separate and apart from all other swine.

(u) "Validated Brucellosis-free area" means a state or political subdivision that has been declared free of swine Brucellosis by the cooperating agencies and have met the requirements set forth by the Recommended Uniform Methods and Rules of the United States Department of Agriculture. (*Indiana State Board of Animal Health; Reg 73-1, Title II; filed Jan 22, 1974, 9:15 am: Rules and Regs. 1975, p. 178; filed Oct 29, 1984, 9:02 am: 8 IR 177; errata, 8 IR 493; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 3-4-3 Official health certificate required for sale

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1

Sec. 3. (a) As long as Indiana maintains a “validated Brucellosis-free state” status, Indiana swine in intrastate commerce are not required to be tested and found negative for Brucellosis prior to sale, offer for sale, lease, barter, or exchange. Interstate swine must satisfy the swine Brucellosis requirements of the state of destination. If Indiana loses the “validated Brucellosis-free state” status, the requirements in subsection (b) apply.

(b) No person shall sell, offer for sale, lease, barter, or exchange any swine for breeding purposes in Indiana unless the transaction is accompanied by an official health certificate (a special form prescribed for such purpose by the Indiana state board of animal health may be used in lieu of an official health certificate in approved laboratories at markets and stockyards) indicating said swine to be individually identified and negative to Brucellosis within the thirty (30) days preceding the date of sale, lease, barter, or exchange, except as follows:

- (1) Swine originating directly from the owner's currently validated Brucellosis-free herd.
- (2) Swine under six (6) months of age.
- (3) Swine consigned for immediate slaughter.
- (4) Barrows.
- (5) Swine exempted by the board.

(Indiana State Board of Animal Health; Reg 73-1, Title III, Sec 1; filed Jan 22, 1974, 9:15 a.m.: Rules and Regs. 1975, p. 179; filed Oct 29, 1984, 9:02 a.m.: 8 IR 178; filed Jun 18, 1990, 3:06 p.m.: 13 IR 1995; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 3-4-4 Identification of swine; duty of owner

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-10-3

Sec. 4. The obligation for having each eligible animal tested and individually identified shall be upon the owner.

- (1) The identification shall be by ear tag, tattoo, or ear notch recognized by a national breed registry association.
- (2) An accredited veterinarian licensed by the State of Indiana shall record individual identification on all swine from which blood samples are taken for the purpose of testing for Brucellosis.

(Indiana State Board of Animal Health; Reg 73-1, Title IV, Sec 1; filed Jan 22, 1974, 9:15 am: Rules and Regs. 1975, p. 180; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 3-4-4.5 Identification of slaughter sows and boars

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-10-3

Sec. 4.5. (a) Slaughter sows and boars moving in commerce through auction markets, stockyards, buying stations, marketing agencies or slaughtering establishments must be identified to the farm of origin.

(b) Each sow or boar must be identified before being mixed with swine from other sources by applying:

- (1) an official eartag, or
- (2) a United States Department of Agriculture backtag, or
- (3) a tattoo that has been specifically approved by veterinary services.

(c) The operator of each place of business where sows and boars are identified on arrival in accordance with this section shall enter such identification on the yarding receipt, sale ticket or invoice relating to the sows and boars and maintain the document at the place of business for two (2) years. *(Indiana State Board of Animal Health; 345 IAC 3-4-4.5; filed May 24, 1988, 9:41 am: 11 IR 3536; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 3-4-5 Quarantine of reactor herds

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-10-3

Sec. 5. Whenever one or more swine from any designated herd are classified as reactors, all other swine located on the premises shall be quarantined.

(1) When swine have been tested for Brucellosis at a livestock auction market (salebarn), community sale, or stockyards and upon the basis of such test that their status as a reactor has been disclosed for the first time, the herd from which the reactor originated shall immediately be placed in quarantine. The reactor(s) shall be permanently identified with an Indiana (Bang's) reactor ear tag, a special Form No. ADE 1-27 or other appropriate forms shall be issued. A copy of this form shall accompany animal(s) to slaughter.

(2) A serum sample of the reactor shall be submitted to Purdue University's animal disease diagnostic laboratory for supplemental tests.

(Indiana State Board of Animal Health; Reg 73-1, Title V, Sec 1; filed Jan 22, 1974, 9:15 am: Rules and Regs. 1975, p. 180; filed Oct 29, 1984, 9:02 am: 8 IR 178; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 3-4-6 Reporting test results

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-10-3

Sec. 6. A report of all swine which have been tested for Brucellosis shall be submitted to the Office of the State Veterinarian within seven (7) days after said tests have been completed by the veterinarian or laboratory conducting such tests. *(Indiana State Board of Animal Health; Reg 73-1, Title V, Sec 2; filed Jan 22, 1974, 9:15 am: Rules and Regs. 1975, p. 180; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 3-4-7 Sale for immediate slaughter only

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-10-3

Sec. 7. The owner(s) shall sell the reactor swine (accompanied by a special Form No. ADE 1-27 or other forms approved by the Board, issued by an accredited veterinarian licensed by the State of Indiana or State-Federal Livestock Inspector) for immediate slaughter only, within fifteen (15) days of disclosure of the reactor(s). *(Indiana State Board of Animal Health; Reg 73-1, Title VI, Sec 1; filed Jan 22, 1974, 9:15 am: Rules and Regs. 1975, p. 180; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 3-4-8 Identification of reactors

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-10-3

Sec. 8. All reactors shall be permanently identified by ear tag. An Indiana Bang's reactor tag shall be used. *(Indiana State Board of Animal Health; Reg 73-1, Title VI, Sec 2; filed Jan 22, 1974, 9:15 am: Rules and Regs. 1975, p. 180; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 3-4-9 Consignment for slaughter; permit

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-10-3

Sec. 9. No swine may be removed from quarantined premises except on written permission of the Indiana State Veterinarian. Apparently healthy swine not known to be infected with Brucellosis may be removed from quarantined premises for immediate slaughter on a written permit issued by the State Veterinarian.

(1) Swine under quarantine for Brucellosis shall be removed from said quarantined premises only for purposes of immediate slaughter as defined by this Regulation [345 IAC 3-4], and shall be delivered directly to a recognized slaughtering establishment with no diversion enroute; provided, however, that such swine may be consigned to a public stockyard or slaughter-buying station for reconsignment to slaughter, if said stockyard or buying station has made provisions to yard and maintain such swine separate and apart from other non-quarantined swine on the premises.

(Indiana State Board of Animal Health; Reg 73-1, Title VI, Sec 3; filed Jan 22, 1974, 9:15 am: Rules and Regs. 1975, p. 180; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 3-4-10 Release of quarantine; conditions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-10-3

Sec. 10. Qualification for quarantine release. The quarantine will be released after:

- (1) All reactors have been removed for immediate slaughter (identified by an Indiana Bang's reactor tag and accompanied by a special Form No. ADE 1-27 or other forms approved by the board).
- (2) The premises have been cleaned and disinfected.
- (3) All remaining breeding swine six (6) months of age and older in the herd must have passed two (2) consecutive negative herd tests conducted not less than sixty (60) days nor more than ninety (90) days apart.
- (4) All swine kept for feeding purposes are maintained separate and apart from all breeding swine.
- (5) Depopulation of the swine, and the premises cleaned and disinfected.

(Indiana State Board of Animal Health; Reg 73-1, Title VI, Sec 4; filed Jan 22, 1974, 9:15 am: Rules and Regs. 1975, p. 181; filed Oct 29, 1984, 9:02 am: 8 IR 179; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 3-4-11 Approved tests

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-10-3

Sec. 11. No tests conducted within the State of Indiana shall be recognized as "Approved Tests" unless they are:

- (1) Card Test and other serological (supplemental) tests conducted at the Bang's Disease Laboratory at Purdue University or the Brucellosis Testing Laboratory in the Office of the Board.
- (2) Card Test conducted in a State-Federal-approved laboratory in another state for the purpose of importing breeding swine into Indiana.
- (3) For sale of swine through markets only, card test conducted in approved market laboratory by:
 - (1) Approved market veterinarian.
 - (2) Technician, approved by the Board, under direct supervision of the approved market veterinarian.

(Indiana State Board of Animal Health; Reg 73-1, Title VII, Sec 1; filed Jan 22, 1974, 9:15 am: Rules and Regs. 1975, p. 181; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 3-4-12 Validation as Brucellosis-free herd

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-10-3

Sec. 12. Validated herd means a herd of swine that has a negative herd test provided the owner(s) of the herd has signed the agreement required by the cooperating agencies. Validation shall be for twelve (12) months from the date of the test provided the herd is maintained separate and apart from all other swine. All herd additions are limited to the following:

- (1) Swine from a validated herd without a test. (A negative test not required—but preferred.)
- (2) Swine from herds without evidence or history of infection that have passed a negative test within thirty (30) days prior to purchase and are isolated and found negative to a retest not less than thirty (30) days nor more than sixty (60) days following transfer.

(Indiana State Board of Animal Health; Reg 73-1, Title VIII, Sec 1; filed Jan 22, 1974, 9:15 am: Rules and Regs. 1975, p. 181; filed Oct 29, 1984, 9:02 am: 8 IR 179; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 3-4-13 Revalidation of Brucellosis-free herd

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-10-3

Sec. 13. The herd may be revalidated if a negative herd test is conducted within sixty (60) days of the anniversary date and all other requirements for isolation and herd additions have been met. The period of revalidation will be for one (1) year from the anniversary date. If a herd test is not conducted within sixty (60) days of the anniversary date, the validation requirements are the same as for initial validation. Or:

- (1) The breeding herd may be revalidated by testing twenty-five percent (25%) of the herd every eighty (80) to one hundred five (105) days in lieu of an annual herd test. The first quarterly herd test will be due on the anniversary date of the negative herd test. The herd will be revalidated for ninety (90) days from the anniversary date, and for each ninety (90) days thereafter, if the twenty-five percent (25%) negative breeding herd test is conducted every eighty (80) to one hundred five (105) days and all other requirements are met. Validation will be extended for a maximum of one hundred five (105) days after each quarterly herd test.

(Indiana State Board of Animal Health; Reg 73-1, Title VIII, Sec 2; filed Jan 22, 1974, 9:15 am: Rules and Regs. 1975, p. 182; filed Oct 29, 1984, 9:02 am: 8 IR 179; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 3-4-14 Identification of swine in validated herd

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-10-3

Sec. 14. Identification of swine in a validated herd must be provided by one of the following methods:

- (1) Standard ear notch.
- (2) Tattoo.
- (3) Ear Tags.

All identification shall be legible. *(Indiana State Board of Animal Health; Reg 73-1, Title VIII, Sec 3; filed Jan 22, 1974, 9:15 am: Rules and Regs. 1975, p. 182; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 3-4-15 Additions to validated herd; identification

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-10-3

Sec. 15. Any and all animals added to the herd must be identified on the test chart for revalidation. If by natural addition, indicate by the use of the letters "NA". If by purchased addition, use the letters "PA" and also the information as to the herd of origin of this purchase. *(Indiana State Board of Animal Health; Reg 73-1, Title VIII, Sec 4; filed Jan 22, 1974, 9:15 am: Rules and Regs. 1975, p. 182; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 3-4-16 Validation of brucellosis-free areas

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-10-3

Sec. 16. An area may be validated as free of swine Brucellosis when qualified for this status in accordance with the Recommended Uniform Methods and Rules for Brucellosis Eradication of the United States Department of Agriculture. *(Indiana State Board of Animal Health; Reg 73-1, Title IX, Sec 1; filed Jan 22, 1974, 9:15 am: Rules and Regs. 1975, p. 182; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895) NOTE: Adoption by reference.*

345 IAC 3-4-17 Penalties for violations

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-21

Sec. 17. Anyone in violation of this rule will be subject to conditions as set forth in IC 15-2.1-21, and amendments thereto. *(Indiana State Board of Animal Health; Reg 73-1, Title X; filed Jan 22, 1974, 9:15 a.m.: Rules and Regs. 1975, p. 182; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2402; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 3-4-18 Repeal of prior rule; severability

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-19

Sec. 18. Regulation No. 73-1 [345 IAC 3-4] shall hereby supersede and repeal in its entirety Regulation No. 59-1 as adopted and promulgated by the Indiana State Board of Animal Health. In the event any section, provision, part, or application of this Regulation [345 IAC 3-4] shall be declared unconstitutional or invalid, it shall not in any manner affect any other section, provision, part, or application of this Regulation [345 IAC 3-4]. (*Indiana State Board of Animal Health; Reg 73-1, Title XI; filed Jan 22, 1974, 9:15 am; Rules and Regs. 1975, p. 182; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 3-4-19 Validated Brucellosis-free status

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 19. Swine Brucellosis-free status was established in Indiana on January 1, 1983. Therefore, whenever a swine herd is determined to be infected with swine Brucellosis, the herd must be depopulated. The final determination of herd status shall be made by the state veterinarian. (*Indiana State Board of Animal Health; 345 IAC 3-4-19; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2402; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

Rule 5. Swine Pseudorabies Testing, Control and Eradication; Pseudorabies-Qualified Herds (Repealed)

(*Repealed by Indiana State Board of Animal Health; Reg 79-1, Title XVI; filed Mar 26, 1979, 3:40 pm: 2 IR 580*)

Rule 5.1. Swine Pseudorabies Testing, Control and Eradication; Pseudorabies-Qualified Herds

345 IAC 3-5.1-1 Definitions (Repealed)

Sec. 1. (*Repealed by Indiana State Board of Animal Health; filed Nov 30, 1990, 4:40 p.m.: 14 IR 624*)

345 IAC 3-5.1-1.1 Definitions (Repealed)

Sec. 1.1. (*Repealed by Indiana State Board of Animal Health; filed Oct 11, 1996, 2:00 p.m.: 20 IR 752*)

345 IAC 3-5.1-1.2 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2; IC 15-2.1-3-13; IC 15-2.1-18

Sec. 1.2. The definitions in IC 15-2.1-2, the definitions in the Program Standards, and the following definitions apply throughout this rule:

(1) "Board" means the Indiana state board of animal health.

(2) "Breeding animal" means a sexually intact swine that is at least six (6) months of age and that is not moving in slaughter channels.

(3) "Feeder pig" means swine intended for feeding purposes and swine of any breed weighing one hundred eighty (180) pounds or less.

(4) "High risk herd" means one which is adjacent, in close proximity, or exposed to an infected herd, feeder pigs, or a herd determined as such by the owner and the attending veterinarian. The final determination of the herd status will be made by the state veterinarian.

(5) "Isolated" means swine must be maintained in a manner to ensure that these swine will have no physical contact with other domestic animals on the premises. All drainage of organic waste material must be designed to prevent it from having contact with any other swine on the premises. The area where the swine are maintained may be approved by a representative of the board and shall be separated from other animals by two (2) barriers (for example, fences or walls) with the intervening area

uninhabited by swine or separated by a lot or a road. No other swine may be in the same building unless approved by the state veterinarian.

(6) "Official gene-altered Pseudorabies vaccine" means any vaccine for which there is an approved differential Pseudorabies test.

(7) "Officially vaccinated herd" means any herd of swine in which a percentage of the swine in the herd as outlined in section 8(a) of this rule has been tested and found negative for Pseudorabies prior to being vaccinated with differentiable Pseudorabies vaccine. Officially vaccinated herds will not be quarantined for Pseudorabies vaccine use.

(8) "Pseudorabies Program Standards" or "Program Standards" means the Pseudorabies Eradication-State-Federal-Industry Standards, as adopted by the United States Department of Agriculture, and incorporated herein by reference in section 1.5 of this rule.

(9) "Pseudorabies vaccine" means a biological product designed for the prevention or control of Pseudorabies. Any vaccine sold or offered for sale or exchange, to be used or otherwise distributed, shall be in accordance with IC 15-2.1-18-5, IC 15-2.1-18-6, and IC 15-2.1-18-8.

(10) "Qualified negative gene-altered vaccinated herd" means a herd of swine in which all swine over six (6) months of age have been vaccinated with an official gene-altered Pseudorabies vaccine. The herd status is maintained by following the testing protocol as described in the Pseudorabies Program Standards except all samples must be tested using an approved differential Pseudorabies test and all swine so tested must be found negative for Pseudorabies.

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

(12) "Slaughter animal" means the following swine:

(A) Any swine weighing more than one hundred eighty (180) pounds that is not a breeding animal.

(B) Any swine in slaughter channels.

(13) "Slaughter channels" means an animal is sold or moved in any of the following ways:

(A) Directly to a slaughter facility.

(B) To a slaughter only market.

(C) To a market where it is sold as a slaughter animal.

(14) "Special permit" means a special permit issued by the office of the state veterinarian to owners of swine infected with, vaccinated against, or quarantined for Pseudorabies that allows the movement of such swine.

(15) "State veterinarian" means the Indiana state veterinarian.

(16) "VS Form 1-27" means the United States Department of Agriculture Veterinary Services' "Permit for Movement of Restricted Animals".

(Indiana State Board of Animal Health; 345 IAC 3-5.1-1.2; filed Oct 11, 1996, 2:00 p.m.: 20 IR 746; filed Jun 19, 1998, 4:00 p.m.: 21 IR 4202; filed Dec 23, 1998, 4:36 p.m.: 22 IR 1484; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1528)

345 IAC 3-5.1-1.5 Pseudorabies Program Standards; adoption by reference

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 1.5. (a) The board adopts and incorporates by reference the United States Department of Agriculture Pseudorabies Eradication-State-Federal-Industry Program Standards in effect January 1, 2000, as rules of the board. Copies of the Pseudorabies Program Standards may be obtained from the office of the state veterinarian by calling (317) 227-0310. Where provisions of the Program Standards conflict with this rule, the express provisions of this rule shall control.

(b) Owners of qualified Pseudorabies-negative (QN) herds that maintain qualified Pseudorabies-negative herd status using the monthly testing protocol set forth in Part IV(B)(1) of the Program Standards must test every twenty-five (25) to thirty-five (35) days and must conduct twelve (12) official tests in a calendar year.

(c) Part III, subpart "Stage III Mandatory Herd Cleanup", item (C) "Disposition of quarantined herds" of the Program Standards also applies to Part III, subpart "Stage II Control". *(Indiana State Board of Animal Health; 345 IAC 3-5.1-1.5; filed Oct 11, 1996, 2:00 p.m.: 20 IR 746; filed Jun 19, 1998, 4:00 p.m.: 21 IR 4203; filed Sep 1, 2000, 2:03 p.m.: 24 IR 8; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1529)*

345 IAC 3-5.1-2 Report by veterinarian; determination of status; special permits

Authority: IC 15-2.1-3-19

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

Sec. 2. (a) When clinical or laboratory evidence indicates the presence of Pseudorabies in an individual animal or herd, the veterinarian shall report the diagnosis immediately to the office of the state veterinarian.

(b) All animals tested must be individually identified by ear tags approved by the board or by standard ear notches. All identification must be recorded on the test form. The state veterinarian may alter the identification requirements as needed to protect animal health in Indiana. All blood samples must be drawn by a state or federal official or a licensed, accredited veterinarian, and serological tests must be conducted by a state and federally approved laboratory.

(c) A veterinarian making a clinical diagnosis of Pseudorabies must confirm the diagnosis in writing and send a copy to the board within two (2) business days of the diagnosis. The final determination of herd status shall be made by the state veterinarian. (*Indiana State Board of Animal Health; Reg 79-1, Title II; filed Mar 26, 1979, 3:40 p.m.: 2 IR 577; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1437; filed Oct 11, 1996, 2:00 p.m.: 20 IR 747; filed Dec 23, 1998, 4:36 p.m.: 22 IR 1484; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1529*)

345 IAC 3-5.1-3 Intrastate movement of swine

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 3. (a) The following requirements apply to a person moving swine within the state:

(1) A person may move feeder pigs as follows:

(A) Feeder pigs may be moved from a premises to another premises without moving through a livestock market if a record of the movement is kept for not less than twelve (12) months.

(B) Feeder pigs may be moved through a livestock market if the animals are individually identified using an official ear tag or an official swine tattoo if the tattoo is approved by the state veterinarian.

(2) A person may move breeding swine as follows:

(A) Breeding swine may be moved from a premises to another premises without moving through a livestock market if the following requirements are met:

(i) A certificate of veterinary inspection for the animals to be moved is obtained from a licensed and accredited veterinarian prior to movement. The certificate of veterinary inspection must accompany the animals during transportation. A copy of the certificate of veterinary inspection must be given to the recipient of the swine, and a copy must be mailed or delivered to the board office within fourteen (14) days of the animal movement.

(ii) Each animal is individually identified with an official ear tag or an ear notch that has been recorded in the book of record of a swine registry association.

(B) Breeding swine moved to a livestock market shall be consigned for sale for slaughter only. Any breeding swine in a livestock market shall be considered a slaughter animal for the purposes of this rule, 345 IAC 3-4-4.5, and 345 IAC 7-3.5. Breeding swine may move from a livestock market only in slaughter channels.

(3) A person may move slaughter swine as follows:

(A) Directly to a slaughter establishment.

(B) Consigning the animals to a slaughter only market.

(C) Consigning the animals to a livestock market for sale for slaughter.

(b) The requirements to move feeder pigs and breeding animals in subsection (a)(1)(A) and (a)(2)(A) do not apply to the movement of swine intrastate within a production system under common ownership or management.

(c) Any animal in slaughter channels must remain in slaughter channels until delivered to a slaughter establishment. (*Indiana State Board of Animal Health; Reg 79-1, Title III; filed Mar 26, 1979, 3:40 p.m.: 2 IR 577; filed Oct 29, 1984, 9:01 a.m.: 8 IR 174; filed Nov 30, 1990, 4:40 p.m.: 14 IR 622; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1530*)

345 IAC 3-5.1-3.5 Interstate movement of swine

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 3.5. A person moving swine into the state shall meet the requirements for moving swine into the state in 345 IAC 1-3. (*Indiana State Board of Animal Health; 345 IAC 3-5.1-3.5; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1530*)

345 IAC 3-5.1-4 Additions to qualified or qualified negative gene-altered vaccinated herd; monitoring

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 4. (a) A person must meet the requirements in this section and section 5 of this rule to maintain a qualified or qualified negative gene-altered vaccinated herd.

(b) Animals purchased to add to a herd must test negative for Pseudorabies within thirty (30) days prior to movement and must be isolated upon arrival and retested negative not less than thirty (30) nor more than forty-five (45) days from the date of arrival.

But, additions to a herd may be purchased directly from a PRV-qualified herd or a qualified negative gene-altered vaccinated herd without the negative thirty (30) day test previous to sale.

(c) Members of a PRV-qualified herd or qualified negative gene-altered vaccinated herd that are exhibited or otherwise commingled with swine from non-Pseudorabies qualified herds shall be held in isolation on the herd premises or owner's isolation facility for a minimum of thirty (30) days after return and shall be tested negative to an official test for Pseudorabies not less than thirty (30) days nor more than forty-five (45) days from the first day of isolation before being reunited with other members of the herd.

(d) All qualified or qualified negative gene-altered vaccinated herds shall be monitored as described in the Pseudorabies Program Standards or as further defined by this rule. (*Indiana State Board of Animal Health; Reg 79-1, Title IV; filed Mar 26, 1979, 3:40 p.m.: 2 IR 577; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1437; filed Oct 29, 1984, 9:01 a.m.: 8 IR 174; filed Nov 30, 1990, 4:40 p.m.: 14 IR 622; filed Sep 10, 1993, 5:00 p.m.: 17 IR 184; filed Oct 11, 1996, 2:00 p.m.: 20 IR 747; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1530*)

345 IAC 3-5.1-5 Retention of qualified or qualified negative gene-altered vaccinated status; identification of additions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 5. The protocol for requalification is as follows:

(1) The breeding herd will retain the qualified or qualified negative gene-altered vaccinated herd status if the provisions of the Pseudorabies Program Standards are maintained.

(2) All additions to the herd must be identified on the first test following the addition as follows:

(A) If by natural addition, indicate by use of the letters "NA".

(B) If by purchased addition, use the letters "PA", and state the information as to the herd of origin and date of this purchase.

(*Indiana State Board of Animal Health; Reg 79-1, Title V; filed Mar 26, 1979, 3:40 p.m.: 2 IR 578; filed Nov 30, 1990, 4:40 p.m.: 14 IR 622; filed Oct 11, 1996, 2:00 p.m.: 20 IR 747; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 3-5.1-6 High risk herds

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 6. (a) The state veterinarian shall quarantine all swine herds infected with Pseudorabies and may quarantine high risk herds.

(b) Swine from a high risk herd that has been quarantined for Pseudorabies may be moved only as directed by the state veterinarian.

(c) Swine from quarantined high risk herds shall not be sold through a livestock auction market except as directed by the state veterinarian.

(d) Owners of high risk herds may apply for qualification of the herd by signing the qualified herd agreement and meeting requirements of section 7(a)(3) or 7(a)(4) of this rule.

(e) All movement of quarantined swine is restricted unless the state veterinarian authorizes the movement. (*Indiana State Board of Animal Health; Reg 79-1, Title VI; filed Mar 26, 1979, 3:40 p.m.: 2 IR 578; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1437; filed Oct 29, 1984, 9:01 a.m.: 8 IR 174; filed Aug 19, 1987, 8:30 a.m.: 11 IR 9; filed Jan 20, 1988, 4:03 p.m.: 11 IR 1756; errata, 11 IR 2901; filed Jun 18, 1990, 3:24 p.m.: 13 IR 1993; filed Sep 10, 1993, 5:00 p.m.: 17 IR 184; filed Oct 11, 1996, 2:00 p.m.: 20 IR 748; errata filed Jan 2, 1997, 4:00 p.m.: 20 IR 1124; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1531*)

345 IAC 3-5.1-7 Release of quarantine; testing

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 7. (a) The state veterinarian may release the Pseudorabies quarantine placed on an infected swine herd when all animals that have tested positive for Pseudorabies have been removed from the premises, no animal on the quarantined premises shows signs of Pseudorabies infection, and at least one (1) of the following sets of requirements is completed:

(1) Complete depopulation of the infected herd occurs meaning that all swine in the herd are removed from the premises and delivered for slaughter. The premises is cleaned and disinfected under the direction of the state veterinarian. No swine have been on the premises for thirty (30) continuous days following the completion of cleaning and disinfecting. The state veterinarian may approve release of a quarantine in less than thirty (30) days after cleaning and disinfecting if doing so advances Pseudorabies eradication.

(2) Complete depopulation of the infected herd meaning that all swine in the herd are removed from the premises and delivered for slaughter. No swine have been on the premises for a period of not less than ninety (90) continuous days from the date the depopulation is complete. Cleaning and disinfecting is not required if a veterinary epidemiologist or the state veterinarian determines that Pseudorabies eradication will be advanced by releasing the quarantine without cleaning and disinfecting at the site.

(3) Progeny under eight (8) weeks of age may be weaned, isolated from a quarantined herd under direction and supervision of the state veterinarian and pass two (2) negative official Pseudorabies tests or approved differential Pseudorabies tests not less than thirty (30) nor more than sixty (60) days apart. However, the first qualifying test will be conducted on pigs three (3) months of age or over. The first test must be a complete test, and the second test must be at least the designated percentage of animals as outlined in section 8.5(a) of this rule. The swine herd is eligible for qualified Pseudorabies-negative herd status if the second negative test is a complete test of the population.

(4) All swine positive to an approved differential or official Pseudorabies test are removed from the premises. The premises are cleaned to the extent feasible. The remaining swine in the herd are tested as follows:

(A) Not less than thirty (30) days after the Pseudorabies-infected swine are removed and the premises is cleaned, all swine over six (6) months of age must test negative for Pseudorabies, and an official random sample of thirty (30) swine between two (2) and six (6) months of age must test negative for Pseudorabies.

(B) Between thirty (30) and sixty (60) days after the tests required under clause (A) are completed, an official random sample of swine over six (6) months of age must test negative for Pseudorabies. An official random sample of swine between two (2) and six (6) months of age must test negative for Pseudorabies. The exact number of animals to be tested shall be determined under section 8.5(a) of this rule. Additional negative herd tests may also be required. Infected herds become eligible for qualified Pseudorabies-negative herd status if two (2) complete herd tests have been conducted on all swine over six (6) months of age plus two (2) random samples of progeny two (2) to six (6) months of age and all swine tested are negative. The two (2) tests must be at least thirty (30) days apart.

(5) All swine present on the date the herd was quarantined for Pseudorabies have been removed, and there have been no clinical signs of Pseudorabies infection in the herd for at least six (6) months. Two (2) successive random tests of a percentage of the herd over six (6) months of age and of a percentage of the progeny over four (4) months of age have been determined to reveal no Pseudorabies infection. The two (2) tests must be at least ninety (90) days apart. The percentage of animals to

be tested shall be determined under section 8.5(a) of this rule. Herds released from Pseudorabies quarantine under this subdivision must be tested for Pseudorabies and test negative using a percentage test one (1) year after the quarantine is released. This subdivision applies only to parts of the state classified Stage I, Stage II, and Stage III under the Program Standards.

(6) High risk herds may be released from quarantine when a percentage of the swine in the herd are tested and found negative for Pseudorabies. The percentage of animals to be tested shall be determined under section 8.5(a) of this rule.

(7) In swine herds that contain no breeding swine and that do not receive swine from any premises quarantined for Pseudorabies, one (1) of the following sets of requirements are met:

(A) The herd is depopulated meaning that all swine in the herd are removed from the premises and delivered for slaughter. The premises is cleaned and disinfected and at least seven (7) days pass after cleaning and disinfecting before any animals are moved onto the premises. The herd tests negative for Pseudorabies infection using an official random sample test (95/10) under the Program Standards conducted at least thirty (30) days after the depopulation was completed.

(B) The herd tests negative for Pseudorabies infection twice, the first test an official random sample test (95/5) under the Program Standards, the second test conducted at least thirty (30) days following the first test and must be an official random sample test (95/10) under the Program Standards.

(b) The state veterinarian shall make the final determination to release any quarantine.

(c) After any herd is released from Pseudorabies quarantine, the herd must be tested for Pseudorabies between one hundred fifty (150) and one hundred eighty (180) days after the quarantine is released utilizing an official random sample test (95/10) under the Program Standards.

(d) A qualified Pseudorabies-negative herd that has been determined to be infected with Pseudorabies may qualify for reinstatement as a qualified Pseudorabies-negative herd if the quarantine is released and the owner meets all of the following conditions:

(1) All swine in the herd six (6) months of age and older test negative for Pseudorabies using an official Pseudorabies test.

(2) A random sample of swine two (2) to six (6) months of age is tested for Pseudorabies using an official Pseudorabies test and all swine tested are negative.

(3) Between thirty (30) and sixty (60) days after the tests described in subdivisions (1) and (2) are completed, the tests described in subdivisions (1) and (2) are repeated.

(e) All tests required in this section must be an approved differential or official Pseudorabies test. (*Indiana State Board of Animal Health; Reg 79-1, Title VII; filed Mar 26, 1979, 3:40 p.m.: 2 IR 578; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1438; filed Jun 29, 1983, 10:27 a.m.: 6 IR 1376; filed Oct 29, 1984, 9:01 a.m.: 8 IR 175; filed Jan 20, 1988, 4:03 p.m.: 11 IR 1756; filed Jun 18, 1990, 3:24 p.m.: 13 IR 1993; filed Nov 30, 1990, 4:40 p.m.: 14 IR 623; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2568; filed Sep 10, 1993, 5:00 p.m.: 17 IR 185; filed Sep 1, 2000, 2:03 p.m.: 24 IR 8; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1531*)

345 IAC 3-5.1-8 Feeder pigs; monitoring sales; quarantine; exceptions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 8. (a) All feeder pigs sold in Indiana except those exempted by the Indiana state veterinarian must originate from herds that have been tested for Pseudorabies and have been found negative by the following method:

(1) Breeding herd test as follows:

(A) All swine in the herd over six (6) months of age are subject to the test.

(B) In herds of ten (10) sows or less, all are tested.

(C) In herds of eleven (11) to thirty-five (35) sows, ten (10) are tested.

(D) In herds of thirty-six (36) or more sows, thirty percent (30%) or thirty (30) sows (whichever is less) will be tested.

(E) Herd owner is responsible for submitting the laboratory results on the number of animals indicated to the office of the state veterinarian.

(F) Purchased additions are not considered to be part of the herd for monitoring purposes until sixty (60) days after entry.

(G) The breeding herd must be tested annually and be found negative prior to the anniversary date.

(2) The effective date is January 1, 1990.

(b) All feeder pigs sold in Indiana shall be quarantined to the purchaser's premises until sold for slaughter except the following:

(1) Feeder pigs directly from a PRV-qualified herd, which are not intermingled with swine of unknown status.

(2) Feeder pigs consigned to a licensed concentration point may be moved to feeding premises within seventy-two (72) hours provided a permit is obtained from the Indiana state veterinarian. The swine when moved from a concentration point shall be quarantined to purchaser's premises until sold for slaughter.

(c) All feeder pigs sold through markets or feeder pig concentration points shall be quarantined to the purchaser's premises until sold for slaughter except the following:

(1) Interstate movement will be allowed if a letter of permission from the state regulatory official of state of destination is received by the Indiana state veterinarian.

(2) Lots of feeder pigs may be released for resale thirty (30) days after being purchased if all swine on the premises have a negative Pseudorabies test.

(3) Exigent circumstances as determined by the state veterinarian with special permit.

(d) Imported feeder pigs shall originate from a state where the reporting of Pseudorabies is mandatory and where all known-infected herds are quarantined. In addition, requirements for all imported feeder pigs shall be as follows:

(1) Quarantined to the premises of the consignee until sold directly to approved slaughter markets, or consigned to a licensed concentration point where they may be moved to feeding premises within seventy-two (72) hours provided a permit is obtained from the Indiana state veterinarian. The swine, when moved from a concentration point, shall be quarantined to the purchaser's premises until sold to an approved slaughter market.

(2) Found negative for Pseudorabies by:

(A) an annual official Pseudorabies test on the designated percentage of breeding swine over six (6) months of age as outlined in subsection (a); or

(B) being shipped from a Stage III, IV, or V state.

(Indiana State Board of Animal Health; Reg 79-1, Title VIII; filed Mar 26, 1979, 3:40 p.m.: 2 IR 578; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1438; filed Mar 9, 1987, 3:30 p.m.: 10 IR 1379; filed Aug 19, 1987, 8:30 a.m.: 11 IR 9; filed Jan 20, 1988, 4:03 p.m.: 11 IR 1757; errata, 11 IR 2901; filed Oct 29, 1989, 4:50 p.m.: 13 IR 384; filed Jun 18, 1990, 3:24 p.m.: 13 IR 1994; filed Sep 10, 1993, 5:00 p.m.: 17 IR 186; filed Oct 11, 1996, 2:00 p.m.: 20 IR 748; errata filed Jan 2, 1997, 4:00 p.m.: 20 IR 1124; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 3-5.1-8.5 Swine herd monitoring

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 8.5. (a) An owner of a swine herd described in subsection (c) or (d) must procure a licensed and accredited veterinarian to test the owner's swine herd for Pseudorabies. The Pseudorabies testing required in subsections (c) and (d) shall be conducted as follows:

(1) In herds of ten (10) head of swine or less, all are tested.

(2) In herds of eleven (11) to thirty-five (35) head of swine, ten (10) head are tested.

(3) In herds of thirty-six (36) or more head of swine, thirty percent (30%) or thirty (30) head of swine, whichever is less, must be tested.

(4) Purchased additions are not considered to be part of the herd for monitoring purposes until sixty (60) days after entry.

(5) Swine sampled must be randomly selected from the herd.

(6) All swine breeding and feeding herds are subject to the test.

(b) Quarantined swine herds shall be tested under section 8.7 of this rule.

(c) If the United States Department of Agriculture assigns the state or portions of the state a status under the Program Standards that is lower than Stage IV status, all swine herds in the lower status area must be tested for Pseudorabies as outlined in subsection (a) within thirty (30) days of the date the state veterinarian notifies the herd owner or manager of the requirement to test. Swine herds in the lower status area must be retested not less than once every three hundred sixty-five (365) days until the United

States Department of Agriculture assigns the area a Stage IV or Stage V status under the Program Standards.

(d) Circle testing shall be coordinated by the state veterinarian to identify Pseudorabies infection within five (5) miles of each Pseudorabies infected herd. The owner of a swine herd located, in whole or in part, within five (5) miles of a swine herd that tests positive for Pseudorabies must test a percentage of the swine in the owner's herd as outlined in subsection (a). (*Indiana State Board of Animal Health; 345 IAC 3-5.1-8.5; filed Jan 8, 1992, 12:00 p.m.: 15 IR 701; filed Sep 10, 1993, 5:00 p.m.: 17 IR 186; filed Oct 11, 1996, 2:00 p.m.: 20 IR 749; filed Sep 1, 2000, 2:03 p.m.: 24 IR 10; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1533*)

345 IAC 3-5.1-8.7 Quarantined herd cleanup

Authority: IC 15-2.1-3-19

Affected: IC 4-21.5; IC 15-2.1-3-13; IC 15-2.1-15; IC 15-2.1-18-16; IC 15-2.1-19

Sec. 8.7. (a) Anyone owning swine quarantined for Pseudorabies in Indiana must meet the requirements of this section. A plan of no action is not acceptable. All herd clean-up plans must be submitted to the office of the state veterinarian for approval. The state veterinarian may approve only those herd clean-up plans that comply with this rule. Herd clean-up plans must be reviewed at least semiannually and shall be modified as needed to comply with this rule.

(b) Owners of swine herds that are under Pseudorabies quarantine are subject to the following requirements for as long as the herd is under Pseudorabies quarantine. Before swine are moved from a Pseudorabies-quarantined premises, the transport vehicle shall be sealed as follows:

(1) Prior to the swine leaving the premises, a state or federal official or the official's designee must document in writing the movement of the swine on a form approved by the state veterinarian. The approved form may be the United States Department of Agriculture "Permit for Movement of Restricted Animals" VS Form 1-27.

(2) Before the swine leave the premises, the vehicle transporting the swine must be sealed by a state or federal official or the official's designee.

(3) Copies of the completed form must be distributed as noted on the form. A copy of the completed form must accompany the swine as they are transported to market and must be presented to a state or federal official or their designee at the destination.

(4) The seal on the transporting vehicle must be broken by a state or federal official or the official's designee at the destination.

(c) The following apply to all movement of swine under subsection (b):

(1) The swine must be delivered only to markets approved by the state veterinarian to accept swine from quarantined premises.

Only markets approved to accept Pseudorabies-quarantined swine may accept delivery of Pseudorabies-quarantined swine.

(2) Vehicles transporting the swine must be cleaned and disinfected according to procedures that are designed to prevent the spread of Pseudorabies and that are approved by the state veterinarian before transporting any other swine.

(d) The state veterinarian shall approve a market to accept swine from Pseudorabies-infected sites only if the movement of swine from infected sites through that market is not likely to spread Pseudorabies. When considering markets for approval, the state veterinarian shall consider all aspects of the market operation, including the market location and biosecurity practices at the market.

(e) Beginning January 1, 2000, the board may order, after notice and hearing under IC 4-21.5 or waiver of right to hearing under IC 15-2.1-19, a herd of swine quarantined for Pseudorabies be depopulated in whole or in part under a staged slaughtering plan in order to protect other producers' swine from the Pseudorabies virus and to ensure continued interstate and international trade in swine from Indiana.

(f) After the United States Department of Agriculture declares the state to be without Pseudorabies by assigning the state Stage V status under the Program Standards, the state veterinarian will order, after notice and hearing under IC 4-21.5 or waiver of right to hearing under IC 15-2.1-19, a herd of swine that is infected with Pseudorabies be depopulated in whole or in part under a staged slaughtering plan.

(g) A staged slaughtering plan ordered under subsection (e) or (f) will include the following minimum requirements:

(1) Time frames for completion of each stage that reasonably protect other producers' swine from the Pseudorabies virus and that ensure continued interstate and international trade in swine from the state.

(2) Requirements that will eliminate Pseudorabies from the herd.

(3) Requirements that will result in the release of the herd's quarantine under this rule.

(h) The owner of a swine herd that is located within a two (2) mile radius of a swine herd that is under quarantine for Pseudorabies must do the following:

- (1) Vaccinate all of the swine in his herd for Pseudorabies at least one (1) time within ten (10) days of the date on which the owner received notice from the state veterinarian that a Pseudorabies-quarantined herd is located within two (2) miles of his herd.
- (2) After complying with subdivision (1), continue to vaccinate his herd pursuant to a written Pseudorabies vaccination plan approved by the state veterinarian until such time as all Pseudorabies-quarantined herds within two (2) miles of the owner's herd are released from quarantine.
- (3) Qualified Pseudorabies-negative herds that maintain their qualified Pseudorabies-negative herd status by testing monthly are exempt from the vaccination requirements in this subsection.

(Indiana State Board of Animal Health; 345 IAC 3-5.1-8.7; filed Jan 8, 1992, 12:00 p.m.: 15 IR 701; filed Oct 11, 1996, 2:00 p.m.: 20 IR 749; filed Jun 19, 1998, 4:00 p.m.: 21 IR 4203; filed Dec 23, 1998, 4:36 p.m.: 22 IR 1485; errata filed Mar 31, 1999, 9:34 a.m.: 22 IR 2534; filed Sep 1, 2000, 2:03 p.m.: 24 IR 10; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1533)

345 IAC 3-5.1-8.8 Quarantined herd cleanup; test, removal, and additions (Repealed)

Sec. 8.8. *(Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1535)*

345 IAC 3-5.1-8.9 Quarantine release deadlines (Repealed)

Sec. 8.9. *(Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1535)*

345 IAC 3-5.1-9 Testing stations (Repealed)

Sec. 9. *(Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1535)*

345 IAC 3-5.1-10 Pseudorabies vaccine; sale and use; reports

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 10. (a) Pseudorabies vaccine may be used only if the use is authorized by a licensed and accredited veterinarian. The veterinarian dispensing Pseudorabies vaccine shall be responsible for reporting all new vaccinated herds in writing to the office of the state veterinarian at least once each month. All swine sold under section 6(b)(1) of this rule shall be identified and vaccinated by a veterinarian. A certificate of vaccination must be completed to accompany the special permit.

(b) All Pseudorabies vaccine sold into Indiana must be reported monthly by the manufacturer and any registered distributor to the office of the state veterinarian.

(c) Only those Pseudorabies vaccines with an approved differential Pseudorabies test may be used.

(d) All serological results conducted on swine vaccinated with Pseudorabies vaccine will be evaluated by a veterinary epidemiologist to determine the herd status. *(Indiana State Board of Animal Health; Reg 79-1, Title X; filed Mar 26, 1979, 3:40 p.m.: 2 IR 579; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1439; filed Oct 29, 1984, 9:01 a.m.: 8 IR 175; filed May 13, 1986, 4:00 p.m.: 9 IR 2686; filed Dec 22, 1986, 3:40 p.m.: 10 IR 1060; filed Jan 20, 1988, 4:03 p.m.: 11 IR 1757; filed May 24, 1988, 9:43 a.m.: 11 IR 3536; filed Jun 18, 1990, 3:24 p.m.: 13 IR 1995; filed Nov 30, 1990, 4:40 p.m.: 14 IR 624; filed Oct 11, 1996, 2:00 p.m.: 20 IR 750; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1535)*

345 IAC 3-5.1-11 Controlled Pseudorabies vaccinated herd; additions; monitoring; sales (Repealed)

Sec. 11. *(Repealed by Indiana State Board of Animal Health; filed Sep 10, 1993, 5:00 p.m.: 17 IR 187)*

345 IAC 3-5.1-12 Livestock auction markets; vaccinations (Repealed)

Sec. 12. *(Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1535)*

345 IAC 3-5.1-13 Domestic animals on infected premises

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 13. Cattle, sheep, goats, dogs and cats isolated from infected swine for two (2) weeks and not showing any clinical evidence of disease may be exhibited or sold. *(Indiana State Board of Animal Health; Reg 79-1, Title XIII; filed Mar 26, 1979, 3:40 pm: 2 IR 579; filed Jun 29, 1983, 10:27 am: 6 IR 1376; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 3-5.1-14 Penalty for violation (Repealed)

Sec. 14. *(Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1535)*

345 IAC 3-5.1-15 Severability (Repealed)

Sec. 15. *(Repealed by Indiana State Board of Animal Health; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1535)*

ARTICLE 4. POULTRY

Rule 1. Pullorum Disease and Fowl Typhoid of Poultry (Repealed)

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

Rule 2. Infectious Laryngotracheitis in Chickens (Repealed)

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

Rule 3. Mycoplasma Gallisepticum in Turkeys (Repealed)

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

Rule 4. National Poultry Improvement Plan

345 IAC 4-4-1 National Poultry Improvement Plan; adoption by reference

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18-19

Sec. 1. The board adopts and incorporates by reference as rules of the board the United States Department of Agriculture National Poultry Improvement Plan in 9 CFR Part 145 and the auxiliary provisions in 9 CFR Part 147, that are in effect on January 1, 2000, and the amendments thereto in 65 FR 8014 through 65 FR 8023. But, 9 CFR Part 147, Subpart E and any amendments thereto are not incorporated by reference. *(Indiana State Board of Animal Health; 345 IAC 4-4-1; filed Oct 11, 1996, 2:00 p.m.: 20 IR 750; filed Dec 10, 1997, 11:00 a.m.: 21 IR 1327; filed Dec 18, 2000, 9:57 a.m.: 24 IR 1341; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 4-4-2 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-4; IC 15-2.1-18-19

Sec. 2. (a) The definitions in 9 CFR 145.1 and this section apply throughout this article. Definitions in this section shall control over conflicting definitions in 9 CFR 145.1.

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

(c) "National Poultry Improvement Plan" and "NPIP" means the National Poultry Improvement Plan program adopted by

reference in section 1 of this rule.

(d) "Official state agency" means the Indiana state poultry association appointed under IC 15-2.1-18-19.

(e) "State animal disease control official" means the state veterinarian.

(f) "State veterinarian" means the Indiana state veterinarian appointed under IC 15-2.1-4. (*Indiana State Board of Animal Health; 345 IAC 4-4-2; filed Dec 18, 2000, 9:57 a.m.: 24 IR 1341; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 4-4-3 Cooperation and authority

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18-19

Sec. 3. The state veterinarian shall cooperate with the official state agency in administering the provisions of the National Poultry Improvement Plan. The state veterinarian may initiate proceedings to enforce the provisions of the National Poultry Improvement Plan upon request of the official state agency. (*Indiana State Board of Animal Health; 345 IAC 4-4-3; filed Dec 18, 2000, 9:57 a.m.: 24 IR 1342; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

ARTICLE 5. SHEEP

Rule 1. Scabies Quarantine; Dipping of Sheep

345 IAC 5-1-1 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2

Sec. 1. DEFINITIONS. As used in this regulation [345 IAC 5-1] the following terms shall mean:

(a) "Scabies": A contagious skin disease affecting sheep which is caused by the infestation of the common scabies mite (psoroptic).

(b) "Dipping": The emersion of sheep for one minute in a dipping solution which has been prepared in the proper concentration as recommended by the State and Federal Government. The head of the sheep shall be submerged in the dipping solution at least once.

(c) "Sales Premise": Any point where sheep are collected or assembled for purposes of sale or resale. (*Indiana State Board of Animal Health; Reg 66-2, Sec 1; filed Sep 25, 1967, 10:15 am: Rules and Regs. 1968, p. 51; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*) NOTE: Originally adopted by the Indiana State Livestock Sanitary Board. Name changed by Acts 1969, Ch. 81, Sec. 1.

345 IAC 5-1-2 Quarantine of sheep; dipping

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18-10

Sec. 2. Whenever sheep scabies is known to exist or suspected, it shall be reported immediately to the Indiana State Veterinarian. Upon notification, it shall be the duty of the State Veterinarian to place under quarantine all sheep on the premises where scabies exists and to cause all quarantined animals to be dipped in an approved solution under the supervision of the State Veterinarian or his duly authorized agent. The cost of the dipping shall be borne by the owner. (*Indiana State Board of Animal Health; Reg 66-2, Sec 2; filed Sep 25, 1967, 10:15 am: Rules and Regs. 1968, p. 51; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*) NOTE: Originally adopted by the Indiana State Livestock Sanitary Board. Name changed by Acts 1969, Ch. 81, Sec. 1.

345 IAC 5-1-3 Health certificate required for sale; exception (Repealed)

Sec. 3. (*Repealed by Indiana State Board of Animal Health; filed Jul 1, 2002, 1:28 p.m.: 25 IR 3742*)

345 IAC 5-1-4 Penalty for violation (Repealed)

Sec. 4. *(Repealed by Indiana State Board of Animal Health; filed Jul 1, 2002, 1:28 p.m.: 25 IR 3742)*

ARTICLE 6. EQUINE

Rule 1. Equine Communicable Disease Control (Repealed)

(Repealed by Indiana State Board of Animal Health; filed Dec 17, 1979, 12:45 pm: 3 IR 194)

Rule 1.1. Equine Infectious Anemia (E.I.A.) Control

345 IAC 6-1.1-1 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2; IC 15-2.1-3-13; IC 15-2.1-4; IC 15-2.1-15; IC 15-2.1-18

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

- (1) "Accredited veterinarian" means a veterinarian that has been approved by the United States Department of Agriculture in accordance with 9 CFR 161.
 - (2) "Board" means the Indiana state board of animal health or its authorized representative.
 - (3) "Coggins test" means the agar gel immunodiffusion test for the diagnosis of E.I.A.
 - (4) "E.I.A." means the infectious disease equine infectious anemia caused by a lentivirus, equine infectious anemia virus (EIAV).
 - (5) "Equine" means all animals in the family equidae (genus equus) including the following:
 - (A) Horses.
 - (B) Asses.
 - (C) Jacks.
 - (D) Jennies.
 - (E) Hinnies.
 - (F) Mules.
 - (G) Donkeys.
 - (H) Burros.
 - (I) Ponies.
 - (J) Zebras.
 - (6) "Official test" shall have the meaning set forth in section 4.5 of this rule.
 - (7) "Owner" means the legal owner, or the legal owner's agent, including the person in possession of or caring for the animal.
 - (8) "Quarantine" means the act of placing an animal in isolation from other animals on a premises or in areas specified by the board, not moving the animal from the premises or area, and not allowing other animals to enter the premises or area.
 - (9) "Reactor" means an equine that tests positive for E.I.A.
 - (10) "Reporting date" means the date that an E.I.A. test result is reported out of the laboratory as recorded on the test report.
 - (11) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4 or a designee.
 - (12) "Test report" means the official form used by a laboratory to report the results of an E.I.A. test. The report must include a complete description of the animal being tested including the following information about the animal:
 - (A) Identifiable descriptive markings.
 - (B) Breed.
 - (C) Color.
 - (D) Age.
 - (E) Sex.
 - (F) Registration number, electronic identification number, tattoo, and brand, if present.
- (b) The following apply throughout this rule:
- (1) An animal tests negative for a disease, passes a test for a disease, or is a negative animal when a test conducted in accordance with Indiana law and generally accepted testing procedures indicates that the animal is not infected with the disease.

(2) An animal is a positive animal or fails, responds to, or has a response to a test for a disease when a test conducted in accordance with Indiana law and generally accepted testing procedures indicates that an animal is or may be infected with the disease.

(Indiana State Board of Animal Health; Reg 79-2, Title I; filed Dec 17, 1979, 12:45 p.m.: 3 IR 194; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1381; filed Feb 7, 2000, 3:28 p.m.: 23 IR 1373; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 6-1.1-2 Health certificate and testing required for importation; exception (Repealed)

Sec. 2. *(Repealed by Indiana State Board of Animal Health; filed Feb 13, 1987, 2:15 pm: 10 IR 1382)*

345 IAC 6-1.1-3 Sale of horses through auction markets; quarantined feed lots (Repealed)

Sec. 3. *(Repealed by Indiana State Board of Animal Health; filed Feb 13, 1987, 2:15 pm: 10 IR 1383)*

345 IAC 6-1.1-4 Assembly of horses other than auction markets (Repealed)

Sec. 4. *(Repealed by Indiana State Board of Animal Health; filed Feb 13, 1987, 2:15 pm: 10 IR 1383)*

345 IAC 6-1.1-4.5 E.I.A. testing

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15; IC 15-2.1-18

Sec. 4.5. (a) The state veterinarian may do the following:

(1) Require that all animals tested for E.I.A. be temporarily identified until such time as the test results from the initial test and all retests are known.

(2) Utilize board funds to pay a licensed, accredited veterinarian to conduct E.I.A. tests or other work related to controlling E.I.A.

(b) "Official test" means the official test for the detection of E.I.A. Official tests must:

(1) be conducted in a laboratory approved by the state veterinarian to conduct official E.I.A. tests;

(2) be one (1) of the following:

(A) Agar gel immunodiffusion test (AGID), also known as the Coggins test.

(B) Enzyme-linked immunosorbent assay test (ELISA).

(C) Any other recognized E.I.A. test that is approved by the state veterinarian; and

(3) utilize blood drawn by a licensed, accredited veterinarian.

(c) The western blot test, also called the immunoblot test, may be used to clarify equivocal results of official tests or to resolve conflicting results. To be an official test, the western blot test must be run at the United States Department of Agriculture National Veterinary Services Laboratory.

(d) The state veterinarian may approve a laboratory to conduct official E.I.A. tests if the laboratory can conduct the tests in a timely, accurate, and efficient manner. When considering laboratories for E.I.A. test approval, the state veterinarian may consider and base a decision on United States Department of Agriculture standards, licenses, and approvals. *(Indiana State Board of Animal Health; 345 IAC 6-1.1-4.5; filed Feb 7, 2000, 3:28 p.m.: 23 IR 1374; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

345 IAC 6-1.1-5 E.I.A. positive animals

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15; IC 15-2.1-18

Sec. 5. (a) The owner must quarantine a reactor to the owner's premises from the time the owner is notified of the animal's reactor status until such time as a permit to move the animal is obtained from the state veterinarian. The state veterinarian may issue a permit to move a reactor if moving the animal furthers the goal of containing the spread of E.I.A.

(b) The owner of a reactor may elect to have the animal retested for E.I.A. one (1) time before identification is applied under

subsection (c) and a disposition is chosen under subsection (d) if the following requirements are met:

- (1) The retest must be conducted by board personnel or a licensed, accredited veterinarian designated by the state veterinarian.
- (2) The retest must be completed within fourteen (14) days of the reporting date from the first test.
- (c) A reactor must be permanently branded on the left side of the neck with the number 32 followed by the letter A, (32A).

The following apply to the branding required in this subsection:

- (1) The brand must be applied by a board employee or a person designated by the state veterinarian.
- (2) The brand must be applied not later than fourteen (14) days after the reporting date from the E.I.A. positive test or retest, whichever is later.
- (3) The brand must be:
 - (A) at least two (2) inches in size; and
 - (B) applied using a chemical brand or freeze-marking technique.

(d) The owner of a reactor must handle the reactor by complying with one (1) of the following requirements:

(1) Confining the reactor to the owner's premises in an area that is not less than two hundred (200) yards from any other area used to hold equines that are not reactors. Reactors must be separated from E.I.A. negative animals at all times. Reactors must be housed in a fly controlled environment. The owner must implement a fly control program utilizing at least one (1) of the following:

- (A) Fly baits or strips.
- (B) Electric bug killers.
- (C) Application of a registered pesticide according to its label.

(2) Euthanizing the reactor. The owner shall notify the state veterinarian not later than forty-eight (48) hours prior to euthanizing the animal. The state veterinarian may require that a board employee witness the euthanasia or that the owner submit proof of the act.

(3) Delivering the reactor to a slaughter establishment or to a market to be sold for slaughter. The owner shall secure a slaughter permit from the state veterinarian or his agent by contacting the board not less than forty-eight (48) hours prior to loading a reactor for shipment. The state veterinarian may order that the reactor must move under official seal issued by the board.

(e) The owner of a reactor must do the following:

(1) Notify the board of the method chosen to handle the E.I.A. reactor under subsection (d) not more than fourteen (14) days after the reporting date for the E.I.A. positive test or retest, whichever is later.

(2) Comply with the requirements for the method chosen to handle the E.I.A. reactor under subsection (d) not later than thirty (30) days after the reporting date for the E.I.A. positive test or retest, whichever is later.

(f) The board will not pay any indemnity or loss of value for any animal that tests positive for E.I.A. (*Indiana State Board of Animal Health; Reg 79-2, Title V; filed Dec 17, 1979, 12:45 p.m.: 3 IR 196; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1382; filed Feb 7, 2000, 3:28 p.m.: 23 IR 1375; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 6-1.1-5.5 Animals exposed to E.I.A.

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15; IC 15-2.1-18

Sec. 5.5. (a) Whenever an equine tests positive for E.I.A., all equine in the owner's herd are quarantined to the premises until such time as they test negative for E.I.A. pursuant to the testing required in subsection (b).

(b) Whenever an equine tests positive for E.I.A., all equine in the owner's herd that are not reactors must be tested, or retested as the case may be, for E.I.A. The tests required in this subsection must be conducted as follows:

(1) All equine in the owner's herd that are under one hundred eighty (180) days of age on the date the last known reactor is removed from the herd must be tested between two hundred forty (240) and two hundred seventy (270) days of age.

(2) All other equine must be tested between forty-five (45) and sixty (60) days after all known reactors are removed from the herd. The state veterinarian must determine the exact length of time between forty-five (45) and sixty (60) days for the retest based on the epidemiology of the situation.

(c) The state veterinarian may issue a permit to move a quarantined animal if moving the animal furthers the goal of containing and eradicating E.I.A.

(d) The state veterinarian must conduct an epidemiological investigation into E.I.A. positive equine to determine the incidence and distribution of the disease. The state veterinarian may order any equine on any premises be tested for E.I.A. to further the epidemiological investigation. (*Indiana State Board of Animal Health; 345 IAC 6-1.1-5.5; filed Feb 7, 2000, 3:28 p.m.: 23 IR 1375; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 6-1.1-6 Prohibited actions; cooperation

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18-9; IC 15-2.1-21-2

Sec. 6. (a) No person may present or otherwise use an E.I.A. laboratory test report for an equine for the purpose of identifying or establishing E.I.A. status for a different equine.

(b) No person may remove any identification utilized for the purpose of E.I.A. testing until the animal is released from quarantine under this rule.

(c) When board representatives are conducting tasks pursuant to this article, an equine owner must cooperate, including:

- (1) presenting animals for testing or identification;
- (2) restraining animals;
- (3) identifying animals;
- (4) allowing access to animals, facilities, and equipment;
- (5) refraining from direct or indirect interference with board representatives;
- (6) providing complete, accurate, and timely information.

(*Indiana State Board of Animal Health; Reg 79-2, Title VI; filed Dec 17, 1979, 12:45 p.m.: 3 IR 196; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1382; filed Feb 7, 2000, 3:28 p.m.: 23 IR 1376; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 6-1.1-7 Severability (Repealed)

Sec. 7. (*Repealed by Indiana State Board of Animal Health; filed Feb 7, 2000, 3:28 p.m.: 23 IR 1377*)

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

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

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

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

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

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

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

Rule 3.5. Licensing and Bonding of Livestock Dealers and Markets

345 IAC 7-3.5-1 General provisions

Authority: IC 15-2.1-3-19

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

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

345 IAC 7-3.5-1.5 Incorporation by reference

Authority: IC 15-2.1-3-19

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

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

345 IAC 7-3.5-2 Definitions

Authority: IC 15-2.1-3-19

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

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

- (1) "Board" means the Indiana state board of animal health appointed under IC 15-2.1-3.
- (2) "Cattle" means all dairy and beef animals and bison.
- (3) "Concentration point" means a licensed place of business under the provisions of IC 15-2.1-14 where only feeder pigs, to which the licensee of such point has taken title, are assembled for resale within or without of the state of Indiana.
- (4) "Consignee" means one to whom livestock is delivered or assigned for the purpose of sale, resale, or exchange.
- (5) "Consignment" or "consigning" means the act of delivering or shipping domestic animals to another for sale, resale, or exchange.
- (6) "Consignor" means any person consigning, shipping, or delivering domestic animals for sale, resale, or exchange.
- (7) "Dealer" means any person engaged in the business of dealing and includes, but is not limited to, stockyards, auction markets, buying stations, and concentration points.
- (8) "Dealing" means buying, selling, trading, or negotiating the transfer of livestock either for processing into meat products in conjunction with the operation of a business enterprise or for the purpose of resale, transfer, or final disposition in any other manner.
- (9) "Domestic animals" has the meaning set forth in IC 15-2.1-2-15.
- (10) "Draft" means a group of animals that are weighed and sold together as a unit.
- (11) "Immediate slaughter" means any domestic animals purchased or sold for slaughter must be consigned to a recognized slaughtering establishment or be slaughtered within seven (7) days of first consignment and must not be diverted for further feeding or breeding purposes.
- (12) "Inspection" means a critical observation of livestock by a licensed, accredited veterinarian or by one under his or her direct supervision and conducted in a manner that will lend itself to the disclosure of the apparent physical condition or health status of the animals inspected.
- (13) "Licensee" means any person licensed by the state of Indiana as an individual or market facility dealer or holding a combination license.
- (14) "Livestock" has the meaning set forth in IC 15-2.1-2-27(a).
- (15) "Livestock auction market" or "auction market" means an established place of business and contiguous surroundings where domestic animals are consigned to be sold at public auction upon a commission basis to be paid by the consignor at which place the operator of the business acts as agent for consignor.
- (16) "Market facility" means a livestock auction market, stockyard, or concentration point.
- (17) "Nonambulatory" or "downed" animal means a conscious animal that is unable to stand or walk without assistance.
- (18) "Official health certificate" or "certificate of veterinary inspection" means the printed form adopted by any of the various states and designed to record the identification, description, tests, vaccinations, and other data concerning the health status of domestic animals listed thereon.
- (19) "Permit" means permission granted by the board for the importation of domestic animals that will include an identification number of the permit.
- (20) "Person" means individual(s) of either sex, firms, copartnerships, corporations, associations, cooperatives, and joint ventures of all kinds, and places of residence, or any other groups or combinations acting in concert.
- (21) "Sale" means sale, lease, donation, trade, or exchange in any manner.
- (22) "Sell" means to sell, lease, donate, trade, barter, or exchange in any manner.

(23) "Selling" means selling, leasing, donating, trading, bartering, or exchanging in any manner.

(24) "Quarantined" means the subject of an order issued by the board restricting the movement of animals onto or off of a premises.

(25) "Slaughter only market" means any market facility where all animals purchased are consigned directly to a recognized slaughtering establishment or sold for direct reassignment to a recognized slaughtering establishment but not including auction markets.

(26) "Slaughtering establishment" means a place of business where domestic animals are slaughtered and meat products are processed for human consumption subject to federal, state, or local inspection.

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

(28) "Stockyard" means any place of business commonly known or advertised as a stockyard, and which is operated for compensation or profit as a public market consisting of sheds, pens, or other enclosures, and their contiguous appurtenances in which live livestock is received from the public and kept temporarily for sale, marketing, or shipping.

(Indiana State Board of Animal Health; 345 IAC 7-3.5-2; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1750; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1285; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1609)

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

Authority: IC 15-2.1-3-19

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

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

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

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

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

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

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

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

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

(c) No person may continue the business of operating a market facility, buying, selling, or otherwise dealing in livestock after his or her license has expired or been suspended or revoked. *(Indiana State Board of Animal Health; 345 IAC 7-3.5-3; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1751; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1287; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1610)*

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

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

345 IAC 7-3.5-5 Classification; fees

Authority: IC 15-2.1-3-19

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

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

- (1) A market facility dealer license issued to stockyards, packers, concentration points, and livestock auction markets.
- (2) An individual dealer license issued to individual dealers and market agencies not operating as a market facility.

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

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

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

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

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

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

(e) The state veterinarian may require that an applicant for a license for a new facility that is intended to be used as a market facility provide proof to the board that the new facility will be constructed in conformance with local zoning ordinances and other laws governing the establishment and operation of such a business in Indiana. The state veterinarian may refuse to issue a license until such proof is submitted. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-5; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1752; errata, 11 IR 2901; filed Nov 20, 1997, 1997, 2:45 p.m.: 21 IR 1287; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1610*)

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

Authority: IC 15-2.1-3-19

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

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

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

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

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

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

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

(2) Revoke the licensee's license.

(*Indiana State Board of Animal Health; 345 IAC 7-3.5-5.5; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1611*)

345 IAC 7-3.5-6 Agents

Authority: IC 15-2.1-3-19

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

Sec. 6. (a) All agents for market facilities and individual dealers must be listed on the license application. To add or delete an agent after a license has been issued, the principal must send a written request to the state veterinarian's office for approval. Any

person whose dealer license has been suspended or revoked in any state may not be designated as an agent by any livestock dealer for a period of two (2) years from the date of such suspension or revocation. A licensee must request the deletion of an agent from its license immediately upon learning of the revocation of an agent's dealer's license by any state.

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

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

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

345 IAC 7-3.5-8 Bond requirements

Authority: IC 15-2.1-3-19

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

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

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

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

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

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

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

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

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

345 IAC 7-3.5-8.5 Claims

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

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

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

(1) Any persons damaged by failure of the principal to comply with any condition of the bond or bond equivalent may

maintain a suit to recover on the bond or bond equivalent even though such claimant is not a party named in the bond or bond equivalent.

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

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

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

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

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

Authority: IC 15-2.1-3-19

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

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

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

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

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

Authority: IC 15-2.1-3-19

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

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

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

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

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

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

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

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

(c) Records required to be kept by this rule shall be kept open for inspection by authorized personnel of the board for a period of two (2) years. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-9.5; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1290; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.:*

24 IR 2895)

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

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

345 IAC 7-3.5-11 Scales

Authority: IC 15-2.1-3-19

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

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

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

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

345 IAC 7-3.5-12 Penalties (Repealed)

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

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

Authority: IC 15-2.1-3-19

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Authority: IC 15-2.1-3-19

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

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

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

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

(1) all available identification of the animal;

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

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

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

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

(f) Unless specifically stated otherwise, the dealer is responsible for sending all prepared and completed forms that are

required to be forwarded to the office of the state veterinarian by this rule or otherwise within ten (10) days following the date of the event requiring the form. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-14; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1291; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Jul 1, 2002, 1:28 p.m.: 25 IR 3741*)

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

Authority: IC 15-2.1-3-19

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

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

(1) Suitable pens of sufficient space and number shall be provided to accommodate the safe and humane handling of all kinds of livestock moved through such marketing facility.

(2) Floors of all pens and alleyways shall be of concrete or other impermeable material. Floors shall afford adequate drainage and be conducive to regular, systematic cleaning and disinfection. All floors shall be free from holes, cracks, or depressions and shall be constructed to provide proper and adequate drainage.

(3) A separate pen or pens shall be provided for the yarding of animals infected with a contagious, infectious, or communicable disease and for animals which are in a diseased condition. Such pens shall be thoroughly cleaned and disinfected after each use.

(4) A chute of suitable size and proportions shall be provided for the tagging or individual identification of animals. Such tagging chute shall be constructed of durable material and arranged and located as to provide minimum interference with routine handling and movement of livestock through the market.

(5) All areas of the market facility shall be sufficiently well lighted so as to allow for close observation or inspection of individual animals regardless of where they may be penned or confined on the premises.

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

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

Authority: IC 15-2.1-3-19

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

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

(1) Livestock housed at a market facility for more than twenty-four (24) hours from the time of receipt at the facility must have access to feed and water.

(2) Any person using implements to drive animals, such as electric prods, canes, whips, paddles, or canvas straps, must use such implements only to the extent reasonably necessary to handle or move livestock.

(b) Market facilities in Indiana may not accept delivery of nonambulatory livestock. Market facilities in Indiana may unload nonambulatory livestock for the purpose of euthanizing the livestock at the market facility. Market facilities must have written policies, procedures, and equipment in place to handle animals that become nonambulatory after delivery to the market facility. Livestock that becomes nonambulatory after arriving at a market facility must be disposed of within twenty-four (24) hours of discovering or receiving notice of the animal's condition. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-16; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1292; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Jul 14, 2004, 9:25 a.m.: 27 IR 3982*)

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

Authority: IC 15-2.1-3-19

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

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

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

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

345 IAC 7-3.5-18 Waste disposal

Authority: IC 15-2.1-3-19

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

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

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

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

345 IAC 7-3.5-19 Sanitation requirements

Authority: IC 15-2.1-3-19

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

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

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

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

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

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

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

Authority: IC 15-2.1-3-19

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

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

(b) Within thirty (30) days after receipt of an application for approval of a Brucellosis laboratory, the state veterinarian or a

duly authorized agent shall inspect the laboratory and ascertain whether or not the facilities and procedures meet the minimum standards required by this rule. The state veterinarian shall approve the laboratory if the facilities and procedures meet the minimum requirements set forth in this rule and generally accepted laboratory procedures.

(c) The following requirements apply to Brucellosis tests:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) An adequate supply of soap and towels.

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

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

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

(3) Required charts for recording results of tests.

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

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

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

345 IAC 7-3.5-21 Penalties

Authority: IC 15-2.1-3-19

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

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

(b) Violations of this rule may result in:

(1) a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each day of the violation plus costs (IC 15-2.1-21-14);

(2) an injunction prohibiting actions in violation of this rule (IC 15-2.1-20-3);

(3) deferral by the board of the grant of a license or the suspension or revocation of a license already issued (IC 15-2.1-17-5);
or

(4) the commencement of any other enforcement action allowed by law.

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

Rule 4. Livestock Marketing Operations (Repealed)

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

Rule 5. Exhibition of Domestic Animals and Poultry

345 IAC 7-5-1 Definitions

Authority: IC 15-2.1-3-19

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

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

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

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

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

(4) "Certificate of veterinary inspection" means any prescribed or printed form adopted by a state to be used for the purpose of recording the identification, description, results of tests, vaccinations, and other data concerning the health status of animals listed thereon. Certificates of veterinary inspection must be issued and signed by a veterinarian who holds the following qualifications:

(A) The veterinarian is accredited by the United States Department of Agriculture under 9 CFR, Subchapter J.

(B) The veterinarian is licensed to practice veterinary medicine in the state in which the certificate is issued.

(5) "Equine infectious anemia" or "EIA" means an acute or chronic disease of equidae, characterized by intermittent fever, depression, progressive weakness, loss of weight, edema, and progressive or transitory anemia.

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

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

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

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

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

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

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

(Indiana State Board of Animal Health; Reg 77-2, Title I; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed May 2, 1983, 10:03 a.m.:

6 IR 1035; filed May 21, 1984, 3:20 p.m.: 7 IR 1714; filed Feb 15, 1985, 9:05 a.m.: 8 IR 790; filed Jan 8, 1986, 2:54 p.m.: 9 IR 997; filed Dec 2, 1994, 3:50 p.m.: 18 IR 859; filed Oct 11, 1996, 2:00 p.m.: 20 IR 750; errata filed Jan 2, 1997, 4:00 p.m.: 20 IR 1124; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1535)

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

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

345 IAC 7-5-2.1 Exhibition limitations

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

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

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

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

(A) Tests.

(B) Clinical diagnoses.

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

(D) Epidemiologic evidence.

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

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

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

345 IAC 7-5-2.5 Health certificate required

Authority: IC 15-2.1-3-19

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

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

(b) The following animals must be accompanied by a certificate of veterinary inspection for the animal while on the exhibition premises:

(1) All animals of the family Bovidae, including cattle, sheep, goats, and buffalo.

(2) All animals of the family Equidae if the animal originates from outside the state.

(3) All animals of the family Suidae, including domestic and feral swine.

(4) All animals of the family Cervidae, including deer and elk.

(5) All animals of the family Camelidae, including camels, llamas, and alpacas.

(c) For the purposes of this rule, a certificate of veterinary inspection is valid only if the certificate was issued within the following time frames:

(1) If the animal originated from within the state and the certificate of veterinary inspection is an Indiana certificate, within the ninety (90) days immediately preceding the date the animal enters the exhibition grounds.

(2) If the animal originated from outside the state, within the thirty (30) days immediately preceding the date the animal enters the exhibition grounds.

(d) The certificate of veterinary inspection must include the information required on the certificate, including the following:

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

(2) The age and sex of each animal.

(3) The results of any tests conducted on each animal.

(4) The name and address of the exhibitor.

(e) Each person intending to exhibit an animal in the state or an agent for that person must mail or deliver a copy of the official certificate of veterinary inspection for the animal to the state veterinarian prior to the opening date of the exhibition. A person moving an animal out of state to exhibition must mail or deliver a copy of the official certificate of veterinary inspection to the state veterinarian within thirty (30) days of the date the certificate was completed.

(f) The state veterinarian may refuse to allow an animal to be exhibited if the requirements in this section are not met. (*Indiana State Board of Animal Health; 345 IAC 7-5-2.5; filed May 24, 1988, 9:45 a.m.: 11 IR 3537; filed Jun 18, 1990, 2:49 p.m.: 13 IR 1990; filed Dec 2, 1994, 3:50 p.m.: 18 IR 860; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1536*)

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

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

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

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

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

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

345 IAC 7-5-6 Suspect animals prohibited

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

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

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

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

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

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

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

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

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

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

345 IAC 7-5-9 Identification and description

Authority: IC 15-2.1-3-19

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

Sec. 9. (a) Each animal for which a certificate of veterinary inspection is required for exhibition under section 2.5 of this rule must be permanently, individually, and uniquely identified utilizing one (1) of the methods of identification described in subsection (b). One (1) of the following methods of identification shall be used for animals not specifically addressed in subsection (b):

- (1) An ear tag.
- (2) A tattoo.
- (3) A standard ear notch.
- (4) An individual brand.
- (5) A breed registration number.
- (b) The following methods of identification shall be used to identify animals of the respective listed species for exhibition:
 - (1) Domestic swine must be identified utilizing a standard ear notch system approved by the state veterinarian, except that swine that are to be exhibited as part of an Indiana 4-H swine exhibition may use a plastic tag approved by the Indiana state 4-H department. The tag shall consist of two (2) parts, the male part imprinted with a permanent identification number and the female part imprinted with a coded number or letters that identify the county of the 4-H member's residence.
 - (2) Cattle must be identified using one (1) of the following methods of identification:
 - (A) An official ear tag.
 - (B) A tattoo.
 - (C) An individual brand.
 - (D) A registration number if accompanied by registration papers.

But, Indiana steers may be identified using any type of individual ear tag, including plastic tags.

- (3) Sheep must be identified using one (1) of the following methods of identification:
 - (A) A tattoo.
 - (B) A standard ear notch.
 - (C) An ear tag.
 - (D) A breed association ear tag.
- (4) Goats must be identified using one (1) of the following methods of identification:
 - (A) A tattoo.
 - (B) A standard ear notch.
 - (C) An ear tag.
 - (D) A breed association ear tag.
- (5) Horses and other equine must be identified using one (1) of the following methods of identification:
 - (A) A lip tattoo.
 - (B) An individual brand.
 - (C) A registration number if accompanied by registration papers.
 - (D) A descriptive marking with the animal's name.
- (6) Cervidae must be identified using one (1) of the following methods of identification:
 - (A) An ear tag.
 - (B) A tattoo.
 - (C) Other identification approved by the state veterinarian.

(c) If more than one (1) identification is present on an animal, at least two (2) of the identification numbers or markings shall be listed on the certificate of veterinary inspection. (*Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 8; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed May 2, 1983, 10:03 a.m.: 6 IR 1036; filed May 21, 1984, 3:20 p.m.: 7 IR 1714; filed Feb 15, 1985, 9:05 a.m.: 8 IR 792; filed Jan 8, 1986, 2:54 p.m.: 9 IR 998; filed Dec 2, 1994, 3:50 p.m.: 18 IR 860; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1476; errata filed Mar 31, 1999, 9:37 a.m.: 22 IR 2534; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1538*)

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

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

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

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

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

345 IAC 7-5-12 Tuberculosis test for cattle

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 12. All out of state cattle shall have passed a negative test for Tuberculosis within sixty (60) days prior to the opening date of the exhibition, except:

- (1) Cattle from accredited herds (accrediting date must be listed on health certificate).
- (2) Cattle under 180 days of age.
- (3) Cattle from accredited-free states.

Note: Animals offered for sale at exhibition must meet import requirements of state of destination.

(Indiana State Board of Animal Health; Reg 77-2, Title III, Sec 1; filed Jul 21, 1978, 2:30 pm: 1 IR 567; filed May 2, 1983, 10:03 am: 6 IR 1036; filed May 21, 1984, 3:20 pm: 7 IR 1714; filed Feb 15, 1985, 9:05 am: 8 IR 791; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

345 IAC 7-5-13 Brucellosis test for cattle

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

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

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

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

- (1) Steers.
- (2) Calves under one hundred eighty (180) days of age.
- (3) Cattle from the exhibitor's certified Brucellosis-free herd (the certifying date must be listed on the health certificate).
- (4) Official vaccinates of dairy breeds under twenty (20) months of age and official vaccinates of beef breeds under twenty-four (24) months of age must be accompanied by proof of vaccination and the date of vaccination recorded on the accompanying health certificate. All cattle from out of state must meet federal requirements for interstate movement.
- (c) Cattle described in subsection (b) that are sold at exhibition must be tested according to the retest requirements established in 345 IAC 1-3-7.

(Indiana State Board of Animal Health; Reg 77-2, Title III, Sec 2; filed Jul 21, 1978, 2:30 p.m.: 1 IR 568; filed May 2, 1983, 10:03 a.m.: 6 IR 1036; filed May 21, 1984, 3:20 p.m.: 7 IR 1714; filed Feb 15, 1985, 9:05 a.m.: 8 IR 791; filed Jan 8, 1986, 2:54 p.m.: 9 IR 998; filed Dec 2, 1994, 3:50 p.m.: 18 IR 861; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1483; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

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

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1

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

- (1) Castrated males.
- (2) Swine from the exhibitor's validated Brucellosis-free herd (date of validation must be listed on health certificate).
- (3) Swine from a validated Brucellosis-free state, except feral swine.
- (4) Swine qualifying for slaughter shows, as defined in section 1 of this rule.

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

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

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

345 IAC 7-5-15.1 Pseudorabies tests for swine

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 15.1. (a) Before a person may exhibit swine in the state, each swine to be exhibited must test negative for Pseudorabies using an official Pseudorabies serological test approved by the state veterinarian.

(b) The test required in subsection (a) must occur within ninety (90) days if the swine are coming from within the state, or thirty (30) days if the swine are coming from out of state, prior to the opening date of exhibition.

(c) The following are exempt from the requirements of subsections (a) and (b):

(1) Swine that originate from outside the state from an area that the United States Department of Agriculture has designated as Stage IV or Stage V under the national Pseudorabies eradication program, if the animal has been in the state for ninety (90) days or less.

(2) Swine that originate from a herd that is located in an area that the United States Department of Agriculture has designated as Stage III under the national Pseudorabies eradication program and the swine originate from a herd that meets the requirements for a qualified Pseudorabies-negative herd or qualified-negative gene-altered virus-vaccinated herd, utilizing monthly testing, under the Program Standards defined in 345 IAC 3-5.1.

(3) Swine exempted by the state veterinarian.

(4) Suckling pigs accompanying a dam that has met the testing requirements of subsections (a) and (b).

(d) Retest requirements for breeding swine established in 345 IAC 1-3-13 apply to swine transported into the state that are sold at exhibition. *(Indiana State Board of Animal Health; 345 IAC 7-5-15.1; filed Oct 11, 1996, 2:00 p.m.: 20 IR 751, eff Jan 1, 1997; filed Dec 10, 1997, 11:00 a.m.: 21 IR 1327; errata filed Dec 10, 1997, 3:50 p.m.: 21 IR 1350; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Sep 1, 2000, 2:03 p.m.: 24 IR 13; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1539)*

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

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

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

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

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

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

345 IAC 7-5-17 Exhibition of sheep

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 17. No sheep shall be exhibited from a flock infected with foot rot, sore mouth, or caseous lymphadenitis and so indicated on the official health certificate, by the licensed, accredited veterinarian signing the statement: "This flock does not show visible signs of foot rot, sore mouth, or caseous lymphadenitis" or by certifying he or she examined the entire flock by checking the "herd box" above the signature on the health certificate. (*Indiana State Board of Animal Health; Reg 77-2, Title V; filed Jul 21, 1978, 2:30 p.m.: 1 IR 568; filed May 2, 1983, 10:03 a.m.: 6 IR 1038; filed Feb 15, 1985, 9:05 a.m.: 8 IR 792; filed May 24, 1988, 9:45 a.m.: 11 IR 3537; filed Oct 11, 1996, 2:00 p.m.: 20 IR 752; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 7-5-18 Health inspection for goats

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 18. No goats shall be exhibited from a herd infected with foot rot, sore mouth or caseous lymphadenitis and so indicated on the official health certificate, by the licensed, accredited veterinarian signing the statement: "This herd does not show visible signs of foot rot, sore mouth, or caseous lymphadenitis" or by certifying he or she examined the entire herd by checking the "herd box" above the signature on the health certificate. (*Indiana State Board of Animal Health; Reg 77-2, Title VI, Sec 1; filed Jul 21, 1978, 2:30 pm: 1 IR 568; filed May 2, 1983, 10:03 am: 6 IR 1038; filed May 21, 1984, 3:20 pm: 7 IR 1715; filed Feb 15, 1985, 9:05 am: 8 IR 792; filed May 24, 1988, 9:45 am: 11 IR 3538; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

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

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

345 IAC 7-5-20 No health certificate requirement for dogs or cats

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 20. A person exhibiting a dog or cat in Indiana does not need an official health certificate to exhibit the animal. (*Indiana State Board of Animal Health; Reg 77-2, Title VII, Sec 1; filed Jul 21, 1978, 2:30 p.m.: 1 IR 569; filed Mar 23, 2000, 4:24 p.m.: 23 IR 1913; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

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

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

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

Authority: IC 15-2.1-3-19

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

Sec. 22. (a) Before a dog or cat may be exhibited in the state, a licensed and accredited veterinarian must administer the following vaccinations to the animal within the three hundred sixty-five (365) days immediately preceding the date of exhibition:

(1) Each dog must be vaccinated for distemper, hepatitis, leptospirosis, bordetella (kennel cough), and parvovirus.

(2) Each cat must be vaccinated for feline panleukopenia, feline rhinotracheitis, and calicivirus.

(3) The board recommends that each exhibitor consult with his or her veterinarian about vaccination for feline leukemia and feline immunodeficiency virus (FIV) prior to exhibition.

(b) Dogs and cats three (3) months of age or older must have a current vaccination for rabies as defined in 345 IAC 1-5 at the time they are exhibited.

(c) Before a cat may be exhibited in the state, a licensed and accredited veterinarian must test the cat for feline leukemia virus (FeLV) within the one hundred eighty (180) days immediately preceding the date of exhibition. Cats that test positive for feline leukemia may not be exhibited.

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

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

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

345 IAC 7-5-24 Poultry exhibition rules

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

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

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

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

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

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

Authority: IC 15-2.1-3-19

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

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

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

(2) The state veterinarian may exempt equine from the test required in this section to accommodate unique and emergency situations if the waiver does not subject Indiana equine to a substantial risk of E.I.A. infection.

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

345 IAC 7-5-25.6 Health certificate not required for Indiana equine

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 25.6. Equine originating from Indiana do not need a health certificate or equine infectious anemia (E.I.A.) test to exhibit

in Indiana. This section does not prohibit show sponsors from requiring health certificates and E.I.A. tests for Indiana equine. (*Indiana State Board of Animal Health; 345 IAC 7-5-25.6; filed Feb 15, 1985, 9:05 a.m.: 8 IR 793; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1384; filed Dec 2, 1994, 3:50 p.m.: 18 IR 862; filed Feb 7, 2000, 3:28 p.m.: 23 IR 1376; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

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

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

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

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

345 IAC 7-5-27 Severability (Repealed)

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

345 IAC 7-5-28 Cervidae exhibition

Authority: IC 15-2.1-3-19

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

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

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

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

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

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

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

Rule 6. Butcher's Permits (Repealed)

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

Rule 7. Disposal of Dead Animals

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

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

345 IAC 7-7-1.5 Definitions

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

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

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

(1) "Animal" means domestic animal.

(2) "Condemned and inedible waste" means any part of a slaughtered animal that is unfit for human food or that is not intended for human food. The term does not include eggs and parts thereof.

(3) "Dead animal" means an animal that has died other than by slaughter.

(4) "Domestic animal" has the meaning set forth in IC 15-2.1-2-15.

- (5) "Exotic animal" means a flesh-eating wild animal. Some examples are tigers, lions, bears, and cougars.
- (6) "Restaurant grease" means animal or vegetable oils and fats that have been used or generated as a result of the preparation of food by a restaurant or other establishment that prepares food for human consumption.
- (7) "Slaughter" means the killing and processing of an animal for human food.
- (8) "Slaughtering establishment" means an establishment that is inspected or that has been granted an exemption from inspection under IC 15-2.1-24, the Federal Meat Inspection Act (21 U.S.C. et seq.), or the Federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.).
- (9) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4 and all authorized representatives.
- (10) "Wild animal" means an animal that is not a domestic animal.

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

345 IAC 7-7-2 Exemption or license required

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

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

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

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

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

345 IAC 7-7-3 Disposal methods

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

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

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

- (1) Removal to a licensed disposal plant.
- (2) Burying the carcass or condemned and inedible waste on the owner's premises to a depth of four (4) feet or more, with

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

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

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

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

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

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

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

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

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

345 IAC 7-7-3.5 Composting

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The composting operation may not be located in a facility that:

(A) shares a common wall or roof with the slaughtering establishment; or

(B) utilizes the same air handling equipment as the slaughtering establishment.

(2) Equipment and supplies used in the composting operation may not be moved into the slaughtering establishment.

(3) The slaughtering establishment must establish and follow procedures that will prevent adulteration of products intended for human food from the movement of personnel between the compost facility and the slaughtering establishment.

(c) The state veterinarian may order that any particular animal or condemned and inedible waste, or any class of animal or waste, not be composted, or composted in a particular manner, in order to prevent the spread of disease and protect the public health. (*Indiana State Board of Animal Health; 345 IAC 7-7-3.5; filed Nov 4, 2002, 12:07 p.m.: 26 IR 695*)

345 IAC 7-7-4 Unloading of trucks

Authority: IC 15-2.1-3-19

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

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

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

345 IAC 7-7-5 Transportation for feeding

Authority: IC 15-2.1-3-19

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

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

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

(1) The name and address of the person from whom the dead animal is obtained.

(2) The date the dead animal is obtained.

(3) A description of what was obtained from the premises on each date.

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

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

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

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

345 IAC 7-7-7 Vehicle requirements

Authority: IC 15-2.1-3-19

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

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

(1) A vehicle used to transport dead animals or waste must be configured to not allow fluids from the dead animals or waste

to leak onto public roads.

(2) Dead animals and waste shall be contained or covered while transported so that they are not visible when on public roads.

(3) A vehicle used to transport dead animals or waste shall be thoroughly cleaned and disinfected after each time that it is used for transporting dead animals or waste.

(4) A vehicle transporting dead animals or waste from a premises is prohibited from entry onto any other premises unless given permission by the owner, until the carcasses and waste are unloaded at the final destination and the vehicle is cleaned and disinfected.

(5) In the event any dead animal, condemned and inedible waste, or seepage therefrom escapes from the transporting vehicle, the licensee shall clean it up as soon as is reasonably possible.

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

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

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

345 IAC 7-7-9 Inspections (Repealed)

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

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

Authority: IC 15-2.1-3-19

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

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

(1) The applicant or licensee violated a requirement of this rule.

(2) Any reason listed in IC 15-2.1-16, IC 15-2.1-17-5, or this rule.

(3) The transportation or disposal of dead animals or condemned and inedible waste by the applicant or licensee presents a health hazard to animals or the citizens of Indiana.

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

Rule 8. Livestock Brands

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

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

Affected: IC 15-5-14

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

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

345 IAC 7-8-2 Definitions

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

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

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

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

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

(d) "Livestock" means the following:

- (1) All cattle or animals of the bovine species.
- (2) All horses, mules, burros, and asses or animals of the equine species.
- (3) All swine or animals of the porcine species.
- (4) All goats or animals of the caprine species.

(e) "Owner" refers to:

- (1) an individual, firm, association, partnership, corporation, or other legal entity;
- (2) any public or private institution;
- (3) the state of Indiana; or
- (4) any municipal corporation or political subdivision of the state.

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

345 IAC 7-8-3 Notice required

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

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

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

- (1) Change in ownership of a recorded brand.
- (2) Change in name under which a brand is recorded.
- (3) Change in address of the owner of a recorded brand.

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

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

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

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

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

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

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

- (1) Left to right.
- (2) Top to bottom.
- (3) Outside to inside.

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

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

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

- (1) A to Z.
- (2) 1 to 9.
- (3) Symbols and characters as follows:
 - (A) Double letters.
 - (B) Letters with numbers.
 - (C) Letters with characters (to the right or below).
- (f) A single letter brand shall not be recorded.
- (g) No lazy open A will be recorded; > < will be considered as a V.
- (h) The letter G will only be recorded in the reversed position, for example, Ɔ.
- (i) The letter C will never be recorded in the reverse position.
- (j) The letter W will not be recorded in the lazy position; ≋ will be considered as the letter M.
- (k) The letter I will only be recorded with another letter.
- (l) A lowercase letter, for example, a, c, t, or d, will not be recorded.
- (m) A circle or a zero (0) will be recorded as the letter O.
- (n) The letter Q will not be recorded.
- (o) A half diamond must always have the points (ends) toward the brand, for example, $\hat{H}$.
- (p) A quarter circle must always be recorded with the points away from the brand, for example, $\tilde{H}$, and is never connected with the letter.
- (q) A brand consisting of arabic numbers only may be used for individual livestock identification (in-herd) if it is located at least ten (10) inches away from any recorded livestock brand. The arabic number brand will not be recorded.
- (r) When a recorded brand is applied to livestock which may have been branded by a previous owner, the new brand must be applied so as not to overlap, obliterate, disfigure, or mutilate the previous brand.
- (s) A brand shall be placed in one (1) specific location upon an animal. The appropriate location shall be designated on the brand recordation application.
- (t) A horse may be branded on the shoulder regardless of the specific location designated for other livestock. The brand shall not be recorded on the ribs of the horse.
- (u) All cattle brands must be a minimum of three (3) inches in height, and all other brands must be a minimum of two (2) inches in height. (*Indiana State Board of Animal Health; 345 IAC 7-8-4; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1943; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 7-8-5 Fees (Repealed)

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

345 IAC 7-8-6 Brand adjustment or recall

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

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

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

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

345 IAC 7-8-7 Ear marks

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

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

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

ARTICLE 8. DAIRY PRODUCTS

NOTE: 345 IAC 8 was transferred from 410 IAC 8. Wherever in any promulgated text there appears a reference to 410 IAC 8, substitute 345 IAC 8.

Rule 1. Somatic Cell Count Standard—Grade A Raw Milk

345 IAC 8-1-1 Somatic cell tests; violations (Repealed)

Sec. 1. (*Repealed by Indiana State Board of Animal Health; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3358*)

Rule 2. Production, Handling, Processing, Packaging, and Distribution of Milk and Milk Products

345 IAC 8-2-1 Definitions (Repealed)

Sec. 1. (*Repealed by Indiana State Board of Animal Health; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3358*)

345 IAC 8-2-1.1 Definitions

Authority: IC 15-2.1-3-19; IC 15-2.1-23-6

Affected: IC 15-2.1-2-3.6; IC 15-2.1-4; IC 15-2.1-23; IC 16-42

Sec. 1.1. (a) In the interpretation and enforcement of this article, unless the context otherwise requires, the definitions in IC 15-2.1-2, and the following definitions apply:

- (1) “Approved grader of raw milk or raw cream” or “approved grader” has the meaning set forth in IC 15-2.1-2-3.6.
- (2) “Bacterial counts” means bacterial plate counts, direct microscopic counts, and plate loop counts that, whenever mentioned in dairy product standards of identity, are made according to the methods outlined in the current edition of “Standard Methods for the Examination of Dairy Products”, published by the American Public Health Association, and the current edition of Official Methods of Analysis of the Association of Official Analytical Chemists, or such methods that are approved by the board.
- (3) “Butter” means the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than eighty percent (80%) by weight of milk fat, all tolerances having been allowed for.
- (4) “Buttermilk” means a fluid product resulting from the manufacture of butter from milk or cream. It contains not less than eight and one-fourth percent (8¼%) of milk solids not fat.
- (5) “Buyer of raw milk” means any milk producer marketing organization, milk plant, receiving station, transfer station, or bulk hauler that takes delivery of raw milk or raw cream and manages the sale of the raw milk or raw cream.
- (6) “Cheese” means natural cheeses, processed cheeses, cheese foods, cheese spreads, and related foods described in the matters incorporated by reference in 345 IAC 8-3-1(e).
- (7) “Concentrated milk” means fluid product that is unsterilized and unsweetened, resulting from the removal of a considerable portion of the water from the milk, which, when combined with potable water in accordance with instructions printed on the container, results in a product conforming with the milkfat and the milk solids not fat levels of milk defined in this rule.
- (8) “Concentrated milk products” means homogenized concentrated milk, concentrated nonfat milk, concentrated reduced fat or low fat milk, and similar concentrated products made from concentrated milk or concentrate nonfat milk, and which, when combined with potable water in accordance with instructions printed on the container, conform with the definitions of

the corresponding milk products in this section.

- (9) "Cottage cheese" means the product defined in 21 CFR 133.128.
- (10) "Dry curd cottage cheese" means the product defined in 21 CFR 133.129.
- (11) "Eggnog or boiled custard" means the product defined in 21 CFR 131.170.
- (12) "Farm bulk tank" or "bulk tank" means the refrigerated tank located on a dairy farm in which raw milk is stored prior to collection by a milk hauler.
- (13) "Food allergens" means proteins in foods that are capable of inducing an allergic reaction or response in some individuals. There is scientific consensus that the following foods account for more than ninety percent (90%) of all food allergies:
 - (A) Peanuts.
 - (B) Soybeans.
 - (C) Milk.
 - (D) Eggs.
 - (E) Fish.
 - (F) Crustacea.
 - (G) Tree nuts.
 - (H) Wheat.
- (14) "Frozen desserts" means ice cream, frozen custard, ice milk, goat's milk ice cream, sherbets, mellorine, and related foods described in the matters incorporated by reference in 345 IAC 8-3-1(g).
- (15) "Frozen milk concentrate" means a frozen milk product with a composition of milkfat and milk solids that are not fat in such proportions that when a given volume of concentrate is mixed with a given volume of water the reconstituted product conforms to the milkfat and the milk solids not fat requirements of whole milk.
- (16) "Goat milk" means the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one (1) or more healthy goats.
- (17) "Grade A dry milk and whey products" means products that have been:
 - (A) produced for use in Grade A pasteurized or aseptically processed milk products; and
 - (B) manufactured under the provisions of the "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey—Supplement I to the Grade A Pasteurized Milk Ordinance" incorporated by reference in 345 IAC 8-3.
- (18) "Grade A milk plant" means any place, premises, or establishment where Grade A milk products are collected, handled, processed, stored, pasteurized, bottled, prepared, or stored for distribution.
- (19) "Grade A producer" means a milk producer that is producing and selling Grade A raw milk under a Grade A permit issued by the board.
- (20) "Grade A raw milk" means milk that has been produced:
 - (A) for use in Grade A pasteurized milk products; and
 - (B) under the provisions of the "Grade A Pasteurized Milk Ordinance—Current Recommendations of the United States Public Health Service".
- (21) "Health authority", "board", or "state board" means the Indiana state board of animal health or its authorized representative.
- (22) "Manufacturing grade milk plant" means any place, premises, or establishment where manufacturing grade milk products are collected, handled, processed, stored, pasteurized, prepared, or stored for distribution.
- (23) "Manufacturing grade milk products" means dairy products not considered Grade A under this rule including cheese, frozen desserts and frozen desserts mixes, and butter.
- (24) "Manufacturing grade producer" means a milk producer that is producing and selling manufacturing grade raw milk.
- (25) "Manufacturing grade raw milk" means raw milk produced on a dairy farm which does not have a currently valid permit issued by the board to sell Grade A raw milk for pasteurization.
- (26) "Milk" means the normal lacteal secretion, practically free from colostrum, obtained by the complete milking of one (1) or more healthy cows, sheep, or goats.
- (27) "Milk plant" means a Grade A milk plant or a manufacturing grade milk plant. But, for the purposes of the matters incorporated by reference at 345 IAC 8-3-1(a) and 345 IAC 8-3-1(b), "milk plant" means a Grade A milk plant only.
- (28) "Milk tank truck driver" means a person who transports raw or pasteurized milk products to or from a milk plant,

receiving station, or transfer station.

(29) "New producer" means any milk producer who has not sold raw milk within a period of ninety (90) days prior to the delivery in question.

(30) "Producer" means milk producer.

(31) "Producer's marketing organization" means a milk producer organization which manages the marketing of a milk producer's raw milk.

(32) "Reconstituted or recombined milk and milk products" means milk or milk products defined in this rule that result from reconstituting or recombining or milk constituents with potable water when appropriate.

(33) "Regulatory agency" means the board.

(34) "Sheep milk" means the normal lacteal secretion practically free of colostrum, obtained by the complete milking of one (1) or more healthy sheep.

(35) "Standard methods" means the "Standard Methods for the Examination of Dairy Products" published by the American Public Health Association.

(36) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4 or an official designee.

(37) "Uniform Indiana Food, Drug, and Cosmetic Act" means the Uniform Food, Drug, and Cosmetic Act at IC 16-42-1 through IC 16-42-4.

(b) Where a definition in a matter incorporated by reference conflicts with a definition in this section, the express provisions of this section shall control. (*Indiana State Board of Animal Health; 345 IAC 8-2-1.1; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3343; errata filed Aug 13, 1998, 1:16 p.m.: 22 IR 125; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 27, 2002, 2:40 p.m.: 26 IR 329*)

345 IAC 8-2-1.5 "Milk products" defined

Authority: IC 15-2.1-3-19; IC 15-2.1-23-6

Affected: IC 15-2.1-2; IC 15-2.1-23

Sec. 1.5. As used in this article, "milk products" means the following:

- (1) Cream, light cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, and whipped light cream.
- (2) Sour cream, acidified sour cream, and cultured cream.
- (3) Half-and-half, sour half-and-half, acidified sour half-and-half, and cultured sour half-and-half.
- (4) Reconstituted or recombined milk and milk products.
- (5) Concentrated milk and concentrated milk products.
- (6) Nonfat (skim) milk and reduced fat or low fat milk.
- (7) Frozen milk concentrate.
- (8) Eggnog.
- (9) Buttermilk.
- (10) Cultured milk, cultured reduced fat or low fat milk, and cultured nonfat (skim) milk.
- (11) Yogurt, low fat yogurt, and nonfat yogurt.
- (12) Acidified milk, acidified reduced fat or low fat milk, and acidified nonfat (skim) milk.
- (13) Low-sodium milk, low-sodium reduced fat or low fat milk, and low-sodium nonfat (skim) milk.
- (14) Lactose-reduced milk, lactose-reduced reduced fat or low fat milk, and lactose-reduced nonfat (skim) milk.
- (15) Aseptically processed and packaged milk and milk products.
- (16) Milk.
- (17) Milk, reduced fat milk, low fat milk, and nonfat (skim) milk that have added microbial organisms.
- (18) Any other milk product made by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin, or mineral fortification of milk products defined herein.
- (19) Dairy foods made by modifying the federally standardized product listed in this section in accordance with 21 CFR 130.10.
- (20) Milk and milk products that have been retort processed after packaging or that have been concentrated, condensed, or dried if they are used as an ingredient to produce any milk or milk product defined in this section, or are labeled as Grade A.
- (21) Manufacturing grade milk products unless the context indicates Grade A milk products.

(Indiana State Board of Animal Health; 345 IAC 8-2-1.5; filed Sep 27, 2002, 2:40 p.m.: 26 IR 331)

345 IAC 8-2-1.7 “Pasteurization”; “ultra pasteurization”; “aseptic processing” defined

Authority: IC 15-2.1-3-19; IC 15-2.1-23-6

Affected: IC 15-2.1-2; IC 15-2.1-23

Sec. 1.7. (a) As used in this article, “pasteurization” and “pasteurized” means the process of heating every particle of milk or milk product, in properly designed and operated equipment, to a temperature designated in the following tables, and held continuously at or above that temperature for at least the time that corresponds with the temperature in the following tables:

(1) Table 1 as follows:

Temperature	Time
63 degrees Celsius (145 degrees Fahrenheit)	30 minutes
72 degrees Celsius (161 degrees Fahrenheit)	15 seconds

But, if the fat content of the milk product is ten percent (10%) or more, or if it contains added sweeteners, the specified temperature in the preceding table shall be increased by three (3) degrees Celsius (five (5) degrees Fahrenheit).

(2) Table 2 as follows:

Temperature	Time
89 degrees Celsius (191 degrees Fahrenheit)	1 second
90 degrees Celsius (194 degrees Fahrenheit)	0.5 second
94 degrees Celsius (201 degrees Fahrenheit)	.1 second
96 degrees Celsius (204 degrees Fahrenheit)	.05 second
100 degrees Celsius (212 degrees Fahrenheit)	.01 second

(3) Notwithstanding the preceding tables, eggnog shall be heated to at least the following temperature and time specifications:

Temperature	Time
69 degrees Celsius (155 degrees Fahrenheit)	30 minutes
80 degrees Celsius (175 degrees Fahrenheit)	25 seconds
83 degrees Celsius (180 degrees Fahrenheit)	15 seconds

(b) A pasteurization process that is different than those described in subsection (a) may be used if the following requirements are met:

(1) The process has been officially recognized by the United States Food and Drug Administration to be equally effective.

(2) The state veterinarian approves the procedure as being equally effective.

(c) As used in this article, “ultra pasteurized” means dairy products that have been thermally processed at or above two hundred eighty (280) degrees Fahrenheit for at least two (2) seconds, either before or after packaging, so as to extend shelf life under refrigerated conditions.

(d) As used in this article, “aseptic processing” means the filling of a commercially sterilized cooled product into presterilized containers, followed by hermetical sealing with a presterilized closure, in an atmosphere free of micro-organisms. Aseptic processing shall be performed in accordance with the requirements 21 CFR 113 and the applicable provisions of the Pasteurized Milk Ordinance incorporated by reference in 345 IAC 8-3. *(Indiana State Board of Animal Health; 345 IAC 8-2-1.7; filed Sep 27, 2002, 2:40 p.m.: 26 IR 331)*

345 IAC 8-2-1.9 General requirements; permits

Authority: IC 15-2.1-3-19; IC 15-2.1-23-2

Affected: IC 15-2.1-23-3

Sec. 1.9. (a) Milk and milk products must be produced, transported, processed, handled, sampled, examined, graded, labeled, and sold in accordance with IC 15-2.1-23 and this article.

(b) Only Grade A pasteurized, ultra pasteurized, or aseptically processed milk and milk products shall be sold to final consumers, restaurants, or retail establishments. A person may not sell pasteurized milk or milk products that have not been maintained at the temperature set forth in Section 7 of the Pasteurized Milk Ordinance adopted by reference in 345 IAC 8-3.

(c) A person shall obtain a permit from the state veterinarian before operating a dairy farm in Indiana. The state veterinarian

shall issue the following dairy farm permits:

- (1) A Grade A farm permit shall be issued for farms that meet the standards for a Grade A farm in IC 15-2.1-23 and this article.
- (2) A manufacturing grade farm permit shall be issued for farms that do not meet the standards for a Grade A farm but do meet the standards for a manufacturing grade farm in IC 15-2.1-23 and this article.

A person may not hold a Grade A farm permit and a manufacturing grade farm permit for the same operation.

(d) A person shall obtain a permit from the state veterinarian before operating a milk plant in Indiana. The state veterinarian shall issue the following milk plant permits:

- (1) A Grade A milk plant permit shall be issued for those operations that meet the standards for a Grade A milk plant in IC 15-2.1-23 and this article.
- (2) A manufacturing grade milk plant permit shall be issued for those operations that meet the standards for a manufacturing grade milk plant in IC 15-2.1-23 and this article.
- (3) A receiving station permit shall be issued for those operations that meet the standards for a receiving station in IC 15-2.1-23 and this article.
- (4) A transfer station permit shall be issued for those operations that meet the standards for a transfer station in IC 15-2.1-23 and this article.
- (e) The state veterinarian shall issue the following permits to persons meeting the appropriate requirements in IC 15-2.1-23 and this article:

- (1) A milk distributor permit for persons acting as a milk distributor.
- (2) A bulk milk hauler/sampler permit to persons acting as a bulk milk hauler/sampler.
- (3) Milk tank truck operator for persons operating milk tank trucks.
- (4) A permit to operate a milk tank truck cleaning facility.
- (5) A permit to manufacture containers for milk or milk products.

(f) All permits issued under this article are subject to the provisions in IC 15-2.1-23-2 and IC 15-2.1-23-3. The state veterinarian may take any action with respect to permits the board is authorized to take under IC 15-2.1-23. (*Indiana State Board of Animal Health; 345 IAC 8-2-1.9; filed Sep 27, 2002, 2:40 p.m.: 26 IR 332*)

345 IAC 8-2-2 Manufactured grade milk products plants; construction; operation; sanitation

Authority: IC 15-2.1-3-19; IC 15-2.1-23-6

Affected: IC 15-2.1-23

Sec. 2. (a) A manufacturing grade milk plant shall meet the requirements in this section.

(b) The floors of all rooms in which milk or milk products are handled or processed, or in which milk or milk products utensils are washed or sanitized shall be:

- (1) constructed of concrete or other equally impervious and easily cleaned material;
- (2) smooth;
- (3) properly drained;
- (4) provided with trapped drains; and
- (5) kept clean;

provided that cold storage rooms and storage rooms for storing dry ingredients or packaging materials need not be provided with drains; however, if no drain is provided, they shall be kept dry at all times.

(c) Walls and ceilings of rooms in which milk or milk products are handled or processed, or in which milk or milk products utensils are washed or sanitized shall:

- (1) have smooth, washable, and light-colored surfaces; and
- (2) be kept clean.

(d) Unless other effective means are provided to prevent the access of flies and other insects, all openings into the outer air shall be effectively screened and doors shall be self-closing. All screen doors to the outer air, if not of the sliding type, shall open outward. All inner doors opening into processing and packaging areas shall be self-closing. All self-closing doors shall be kept closed.

(e) All rooms shall be provided with natural lighting, artificial lighting, or a combination of both that will furnish at least

twenty (20) foot-candles of light in all working areas. Ventilation shall be such that excessive condensation on walls, ceilings, containers, and equipment is prevented. Steam from bottle and can washers, sterilizers, and driers shall be conducted through ducts to the outside of the building.

(f) Milk plants must meet the following requirements:

(1) Operations shall be so located and conducted as to prevent any contamination of clean equipment, milk, or milk products.
 (2) All means necessary for the elimination of flies and other insects shall be used, and the plant shall be free from flies and insects.

(3) Pasteurized milk or milk products shall not be permitted to come in contact with unpasteurized milk and equipment with which unpasteurized milk or milk products have been in contact unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment.

(4) Rooms in which milk, milk products, cleaned utensils, or containers are handled or stored shall not open directly into living quarters.

(5) A covered and enclosed area complying with this rule relating to floors, walls, ceilings, lighting, and ventilation shall be provided to adequately wash and sanitize milk tank trucks.

(6) The processing rooms of a milk plant shall be used for no other purposes than the processing of milk and milk products and the operations incident thereto. However, the preceding sentence shall not in any way be construed as prohibiting the operation of frozen desserts freezers in any room if the premises otherwise comply with the provisions of this section. Steam boilers shall not be located in the pasteurizing, processing, mixing, freezing, drying, cooling, bottling, packaging, or sterilizing room. Refrigerated rooms shall be free from contaminating odors and be kept clean, sanitary, and in good repair.

(7) Raw milk shall not be strained through woven wire cloth. Pasteurized milk, frozen desserts mix, and frozen desserts shall not be strained or filtered except through a metal strainer constructed of not readily corrodible material other than woven wire.

(8) There shall be no raw milk or raw milk product bypass around the pasteurization holding tube or vat.

(9) Receiving tanks, dump vats, and weigh tanks shall be constructed so as to prevent the entrance of dust, dirt, or other contamination. All openings into tanks, vats, and mix reservoirs shall be protected by raised edges or otherwise protected to prevent drainage into the opening from the surface of the tank, vat, or mix reservoir. A milk plant must provide condensation-diverting aprons that are as close to the tank, vat, or mix reservoir as possible on all pipes, thermometers, and other equipment extending into the tank unless a watertight joint with the tank is provided.

(g) All vehicles, conveyances, and containers transporting raw milk and those that are clean and empty intended for raw milk shall be tightly enclosed. Milk products or empty containers used for milk products shall not be hauled in any unclean vehicle and shall not be hauled in vehicles that are also used for hauling livestock, manure, garbage, or coal.

(h) Every milk plant shall provide toilet facilities for employees. Toilet rooms shall not open directly into any room in which milk, frozen desserts mix, frozen desserts, milk products, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, kept in good repair, and be well ventilated. In case privies are used, they shall be:

(1) separate from the building;

(2) sanitary; and

(3) located and properly constructed and maintained so that the waste:

(A) is inaccessible to flies; and

(B) does not pollute the surface soil or contaminate any water supply.

(i) The water supply for a milk plant shall:

(1) be adequate, accessible, and under pressure; and

(2) meet the standards of quality for drinking purposes of the Indiana department of environmental management.

(j) A milk plant shall provide convenient handwashing facilities for employees, including warm running water, soap, and sanitary towels. The use of a common towel is prohibited.

(k) All milk and liquid milk products shall be moved from one (1) piece of equipment to another through sanitary milk piping of a type that can be easily cleaned with a brush, through approved clean-in-place sanitary milk piping, or by other means approved by the state veterinarian.

(l) Multi-use containers and equipment that come into contact with milk or milk products shall be:

(1) constructed to be smooth and easily cleanable; and

(2) kept in good repair.

All surfaces with which milk or milk products come in contact shall be noncorrodible metal or an unbroken vitreous material free from broken seams, breaks, corrosion, and threaded surfaces. Equipment shall be self-draining, easily accessible, and easily disassembled for cleaning.

(m) Wastes from sinks, drains, toilets, or equipment shall be connected with a disposal system or otherwise disposed of in a manner that complies with the rules of the board, the Indiana state department of health, the local health department, and the Indiana department of environmental management. Covered receptacles shall be provided for waste materials, and such waste materials shall be removed and emptied daily from the work rooms.

(n) Requirements for cleaning and bactericidal treatment of containers and equipment shall be as follows:

(1) Every milk plant shall be equipped with equipment that is capable of producing sufficient hot water or steam for cleaning and sanitizing.

(2) Except as provided in section 2.5 of this rule, all milk or milk products equipment shall be disassembled and the parts thoroughly cleaned after it is used, but at least once every twenty-four (24) hours. Storage tanks must be cleaned when emptied, but at least once every seventy-two (72) hours. The equipment must be cleaned using clean hot water containing a dairy cleanser that is safe for use on dairy equipment according to the manufacturer's recommendation. Soap may not be used. Multi-use containers shall be cleaned before refilling.

(3) This section does not prohibit the cleaning of dairy equipment by a clean-in-place method, provided the individual clean-in-place system and method used and the results obtained comply with the 3-A Sanitary Standards and are approved by the board. Cleaned-in-place systems that are welded or otherwise constructed so as to make daily visual inspection impractical shall be equipped with a temperature recording device installed in the return solution line to record the temperature and time during which the line or equipment is exposed to cleaning and sanitizing. Recording devices and charts shall comply and conform with 3-A Sanitary Standards and be approved by the board prior to installation and operation.

(o) All multi-use milk and milk products containers and equipment shall be sanitized with an effective bactericidal process before they are used. After bactericidal treatment, all bottles, cans, and other multi-use milk and milk products containers and equipment shall be stored, while not in use, in such manner as to be protected from contamination. Between bactericidal treatment and usage, and during usage, containers and equipment shall not be handled, used, or operated in such manner as to permit contamination of the milk or milk products.

(p) Single-service containers shall be:

(1) purchased and stored only in sanitary tubes and cartons; and

(2) kept therein in a clean, dry place.

Single-service articles shall be stored in a sanitary manner between the time that they are removed from the original container and used.

(q) All milk and milk products received for pasteurization or processing shall immediately be cooled in approved equipment to forty-five (45) degrees Fahrenheit or less and maintained at that temperature until pasteurized unless they are to be pasteurized within two (2) hours after receipt. All pasteurized milk and milk products shall be immediately cooled in approved equipment to an average temperature of forty-five (45) degrees Fahrenheit or less, except when recognized standard processing practices dictate higher temperatures for cultured products and related byproducts.

(r) A milk plant must use approved mechanical equipment for packaging. No multi-use container shall be filled or refilled until it is empty and has been cleaned and sanitized.

(s) All persons coming in contact with milk, milk products, containers, or equipment shall:

(1) wear clean outer garments;

(2) wear hair nets, facial hair restraints, caps, or other effective hair restraints; and

(3) keep their hands clean;

at all times they are engaged in activity where they come into contact with milk, milk products, containers, or equipment.

(t) Miscellaneous provisions shall be as follows:

(1) Overflow milk or milk products that have become machine contaminated shall not be sold for human food.

(2) Milk products shall not be returned to the manufacturer for resale after the original package has been opened. Milk products that have been returned to the manufacturer after the original package has been opened must be destroyed.

(u) Frozen desserts in the manufacturer's unbroken package shall have a bacterial plate count of not more than thirty thousand (30,000) per gram and a coliform count of not more than ten (10) per gram. The bacterial plate count shall be considered satisfactory when the results of not more than two (2) of the last four (4) consecutive samples taken on separate days exceed thirty thousand

(30,000) per gram. The coliform count shall be considered satisfactory when the results of not more than one (1) of four (4) consecutive samples taken upon separate days exceed ten (10) per gram.

(v) Before milk plants, including transfer stations and receiving stations regulated under this rule are constructed, reconstructed, or extensively altered, construction plans shall be submitted to the board for written approval before work is begun. *(Indiana State Board of Animal Health; HDP 86 Rule 13, Sec 2; filed Apr 26, 1979, 12:00 p.m.: 2 IR 690, eff one hundred twenty (120) days after filing with secretary of state; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3344; errata filed Aug 13, 1998, 1:16 p.m.: 22 IR 126; filed Mar 23, 2000, 4:49 p.m.: 23 IR 1914; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 27, 2002, 2:40 p.m.: 26 IR 333) NOTE: Transferred from the Indiana State Department of Health (410 IAC 8-13-2) to the Indiana State Board of Animal Health (345 IAC 8-2-2) by P.L.138-1996, SECTION 76, effective July 1, 1996.*

345 IAC 8-2-2.5 Milk products plants cleaning frequency

Authority: IC 15-2.1-3-19; IC 15-2.1-23-6

Affected: IC 15-2.1-23

Sec. 2.5. (a) As used in this section, “extended operation” means using equipment for longer than twenty-four (24) hours between cleaning.

(b) A manufacturing grade milk plant may use equipment in extended operation up to seventy-two (72) hours if the plant qualifies its processes and equipment under this section.

(c) A manufacturing grade milk plant that wants to qualify a process and the equipment used in that process for extended operation must submit a written request for approval to the state veterinarian. The request for approval must contain the following:

- (1) The applicant’s identity and the location of the plant.
- (2) A brief description of the applicant’s manufacturing process.
- (3) A description of a proposed qualification plan that will demonstrate that producing products with the relevant equipment in extended operations will not create a public health hazard.

(d) The state veterinarian shall review the proposed qualification plan and may approve it if the following requirements are satisfied:

- (1) The request for approval meets the requirements in subsection (c).
- (2) The qualification plan contains a qualification study designed to evaluate if the extended operation in the processes studied creates a public health hazard.

The state veterinarian and the applicant may agree to changes in the proposed qualification plan. The state veterinarian may approve changes in an approved qualification plan at any time if the amended plan meets the requirements in subdivision (2).

(e) After the state veterinarian approves a qualification plan under subsection (d), the applicant may conduct the qualification studies in the plan. During the operation of a qualification study, the applicant must allow board personnel access to data collected pursuant to the qualification plan upon request.

(f) After the qualification study is completed, the applicant may submit the study data to the state veterinarian for review. The state veterinarian may approve a manufacturing grade milk plant’s extended operation if the following requirements are met:

- (1) The qualification study was conducted according to the approved qualification plan.
- (2) Data from the qualification study establish that extended operation in the processes that were studied does not create a public health hazard.

(g) A plant that is utilizing extended operation must do the following:

- (1) Make, keep, and allow board personnel access to the following records:
 - (A) An operational unit run time chart. The operational unit run time chart’s content must be approved as part of the qualification plan.
 - (B) Cleaning charts.
 - (C) Pasteurization records.
 - (D) A summary that clearly shows:
 - (i) when an operational unit was placed in use;
 - (ii) when the equipment was cleaned; and
 - (iii) how long the equipment was in use.
- (2) Provide finished product produced under the qualified process to board personnel for official testing upon request.

(h) The state veterinarian may require that a process be requalified or revoke approval for an extended operation if any of the following occur:

- (1) The equipment is operated outside the parameters of the approval.
- (2) A plant fails to meet the requirements in subsection (g).
- (3) There are significant changes in the qualified process.
- (4) The extended run creates or appears to create a hazard to the public health.

(i) The state veterinarian, in coordination with an industry representative organization, shall prepare and maintain a guidance document that contains a description of the qualification process and guidelines for qualification plans and qualification studies. (*Indiana State Board of Animal Health; 345 IAC 8-2-2.5; filed Mar 23, 2000, 4:49 p.m.: 23 IR 1917; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

345 IAC 8-2-3 Manufacturing grade dairy farms; construction; operation; sanitation

Authority: IC 15-2.1-3-19; IC 15-2.1-23-6

Affected: IC 15-2.1-23

Sec. 3. (a) Manufacturing grade dairy farms must meet the following requirements:

(1) All dairy cattle and goats must comply with IC 15-2.1-23-7 and current board laws relating to the control and eradication of tuberculosis and brucellosis.

(2) Cows, sheep, or goats that show evidence of the secretion of abnormal milk in any quarter shall be milked last or in separate equipment and the milk shall be discarded. Cows, sheep, or goats that have been treated with or that have consumed chemical, medicinal, or radioactive agents which are capable of being secreted in the milk and which, in the judgment of the state veterinarian, may be deleterious to human health shall be milked last or with separate equipment and the milk disposed of as the state veterinarian may direct.

(b) The area where milking is conducted must meet the following requirements:

(1) A separate milking area of adequate size shall be provided.

(2) The milking area shall be provided with the following:

(A) Natural lighting or artificial lighting, or a combination of both, to furnish at least ten (10) footcandles of light in work areas.

(B) Ventilation.

(C) Impervious floors and floor gutters.

(3) Floors, walls, and ceilings shall be constructed of a smooth, easily cleanable material that is light-colored or painted a light color and kept clean and in good repair. The outside of any milking equipment located in the milking area shall be kept clean. Surcingles, antikickers, and milk stools shall be kept clean and stored above the floor.

(4) No swine or fowl shall be allowed in the milking area.

(c) Any person who is milking shall have clean hands and clothing. Cows' flanks, udders, and tails shall be clean at time of milking. Udders shall be washed clean, sanitized, and dried immediately prior to milking. All milk shall be strained in the milkhouse unless a straining receptacle, protected from splash, raised above the floor, and provided with a self-closing lid, is provided. Milk being strained or carried to the milkhouse must be protected from contamination.

(d) A milkhouse of adequate size and conveniently located shall be provided for the handling, straining, and cooling of milk, and for the washing, handling, and storing of utensils and equipment. The milkhouse must meet the following requirements:

(1) A minimum of twenty (20) footcandles of light from natural or artificial lighting, or a combination of both, shall be provided at all work areas.

(2) Ventilation shall be provided to minimize odors and condensation.

(3) Floors shall be impervious and graded to drain.

(4) Walls and ceilings shall be constructed of a smooth, easily cleanable material that is light-colored or painted a light color.

(5) Vats shall be provided for washing and rinsing of utensils and equipment. Hot water shall be available, and water must be readily accessible.

(6) The construction of the milkhouse shall be sufficiently tight to prevent the entrance of rodents and flies. Flies shall be kept out of the milkhouse. Outer doors shall be self-closing.

(7) Liquid milkhouse wastes shall be disposed of in a manner that will preclude insect breeding or contamination of surface

or underground water.

(8) The milk product contact surfaces of all multi-use containers, equipment, and utensils shall be cleaned after each usage and shall be sanitized before each usage.

(9) Equipment and utensils shall be stored and drained completely so as to prevent contamination.

(10) Strainer pads, sock filters, and similar single-service articles are stored in a clean, tight cabinet or container.

(11) Multi-use milk contact equipment must be made of smooth, nonabsorbent, and nontoxic materials and shall be so constructed and maintained so as to be easily cleaned. Single-service articles shall not be reused.

(e) Only pesticides approved by the board are to be used in the milkhouse. Pesticides not approved for use in the milkhouse shall not be stored in the milkhouse.

(f) Medicinals, antibiotics, and approved pesticides may be kept in the milkhouse only in separate tight cabinets or containers provided exclusively for their use. Pesticides must be stored in separate cabinets from animal drugs. Animal drugs must be properly labeled, and lactating drugs must be segregated from nonlactating drugs. Drugs not approved for use in dairy animals must not be used except in compliance with state and federal law.

(g) The floors, walls, ceilings, and surfaces of all milkhouse equipment and appurtenances shall be clean. The milkhouse shall be used for milking operations only, and only those articles directly related to milkhouse activities shall be permitted in the milkhouse. Trash, animals, and fowl shall be kept out of the milkhouse.

(h) Farms with bulk milk coolers shall provide a suitable hose port opening with a tight self-closing cover. The area under the outside of the hose port shall be surfaced with a material that will prevent soiling of the milk transfer hose.

(i) Manure shall be handled in a manner that controls insect breeding. Manure piles or storage areas shall be inaccessible to cows. Cowyards, free stalls, and loafing areas shall be kept clean. Surroundings shall be neat, clean, and free of conditions that could result in rodent harborages or insect attractants and breeding areas. Dead livestock shall be properly disposed of promptly in accordance with requirements of the board.

(j) The water supply for the milkhouse and for washing and sanitizing of utensils shall be:

(1) properly located, constructed, and operated;

(2) adequate;

(3) easily accessible; and

(4) of a safe, sanitary quality.

(k) Every dairy farm shall be provided with a sanitary toilet conveniently located and accessible to those persons performing the milking operation. The toilet shall be constructed and maintained so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply.

(l) Raw milk from dairy farms that do not have a valid permit from the board to sell Grade A raw milk for pasteurization shall not be stored on such dairy farms in cans for more than forty-eight (48) hours or in a farm bulk tank for more than seventy-two (72) hours. The milk must be cooled to sixty (60) degrees Fahrenheit and maintained at that temperature at the point of origin unless delivered to a milk plant, receiving station, or transfer station within two (2) hours after milking. Auxiliary can milk storage shall not be permitted on dairy farms equipped for bulk milk cooling and storage.

(m) Manufacturing grade raw milk must undergo the following tests and meet the following requirements:

(1) At least four (4) times in any six (6) month period at irregular intervals, a commingled sample of each producer's milk shall be tested for drug residues. When a producer's milk shows a positive test, he or she shall be excluded from all markets immediately and shall not be reinstated until a subsequent test of the producer's milk is negative for drug residues.

(2) Bacteriological, somatic cell, and drug residue standards shall be as follows:

(A) Manufacturing grade milk shall meet the following standards:

(i) The bacterial estimate classification shall be "acceptable".

(ii) The bacteria count using the standard plate count, direct microscopic count, or plate loop count methods shall be not more than one million (1,000,000) bacteria per milliliter.

(iii) The somatic cell count shall be not more than one million (1,000,000) cells per milliliter.

(iv) The milk shall not contain drug residues.

(B) Milk not meeting the standards in clause (A) shall be designated as undergrade. Undergrade milk may not be sold for human consumption or processing into products for human consumption.

(C) After a producer's milk sample is designated undergrade, the following shall apply:

(i) The producer of milk designated undergrade, shall be notified immediately by the buyer.

(ii) Additional samples of the producer's milk shall be tested and classified by the buyer at least weekly with the buyer immediately notifying the producer of the results.

(iii) A buyer may continue to accept milk from a producer whose milk has been designated undergrade as long as the testing requirements set forth in this clause are complied with, and all undergrade milk is excluded from market.

(3) Plants receiving manufacturing grade milk shall run a direct microscopic somatic cell count, or other approved test, for the detection of abnormal milk four (4) times in any six (6) month period. Confirmatory tests by means of the direct microscopic cell count or the electronic method shall be performed as necessary. Warning letters of excessive somatic cell counts shall be sent to a producer when a test shows somatic cell counts in excess of the legal limit.

(4) After running a screening test outlined in subdivision (3), a confirmatory test must be conducted on any sample with a count exceeding one million (1,000,000) per milliliter. Whenever the somatic cell count indicates the presence of more than one million (1,000,000) per milliliter, the following procedure shall be applied:

(A) A notice shall be sent to the producer notifying him or her of the excessive somatic cell count.

(B) Whenever two (2) of the last four (4) consecutive somatic cell counts exceed one million (1,000,000) per milliliter, a warning notice shall be sent to the producer. The notice shall remain in effect as long as two (2) of the last four (4) consecutive samples exceed one million (1,000,000) per milliliter. In addition to the written notice, an inspection shall be made of the farm facility by a representative of the buyer. A check sample shall be taken after a lapse of three (3) days and within fourteen (14) days of the inspection. If this sample also indicates a high somatic cell count, that milk shall be excluded from the market.

All milk quality tests shall be made in accordance with methods described in the latest edition of "Standard Methods for the Examination of Dairy Products". Samples shall be analyzed at a laboratory approved by the state veterinarian.

(5) An examination shall be made on the first shipment of milk from producers shipping milk to a plant for the first time, or from a producer who has not shipped milk for a period of ninety (90) days. The milk shall meet all quality standards defined by this rule. Thereafter, the milk shall be tested in accordance with the procedure established for regular shippers.

(6) The milk of a producer which has been excluded due to failure to meet quality standards shall not be accepted by another plant until quality standards are met. The buyer of raw milk shall report to the board, by telephone, the producer(s) excluded or reinstated.

(n) Before milkhouses, milking barns, stables, or parlors regulated under this rule are constructed or extensively altered, construction plans shall be submitted to the board for written approval before work is begun. (*Indiana State Board of Animal Health; HDP 86 Rule 13, Sec 3; filed Apr 26, 1979, 12:00 p.m.: 2 IR 693, eff one hundred twenty (120) days after filing with secretary of state; filed Jan 29, 1986, 3:10 p.m.: 9 IR 1315; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3347; errata filed Aug 13, 1998, 1:13 p.m.: 22 IR 125; errata filed Aug 13, 1998, 1:16 p.m.: 22 IR 126; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 27, 2002, 2:40 p.m.: 26 IR 335*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 8-13-3) to the Indiana State Board of Animal Health (345 IAC 8-2-3) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 8-2-3.5 Milk transportation

Authority: IC 15-2.1-3-19; IC 15-2.1-23-6

Affected: IC 15-2.1-23

Sec. 3.5. (a) Raw milk that is picked up from a farm for delivery to a milk plant shall be collected at the farm only by a person holding a valid bulk milk hauler/sampler permit issued by the state veterinarian. Bulk milk hauler/samplers shall collect milk at dairy farms using the procedures set forth in IC 15-2.1-23, this rule, and the Pasteurized Milk Ordinance (PMO) incorporated by reference 345 IAC 8-3. The state veterinarian may evaluate the equipment and procedures used by a bulk milk hauler/sampler to determine compliance.

(b) Bulk milk hauler/samplers shall attend a training session approved by the state veterinarian as a condition of obtaining a bulk milk hauler/sampler permit. The state veterinarian may issue a conditional bulk milk hauler/sampler permit to an applicant that meets all of the other requirements for obtaining a permit but has not attended an approved training session. The conditional permit may be conditioned on the applicant attending the next available approved training session. The state veterinarian may require additional training to renew a license or to keep a license if a licensee violates the provisions of IC 15-2.1-23 or this article.

(c) Milk plants may accept raw milk from dairy farms only if it is collected by a permitted bulk milk hauler/sampler. After

collection from a dairy farm, milk may be transported by a person holding a valid milk tank truck operator permit or a bulk milk hauler/sampler permit issued by the state veterinarian.

(d) Bulk shipments of milk shall be in milk tank trucks that have been inspected by board personnel and meet the standards for design, construction, maintenance, and operation of milk tank trucks in IC 15-2.1-23 and this article, including Appendix B of the PMO incorporated by reference in 345 IAC 8-3. Milk tank trucks that have been inspected as a part of another state's milk inspection program and hold a current valid permit from that state do not need an Indiana permit. (*Indiana State Board of Animal Health; 345 IAC 8-2-3.5; filed Sep 27, 2002, 2:40 p.m.: 26 IR 337*)

345 IAC 8-2-4 Bulk milk collection; pick-up tankers; samples

Authority: IC 15-2.1-3-19; IC 15-2.1-23-6

Affected: IC 15-2.1-23-4

Sec. 4. (a) Every bulk milk pickup tanker used to collect raw milk on a bulk milk route shall be of sanitary design and construction. The owner of a tank truck shall be responsible for maintaining it and its milk contact equipment in good repair. The bulk milk pickup tanker owner is responsible for making certain the truck and equipment have been cleaned and sanitized at least once every twenty-four (24) hours in a manner and at a location approved by the board. A cleaning and sanitizing tag approved by the board shall be completed and affixed in the rear compartment of the bulk milk pickup tanker each day after cleaning and sanitizing. The bulk milk pickup tanker and its milk contact equipment shall be protected from contamination after being cleaned and sanitized.

(b) Milk in a bulk milk pickup tanker shall be maintained at a temperature of forty-five (45) degrees Fahrenheit or less from the time of collection until delivered to a milk plant, receiving station, or transfer station. If the milk being delivered is manufacturing grade raw milk, the raw milk shall be maintained at a temperature of sixty (60) degrees Fahrenheit or less from the time of collection until delivered to a manufacturing grade milk plant, receiving station, or transfer station.

(c) Tank trucks used to transport milk shall not be used to transport other products unless they have been thoroughly washed and sanitized after having been used to transport such other products. Only products fit for human consumption are authorized to be stored or transported in tank trucks used to transport milk or milk products.

(d) The name and address of the owner of a bulk milk pickup tanker shall be legibly marked on both sides or on the rear of the vehicle. The name of the owner shall be in letters not less than three (3) inches in height provided that markings in use prior to March 1, 1998, may be the same height as the address, and the address shall be in letters not less than one and one-half (1½) inches in height.

(e) Every bulk milk pickup tanker used to collect raw milk on a bulk milk route shall be equipped with the following:

(1) A sample dipper or other sampling device of sanitary construction approved by the board.

(2) Sampling devices protected from contamination.

(3) A sample carrying case constructed of such material and in such a way as to maintain producer raw milk samples at a temperature of thirty-two (32) to forty (40) degrees Fahrenheit from the time such samples are collected until they are delivered to the milk plant, receiving station, or transfer station.

(4) A sample rack approved by the board and of sufficient size to hold at least one (1) sample of raw milk in an upright position from each bulk milk tank of each milk producer represented on the load of raw milk being transported to a milk plant, receiving station, or transfer station, plus one (1) sample to be used for temperature determination.

(f) Each milk hauler shall be equipped with an accurate pocket-type thermometer with an unbreakable stem when collecting milk from dairy farms and shall observe the following sanitary practices in collecting milk:

(1) The hauler's hands and outer clothing shall be clean during all pick-up operations.

(2) The milk shall be smelled through the port opening in the cover of the bulk tank for off-odors prior to raising the lid for a visual examination of the raw milk.

(3) The hauler must visually examine the raw milk in the bulk tank. Milk that is visibly unfit for human consumption in accordance with the provisions of the Uniform Indiana Food, Drug, and Cosmetic Act shall be rejected and not collected. The lid shall be closed immediately after making the visual examination whenever possible.

(4) The milk transfer hose used to withdraw raw milk from the farm bulk tank shall enter the milkhose only through the port hole provided for that purpose.

(5) Prior to connecting the transfer hose to the outlet port of the farm bulk tank, the outlet port shall be sanitized. If milk has

leaked past the core of the outlet valve of the farm bulk tank, the outlet port of the valve shall be washed and sanitized prior to withdrawing the milk.

(6) When the cap from the end of the transfer hose is being removed, it shall be handled in a sanitary manner and stored so as to prevent it from being contaminated while milk is being pumped from the farm bulk tank into the bulk milk pickup tanker.

(7) After the milk has been removed from the farm bulk tank, the bottom of the tank shall be observed for sediment and milk abnormalities.

(8) Conditions of abnormality or sediment shall be noted on the producer's copy of the weight ticket.

(9) The date and time of milk collection, the temperature of the raw milk, and the milk hauler's signature and permit number shall be legibly entered on the weight ticket.

(10) After the milk has been removed from the farm bulk tank, the transfer hose shall be removed and recapped before the farm bulk tank is rinsed with water. After recapping, the transfer hose shall be rinsed free of exterior soil.

(11) A milk hauler shall not collect milk from any dairy farm for delivery to a milk plant, receiving station, or transfer station for use in Grade A milk or milk products unless the farm holds a valid permit from the board authorizing the sale of Grade A raw milk for pasteurization.

(12) At the time of collection of milk from each dairy farm, the milk hauler shall collect only that raw milk that has been stored continuously in the farm bulk tank from the time of milking until the time of milk collection and shall collect the entire volume of milk being stored in the farm bulk tank at the time of collection. All precautions shall be taken to prevent the entrance of flies into the milkhouse.

(13) At least once each month, the milk hauler shall check the accuracy of the thermometer on each of his milk producer's bulk milk tank against his pocket-type thermometer. The temperature obtained from both thermometers shall be entered on the weight ticket. If there is a difference between the readings on the two (2) thermometers, the reading of the bulk milk hauler's thermometer shall be reported as the official temperature on that day and on each succeeding day until the thermometer on the bulk milk tank is adjusted or repaired to be accurate.

(g) Every time a milk hauler collects milk from a dairy farm, he or she shall collect a sample of milk from each farm bulk tank after the milk has been thoroughly agitated and before opening the outlet valve. Such sample shall be collected in the following manner:

(1) If a sample dipper is used, it shall be clean and transported between farms on the bulk milk route in a sanitizing solution equivalent to one hundred (100) parts per million chlorine. Other sampling devices shall be kept free of contamination.

(2) After removal from the sanitizing solution, all of the sanitizing solution shall be drained from the sample dipper.

(3) The sample dipper shall then be rinsed twice in the milk in the farm bulk tank and then drained.

(4) A sample of not less than four (4) fluid ounces in volume or other sample sizes approved by the state board shall then be collected through the port opening in the cover of the bulk tank and placed in a sterile container.

(5) The sample container shall then be closed and immediately placed in melting ice water in the sample carrying case on the bulk milk pickup tanker in such a way that the top of the sample container is not submerged in the refrigerant. Producer raw milk samples shall be maintained at a temperature of thirty-two (32) to forty (40) degrees Fahrenheit until delivered to the milk plant, receiving station, or transfer station. Such samples shall not be frozen.

(6) Each sample container shall be legibly marked with the date the sample was collected, the temperature of the milk in the farm bulk tank, the route and patron number of the milk producer, and, in the case of Grade A milk producers, the Indiana Grade A permit number of the dairy farm from which the sample was collected.

(7) Prior to or at the time of collecting raw milk from the first milk producer on the bulk milk route, the milk hauler shall collect a sample of milk for temperature determination. Such sample shall be refrigerated in the sample carrying case on the bulk milk pickup tanker until it arrives at the milk plant, receiving station, or transfer station.

(8) Sampling equipment shall be rinsed in clean water immediately after each usage.

(9) If one (1) pint samples are used to conduct sediment tests of each milk producer's raw milk, the milk hauler shall collect and legibly identify such full one (1) pint samples as requested by the milk plant, receiving station, transfer station, or board. A sample dipper of not less than one-half ($\frac{1}{2}$) pint capacity, which shall be cleaned and sanitized prior to the collection of each sample, shall be used. Such one (1) pint samples shall be collected and transported in such a manner as to not interfere with the proper conduct of sediment tests.

(h) All manufacturing grade milk bulk tank raw milk shall be collected at least every seventy-two (72) hours, and all manufacturing grade raw milk shipped in cans shall be collected at least every forty-eight (48) hours. These milk collection

frequencies may be waived in the case of emergencies. All Grade A bulk tank raw milk shall be collected at least every forty-eight (48) hours, and all Grade A milk shipped in cans shall be collected every twenty-four (24) hours, except in the case of emergencies.

(i) It shall be the responsibility of the milk plant, receiving station, or transfer station to provide competent personnel to receive producer raw milk samples from each bulk milk pickup tanker, to ascertain and record the temperature of the temperature sample, and to see that the samples are properly identified and stored prior to delivery to the laboratory. The milk plant, receiving station, or transfer station shall also be responsible for providing facilities for the storage of producer raw milk samples at a temperature of thirty-two (32) to forty (40) degrees Fahrenheit at which temperature they shall be maintained until they are received by an official or officially designated laboratory for analysis. Producer raw milk samples shall not be frozen, and samples to be used for bacteriological determinations shall not be transferred to another sample container after they have been collected by the milk hauler except under conditions and by personnel approved by the board. Required laboratory analysis should begin within forty-eight (48) hours after the time of sample collection. Results of such analysis on the milk of Grade A producers shall be submitted to the board on forms and in a manner approved by the board. Milk producers and milk haulers shall not receive notice of which samples are to be used for bacteriological analysis.

(j) Any truck transporting raw, heat-treated, or pasteurized milk and milk products to a milk plant from another milk plant, receiving station, or transfer station must meet the identification and shipping requirements in IC 15-2.1-23-4(c). A shipping manifest must also indicate the bulk tank unit(s) or plant identification number. (*Indiana State Board of Animal Health; HDP 86 Rule 13, Sec 4; filed Apr 26, 1979, 12:00 p.m.: 2 IR 696, eff one hundred twenty (120) days after filing with secretary of state; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3349; errata filed Aug 13, 1998, 1:13 p.m.: 22 IR 125; errata filed Aug 13, 1998, 1:16 p.m.: 22 IR 126; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 27, 2002, 2:40 p.m.: 26 IR 338*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 8-13-4) to the Indiana State Board of Animal Health (345 IAC 8-2-4) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 8-2-5 Grading raw milk and cream; testing; records

Authority: IC 15-2.1-3-19; IC 15-2.1-23-6

Affected: IC 15-2.1-23

Sec. 5. (a) Milk or cream that is unfit for human consumption shall not be allowed to enter into commerce and shall be destroyed.

(1) Milk is unfit for human consumption if it meets any of the following criteria:

- (A) The milk contains or shows evidence of blood, mastitis, ropiness, filth, insects, insect parts, or visible foreign matter.
- (B) The milk is adulterated as defined in the Uniform Indiana Food, Drug, and Cosmetic Act.
- (C) The milk contains two and seventy-five hundredths (2.75) or more milligrams weight of sediment per pint volume when sediment tested by the off-the-bottom method.
- (D) The milk contains the equivalent of two and seventy-five hundredths (2.75) or more milligrams weight of sediment per gallon volume when sediment tested by the mixed sample method.

(2) Cream is unfit for human consumption if it meets any of the following criteria:

- (A) The cream contains filth, insects, insect parts, or visible foreign matter.
- (B) The cream has a definite wrinkled layer of white mold or significant patches of colored mold.
- (C) The cream is in an active state of yeast fermentation, as evidenced by a pronounced gas or yeasty odor.
- (D) The cream is putrid, rancid, cheesy, or otherwise similarly decomposed.
- (E) The cream contains three (3) or more milligrams of sediment in a one (1) pint sample from cream that has been stirred.
- (F) The cream is adulterated as defined in the Uniform Indiana Food, Drug, and Cosmetic Act.

(b) For the purposes of this rule, when a producer markets his milk through a recognized producer's marketing organization, and his milk is sent to more than one (1) milk plant, receiving station, or transfer station in any month, the management of the producer's marketing organization shall designate and inform the milk plant, receiving station, or transfer station that receives the milk when it is necessary to make the quality test required by subsections (e) through (j).

(c) Every milk plant, receiving station, or transfer station that receives raw milk or raw cream from a producer of raw milk or raw cream shall have an approved grader of raw milk or raw cream present at all times when such products are received. The

approved grader shall inspect and grade raw milk or raw cream to prevent the receiving entity from accepting raw milk or raw cream that is unfit for human consumption. The grader or graders shall inspect, grade, and test all raw milk and raw cream as provided for in this rule.

(d) All sediment tests of raw milk required by this rule shall be conducted in accordance with the testing methods contained in the current edition of the standard methods; provided, the regular monthly sediment test or initial test of an individual milk producer's bulk tank raw milk may be conducted on a four (4) ounce sample of raw milk filtered through a filter disk with an exposed area of two-tenths (0.20) inch diameter. When a four (4) ounce sample is used for such a test, the same procedures as those specified for the one (1) pint raw milk mixed sample method shall be used. The method used for conducting sediment tests on milk from farm bulk tanks, tank trucks, and storage tanks shall be the mixed sample method, and the method used for conducting sediment tests of milk received in cans shall be the off-the-bottom method. Milk that is to be tested for sediment by the off-the-bottom method shall not be stirred, mixed, shaken, or handled in any unusual manner by any person or persons prior to the conduct of the sediment test. All equipment, supplies, and facilities used in the sediment testing and grading of raw milk or raw cream shall be approved by the board and shall be maintained in a state of good repair.

(e) Every milk plant and receiving station that receives raw milk in cans shall conduct an off-the-bottom sediment test on the milk of each producer at least once each month. In addition, all of the milk in the first delivery from a new can milk producer shall be sediment tested. If the milk is acceptable, thereafter it shall receive the monthly test hereafter described.

(f) If a can milk producer's milk is found to be unfit for human consumption during any test for sediment, all cans of milk in subsequent deliveries of the milk of such producer shall be sediment tested and rejected by any milk plant or receiving station until the grading of such milk proves the milk to be fit for human consumption. In addition to this follow-up testing, the milk received from any producer of can milk who shipped milk determined to be unfit for human consumption based on the results of the regular monthly test for sediment shall be tested for sediment at least once each week thereafter until all milk in a shipment is fit for human consumption. Such weekly tests shall be conducted on each can of milk in the shipment(s) being tested.

(g) Every milk plant, receiving station, and transfer station that receives bulk tank raw milk shall conduct a mixed sample sediment test once per month of each bulk milk producer's milk that is stored in a refrigerated tank on the producer's farm. The milk hauler of the producer's milk shall collect a mixed sample of milk for sediment testing from each refrigerated farm tank and transport all such samples to the milk plant, receiving station, or transfer station. It shall be the responsibility of the milk plant, receiving station, or transfer station that receives the raw milk to conduct the actual sediment tests by or under the supervision of an approved grader.

(h) When an individual bulk milk producer's mixed sample for sediment testing on the routine monthly or initial test establishes that the producer's milk is unfit for human consumption, subsequent offerings of milk from that farm shall be sediment tested on the farm by an approved grader using the one (1) pint mixed sample method prior to being mixed with the milk of any other milk producer. The producer's milk may not be accepted by any milk plant, receiving station, transfer station, or milk hauler until the milk from such a farm is found to be fit for human consumption.

(i) A mixed sample of milk in the first shipment of a new bulk milk producer or a transfer bulk milk producer shall be collected by the milk hauler and transported to the milk plant, receiving station, or transfer station where it shall be tested for sediment by an approved grader. If this test shows the milk to be fit for human consumption, thereafter it shall receive the monthly test hereinbefore described. However, if this test shows the milk to be unfit for human consumption, the on-the-farm follow-up testing hereinbefore described shall be done.

(j) Every milk plant, receiving station, or transfer station receiving milk from any producer shall cause a bacterial test to be conducted on a representative sample of each such producer's raw milk at least once each month. A milk hauler of producer's milk shall collect a mixed sample of milk for bacteriological testing from each refrigerated farm tank and transport all such samples to the milk plant, receiving station, or transfer station. The kind of bacterial test employed shall be approved by the board, and the testing procedures shall be those contained in the current edition of standard methods. Each milk producer shall be notified promptly of the results of tests on his or her milk on forms and in a manner approved by the board. Records of the results of such tests shall be kept on file for not less than one (1) year.

(k) Every milk plant, receiving station, and transfer station shall make visual and olfactory inspections of all milk and cream received. The inspections shall be made of all milk or cream immediately upon opening the original containers in which the milk or cream is received. All milk or cream found unfit for human consumption shall be rejected.

(l) Milk and cream shall be graded with respect to its sediment content by comparing the sediment tests with the official sediment standard found in the standard methods. Approved graders shall reject all milk and cream which does not meet the

minimum standards or which is unfit for human consumption.

(m) Unfit milk or cream in cans shall be treated by the addition of a harmless red food coloring that has been certified by the U.S. Food and Drug Administration. Sufficient red coloring shall be added to such rejected products to produce a distinct red color in the milk or cream to prevent its being processed or manufactured for food. The approved grader shall affix a tag of uniform type approved by the board to all containers of rejected milk or cream indicating on the tag the reason for the rejection. Under no circumstances shall such tags of rejected milk or cream be removed from a container holding rejected milk or cream except by the producer of such rejected milk or cream.

(n) Approved graders shall identify rejected milk in farm bulk tanks or in bulk milk transportation tank trucks by affixing a tag of uniform type approved by the board to the tank in which the milk is located. The reason for the rejection of the milk shall be stated on the tag. Rejected milk shall not be transported by anyone to a location for manufacture or processing into food. The rejection tag shall remain on the bulk farm tank or bulk milk transportation tank truck until the unfit product has been dumped to waste or removed for salvage for use other than for food.

(o) On the next shipment following a rejection of a producer's milk, a milk plant, receiving station, or transfer station shall not receive more milk (reasonable variations in milk volume being permitted) from that producer than the producer normally ships per delivery.

(p) Every milk plant, receiving station, and transfer station shall keep or cause to be kept a complete system of records, including monthly records of quality tests, all other tests, pick-ups, and deliveries. Records relating to milk and cream shall be kept by:

- (1) the route, name, number, or other identification of the producer;
- (2) the date of the test;
- (3) the nature of the test;
- (4) the classification of the test;
- (5) the total producers tested;
- (6) the number of producers of milk or cream rejected; and
- (7) the number of cans and estimated pounds of milk or cream of each producer rejected.

A summary of results of all tests made during the current month shall be mailed to the board not later than the fifteenth day of the following month on forms prescribed and furnished by the board.

(q) Sediment tests on samples of bulk milk shall be conducted as follows:

- (1) Thoroughly agitate the milk in the bulk tank for at least five (5) minutes before collecting samples to be tested.
- (2) Heat the milk sample to a temperature of ninety (90) to one hundred (100) degrees Fahrenheit before conducting the sediment test.
- (3) Shake the milk sample thoroughly, immediately before conducting the sediment test.
- (4) Use a bulk milk sediment tester to filter milk to be tested through a standard cotton lintine disk or equivalent sediment filtering material. The bulk milk sediment tester that may be either pressure or vacuum operated must be designed so that it will not permit the milk being tested to bypass the filter disk or filtering material.
- (5) If all of the milk sample will not filter through the sediment disk, use additional disks until all the milk in the sample has been filtered.
- (6) Remove the sediment disk from the tester and place it in a white sediment card with a transparent opening.
- (7) Grade sediment disks by comparing them with a raw milk bulk tank mixed sample sediment standard in the standard methods.

(Indiana State Board of Animal Health; HDP 86 Rule 13, Sec 5; filed Apr 26, 1979, 12:00 p.m.: 2 IR 698, eff one hundred twenty (120) days after filing with secretary of state; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3352; errata filed Aug 13, 1998, 1:16 p.m.: 22 IR 126; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895) NOTE: Transferred from the Indiana State Department of Health (410 IAC 8-13-5) to the Indiana State Board of Animal Health (345 IAC 8-2-5) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 8-2-6 References for standard examination methods (Repealed)

Sec. 6. *(Repealed by Indiana State Board of Animal Health; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3358)*

Rule 3. Standards for Milk and Milk Products and Grade A Standards

345 IAC 8-3-1 Incorporation by reference; standards

Authority: IC 15-2.1-3-18; IC 15-2.1-3-19; IC 15-2.1-23-6

Affected: IC 15-2.1-2; IC 15-2.1-23

Sec. 1. (a) The Grade A Pasteurized Milk Ordinance, United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Publication No. 229 (2001 revision), referred to as the PMO, including all footnoted language regarding cottage cheese and the appendixes, is hereby incorporated by reference as a rule of the board for regulation of the production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all Grade A milk and milk products in the state provided, however, the following parts of the PMO are not incorporated:

- (1) Section (16) on penalties.
- (2) Section (17) on repeal and date of effect.
- (3) Appendix K.

(b) Part II of the Grade A Condensed and Dry Milk Products and Condensed and Dry Whey—Supplement I to the Grade A Pasteurized Milk Ordinance (1995 version), known as the dry milk ordinance or DMO, including the appendixes, is hereby incorporated by reference as a rule of the board for the regulation of the production, manufacture, packaging, labeling, and sale of all Grade A condensed milk and Grade A dry milk products and Grade A condensed whey and Grade A dry whey for use in the preparation of Grade A milk products, provided, however, the following parts of the DMO are not incorporated:

- (1) Section (13) on penalties.
- (2) Section (14) on repeal and date of effect.
- (3) Appendix P, “Performance-Based Dairy Farm Inspection System”.
- (c) References in the PMO and the DMO to the regulatory agency shall mean and refer to the board.

(d) The board adopts by reference the general provisions relating to food standards set forth by the United States Food and Drug Administration in 21 CFR 130.8, 21 CFR 130.9, 21 CFR 130.10, and 21 CFR 130.11, in effect on April 1, 2001.

(e) The board adopts by reference the definitions and standards of identity for milk and milk products set forth by the United States Food and Drug Administration in 21 CFR 131.3 et seq., titled “Part 131—Milk and Cream”, in effect on April 1, 2001. Milk and milk products must conform to these standards.

(f) The board adopts by reference the definitions and standards of identity for cheeses and related cheese products set forth by the United States Food and Drug Administration in 21 CFR 133.3 et seq., titled “Part 133—Cheeses and Related Cheese Products”, in effect on April 1, 2001. Cheese and cheese products must conform to these standards.

(g) The board adopts by reference the definitions and standards of identity for frozen desserts set forth by the United States Food and Drug Administration in 21 CFR 135.3 et seq., titled “Part 135—Frozen Desserts”, in effect on April 1, 2001. Frozen desserts must conform to these standards.

(h) The board adopts by reference the current good manufacturing practices for manufacturing, packing, or holding human food set forth by the United States Food and Drug Administration in 21 CFR 110 and 21 CFR 113, in effect on April 1, 2001. The criteria and definitions in 21 CFR 110, 21 CFR 113, and this rule shall apply in determining whether a food is adulterated under IC 15-2.1-23 in that the food has been manufactured under such conditions that it is unfit for human food or the food has been prepared, packed, or held under insanitary conditions under which the product may become contaminated with filth or under which the product may have been made injurious to health.

(i) The board adopts by reference as a rule of the board the food labeling requirements set forth by the United States Food and Drug Administration in 21 CFR 101, but not including Subpart C, in effect on June 1, 2001.

(j) The board incorporates by reference into this rule the definitions set forth in IC 15-2.1-2 and the matters set forth in IC 15-2.1-23.

(k) Where the matters incorporated by reference in this section conflict with provisions of this article, IC 15-2.1-2, or IC 15-2.1-23, the express provisions of this article and the Indiana Code shall control.

(l) Incorporated documents are available for public inspection at the board. (*Indiana State Board of Animal Health; 345 IAC 8-3-1; emergency rule filed Jan 27, 1994, 5:00 p.m.: 17 IR 1223, eff Feb 1, 1994; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3354; errata filed Aug 13, 1998, 1:16 p.m.: 22 IR 126; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 27, 2002, 2:40 p.m.: 26 IR 340*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 8-14-8.1) to the Indiana State Board of Animal Health (345 IAC 8-3-1) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 8-3-2 Grade A milk production and storage

Authority: IC 15-2.1-3-19; IC 15-2.1-23-6

Affected: IC 15-2.1-23-7

Sec. 2. The following are required to hold a Grade A dairy farm permit:

(1) Milk that is produced or processed must meet the chemical, bacteriological, and temperature standards in Section 7 and Table 1 of the PMO adopted by reference in section 1 of this rule.

(2) The farm must meet the sanitation, construction, operation, and other standards in the provisions of the Pasteurized Milk Ordinance adopted by reference in section 1 of this rule, including the following:

(A) Section 7, "Standards for Grade "A" Raw Milk For Pasteurization, Ultra-Pasteurization, or Aseptic Processing", Items 1r through 19r.

(B) Appendix C, "Dairy Farm Construction Standards; Milk Production".

(C) Appendix D, "Standards for Water Sources".

(D) Appendix F, "Sanitization".

(3) The animals on the farm must meet the animal health requirements in IC 15-2.1-23-7 and Section 8 of the Pasteurized Milk Ordinance adopted by reference in section 1 of this rule.

(4) The "administrative procedures" set forth in the Pasteurized Milk Ordinance adopted by reference in section 1 of this rule shall be followed in implementing the standards required in this section.

(5) Before milkhouses, milking barns, stables, or parlors regulated under this rule are constructed or extensively altered, construction plans shall be submitted to the state veterinarian for written approval before work is begun.

(6) Raw milk for pasteurization shall not be stored:

(A) on a dairy farm for more than forty-eight (48) hours; and

(B) outside a farm bulk milk tank.

(7) Agitation and refrigeration of all farm bulk milk cooling and holding tanks shall be automatically controlled with automatic controls that will maintain mixed milk temperature between thirty-two (32) degrees Fahrenheit and forty-five (45) degrees Fahrenheit and an interval timer that will activate agitation of the milk for a minimum period of two (2) minutes in every sixty (60) minute interval. Persons holding Grade A permits issued under this article on January 1, 2003, must meet the automatic refrigeration and interval timer requirements in this subsection not later than January 1, 2005. But, all plans for new construction or extensive alteration that are submitted for approval under this section shall meet the refrigeration and interval timer requirements in this subsection. All applicants for a new Grade A permit shall meet the refrigeration and interval timer requirements of this subsection as a condition of receiving the permit.

(Indiana State Board of Animal Health; 345 IAC 8-3-2; emergency rule filed Jan 27, 1994, 5:00 p.m.: 17 IR 1224, eff Feb 1, 1994; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3355; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 27, 2002, 2:40 p.m.: 26 IR 341) NOTE: Transferred from the Indiana State Department of Health (410 IAC 8-14-8.2) to the Indiana State Board of Animal Health (345 IAC 8-3-2) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 8-3-3 Grade A milk transfer (Repealed)

Sec. 3. *(Repealed by Indiana State Board of Animal Health; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3358)*

345 IAC 8-3-4 Milk, milk products, and condensed or dry milk products; health and sanitation standards (Repealed)

Sec. 4. *(Repealed by Indiana State Board of Animal Health; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3358)*

345 IAC 8-3-5 Water reclaimed from milk, milk products, and whey (Repealed)

Sec. 5. *(Repealed by Indiana State Board of Animal Health; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3358)*

345 IAC 8-3-6 Air supply equipment (Repealed)

Sec. 6. *(Repealed by Indiana State Board of Animal Health; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3358)*

345 IAC 8-3-7 Culinary steam (Repealed)

Sec. 7. *(Repealed by Indiana State Board of Animal Health; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3358)*

345 IAC 8-3-8 Thermometer specifications (Repealed)

Sec. 8. *(Repealed by Indiana State Board of Animal Health; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3358)*

345 IAC 8-3-9 Pasteurization equipment and controls; test standards (Repealed)

Sec. 9. *(Repealed by Indiana State Board of Animal Health; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3358)*

345 IAC 8-3-10 Grade A milk plants standards

Authority: IC 15-2.1-3-19; IC 15-2.1-23-6

Affected: IC 15-2.1-23

Sec. 10. A person operating a Grade A milk plant shall meet the following requirements:

(1) Milk that is processed must meet the chemical, bacteriological, and temperature standards in Section 7 and Table 1 of the Pasteurized Milk Ordinance adopted by reference in section 1 of this rule. Milk from manufacturing grade dairy farms may not be used.

(2) The milk plant must meet the sanitation, construction, operation, and other standards set forth in the Pasteurized Milk Ordinance adopted by reference in section 1 of this rule, including the following:

(A) Section 6, "The Examination of Milk and Milk Products".

(B) Section 7, "Standards for Grade "A" Pasteurized, Ultra-Pasteurized and Aseptically Processed Milk and Milk Products", Items 1p through 19p.

(C) The personnel health standards and procedures set forth in Sections 13 and 14.

(D) Appendix D, "Standards for Water Sources".

(E) Appendix F, "Sanitization".

(F) Appendix G, "Chemical and Bacteriological Tests".

(G) Appendix H, "Pasteurization Equipment and Procedures".

(H) Appendix I, "Pasteurization Equipment and Controls-Tests".

(I) If a plant fabricates containers, Appendix J, "Standards for the Fabrication of Single-Service Containers and Closures for Milk and Milk Products".

(J) Appendix N, "Drug Residue Testing and Farm Surveillance".

(K) Appendix O, "Vitamin Fortification of Fluid Milk Products".

(3) Milk for pasteurization, ultra-pasteurization, or aseptic processing may be obtained only from dairy farms that hold a valid Grade A dairy farm permit issued under this article, or in the case of milk from outside the state, is a source that is listed on the National Conference of Interstate Milk Shippers interstate milk shippers list as meeting standards equal to or greater than the Grade A standards in the Pasteurized Milk Ordinance incorporated by reference in section 1 of this rule.

(4) The "administrative procedures" set forth in the Pasteurized Milk Ordinance adopted by reference in section 1 of this rule shall be used in implementing the standards required in this section.

(Indiana State Board of Animal Health; 345 IAC 8-3-10; filed Sep 27, 2002, 2:40 p.m.: 26 IR 341; errata, 26 IR 793) NOTE: Agency cited as 345 IAC 8-3-3, which was renumbered by the publisher as 345 IAC 8-3-10.

345 IAC 8-3-11 Labeling

Authority: IC 15-2.1-3-19; IC 15-2.1-23-6

Affected: IC 15-2.1-23

Sec. 11. (a) All packages and containers enclosing milk or milk products shall be labeled in accordance with the applicable requirements of the following:

- (1) IC 15-2.1-23 and this article.
- (2) The federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).
- (3) 21 CFR, Chapter I, Subchapter B.

(b) The following shall be marked as set forth in Section 4 of the Pasteurized Milk Ordinance adopted by reference in section 1 of this rule:

- (1) Bottles, containers, and packages enclosing milk or milk products.
- (2) Milk tank trucks.
- (3) Storage tanks.
- (4) Cans of raw milk from individual dairy farms.

(c) Labels shall not contain any misleading marks, words, or endorsements. Super grade designations are misleading and are prohibited. Super grade designations are words or symbols that give the consumer the impression that such a grade is significantly safer than "Grade A". Super grade designations include, without limitation, the following terms:

- (1) Grade AA Pasteurized.
- (2) Selected Grade A Pasteurized.
- (3) Special Grade A Pasteurized.

Descriptive labeling terms must not be used in conjunction with the Grade A designation or name of the milk or milk product and must not be false or misleading. (*Indiana State Board of Animal Health; 345 IAC 8-3-11; filed Sep 27, 2002, 2:40 p.m.: 26 IR 342; errata, 26 IR 793*) NOTE: Agency cited as 345 IAC 8-3-4, which was renumbered by the publisher as 345 IAC 8-3-11.

Rule 4. Drug Residues and Other Adulterants

345 IAC 8-4-1 Drug residues

Authority: IC 15-2.1-3-19; IC 15-2.1-23-6

Affected: IC 15-2.1-2-2.3; IC 15-2.1-23-6.5; IC 15-2.1-23-17

Sec. 1. (a) Milk shall be screened for the presence of drug residues as follows:

(1) Any milk plant that accepts raw milk shall test each bulk milk pick-up tanker for beta lactam drug residues. Each bulk milk pick-up tanker shall be sampled after the last producer has been picked up and before any additional commingling of milk using a representative sample from the truck. Samples shall be tested using a test that has been approved by the United States Food and Drug Administration for screening milk for drug residues. Samples shall be tested in a laboratory that is certified by the state veterinarian by an analyst that is certified by the state veterinarian. When a drug residue test is positive, another test shall be run to confirm the positive. When a drug residue test is confirmed positive, samples collected from each producer on the load shall be tested to determine the farm of origin.

(2) The state veterinarian may implement a testing program to test milk from bulk milk pick-up tankers for other drug residues.

(3) The state veterinarian may implement a testing program to test milk from any source for drug residues. Such testing programs may include samples from farm bulk tanks, milk plants, or finished products as part of a monthly quality program or other surveillance program. Samples that test positive for drug residues are subject to the provisions of this section.

(4) Milk plants shall keep records of all drug residue tests that are conducted on bulk milk pick-up tankers and farm bulk milk tanks and their results. The records shall be kept for not less than six (6) months.

(b) All tests completed under this section must meet the following requirements:

(1) The test must be a test approved by the United States Food and Drug Administration for screening milk samples for drug residues.

(2) The test must be conducted by an analyst approved by the state veterinarian.

(3) The test must be conducted in a laboratory approved by the state veterinarian.

(4) A test that is being run to confirm a positive drug residue test result must be the same test that was used to obtain the initial positive drug residue result. But, a person may use a different confirmatory test if the state veterinarian approves the use of that confirmatory test. The state veterinarian may approve the use of a confirmatory test that is different from a prior test after evaluating the circumstances surrounding the request and determining that the use of the proposed confirmatory test is

consistent with the purposes of this section.

(c) Milk tests positive for drug residues if a test meeting the requirements in subsection (b) indicates the presence of drug residues in the milk at any level.

(d) Whenever milk tests positive for drug residues and is confirmed the following apply:

(1) The milk that tests positive for drug residues is adulterated under IC 15-2.1-2-2.3 and must be disposed of in a manner that removes it from the human and animal food chain or that acceptably reconditions the milk under United States Health and Human Services—Food and Drug Administration compliance policy guidelines.

(2) The state veterinarian shall determine the origin of the contaminated milk. Milk from the farm of origin creates an imminent hazard to the public health. The state veterinarian shall suspend the Grade A farm permit or manufacturing grade farm permit as the case may be and no milk may be removed from the farm until the permit is reinstated.

(3) When a drug test shows the producer's milk is negative for drug residues, the state veterinarian may reinstate the farm permit.

(e) All positive drug residue test results must be called into the office of the state veterinarian immediately, and a written report of the test results must be faxed or delivered to the office of the state veterinarian within twenty-four (24) hours of the test. The producer whose milk tested positive must be notified of the positive drug residue test immediately. The company that conducted the test is responsible for the reporting requirements in this subsection.

(f) A producer whose milk tests positive for drug residues shall pay a fine and participate in drug residue education activities as follows:

(1) The following is imposed on a producer for the first positive test for drug residues within a twelve (12) month period:

(A) The positive producer must pay a fine to the board equal to the result of the following equation:

(DP) (2 days) (\$3) - (PR)

However, if the result is less than five dollars (\$5), then the fine is five dollars (\$5).

(B) The positive producer must, in conjunction with his or her veterinarian and an official of the board, complete the "Milk and Dairy Beef Residue Prevention Protocol" and provide proof of completion to the board, office of the state veterinarian within thirty (30) days of the drug residue violation. Failure to complete the protocol and submit proof of completion within thirty (30) days will result in action to suspend the producer's permit.

(2) The following is imposed for a second positive test for drug residues within a twelve (12) month period:

(A) The positive producer must pay a fine to the board equal to the result of the following equation:

(DP) (4 days) (\$3)

However, if the result is less than five dollars (\$5), then the fine is five dollars (\$5).

(B) The positive producer must, in conjunction with his or her veterinarian and an official of the board, complete the "Milk and Dairy Beef Residue Prevention Protocol" and provide proof of completion to the board, office of the state veterinarian within thirty (30) days of the drug residue violation. Failure to complete the protocol and provide proof of completion will result in action to suspend the producer's permit.

(C) The producer must attend a producer education program or meeting designated by the state veterinarian. The producer is responsible for paying registration and material fees and other costs associated with attending the education program or meeting. The producer must provide proof of attendance to the state veterinarian within ten (10) days of completion of the program or meeting.

(3) The third positive test result for drug residues within a twelve (12) month period shall result in the following:

(A) The board revoking a producer's Grade A permit if the producer has one.

(B) The sanctions for a second offense set forth in subdivision (2) are imposed.

(C) The producer must submit to the state veterinarian a set of written procedures that he or she will follow to prevent future drug residue violations. The procedures must be submitted with the proof of completion required in subdivision (2)(B) and must be specific, practical, and reasonably likely to lessen the possibility of a drug residue violation when followed by the producer.

(D) After a producer's Grade A permit is revoked for a third offense violation under this rule, he or she shall not receive a new Grade A permit for a revocation period of thirty (30) days from the date of the revocation. After the revocation period, the state veterinarian must issue a conditional Grade A permit to a producer that has applied for a permit if the following requirements are met:

(i) The producer has met all of the requirements of this rule at the time of application.

(ii) The producer meets all other requirements of the board for obtaining a Grade A permit.

The permit will be issued on the condition that all of the requirements of this rule must be completed within the time frames set forth in this rule. A permit issued under this subdivision automatically becomes unconditional after the producer fully complies with all of the provisions of this rule.

(4) For each drug residue violation in a twelve (12) month period in excess of three (3), the producer is subject to the penalties for a third offense in subdivision (3), but for Grade A producers the revocation period will begin on the date his or her permit is revoked and run for a period equal to the length of the revocation period imposed after the producer's last drug residue violation times two (2). For example, the revocation period for a fourth offense in a twelve (12) month period is sixty (60) days, and for a fifth offense the revocation period is one hundred twenty (120) days.

(g) The following definitions apply throughout this section:

(1) "DP" or "daily production" means the amount of milk, measured by hundred weight, produced by the positive producer in one (1) day, measured on the day in which the drug residue violation occurred.

(2) "PR" or "producer reimbursement" means an amount assessed against the positive producer to reimburse others for milk contaminated by the positive producer's contaminated milk, not including the value of the positive producer's contaminated milk for which he or she was not paid.

(3) "Revocation period" means the period after a Grade A producer's permit is revoked under this rule that he or she may not apply for a Grade A permit.

(h) The following shall apply to penalties imposed by this section:

(1) In cases where the positive producer holds a Grade A permit from the board, the provisions in this section shall operate in place of and as an equivalent to the penalties in Part II(B) of Appendix N of the Pasteurized Milk Ordinance.

(2) All monetary penalties must be paid by the producer and must be received by the office of the state veterinarian within sixty (60) days of notice of the drug residue violation.

(3) The state veterinarian may, by special permit, allow a producer that objects to the imposition of a fine to dump two (2) days of milk production on a first offense and four (4) days of milk production on the second or third offense instead of paying a monetary fine where payment of a fine would impose undue hardship on a producer. The state veterinarian may set the conditions under which the milk is to be dumped and may require documentation from the producer showing the circumstances under which the milk was dumped.

(4) Proof that a producer reimbursement was in fact assessed must be submitted to the office of the state veterinarian within sixty (60) days of notice of the drug residue violation along with any monetary penalty due.

(5) No penalty may exceed one thousand dollars (\$1,000) for a first offense or two thousand dollars (\$2,000) for a subsequent offense. Civil penalties collected under this section must be deposited in the dairy drug residue abatement fund established under IC 15-2.1-23-17.

(i) The state veterinarian may suspend the permit of a producer that does not comply with the requirements of this rule within the designated time periods allowed under this rule until such time as the violation is remedied.

(j) The following are examples that illustrate the calculation of the fine imposed by this rule:

(1) First offense:

(A) total positive truck load CWT: 500

(B) positive producer's CWT on positive tanker (two (2) days' production): 100

(C) producer's daily production CWT: 50

(D) co-op requires producer to pay for other producers' milk that is contaminated at fifteen dollars (\$15) per CWT.

Penalty = (DP) (2 days) (\$3) - (PR).

= [50 (2) (\$3)] - [(500 - 100) (\$15)].

= [\$300 fine] - [\$6,000 reimbursement paid to other producers].

Because the reimbursement to other producers exceeded the fine, no money is payable to the state as long as proof of the reimbursement assessment is provided to the board.

(2) First offense:

(A) total positive truck load CWT: 500

(B) positive producer's CWT on positive tanker (two (2) days' production): 400

(C) producer's daily production CWT: 200

(D) co-op requires producer to pay for other producers' milk that is contaminated at fifteen dollars (\$15) per CWT.

Penalty = (DP) (2 days) (\$3) - (PR).
 = [200 (2) (\$3)] - [(500 - 400) (\$15)].
 = [\$1,200 fine] - [\$1,500 reimbursement paid to other producers].

Because the reimbursement to other producers exceeded the fine, no money is payable to the state as long as proof of the reimbursement assessment is provided to the board.

(3) First offense:

- (A) total positive truck load CWT: 500
- (B) positive producer's CWT on positive tanker (two (2) days' production): 500
- (C) producer's daily production CWT: 250
- (D) co-op requires producer to pay for other producers' milk that is contaminated at fifteen dollars (\$15) per CWT.

Penalty = (DP) (2 days) (\$3) - (PR).
 = [250 (2) (\$3)] - [(500 - 500) (\$15)].
 = [\$1,500 fine] - [\$0 reimbursement paid to other producers].

Because there was no reimbursement to other producers, all of the fine is payable to the state, but the fine is limited by this section to one thousand dollars (\$1,000).

(4) First offense:

- (A) Positive bulk tank on monthly quality check or otherwise.
- (B) Producer's daily production (CWT): 50

Penalty = (DP) (2 days) (\$3) - (PR).
 = [50 (2) (\$3)] - 0.

Because there was no reimbursement to other producers, all of the three hundred dollar (\$300) fine is payable to the state.

(5) Second offense:

- (A) total positive truck load CWT: 500
- (B) positive producer's CWT on positive tanker (two (2) days' production): 100
- (C) producer's daily production (CWT): 50
- (D) co-op requires producer to pay for other producers' milk that is contaminated at fifteen dollars (\$15) per CWT.

Penalty = (DP) (4 days) (\$3).
 = 50 (4) (\$3).

Because this is a second offense, no reimbursement is recognized and all of the six hundred dollar (\$600) fine is paid to the state.

(6) Fourth offense:

- (A) total positive truck load CWT: 500
- (B) positive producer's CWT on positive tanker (two (2) days' production): 100
- (C) producer's daily production (CWT): 50
- (D) co-op requires producer to pay for other producers' milk that is contaminated at fifteen dollars (\$15) per CWT.

Penalty = (DP) (4 days) (\$3).
 = 50 (4) (\$3).

Because this is a fourth offense, no reimbursement is recognized and all of the six hundred dollar (\$600) fine is paid to the state. A Grade A producer's permit will be revoked for a period of one hundred twenty (120) days after which time he or she may reapply for a Grade A permit.

(Indiana State Board of Animal Health; 345 IAC 8-4-1; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3355; errata filed Aug 13, 1998, 1:16 p.m.: 22 IR 126; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 27, 2002, 2:40 p.m.: 26 IR 342)

Rule 5. References

345 IAC 8-5-1 References for Article 8

Authority: IC 15-2.1-3-19; IC 15-2.1-23-6
 Affected: IC 15-2.1-23

Sec. 1. (a) Grade A Pasteurized Milk Ordinance and Dry Milk Products and Condensed and Dry Whey supplement to the Pasteurized Milk Ordinance are available from:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

(b) Standard Methods for the Examination of Dairy Products is available from:

American Public Health Association
1015-18th Street, NW
Washington, D.C. 20036

(c) Official Methods of Analysis of the Association of Official Analytical Chemists is available from:

Association of Official Analytical Chemists
P.O. Box 540
Benjamin Franklin Station
Washington, D.C. 20044

(d) Code of Federal Regulations is available from:

U.S. Government Printing Office
Superintendent of Documents
Mail Stop: SSOP
Washington, D.C. 20402-9328

(Indiana State Board of Animal Health; 345 IAC 8-5-1; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3358; errata filed Aug 13, 1998, 1:16 p.m.: 22 IR 126; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

ARTICLE 9. MEAT AND MEAT PRODUCTS INSPECTION

NOTE: 345 IAC 9 was transferred from 410 IAC 9. Wherever in any promulgated text there appears a reference to 410 IAC 9, substitute 345 IAC 9.

Rule 1. Conformance with Federal Regulations; Definitions

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1; 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 15-2.1. 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, CH A, 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) 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.138-1996, SECTION 76, effective July 1, 1996.

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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, CH A, 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*) 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.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-1-3 Definitions

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-2; IC 15-2.1-4; IC 15-2.1-24; IC 16-42

Sec. 3. Unless otherwise required by context, the definitions in IC 15-2.1-2, IC 15-2.1-24, and the following definitions apply throughout this article:

- (1) "Act" means the Indiana Meat and Poultry Inspection and Humane Slaughter Act in IC 15-2.1-24.
- (2) "Administrator" means the state veterinarian, division director, or other board employee to whom authority has been delegated under the act.
- (3) "Antelope" means any animal belonging to the antelope family.
- (4) "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.
- (5) "Bison" means any American bison or catalo or cattalo.
- (6) "Board", "state board", or "department" means the Indiana state board of animal health.
- (7) "Buffalo" means any animal belonging to the buffalo family.
- (8) "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.
- (9) "Catalo" or "cattalo" means any hybrid animal with American bison appearance resulting from direct crossbreeding of American bison and cattle.
- (10) "Deer" means any member of the deer family.
- (11) "Division" or "program" means the meat and poultry inspection division of the board.
- (12) "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.
- (13) "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.
- (14) "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.
- (15) "Elk" means any American elk.
- (16) "Exotic livestock" or "exotic animal" means any reindeer, elk, deer, antelope, water buffalo, or bison that are livestock.
- (17) "Field antemortem inspection" means the antemortem inspection of an animal away from the official establishment's premises.
- (18) "Field designated area" means a designated area approved by the board where field antemortem inspection is to be performed.
- (19) "Food safety and inspection service" or "FSIS", referenced in 9 CFR, means the board.
- (20) "Household consumer" or "household" means those who dwell under the same roof as a family and utilize economic goods.

- (21) "Indiana Food, Drug, and Cosmetic Act" means the act found at IC 16-42-1 through IC 16-42-4.
- (22) "Inspection" or "inspection service" means inspection under the act by agents of the board.
- (23) "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.
- (24) "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.
- (25) "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 normally accompany the muscle tissue and that are not separated from it in the process of dressing. The term does not mean the muscle found in the lips, snout, or ears.
- (26) "Official establishment" means an establishment granted inspection under the provisions of the act and this article.
- (27) "Official inspection legend" means the official inspection mark prescribed in 345 IAC 9-12.
- (28) "Official mark" means any symbol prescribed in 345 IAC 9-12 to identify the status of any article or poultry under the act.
- (29) "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, or estate, or his legal representative or agent.
- (30) "Poultry" means a domesticated bird, whether live or dead, and includes domesticated:
- (A) chickens;
 - (B) turkeys;
 - (C) ducks;
 - (D) geese; and
 - (E) ratitae.
- (31) "Reindeer" means any reindeer commonly referred to as caribou.
- (32) "Secretary", "state veterinarian", or "administrator" means the state veterinarian appointed under IC 15-2.1-4.
- (33) "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.
- (34) "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.

- (35) "Water buffalo" means any Asiatic water buffalo, commonly referred to as carabao, and the water buffalo of India, commonly referred to as the Indian buffalo.

(Indiana State Board of Animal Health; Reg HMP-1R, CH A, 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) 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.138-1996, 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

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

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 meeting the requirements of the act and this article for an official establishment, applying to the division for inspection, and receiving a grant of inspection from the division prior to beginning operation. The division shall grant inspection services to an applicant as required under IC 15-2.1-24 and this article.

(2) A person may operate a custom exempt establishment by meeting the requirements of the act and this article for a custom exempt establishment, applying to the division for inspection, and 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 canning, curing, salting, cooking, smoking, packing, rendering, manufacturing, freezing, drying, and 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 15-2.1-16.

(f) A person conducting activities that are exempted by IC 15-2.1-24-13 is not required to apply for and maintain inspection. *(Indiana State Board of Animal Health; Reg HMP-1R,CH A,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) 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.138-1996, SECTION 76, effective July 1, 1996.*

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 2. All livestock and all products entering any official establishment and all products prepared in whole or in part therein, shall be inspected, handled, stored, prepared, packaged, marked, and 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. *(Indiana State Board of Animal Health; Reg HMP-1R,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) 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.138-1996, SECTION 76, effective July 1, 1996.*

Rule 2.1. Incorporation by Reference

345 IAC 9-2.1-1 Incorporation by reference

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 4-21.5-3; IC 15-2.1-2; IC 15-2.1-19

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, 2004 and as amended in 69 FR 1862 through 69 FR 1891, January 12, 2004:

(1) 9 CFR 301, except the definitions in IC 15-2.1 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 15-2.1-19 and IC 4-21.5-3.

(B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in IC 15-2.1-2.

(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;

(B) 9 CFR 317.4 shall refer to 345 IAC 9-17-4;

(C) 9 CFR 317.5 shall refer to 345 IAC 9-17-5; and

(D) 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. (*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*)

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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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) 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.138-1996, 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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 under the direct supervision of a division employee and shall be done with reasonable speed, considering the official establishment's facilities. 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) Subject to section 5 of this rule, the division shall provide, without charge, inspection service to official establishments, up to eight (8) consecutive hours per shift during the basic work week. The basic work week shall consist of five (5) consecutive days beginning Monday and ending Friday, eight (8) hours each day not counting the lunch period.

(c) 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.

(d) The division director shall take into account the efficient and effective use of inspection personnel when approving work schedules. The division director may designate the hours of the day and the days of the week during which inspection will be provided if an establishment conducts operations requiring inspection less than eight (8) hours a day, fewer than five (5) days a week, or otherwise different than a normal five (5) day, eight (8) hours each day, work week. The division director shall consult with the establishments involved when designating work schedules. An approved work schedule must specify daily clock hours of operation and lunch periods for all departments of the establishment requiring inspection.

(e) 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 shall not be approved, provided that minor deviations from a daily operating schedule may be approved by the area supervisor.

(f) 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 assignment after completion of the daily tour of duty under section 6(d) of this rule.

(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*) 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.138-1996, SECTION 76, effective July 1, 1996.

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 5. (a) The division director may 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 otherwise different than a normal five (5) day, eight (8) hours each day, work week. When an official slaughtering establishment requires less than five (5) consecutive eight (8) hour days to slaughter the animals present, the division may assign inspection personnel to more than one (1) establishment in order to efficiently utilize board personnel and resources.

(b) If, for any reason, an assigned inspector is unable to conduct antemortem and postmortem examinations on the day and

hour of a scheduled operation at an official establishment, the inspector shall, without delay, notify the inspector's immediate or area supervisor. It shall be the duty of the supervisor to furnish inspection at the official establishment.

(c) Any further processing of product in an official establishment may be conducted at any time within the approved work schedule. The division will provide inspection service as required in the act and this article. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 7, Sec 7.5; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 241; filed Jun 2, 1980, 1:00 p.m.: 3 IR 1271; 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*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-7-5) to the Indiana State Board of Animal Health (345 IAC 9-7-5) by P.L.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-7-6 Overtime work of inspectors

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24-14

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 15-2.1-24-14(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 15-2.1-24-14(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 15-2.1-24-14.

(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*) 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.138-1996, 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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)*

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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*)

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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*)

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*)

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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 1. The marks, devices, and certificates prescribed or referenced in this article shall be official marks, devices, and certificates for purposes of the Act and shall be used in accordance with the provisions of this article. (*Indiana State Board of Animal Health; Reg HMP-1R, CHA, 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*) 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.138-1996, SECTION 76, effective July 1, 1996.

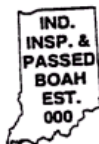
345 IAC 9-12-2 Inspected and passed products; official marks

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

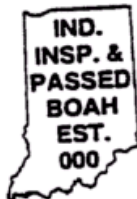
Affected: IC 15-2.1-24

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, and goats, 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. But, legend markers that were in use prior to 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. Each mark must be the size specified in this subsection, but may vary by one-sixteenth ($\frac{1}{16}$) of an inch, plus or minus, in either direction. The following marks must be used:

(1) For applications to sheep, calf, and goat carcasses, the loins and ribs of pork, beef tails, and all varieties of sausage and meat food products in animal casings, a mark that is one and one-eighth ($1\frac{1}{8}$) inches tall by five-eighths ($\frac{5}{8}$) inches wide. The following is a picture of the mark:



(2) For applications to cattle, swine, equine, cervid, and carcasses, primal parts and cuts therefrom, beef livers, beef tongues, beef hearts, smoked meats not in casings, and for applications to burlap, muslin, cheesecloth, heavy paper, or other acceptable material that encloses carcasses or parts of carcasses, a mark that is one and fifteen-sixteenths ($1\frac{15}{16}$) inches tall by one and one-eighth ($1\frac{1}{8}$) 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. (*Indiana State Board of Animal Health; Reg HMP-1R, CHA, 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) 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.138-1996, SECTION 76, effective July 1, 1996.

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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) 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.138-1996, SECTION 76, effective July 1, 1996.*

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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

(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) 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.138-1996, SECTION 76, effective July 1, 1996.

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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 hogs, sheep, goats, ratitae, and calves.
- (D) Is a five-section tag as used for cattle, farm-raised cervidae, and 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. (*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*) 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.138-1996, SECTION 76, effective July 1, 1996.

345 IAC 9-12-6 Detention marks

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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. (*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*) 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.138-1996, 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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 ($\frac{3}{8}$) 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*) 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.138-1996, 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 4. (a) 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 applicable to the product, are not false or deceptive, and are 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*) 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.138-1996, SECTION 76, effective July 1, 1996.

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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, CH A, 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) 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. 138-1996, 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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 ($\frac{3}{8}$) 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, CHA, 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)

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.138-1996, 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)*

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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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-1R, 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) 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. 138-1996, SECTION 76, effective July 1, 1996.*

345 IAC 9-20-2 Federal-state program

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 2. 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. *(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) 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. 138-1996, 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 22. Detention; Seizure and Condemnation; Criminal Offenses

345 IAC 9-22-1 Applicability of detention provisions

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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, CH A, 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) 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. 138-1996, SECTION 76, effective July 1, 1996.

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*) 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. 138-1996, SECTION 76, effective July 1, 1996.

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*) 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. 138-1996, SECTION 76, effective July 1, 1996.

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*) 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. 138-1996, SECTION 76, effective July 1, 1996.

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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) 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.138-1996, SECTION 76, effective July 1, 1996.

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24-23

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 15-2.1-24-23 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) 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.138-1996, SECTION 76, effective July 1, 1996.

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24-23

Sec. 7. Any article or livestock subject to seizure and condemnation under IC 15-2.1-24-23 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 15-2.1-24-23, 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) 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.138-1996, SECTION 76, effective July 1, 1996.*

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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) 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.138-1996, 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)*

ARTICLE 10. POULTRY AND POULTRY PRODUCTS INSPECTION

Rule 1. Definitions

345 IAC 10-1-1 Definitions

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-2-39; IC 15-2.1-4; IC 15-2.1-24

Sec. 1. (a) The definitions in this section, 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.

(b) The definitions in IC 15-2.1-2, IC 15-2.1-24, and this section apply throughout this article:

(1) "Act" means the Indiana Meat and Poultry Inspection and Humane Slaughter Act under IC 15-2.1-24.

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

(3) "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.

(4) "Board", "state board", or "department" means the Indiana state board of animal health.

(5) "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.

(6) "Division" or "program" means the meat and poultry division of the board.

(7) "Division director" means the veterinarian employed by the board to whom authority has heretofore been delegated or may be delegated to act in his stead.

(8) "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.

(9) "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.

(10) "Food safety and inspection service", as referenced in 9 CFR, means the board.

(11) "Inspection" or "inspection service" means inspection under IC 15-2.1-24 and this rule by agents of the board.

(12) "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.

(13) "Official establishment" means an establishment granted inspection service under the act and this article.

(14) "Official inspection legend" means the official inspection mark prescribed in 345 IAC 10-13.

(15) "Official mark" means any symbol prescribed in 345 IAC 10-13 to identify the status of any article or poultry under the act.

(16) "Person" has the meaning set forth in IC 15-2.1-2-39.

(17) "Poultry" means any domesticated bird, including:

(A) chickens;

(B) turkeys;

(C) ducks;

(D) geese;

(E) guineas; or

(F) ratitae;

whether live or dead.

(18) "Secretary", "state veterinarian", or "administrator" means the Indiana state veterinarian appointed under IC 15-2.1-4 or a legally authorized representative.

(19) "State" means the state of Indiana.

(20) "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.

(21) "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) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24-11

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) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24-13

Sec. 3. Inspection under the act and this article is required at every establishment, except as provided in Subpart C of 9 CFR 381 and IC 15-2.1-24-13, 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. (*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*) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 4. All poultry and poultry products processed in an official establishment shall be inspected, handled, processed, marked, and labeled as required by this article and IC 15-2.1-24. (*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*) 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.

Rule 2.1. Incorporation by Reference

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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 4-21.5-3; IC 15-2.1-19; IC 15-2.1-24

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, 2002, relating to poultry products inspection:

- (1) 9 CFR 381.1, except the definitions in IC 15-2.1 and 345 IAC 10-1-1 shall control over conflicting definitions in 9 CFR.
- (2) 9 CFR 381.10 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.
 - (E) 9 CFR 381.45 through 9 CFR 381.61.
- (3) 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.
- (4) 9 CFR 381.189 through 9 CFR 381.194.
- (5) 9 CFR 381.300 through 9 CFR 381.500.
- (6) 9 CFR 416.
- (7) 9 CFR 417.
- (8) 9 CFR 500, except the following:
 - (A) References to Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H shall mean IC 15-2.1-19 and IC 4-21.5-3.
 - (B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in IC 15-2.1-24.
- (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*)

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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*) 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

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 4. 345 IAC 9-7-6 shall govern the scheduling of inspection under this rule in the following circumstances:

(1) On any Saturday, Sunday, or holiday or for more than eight (8) hours on any other day.

(2) For more than forty (40) hours any one (1) week.

(*Indiana State Board of Animal Health; Reg HMP 1R, CH B, Subpt G, Sec 1.39; 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; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Oct 30, 2000, 2:06 p.m.: 24 IR 686; errata filed Apr 9, 2001, 12:52 p.m.: 24 IR 2470; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-7-4) to the Indiana State Board of Animal Health (345 IAC 10-7-4) by P.L.138-1996, SECTION 76, effective July 1, 1996.

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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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:

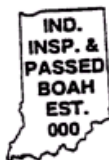
(1) IND. INSP. and PASSED BOAH Est. # (three (3) digit number).

(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 such 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 such containers. Further, such legend shall be applied to shipping containers of such 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):



(Indiana State Board of Animal Health; Reg HMP 1R, CHB, 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) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 2. 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 00000000

(Indiana State Board of Animal Health; Reg HMP 1R, CHB, 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) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 3. An inspector may use such tags or other devices and methods at an official establishment as may be approved by the board for the identification and control of the following:

(1) Poultry and poultry products that appear to be out of compliance with this article or 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. Such tags are official devices and shall not be removed by anyone other than an inspector. (*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*) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 5. The paper tag "INDIANA CONDEMNED" shall be attached to poultry and poultry products to identify such until disposition is accomplished. (*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*) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 18. (a) 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:

- (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*)
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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*) *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)*

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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 2. 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. *(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) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24-23

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 15-2.1-24-23 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*) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24-23

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 15-2.1-24-23, 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*) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*) 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 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

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*) 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.

ARTICLE 11. HUMANE SLAUGHTER OF ANIMALS AND POULTRY (REPEALED)

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

*