

# 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 Livestock Auction Markets; Approved Laboratories (*Repealed*)**

*(Repealed by Indiana State Board of Animal Health; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1294)*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 Stockyard Operation and Maintenance; Approved Laboratories (*Repealed*)**

*(Repealed by Indiana State Board of Animal Health; filed Jan 20, 1988, 4:02 pm: 11 IR 1750)*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 Interim License for Multi-Location Dealers (*Repealed*)**

*(Repealed by Indiana State Board of Animal Health; filed Jan 20, 1988, 4:02 pm: 11 IR 1754)*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 15-17-3-21

Affected: IC 15-17-3-13; IC 15-17-14

Sec. 1. The Indiana state board of animal health, livestock dealers licensing division is the designated state agency to provide for the licensing and bonding of livestock dealers and the classification under which such dealers shall be licensed. *(Indiana State Board of Animal Health; 345 IAC 7-3.5-1; filed Jan 20, 1988, 4:01 pm: 11 IR 1750; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

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

Authority: IC 15-17-3-21

Affected: IC 15-17-14

Sec. 1.5. IC 15-17-14-1 through IC 15-17-14-9 are incorporated by reference into this rule. *(Indiana State Board of Animal Health; 345 IAC 7-3.5-1.5; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1285; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

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

Authority: IC 15-17-3-21

Affected: IC 15-17

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

- (1) "Animal identification number" or "AIN" means a numbering system for the official identification of individual animals in the United States that provides a nationally unique identification number for each animal. The AIN consists of fifteen (15) digits, with the first three (3) being the country code (840 for the United States or a unique country code for a U.S. territory that has such a code and elects to use it in place of the 840 code). The AIN beginning with the 840 prefix may not be applied to animals known to have been born outside the United States.
- (2) "Board" means the Indiana state board of animal health appointed under IC 15-17-3.
- (3) "Cattle" means all dairy and beef animals and bison.
- (4) "Concentration point" means a licensed place of business under the provisions of IC 15-17-14 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.
- (5) "Consignee" means one to whom livestock is delivered or assigned for the purpose of sale, resale, or exchange.
- (6) "Consignment" or "consigning" means the act of delivering or shipping domestic animals to another for sale, resale, or exchange.

- (7) "Consignor" means any person consigning, shipping, or delivering domestic animals for sale, resale, or exchange.
- (8) "Dealer" means any person engaged in the business of dealing and includes, but is not limited to, the following:
  - (A) Stockyards.
  - (B) Auction markets.
  - (C) Buying stations.
  - (D) Concentration points.
- (9) "Dealing" means buying, selling, trading, or negotiating the transfer of livestock either for:
  - (A) processing into meat products in conjunction with the operation of a business enterprise; or
  - (B) the purpose of resale, transfer, or final disposition in any other manner.
- (10) "Domestic animals" has the meaning set forth in IC 15-17-2-26.
- (11) "Draft" means a group of animals that are weighed and sold together as a unit.
- (12) "Flock-based number system" means a combination of a flock identification number (FIN) with a producer's unique livestock production numbering system to provide a nationally unique identification number for an animal.
- (13) "Game birds" means domesticated fowl such as:
  - (A) pheasants;
  - (B) partridge;
  - (C) quail;
  - (D) grouse;
  - (E) guineas; and
  - (F) peafowl;but not doves and pigeons.
- (14) "Immediate slaughter" means any domestic animals purchased or sold for slaughter must:
  - (A) be consigned to a recognized slaughtering establishment or be slaughtered within seven (7) days of first consignment; and
  - (B) not be diverted for further feeding or breeding purposes.
- (15) "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.
- (16) "Licensee" means any person:
  - (A) licensed by the state of Indiana as an individual or market facility dealer; or
  - (B) holding a combination license.
- (17) "Livestock" has the meaning set forth in IC 15-17-2-47(a).
- (18) "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.
- (19) "Location-based number system" means a combination of a state issued LID or a PIN with a producer's unique livestock production numbering system to provide a nationally unique and herd-unique identification number for an animal.
- (20) "Market facility" means a livestock auction market, stockyard, or concentration point.
- (21) "National Uniform Eartagging System" or "NUES" means a numbering system for the official identification of individual animals in the United States that provides a nationally unique identification number for each animal.
- (22) "Nonambulatory" or "downed" animal means a conscious animal that is unable to stand or walk without assistance.
- (23) "Official health certificate", "certificate of veterinary inspection", or "CVI" means a form that meets the requirements for a certificate of veterinary inspection in 345 IAC 1-1.5.
- (24) "Official identification number" means a nationally unique number that is permanently associated with an animal or group of animals and that adheres to one (1) of the following systems:
  - (A) National Uniform Eartagging System (NUES).
  - (B) Animal identification number (AIN).
  - (C) Location-based number system.
  - (D) Flock-based number system.
  - (E) Any other numbering system approved by the state veterinarian for the official identification of animals.

(25) "Officially identified" means identified by means of an official identification device or method approved by the state veterinarian in accordance with this article.

(26) "Permit" means permission granted by the board for the importation of domestic animals that will include an identification number of the permit.

(27) "Person" means any of the following:

- (A) An individual or individuals of either sex.
- (B) Firms.
- (C) Copartnerships.
- (D) Corporations.
- (E) Associations.
- (F) Cooperatives.
- (G) Joint ventures of all kinds.
- (H) Places of residence.
- (I) Any other groups or combinations acting in concert.

(28) "Poultry" means domesticated fowl, including the following:

- (A) Chickens.
- (B) Turkeys.
- (C) Ostriches.
- (D) Emus.
- (E) Rheas.
- (F) Cassowaries.
- (G) Waterfowl.
- (H) Game birds.

The term does not include doves and pigeons.

(29) "Quarantined" means the subject of an order issued by the board restricting the movement of animals onto or off of a premises.

(30) "Sale" means:

- (A) sale;
- (B) lease;
- (C) donation;
- (D) trade; or
- (E) exchange in any manner.

(31) "Sell" means to:

- (A) sell;
- (B) lease;
- (C) donate;
- (D) trade;
- (E) barter; or
- (F) exchange in any manner.

(32) "Selling" means:

- (A) selling;
- (B) leasing;
- (C) donating;
- (D) trading;
- (E) bartering; or
- (F) exchanging in any manner.

(33) "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.

(34) "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.

(35) "State veterinarian" means the state veterinarian appointed under IC 15-17-4.

(36) "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.

(37) "Waterfowl" means domesticated fowl that normally swim, such as ducks, geese, and swans.

*(Indiana State Board of Animal Health; 345 IAC 7-3.5-2; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1750; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1285; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1609; filed Sep 29, 2006, 8:56 a.m.: 20061025-IR-345050315FRA; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; filed Aug 22, 2014, 4:04 p.m.: 20140917-IR-345140057FRA; filed Nov 25, 2015, 2:56 p.m.: 20151223-IR-345150161FRA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

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

Authority: IC 15-17-3-21

Affected: IC 15-17-3-13; IC 15-17-14-2

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

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

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

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

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

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

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

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

(c) No person may continue the business of operating a market facility, buying, selling, or otherwise dealing in livestock after his or her license has expired or been suspended or revoked. *(Indiana State Board of Animal Health; 345 IAC 7-3.5-3; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1751; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1287; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1610; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

### **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 15-17-3-21

Affected: IC 15-17-3-13; IC 15-17-14-4

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 15-17-14 and this rule.

(e) The state veterinarian may require that an applicant for a license for a new facility that is intended to be used as a market facility provide proof to the board that the new facility will be constructed in conformance with local zoning ordinances and other laws governing the establishment and operation of such a business in Indiana. The state veterinarian may refuse to issue a license until such proof is submitted. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-5; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1752; errata, 11 IR 2901; filed Nov 20, 1997, 1997, 2:45 p.m.: 21 IR 1287; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1610; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

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

Authority: IC 15-17-3-21

Affected: IC 15-17-3-13

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 15-17-14-6 and this rule, and compliance with the other provisions of IC 15-17-14-6 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 15-17 or this rule, the state veterinarian may do the following:

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

(2) Revoke the licensee's license.

(*Indiana State Board of Animal Health; 345 IAC 7-3.5-5.5; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1611; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

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

Authority: IC 15-17-3-21

Affected: IC 15-17-3-13; IC 15-17-14-5

Sec. 6. (a) All agents for market facilities and individual dealers must be listed on the license application. To add or delete an agent after a license has been issued, the principal must send a written request to the state veterinarian's office for approval. Any person whose dealer license has been suspended or revoked in any state may not be designated as an agent by any livestock dealer for a period of two (2) years from the date of such suspension or revocation. A licensee must request the deletion of an agent from its license immediately upon learning of the revocation of an agent's dealer's license by any state.

(b) An act or omission of any agent of an individual dealer or market facility that falls within the scope of that agency shall be deemed the act or omission of the principal dealer for the purposes of this rule. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-6; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1752; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1942; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1288; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1611; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

### **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 15-17-3-21

Affected: IC 15-17-3-13

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 15-17-16 and this section.

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

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

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

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

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

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

(f) Bond and other security coverage shall be annually adjusted for business transacted during the preceding twelve (12) month period. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-8; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1752; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1942; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1288; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1612; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

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

Authority: IC 15-17-3-21; IC 15-17-14-4

Affected: IC 15-17-3-13

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

- (1) Any persons damaged by failure of the principal to comply with any condition of the bond or bond equivalent may maintain a suit to recover on the bond or bond equivalent even though such claimant is not a party named in the bond or bond equivalent.
- (2) Any claim for recovery on the bond or bond equivalent must be filed in writing with:
  - (A) the surety, if any;
  - (B) the trustee, if any; or
  - (C) the state veterinarian.

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

(b) The proceeds of the bond or bond equivalent shall not be used to pay fees, salaries, or other expenses of the surety or principal. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-8.5; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1612; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

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

Authority: IC 15-17-3-21; IC 15-17-14-9

Affected: IC 15-17-15-2

Sec. 9. (a) 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, such as eartags and backtags. If an animal is officially identified with an official identification number that adheres to the animal identification number (AIN) system, the AIN number is the only form of identification that must be recorded.
- (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.

(b) For animals bought, sold, or transferred by or through a licensed dealer, the dealer must keep as a part of their records a copy of any CVIs or alternate documentation required to move the animals.

(c) A licensed market facility receiving animals from out of state that do not move directly to slaughter must submit biweekly reports to the board that contain the following information:

- (1) Name and address of the out of state consignor.
- (2) Number and species of animals consigned.
- (3) Official identification present on the animals or applied to the animals, if such identification is required for the interstate movement.

The information shall be submitted in the form and method required by the state veterinarian. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-9; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1753; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1289; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32*

*a.m.: 20130904-IR-345130236RFA; filed Aug 22, 2014, 4:04 p.m.: 20140917-IR-345140057FRA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

**345 IAC 7-3.5-9.1 Dealer and market facility poultry record keeping requirements**

Authority: IC 15-17-3-21

Affected: IC 15-17-3-13; IC 15-17-15-11

Sec. 9.1. (a) A dealer shall maintain records that fully and correctly disclose all purchases, sales or transfers involving poultry and shall include the following information:

- (1) A record of the number, breed, and any identification present on poultry received for sale or consignment.
- (2) The name and address of the seller or consignor.
- (3) The date on which the poultry were received.
- (4) The name and address of the buyer or consignee.
- (5) A record of the number, breed, and any identification present on poultry sold to each buyer.
- (6) If tested, individual test records, health records, and health certificates.
- (7) Any other facts necessary to reflect the true nature of the transaction.

(b) For animals bought, sold, or transferred by or through a licensed dealer, the dealer must keep as a part of its records a copy of any CVIs or alternate documentation required to move the poultry. *(Indiana State Board of Animal Health; 345 IAC 7-3.5-9.1; filed Nov 25, 2015, 2:56 p.m.: 20151223-IR-345150161FRA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

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

Authority: IC 15-17-3-21

Affected: IC 15-17

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 three (3) years, but records for:

- (1) cattle;
- (2) bison;
- (3) sheep;
- (4) goats;
- (5) cervids; and
- (6) equines;

must be kept for five (5) years. *(Indiana State Board of Animal Health; 345 IAC 7-3.5-9.5; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1290; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; filed Aug 22, 2014, 4:04 p.m.: 20140917-IR-345140057FRA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*



**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 15-17-3-21

Affected: IC 15-17

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

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

No change in weight shall be shown on any scale ticket except upon reweighing of the animal. In the event an error, other than in the weight, in recording is made when preparing the scale ticket, a corrected scale ticket showing the correction and the reason for such correction shall be made and affixed to the original incorrect ticket provided, however, that the name of the buyer need not be recorded on the scale ticket when the livestock is weighed prior to sale and where the marketing agency maintains the basic records of the transaction that fully disclose the name of the buyer. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-11; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1754; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1290; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

**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 15-17-3-21

Affected: IC 15-17

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

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

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

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

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

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

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

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

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

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

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

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

(f) Each market facility dealer must provide marketing services and facilities that are reasonably necessary in the buying, selling, assembling, holding, feeding, watering, testing, identifying, inspecting, and delivering livestock for public marketing. The services of a licensed, accredited veterinarian approved by the board to conduct all testing, vaccinating, and inspection of animals sold through the market facility if needed to perform services required by state and federal law. (*Indiana State Board of Animal Health*; 345 IAC 7-3.5-13; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1290; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Jul 1, 2002, 1:28 p.m.: 25 IR 3740; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)

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

Authority: IC 15-17-3-21

Affected: IC 15-17

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) Unless specifically stated otherwise, the dealer is responsible for sending all prepared and completed forms that are required to be forwarded to the office of the state veterinarian by this rule or otherwise within ten (10) days following the date of the event requiring the form. (*Indiana State Board of Animal Health*; 345 IAC 7-3.5-14; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1291; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45

*p.m.: 24 IR 2895; filed Jul 1, 2002, 1:28 p.m.: 25 IR 3741; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; filed Aug 22, 2014, 4:04 p.m.: 20140917-IR-345140057RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

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

Authority: IC 15-17-3-21

Affected: IC 15-17

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

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

*(Indiana State Board of Animal Health; 345 IAC 7-3.5-15; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1292; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

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

Authority: IC 15-17-3-21

Affected: IC 15-17

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

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

(b) Market facilities in Indiana may not accept delivery of nonambulatory livestock. Market facilities in Indiana may unload nonambulatory livestock for the purpose of euthanizing the livestock at the market facility. Market facilities must have written policies, procedures, and equipment in place to handle animals that become nonambulatory after delivery to the market facility. Livestock that becomes nonambulatory after arriving at a market facility must be disposed of within twenty-four (24) hours of discovering or receiving notice of the animal's condition. *(Indiana State Board of Animal Health; 345 IAC 7-3.5-16; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1292; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Jul 14, 2004, 9:25 a.m.: 27 IR 3982; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

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

Authority: IC 15-17-3-21

Affected: IC 15-17-3-13; IC 15-17-15-1

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

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

(c) Animals that are under quarantine for any reason shall be individually identified and shall not be removed from the sale premises unless accompanied by a written release on the proper board form. The accompanying release form shall be attached to the buyer's invoice or bill of sale and be delivered with the animals to the slaughtering establishment. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-17; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1293; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

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

Authority: IC 15-17-3-21

Affected: IC 15-17

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

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

(c) A market facility must not allow weeds to grow next to the facility and junk to accumulate so as to create harborages for rodents. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-18; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1293; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

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

Authority: IC 15-17-3-21

Affected: IC 15-17

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

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

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

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

(e) Disinfecting agents and the methods of disinfecting shall meet the approval of the state veterinarian. (*Indiana State Board of Animal Health; 345 IAC 7-3.5-19; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1293; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

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

Authority: IC 15-17-3-21

Affected: IC 15-17

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

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

(c) The following requirements apply to Brucellosis tests:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) An adequate supply of soap and towels.

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

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

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

(3) Required charts for recording results of tests.

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

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

*(Indiana State Board of Animal Health; 345 IAC 7-3.5-20; filed Nov 20, 1997, 2:45 p.m.; 21 IR 1293; errata filed Dec 5, 1997, 9:15*

a.m.: 21 IR 1349; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1482; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)

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

Authority: IC 15-17-3-21

Affected: IC 15-17

Sec. 21. (a) Under IC 15-17-16-9, 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 15-17-18-12);
- (2) an injunction prohibiting actions in violation of this rule (IC 15-17-19-3);
- (3) deferral by the board of the grant of a license or the suspension or revocation of a license already issued (IC 15-17-16-5); or
- (4) the commencement of any other enforcement action allowed by law.

(Indiana State Board of Animal Health; 345 IAC 7-3.5-21; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1294; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)

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

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

## **Rule 4.5. Exhibitions**

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

Authority: IC 15-17-3-12; IC 15-17-3-21

Affected: IC 15-17

Sec. 1. (a) The definitions in IC 15-17-2 and the following definitions apply throughout this rule:

- (1) "Board" means the Indiana state board of animal health appointed under IC 15-17-3.
- (2) "Exhibition" means a fair, show, or competition of limited duration that congregates animals from multiple sources on a premises.
- (3) "Game birds" means domesticated fowl such as:
  - (A) pheasants;
  - (B) partridge;
  - (C) quail;
  - (D) grouse;
  - (E) guineas; and
  - (F) peafowl;but not doves or pigeons.
- (4) "Livestock" has the meaning set forth in IC 15-17-2-47(a).
- (5) "Poultry" means domesticated fowl, including the following:
  - (A) Chickens.
  - (B) Turkeys.
  - (C) Ostriches.
  - (D) Emus.
  - (E) Rheas.
  - (F) Cassowaries.

(G) Waterfowl.

(H) Game birds.

The term does not include doves and pigeons.

(6) "State veterinarian" means the state veterinarian appointed by the board under IC 15-17-4 and any authorized agents.

(7) "Waterfowl" means domesticated fowl that normally swim, such as ducks, geese, and swans.

(b) Notwithstanding any other provision of this rule, a person holding an exhibition that involves only the following animals is exempt from the requirements in this rule:

(1) Animals of the family equidae (horses, asses, and donkeys).

(2) Animals of the family camelidae (camels, llamas, and alpacas).

*(Indiana State Board of Animal Health; 345 IAC 7-4.5-1; filed Jul 18, 2005, 1:00 p.m.: 28 IR 3556, eff Sep 1, 2006; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Aug 16, 2012, 8:27 a.m.: 20120912-IR-345120197RFA; filed Nov 25, 2015, 2:56 p.m.: 20151223-IR-345150161FRA)*

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

Authority: IC 15-17-3-12; IC 15-17-3-21

Affected: IC 15-17-3-13; IC 15-17-15-9

Sec. 2. Except as provided in section 1(b) of this rule, a person holding an exhibition of livestock or poultry shall register the event with the board not less than ten (10) days before the opening of the exhibition by notifying the state veterinarian of the following information:

(1) The opening date of the exhibition.

(2) The duration of the exhibition.

(3) The location of the event.

(4) The nature of the event and the species of animals that are expected at the event.

(5) The name, address, and phone number of the person organizing the event.

(6) The name, address, and phone number of the person that will be keeping the records required under section 3 of this rule.

(7) If there is a veterinarian for the exhibition, the name and address of the exhibition veterinarian.

*(Indiana State Board of Animal Health; 345 IAC 7-4.5-2; filed Jul 18, 2005, 1:00 p.m.: 28 IR 3557, eff Sep 1, 2006; readopted filed Aug 16, 2012, 8:27 a.m.: 20120912-IR-345120197RFA; filed Nov 25, 2015, 2:56 p.m.: 20151223-IR-345150161FRA)*

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

Authority: IC 15-17-3-12; IC 15-17-3-21

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

Sec. 3. (a) A person holding an exhibition of livestock or poultry shall keep the following records associated with each participant in the event:

(1) The participant's name and address.

(2) The species of each animal exhibited by the participant.

(3) If an animal is sold through an auction or other sale as a part of the exhibition, the name and address of the purchaser of each animal.

(b) The records required under this section shall be kept for not less than two (2) years from the opening date of the exhibition.

(c) A person keeping records required under this section shall make the records available to board personnel for inspection and copying upon request during normal business hours. *(Indiana State Board of Animal Health; 345 IAC 7-4.5-3; filed Jul 18, 2005, 1:00 p.m.: 28 IR 3557, eff Sep 1, 2006; readopted filed Aug 16, 2012, 8:27 a.m.: 20120912-IR-345120197RFA; filed Nov 25, 2015, 2:56 p.m.: 20151223-IR-345150161FRA)*

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

### 345 IAC 7-5-1 Definitions

Authority: IC 15-17-3-21

Affected: IC 15-17

Sec. 1. The following definitions and the definitions in IC 15-17-2 apply throughout this rule:

- (1) "Accredited veterinarian" means a veterinarian that is accredited by the United States Department of Agriculture under 9 CFR, Subchapter J.
- (2) "Approved official health certificate" or "approved certificate of veterinary inspection" means an official certificate of veterinary inspection that bears the endorsement or other approval of the chief livestock health official of the state of origin.
- (3) "Board" means the Indiana state board of animal health appointed under IC 15-17-3.
- (4) "Certificate of veterinary inspection" or "CVI" means a form that meets the requirements for a certificate of veterinary inspection in 345 IAC 1-1.5.
- (5) "Equine infectious anemia" or "EIA" means an acute or chronic disease of Equidae, characterized by the following:
  - (A) Intermittent fever.
  - (B) Depression.
  - (C) Progressive weakness.
  - (D) Loss of weight.
  - (E) Edema.
  - (F) Progressive or transitory anemia.
- (6) "Equine infectious anemia test" has the meaning set forth in 345 IAC 6-1.1-1.
- (7) "Exhibition" means a fair, show, or competition of limited duration that congregates animals from multiple sources on a premises.
- (8) "National Poultry Improvement Plan" or "NPPI" means the National Poultry Improvement Plan and Auxiliary Provisions adopted by the board in 345 IAC 4-4-1.
- (9) "Quarantine" means an order restricting the movement of animals into or out of, or both, a premises.
- (10) "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.
- (11) "State veterinarian" means the state veterinarian appointed under IC 15-17-4 and authorized agents.

*(Indiana State Board of Animal Health; Reg 77-2, Title I; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed May 2, 1983, 10:03 a.m.: 6 IR 1035; filed May 21, 1984, 3:20 p.m.: 7 IR 1714; filed Feb 15, 1985, 9:05 a.m.: 8 IR 790; filed Jan 8, 1986, 2:54 p.m.: 9 IR 997; filed Dec 2, 1994, 3:50 p.m.: 18 IR 859; filed Oct 11, 1996, 2:00 p.m.: 20 IR 750; errata filed Jan 2, 1997, 4:00 p.m.: 20 IR 1124; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1535; filed Sep 29, 2006, 8:56 a.m.: 20061025-IR-345050315FRA; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; filed Jun 16, 2011, 8:48 a.m.: 20110713-IR-345100790FRA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; filed Aug 22, 2014, 4:04 p.m.: 20140917-IR-345140057FRA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

### 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 15-17-3-21

Affected: IC 15-17-15-9

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

- (1) An animal that originates from a herd that is under an order of quarantine.
- (2) An animal that is a health hazard to persons or other animals. A determination that an animal is a health hazard may be based on any of the following:
  - (A) Tests.



(B) Clinical diagnoses.

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

(D) Epidemiologic evidence.

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

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

(b) The state veterinarian is authorized to make the final determination as to an animal's eligibility for exhibition under this rule. The state veterinarian may order any animal that may not be exhibited removed from the exhibition grounds. (*Indiana State Board of Animal Health; 345 IAC 7-5-2.1; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1536; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

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

Authority: IC 15-17-3-21

Affected: IC 15-17-3; IC 15-17-15-9

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

(b) An exhibition organizer may procure a licensed and accredited veterinarian to review animals and animal health documentation during the exhibition. (*Indiana State Board of Animal Health; 345 IAC 7-5-2.3; filed Sep 29, 2006, 8:56 a.m.: 20061025-IR-345050315FRA; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

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

Authority: IC 15-17-3-21

Affected: IC 15-17-3; IC 15-17-15-9

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

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

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

(2) The age and sex of each animal.

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

(4) The name and address of the exhibitor.

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

(c) Records of tests, vaccinations, inspections, and procedures required for exhibition animals must be presented to board personnel upon request. (*Indiana State Board of Animal Health; 345 IAC 7-5-2.5; filed May 24, 1988, 9:45 a.m.: 11 IR 3537; filed Jun 18, 1990, 2:49 p.m.: 13 IR 1990; filed Dec 2, 1994, 3:50 p.m.: 18 IR 860; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1536; filed Sep 29, 2006, 8:56 a.m.: 20061025-IR-345050315FRA; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; filed Jun 16, 2011, 8:48 a.m.: 20110713-IR-345100790FRA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; filed Aug 22, 2014, 4:04 p.m.: 20140917-IR-345140057FRA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

### **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 15-17-3-21

Affected: IC 15-17-15-9

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

(b) All Brucellosis tests must be conducted at the Animal Disease Diagnostic Laboratory at Purdue University, a state or federal laboratory where tests are conducted by a state or federal employee, or a laboratory approved by the state veterinarian. *(Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 5; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1537; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

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

Authority: IC 15-17-3-21

Affected: IC 15-17-15-9

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

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

(c) Whenever the state veterinarian orders an animal not be exhibited under this rule, the person with custody of the animal at that time shall immediately remove the animal from the exhibition grounds. *(Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 6; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1383; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1537; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

**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 15-17-3-21

Affected: IC 15-17

Sec. 9. Before delivering an animal to an exhibition, a person exhibiting any animal must permanently, individually, and uniquely identify the animal under the requirements for movement of that species in 345 IAC 1-3. *(Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 8; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed May 2, 1983, 10:03 a.m.: 6 IR 1036; filed May 21, 1984, 3:20 p.m.: 7 IR 1714; filed Feb 15, 1985, 9:05 a.m.: 8 IR 792; filed Jan 8, 1986, 2:54 p.m.: 9 IR 998; filed Dec 2, 1994, 3:50 p.m.: 18 IR 860; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1476; errata filed Mar 31, 1999, 9:37 a.m.: 22 IR 2534; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1538; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; filed Dec 18, 2007, 3:45 p.m.: 20080116-IR-345070295FRA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-*

*IR-345130236RFA; filed Aug 22, 2014, 4:04 p.m.: 20140917-IR-345140057FRA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

**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 15-17-3-21

Affected: IC 15-17-15-9

Sec. 11. Cattle, sheep, and goats housed on premises quarantined because Pseudorabies has been diagnosed in an animal on or from the premises must be isolated from the quarantined animals for at least fourteen (14) days prior to exhibition. *(Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 10; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1538; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

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

Authority: IC 15-17-3-21

Affected: IC 15-17-3-13; IC 15-17-15-9

Sec. 12. All cattle and bison originating from outside the state and entering the state for exhibition shall meet the tuberculosis control requirements in 345 IAC 2.5-3-2 prior to exhibition. *(Indiana State Board of Animal Health; Reg 77-2, Title III, Sec 1; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed May 2, 1983, 10:03 a.m.: 6 IR 1036; filed May 21, 1984, 3:20 p.m.: 7 IR 1714; filed Feb 15, 1985, 9:05 a.m.: 8 IR 791; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Apr 13, 2005, 12:30 p.m.: 28 IR 2687; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

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

Authority: IC 15-17-3-21

Affected: IC 15-17-15-9

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

(1) Indiana; or

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

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

(1) Steers.

(2) Calves under one hundred eighty (180) days of age.

(3) Cattle from the exhibitor's certified Brucellosis-free herd (the certifying date must be listed on the health certificate).

(4) Official vaccinates of dairy breeds under twenty (20) months of age and official vaccinates of beef breeds under twenty-four

(24) months of age must be accompanied by proof of vaccination and the date of vaccination recorded on the accompanying health certificate. All cattle from out of state must meet federal requirements for interstate movement.

(c) Cattle described in subsection (b) that are sold at exhibition must be tested according to the retest requirements established in 345 IAC 1-3-7. *(Indiana State Board of Animal Health; Reg 77-2, Title III, Sec 2; filed Jul 21, 1978, 2:30 p.m.: 1 IR 568; filed May 2, 1983, 10:03 a.m.: 6 IR 1036; filed May 21, 1984, 3:20 p.m.: 7 IR 1714; filed Feb 15, 1985, 9:05 a.m.: 8 IR 791; filed Jan 8, 1986, 2:54 p.m.: 9 IR 998; filed Dec 2, 1994, 3:50 p.m.: 18 IR 861; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1483; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013,*

8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)

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

Authority: IC 15-17-3-21

Affected: IC 15

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

- (1) Castrated males.
- (2) Swine from the exhibitor's validated Brucellosis-free herd (date of validation must be listed on health certificate).
- (3) Swine from a validated Brucellosis-free state, except feral swine.
- (4) Swine qualifying for slaughter shows, as defined in section 1 of this rule.

*(Indiana State Board of Animal Health; Reg 77-2, Title IV, Sec 1; filed Jul 21, 1978, 2:30 p.m.: 1 IR 568; filed May 2, 1983, 10:03 a.m.: 6 IR 1037; filed Feb 15, 1985, 9:05 a.m.: 8 IR 792; filed May 24, 1988, 9:45 a.m.: 11 IR 3537; filed June 18, 1990, 2:49 p.m.: 13 IR 1991; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Authority: IC 15-17-3-21

Affected: IC 15-17-6; IC 15-17-15-9

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

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

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

(b) A person exhibiting a dog or cat must have with the animal a certificate or other statement from the veterinarian performing the vaccinations and tests required by this section certifying that the vaccinations and tests have been completed and the date each was completed. *(Indiana State Board of Animal Health; Reg 77-2, Title VII, Sec 3; filed Jul 21, 1978, 2:30 p.m.: 1 IR 569; filed Feb 15, 1985, 9:05 a.m.: 8 IR 793; filed Dec 2, 1994, 3:50 p.m.: 18 IR 861; filed Mar 23, 2000, 4:24 p.m.: 23 IR 1914; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1539; filed Sep 21, 2004, 8:36 a.m.: 28 IR 559; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

**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 *(Repealed)***

Sec. 24. *(Repealed by Indiana State Board of Animal Health; filed Aug 22, 2014, 4:04 p.m.: 20140917-IR-345140057FRA)*

**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 *(Repealed)***

Sec. 25.5. *(Repealed by Indiana State Board of Animal Health; filed Aug 22, 2014, 4:04 p.m.: 20140917-IR-345140057FRA)*

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

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

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

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

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

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

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

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

**345 IAC 7-5-27.5 Equine piroplasmosis testing for horse races *(Repealed)***

Sec. 27.5. *(Repealed by Indiana State Board of Animal Health; filed Aug 14, 2013, 2:40 p.m.: 20130911-IR-345120621FRA)*

**345 IAC 7-5-28 Cervidae exhibition *(Repealed)***

Sec. 28. *(Repealed by Indiana State Board of Animal Health; filed Aug 22, 2014, 4:04 p.m.: 20140917-IR-345140057FRA)*

**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 15-17-3-21; IC 15-17-5-5

Affected: IC 15-17

Sec. 1.5. The definitions in IC 15-17-2 and the following definitions apply throughout this rule:

- (1) "Animal" means domestic animal.
- (2) "Animal carcass" means a dead animal and parts thereof.
- (3) "Condemned and inedible waste" means any part of a slaughtered animal that is:
  - (A) unfit for human food; or
  - (B) not intended for human food.

The term does not include eggs and parts thereof.

- (4) "Domestic animal" has the meaning set forth in IC 15-17-2-26.
- (5) "Exotic animal" means a flesh-eating wild animal, such as the following:
  - (A) Tigers.
  - (B) Lions.
  - (C) Bears.
  - (D) 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:
  - (A) IC 15-17-5;
  - (B) the Federal Meat Inspection Act (21 U.S.C. et seq.); or
  - (C) the Federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.).
- (9) "State veterinarian" means the state veterinarian appointed under IC 15-17-4 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; readopted filed Jul 18, 2008,*

8:16 a.m.: 20080813-IR-345080287RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; filed Jun 16, 2011, 8:46 a.m.: 20110713-IR-345100561FRA; readopted filed Jul 17, 2017, 9:06 a.m.: 20170816-IR-345170165RFA)

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

Authority: IC 15-17-3-21; IC 15-17-5-5

Affected: IC 15-17

Sec. 2. (a) No person shall transport animal carcasses, condemned and inedible waste, or restaurant grease in the state unless that person:

(1) holds a valid disposal plant license or collection service license and transport vehicle licenses issued under IC 15-17-11; or

(2) is exempt under IC 15-17-11-1 or this rule.

(b) A person who owns, cares for, or possesses an animal that dies must dispose of all parts of the animal carcass 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 the following:

(1) IC 15-17-5.

(2) 345 IAC 9.

(3) 345 IAC 10.

(4) This rule.

(d) The following persons and activities are exempt from the requirements in this rule:

(1) The transportation or selling of any meat and meat products 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 carcasses of the following:

(A) Fish.

(B) Reptiles.

(C) Dogs.

(D) Cats.

(E) Small game.

(4) Any governmental agency collecting, transporting, or disposing of animal carcasses in any manner.

(5) An animal owner or a person caring for animals who is transporting the carcass of an animal that he or she owns or cared for to a diagnostic facility or a site for disposal in compliance with this rule.

(6) Transportation and disposal of the carcasses of wild deer and other wild animals.

(7) Any person collecting, transporting, or disposing of animal carcasses 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 15-17-11-7.

(2) Each license expires at the end of the day on May 31 or the date a replacement license is issued, whichever is earlier. Licenses issued in March and April expire May 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; readopted filed Jul 18, 2008, 8:16 a.m.: 20080813-IR-345080287RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; filed Jun 16, 2011, 8:46 a.m.: 20110713-IR-345100561FRA; readopted filed Jul 17, 2017, 9:06 a.m.: 20170816-IR-345170165RFA)

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

Authority: IC 15-17-3-21; IC 15-17-5-5

Affected: IC 15-17

Sec. 3. (a) Animal carcasses 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. The following are prohibited:

(A) Burying a carcass or condemned and inedible waste:

(i) in a location without the landowner's permission; or

(ii) within the corporate limits of a city or town if the burial is prohibited by ordinance.

(B) Placing carcasses in a burial trench or pit without completely covering them with at least four (4) feet of earth.

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

(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 15-17-11-25.

(6) Disposal by biodigestion, such as anaerobic digestion, in compliance with the standards in this rule.

(7) Disposal by chemical digestion, such as alkaline hydrolysis reduction, in compliance with the standards in this rule.

(8) Disposal by feeding to exotic animals in compliance with the standards in this rule.

(9) By delivering the animal carcass or waste to a facility approved by the state to operate as a landfill. However, a person may not dispose of animal carcasses or waste in a landfill if other state laws prohibit the landfill from accepting the carcasses or waste. The operator of a landfill is not required by this rule to accept animal carcasses or condemned and inedible waste.

(b) 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 animal carcasses, including a prearranged contract for ongoing periodic collection, even if the actual pickup by the disposal plant or collection service occurs after twenty-four (24) hours have passed. The person responsible for disposal shall secure the carcasses in a manner that can reasonably be expected to prevent other animals from accessing the carcasses prior to pickup. An authorized person may give permission for a disposal plant or collection service to enter a premises as required under IC 15-17-11-19 and section 7(4) of this rule in any manner that communicates their intent, such as:

(1) placing an order to pick up a dead animal; or

(2) entering into a prearranged contract for ongoing periodic collection.

(c) A person applying for meat or poultry inspection or an exemption from inspection under IC 15-17-5 shall notify the state veterinarian in writing of the method by which the applicant will dispose of the animal carcasses 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.

(d) 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:

(1) addressing an emergency;

(2) facilitating research;

(3) preventing the spread of disease; or

(4) 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; readopted filed Jul 18, 2008, 8:16 a.m.: 20080813-IR-345080287RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; filed Jun 16, 2011, 8:46 a.m.: 20110713-IR-345100561FRA; readopted filed Jul 17, 2017, 9:06 a.m.: 20170816-IR-345170165RFA)*

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

Authority: IC 15-17

Affected: IC 15-17-11

Sec. 3.5. (a) A person composting animal carcasses or condemned and inedible waste must meet the following requirements:

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

(A) The compost pile is secured in a manner that can reasonably be expected to prevent domestic and wild animals from disrupting the compost pile, such as:



- (i) securing the compost pile in a building or a *[sic]* within a fenced area;
- (ii) covering the compost pile in a manner that prevents access to the pile; or
- (iii) using an in-vessel composting system.

(B) Carcasses added to a compost pile must be completely covered with the carbon amendment at the time the carcasses are added.

(C) Leachate runoff must be prevented or controlled using a method that can reasonably be expected to accomplish the requirement, such as:

- (i) locating the compost pile in a building;
- (ii) covering the compost pile with a tarp or under a roof; or
- (iii) using a sufficient amount of carbon material underneath the compost pile and covering the compost pile.

(D) The process must expose the material being processed to conditions that:

- (i) are reasonably likely to kill pathogenic organisms; and
- (ii) will thoroughly and completely break down the material.

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) A person disposing of animal carcasses and condemned and inedible waste from other operations must obtain a disposal plant permit from the board under IC 15-17-11 prior to accepting carcasses or waste from other operations for disposal.

However, the following may be transported to another site and accepted for composting without a permit:

(A) Persons and activities excluded from this rule under section 2(d) of this rule.

(B) Animal carcasses and condemned and inedible waste from facilities under common ownership or management.

(b) A slaughtering establishment must meet the following additional requirements to compost animal carcasses 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; readopted filed Jul 18, 2008, 8:16 a.m.: 20080813-IR-345080287RFA; filed Jun 16, 2011, 8:46 a.m.: 20110713-IR-345100561FRA; readopted filed Jul 17, 2017, 9:06 a.m.: 20170816-IR-345170165RFA*)

### **345 IAC 7-7-3.6 Incineration**

Authority: IC 15-17

Affected: IC 15-17

Sec. 3.6. (a) Subject to the limitations in subsections (b) through (d), a person may dispose of carcasses by incineration.

(b) Disposal by incineration must:

- (1) expose the material being processed to conditions that are reasonably likely to kill pathogenic organisms; and
- (2) result in the carcasses and waste being thoroughly and completely incinerated.

If the process results in a carcass part that is not completely incinerated, the part must be disposed of in accordance with section 3 of this rule.

(c) A person may not dispose of carcasses by open burning unless the open burning is allowed under 326 IAC 4-1.

(d) The state veterinarian may order that any particular carcass or condemned and inedible waste, or any class of carcass or waste, not be incinerated, or incinerated 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 7-7-3.6; filed Jun 16, 2011, 8:46 a.m.: 20110713-IR-345100561FRA; readopted filed Jul 17, 2017, 9:06 a.m.: 20170816-IR-345170165RFA*)

**345 IAC 7-7-3.7 Digestion**

Authority: IC 15-17

Affected: IC 13; IC 15-17-11

Sec. 3.7. (a) A person disposing of animal carcasses or condemned and inedible waste through biodigestion or chemical digestion must meet the following requirements:

(1) He or she must obtain a disposal plant permit from the board under IC 15-17-11 prior to accepting material from other operations. Carcasses or condemned and inedible waste from facilities under common ownership or management may be disposed of via biodigestion without obtaining a permit.

(2) The digestion process must be operated in a manner that meets all of the following conditions:

(A) The carcasses and waste must be thoroughly and completely digested.

(B) The end product must be disposed of in compliance with IC 13, the state environmental laws.

(C) The process must:

(i) not create a health hazard to humans or animals; and

(ii) expose the material being processed to conditions that are reasonably likely to kill pathogenic organisms.

(b) A slaughtering establishment disposing of animal carcasses and condemned and inedible waste through digestion must meet the following additional requirements:

(1) The digestion operation may not be located or operated in a way that exposes products intended for human food to contamination.

(2) Equipment and supplies used in the digestion operation may not be used in the slaughtering operation.

(c) The state veterinarian may order that any particular carcass or condemned and inedible waste, or any class of carcass or waste, not be disposed of via digestion, or digested 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 7-7-3.7; filed Jun 16, 2011, 8:46 a.m.: 20110713-IR-345100561FRA; readopted filed Jul 17, 2017, 9:06 a.m.: 20170816-IR-345170165RFA*)

**345 IAC 7-7-4 Transporting, unloading, and record keeping**

Authority: IC 15-17-3-21

Affected: IC 15-17

Sec. 4. (a) A person collecting and transporting animal carcasses and condemned and inedible waste must create and keep records that include the following information:

(1) The name and address of the person from whom the material is obtained and the date it is obtained.

(2) A description of the material obtained.

(3) The disposition of the material.

He or she must keep the records for not less than two (2) years and provide the board access to the records upon request during normal business hours.

(b) A person collecting and transporting animal carcasses or condemned and inedible waste:

(1) may not keep the material on a truck more than twenty-four (24) hours; and

(2) must unload the carcasses and waste at a licensed disposal plant, licensed substation, or facility approved by the state to operate as a landfill.

(c) All carcasses of animals and condemned and inedible waste that have been unloaded in a licensed substation must be transferred to a licensed disposal plant within twenty-four (24) hours of the time the carcasses and waste arrived at the substation.

(d) If a disposal plant refuses to accept a delivery of carcasses and inedible waste from a collection service, the load of carcasses and waste must be delivered to another disposal plant or a facility approved by the state to operate as a landfill. (*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; readopted filed Jul 18, 2008, 8:16 a.m.: 20080813-IR-345080287RFA; filed Jun 16, 2011, 8:46 a.m.: 20110713-IR-345100561FRA; readopted filed Jul 17, 2017, 9:06 a.m.: 20170816-IR-345170165RFA*)

**345 IAC 7-7-5 Exotic animal feeding**

Authority: IC 15-17-3-21

Affected: IC 15-17

Sec. 5. (a) A person may transport and dispose of domestic animal carcasses by feeding the carcasses to exotic animals if they:

- (1) notify the state veterinarian of their intent to transport and dispose of animal carcasses by feeding them to exotic animals prior to beginning the activity; and
- (2) comply with the requirements in this section.

(b) A person transporting animal carcasses for feeding to exotic animals must keep records of the source and disposition of each carcass collected. The records must include at least the following information:

- (1) The name and address of the person from whom the carcass is collected.
- (2) The date the carcass is collected.
- (3) A description of each carcass collected.

(c) A person feeding animal carcasses to exotic animals must keep records that document the source and disposition of each carcass fed. The records must include at least the following information:

- (1) The name and address of the person from whom the carcass is obtained and the date it is obtained.
- (2) A description of each carcass obtained.
- (3) The disposition of each carcass.

(d) The records described in subsections (b) and (c) must be kept for not less than two (2) years.

(e) A person storing on their premises dead animal carcasses for the purpose of feeding exotic animals must totally dispose of the carcasses and waste within seventy-two (72) hours of the carcass or waste arriving 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. However, carcasses that are placed in a refrigerator or freezer immediately upon arrival at the premises must be disposed of within seventy-two (72) hours of being removed from the appliance.

(f) The state veterinarian may order that any particular carcass or condemned and inedible waste, or any class of carcass or waste, not be disposed of via feeding to exotic animals, or fed 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 7-7-5; 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; readopted filed Jul 18, 2008, 8:16 a.m.: 20080813-IR-345080287RFA; filed Jun 16, 2011, 8:46 a.m.: 20110713-IR-345100561FRA; readopted filed Jul 17, 2017, 9:06 a.m.: 20170816-IR-345170165RFA*)

**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 15-17-3-21

Affected: IC 15-17

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

- (1) A vehicle used to transport animal carcasses or waste must be configured to not allow fluids from the animals or waste to leak onto public roads.
- (2) Animal carcasses 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 animal carcasses or waste shall be thoroughly cleaned and disinfected after each time that it is used for transporting carcasses or waste.
- (4) A vehicle transporting animal carcasses or waste from a premises is prohibited from entry onto any other premises unless given permission by the owner, until the:
  - (A) carcasses and waste are unloaded at the final destination; and

(B) vehicle is cleaned and disinfected.

(5) In the event any animal carcass, 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; readopted filed Jul 18, 2008, 8:16 a.m.: 20080813-IR-345080287RFA; filed Jun 16, 2011, 8:46 a.m.: 20110713-IR-345100561FRA; readopted filed Jul 17, 2017, 9:06 a.m.: 20170816-IR-345170165RFA)*

### **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 15-17-3-21

Affected: IC 15-17-11; IC 15-17-16-5

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 15-17-11, IC 15-17-16-5, or this rule.

(3) The transportation or disposal of animal carcasses 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; readopted filed Jul 18, 2008, 8:16 a.m.: 20080813-IR-345080287RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; filed Jun 16, 2011, 8:46 a.m.: 20110713-IR-345100561FRA; readopted filed Jul 17, 2017, 9:06 a.m.: 20170816-IR-345170165RFA)*

## **Rule 8. Livestock Brands**

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

Authority: IC 15-17-3-14; IC 15-17-3-21; IC 15-19-6-7

Affected: IC 15-19-6

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 15-17-3-14. *(Indiana State Board of Animal Health; 345 IAC 7-8-1; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1943; errata filed Mar 30, 1993, 3:00 p.m.: 16 IR 1955; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Oct 16, 2014, 9:43 a.m.: 20141112-IR-345140300RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)*

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

Authority: IC 15-17-3-14; IC 15-17-3-21; IC 15-19-6-7

Affected: IC 15-17-3-1; IC 15-17-3-13; IC 15-19-6

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 15-17-3-1.

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

(d) "Livestock" means the following:

- (1) All cattle or animals of the bovine species.
- (2) All horses, mules, burros, and asses or animals of the equine species.
- (3) All swine or animals of the porcine species.
- (4) All goats or animals of the caprine species.

(e) "Owner" refers to:

- (1) an individual, firm, association, partnership, corporation, or other legal entity;
- (2) any public or private institution;
- (3) the state of Indiana; or
- (4) any municipal corporation or political subdivision of the state.

(f) "State veterinarian" means the chief administrative officer of the board who shall be appointed by the board with the approval of the governor. (*Indiana State Board of Animal Health; 345 IAC 7-8-2; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1943; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Oct 16, 2014, 9:43 a.m.: 20141112-IR-345140300RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

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

Authority: IC 15-17-3-14; IC 15-17-3-21; IC 15-19-6-7

Affected: IC 15-17-3-13; IC 15-19-6

Sec. 3. (a) In addition to all other information required by IC 15-19-6, the owner of a recorded livestock brand shall immediately give written notice to the office of the state veterinarian upon the occurrence of any of the following:

- (1) Change in ownership of a recorded brand.
- (2) Change in name under which a brand is recorded.
- (3) Change in address of the owner of a recorded brand.

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

(c) Written notice, when required under this rule, shall be delivered by first class United States mail or in person to the office of the state veterinarian. (*Indiana State Board of Animal Health; 345 IAC 7-8-3; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1943; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Oct 16, 2014, 9:43 a.m.: 20141112-IR-345140300RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

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

Authority: IC 15-17-3-14; IC 15-17-3-21; IC 15-19-6-7

Affected: IC 15-17-3-13; IC 15-19-6

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

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

- (1) Left to right.
- (2) Top to bottom.
- (3) Outside to inside.

- (c) All stacked and/or connected brands will be read from top to bottom whether or not the bottom letter may extend to the left.
- (d) A brand will be filed in the category read first (left takes preference over top).
- (e) A brand will be filed in the sequence as follows:
- (1) A to Z.
  - (2) 1 to 9.
  - (3) Symbols and characters as follows:
    - (A) Double letters.
    - (B) Letters with numbers.
    - (C) Letters with characters (to the right or below).
  - (f) A single letter brand shall not be recorded.
  - (g) No lazy open A will be recorded; > < will be considered as a V.
  - (h) The letter G will only be recorded in the reversed position, for example,  $\mathcal{G}$ .
  - (i) The letter C will never be recorded in the reverse position.
  - (j) The letter W will not be recorded in the lazy position;  $\Sigma$  will be considered as the letter M.
  - (k) The letter I will only be recorded with another letter.
  - (l) A lowercase letter, for example, a, c, t, or d, will not be recorded.
  - (m) A circle or a zero (0) will be recorded as the letter O.
  - (n) The letter Q will not be recorded.
  - (o) A half diamond must always have the points (ends) toward the brand, for example,  $\hat{H}$ .
  - (p) A quarter circle must always be recorded with the points away from the brand, for example,  $\check{H}$ , and is never connected with the letter.
  - (q) A brand consisting of arabic numbers only may be used for individual livestock identification (in-herd) if it is located at least ten (10) inches away from any recorded livestock brand. The arabic number brand will not be recorded.
  - (r) When a recorded brand is applied to livestock which may have been branded by a previous owner, the new brand must be applied so as not to overlap, obliterate, disfigure, or mutilate the previous brand.
  - (s) A brand shall be placed in one (1) specific location upon an animal. The appropriate location shall be designated on the brand recordation application.
  - (t) A horse may be branded on the shoulder regardless of the specific location designated for other livestock. The brand shall not be recorded on the ribs of the horse.
  - (u) All cattle brands must be a minimum of three (3) inches in height, and all other brands must be a minimum of two (2) inches in height. (*Indiana State Board of Animal Health; 345 IAC 7-8-4; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1943; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

### **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 15-17-3-14; IC 15-17-3-21; IC 15-19-6-7

Affected: IC 15-17-3-13; IC 15-19-6-9

Sec. 6. (a) All livestock marked with brands later recalled or adjusted under IC 15-19-6-9 shall retain the brand on livestock previously branded. The owner of the recalled or adjusted brand shall not apply any new brand so as to interfere, overlap, obliterate, disfigure, or mutilate the previously recorded brand.

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

2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Oct 16, 2014, 9:43 a.m.: 20141112-IR-345140300RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA)

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

Authority: IC 15-17-3-14; IC 15-17-3-21; IC 15-19-6-7

Affected: IC 15-17-3-13; IC 15-19-6

Sec. 7. Owners of livestock wishing to use ear marks or notches in addition to a recorded brand may so notify the state veterinarian in writing, and the marks or notches will be listed in the state recorded livestock brand book. However, ear marks or notches listed in the state brand book shall only appear there as a courtesy to the owners of recorded livestock brands. (*Indiana State Board of Animal Health; 345 IAC 7-8-7; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1945; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; readopted filed Jul 10, 2019, 3:50 p.m.: 20190814-IR-345190168RFA*)

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