

## **IC 15-17-11**

### **Chapter 11. Disposal of Dead Animals**

#### **IC 15-17-11-1**

##### **Application of chapter**

Sec. 1. This chapter does not apply to or affect the following:

- (1) Any person:
  - (A) slaughtering, butchering, manufacturing, or selling in any manner any animal flesh or products, or any poultry flesh or poultry products, where the animals or poultry are killed for the sole purpose of being used for human consumption;
  - (B) engaged in transporting and disposing of the bodies of the animals killed for human consumption; or
  - (C) engaged in the transportation and disposing of poultry or of any parts or products of animals or poultry to any person solely for human consumption.
- (2) Any person transporting, disposing of, or selling the hides or skins of animals or tanning the hides or skins for the person's own use or the use of other persons, if the person does not engage in any other byproducts operation.
- (3) Any bodies of dead fish, reptiles, or small animals of any kind, including dogs, cats, and small game.
- (4) Any governmental agency collecting, transporting, or disposing of the bodies of dead animals or poultry in any manner.
- (5) Any person collecting, transporting, or disposing of dead animals or poultry in any manner for educational or research purposes under a permit and approval of the board.
- (6) Any livestock owner transporting the owner's dead livestock to a rendering plant or to a diagnostic facility.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-2**

##### **Disposal plant license; vehicle certificates; required**

Sec. 2. A person may not do the following:

- (1) Engage in the business of operating a disposal plant without first obtaining a license for each disposal plant operated and any vehicle certificates required by this chapter.
- (2) Transport over the roads the body of a dead animal not slaughtered for human food unless the person:
  - (A) holds a license to operate a disposal plant or collection service in Indiana or is acting for a licensee; or
  - (B) is exempt under this article.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-3**

##### **License application**

Sec. 3. To obtain a license required under this chapter, a person must file an application for the license with the state veterinarian. The application must include the following information:

- (1) The name and address of the applicant.
- (2) The location of the place of business.
- (3) The number and location of all substations.
- (4) The number and kind of vehicles to be used.
- (5) Any other information required under this article or by rules adopted by the board.

The application must be accompanied by the license fees required under this chapter.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-4**

##### **License; inspection; compliance**

Sec. 4. (a) On receipt of an application for a license under this chapter, the state veterinarian or a designee of the state veterinarian shall:

- (1) inspect the disposal plant and the locality where the applicant is conducting or proposes to conduct business; and
- (2) determine whether the applicant has fulfilled and complied with this chapter and the rules relating to the business.

(b) An inspection under this section must be conducted not later than thirty (30) days after the application is received by the state veterinarian.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-5**

##### **License duration**

Sec. 5. (a) A license issued under this chapter is valid until:

- (1) a licensee voluntarily surrenders a license;
- (2) the board suspends or revokes the license, as provided in this chapter; or
- (3) the license period expires, as determined by the board under IC 15-17-16-3.

(b) The board may adopt rules to implement this chapter, including the following:

- (1) Procedures for issuing, suspending, revoking, and updating licenses and certificates.
- (2) Requiring annual or other regular reports from licensees to:
  - (A) determine the vehicle certificates required;
  - (B) determine the current status of facilities and equipment licensed under this chapter; or
  - (C) update other information used to administer this chapter.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-6**

##### **Issuance of disposal plant and transport vehicle license**

Sec. 6. (a) If an applicant for a disposal plant license complies

with this chapter and any rules adopted under this chapter, the state veterinarian shall issue a disposal plant license to the applicant and a transport vehicle license certificate for each transport vehicle listed in the license application.

(b) A truck or trailer that is to be used as a transport vehicle must bear a license certificate issued by the state veterinarian.

(c) A transport vehicle license issued under this section entitles the licensee to operate a transport vehicle in Indiana.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-7**

##### **Fees**

Sec. 7. Subject to section 8 of this chapter, the fees for licenses issued under this chapter are as follows:

(1) The base license fee for each disposal plant, including transport vehicle certificates, is one hundred fifty dollars (\$150).

(2) The license fee for each substation is twenty dollars (\$20).

(3) The collection service license fee, including transport vehicle certificates, is one hundred fifty dollars (\$150).

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-8**

##### **Prorated fees**

Sec. 8. The full amount of the fees specified in section 7 of this chapter must be paid for licenses and transport vehicle certificates issued before one-half (1/2) of the license period has expired. However, one-half (1/2) of the fee must be paid for licenses and certificates issued after at least one-half (1/2) of the license period has expired.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-9**

##### **Fees; nonrefundable**

Sec. 9. If an applicant under this chapter is refused a license, the applicant's fees may not be refunded but must be deposited into the state general fund.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-10**

##### **Inspections**

Sec. 10. (a) If the state veterinarian determines that an applicant for a disposal plant license has not complied with this chapter and the rules adopted under this chapter, the state veterinarian shall promptly mail the applicant the state veterinarian's written specific findings. The applicant may request in writing delivered to the state veterinarian a reinspection or reconsideration of the state veterinarian's findings. The state veterinarian shall not later than ten (10) days after the applicant's request make a similar second inspection, but is not required to make more than two (2) inspections

of the same plant under one (1) application and the original payment of fees. However, the state veterinarian may make more than two (2) inspections if circumstances warrant additional inspections.

(b) If an application for a disposal plant license is denied, the applicant may reapply for a license by following the appropriate procedures and paying the required fees.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-11**

##### **New disposal plants: plans**

Sec. 11. (a) A person desiring to construct a new disposal plant or reconstruct and reopen a disposal plant previously closed must submit to the state veterinarian a written request for a permit that includes the following information:

- (1) A general statement of the applicant's proposed plan.
- (2) The method of operating the business and disposal plant.
- (3) Proof the disposal plant is located or will continue to be located at a site allowed by this chapter.
- (4) Any other information required by the state veterinarian.

(b) In addition to the information required under subsection (a), the state veterinarian may require the applicant to submit detailed plans and specifications for the proposed disposal plant. The state veterinarian may submit the plans, specifications, and other information to any:

- (1) qualified architects and engineers employed in any department of the state government; or
- (2) qualified person not employed by the state;

to obtain advice concerning the proposed plant's compliance with this chapter and any rules adopted under this chapter.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-12**

##### **New disposal plants: inspections**

Sec. 12. (a) If the state veterinarian finds that an applicant under section 11 of this chapter has complied with all of the relevant requirements of this article and any rules adopted under this article, the state veterinarian shall issue a permit to construct or reconstruct the disposal plant.

(b) After the disposal plant is completed and before it begins operations, the applicant shall notify the state veterinarian. After receiving notification, the state veterinarian shall:

- (1) make the inspections that are required for an existing, established plant;
- (2) use the procedures established for inspections and issuance of licenses;
- (3) require the applicant to pay the license fees and any additional required fees;
- (4) issue or deny the disposal plant's license; and
- (5) comply with and require the applicant to comply with this

chapter.

For each subsequent year, the annual license and other fees must be the same as for similar existing licensed plants.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-13**

##### **New disposal plants: location**

Sec. 13. A:

(1) new disposal plant may not be located or constructed; and  
(2) discontinued plant may not be reconstructed or reopened;  
at any place where the location and operation of that plant is prohibited by law or ordinance.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-14**

##### **Destruction of disposal plant; reconstruction; location**

Sec. 14. (a) This section does not apply to a disposal plant destroyed during a war.

(b) If:

- (1) at least two-thirds (2/3) of the operating part of the disposal plant is destroyed; and
- (2) the disposal plant is located on a site where constructing a new disposal plant under section 13 of this chapter would be prohibited;

the disposal plant may not be reconstructed and the site may not be used again for a disposal plant.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-15**

##### **License requirement to transport dead animals**

Sec. 15. Except as provided in this chapter, a person may not haul or transport over the highways the bodies of any dead animals, except those that have been slaughtered and are intended for human food, unless:

- (1) the person has a valid disposal plant or collection service license issued under this chapter; and
- (2) the bodies are being transported to a licensed disposal plant.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-16**

##### **Restrictions on licensing to transport dead animals**

Sec. 16. (a) A license may not be issued to a person for the sole purpose of transporting the bodies of dead animals unless the person meets the requirements for a collection service under this chapter.

(b) A public official with a legal duty to protect the public health and welfare may remove or supervise the removal of the dead bodies of animals and the disposal of the dead bodies by any method provided for by this chapter.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-17**

##### **Transportation vehicles: specifications**

Sec. 17. A transport vehicle must be constructed:

- (1) in a manner that is practically watertight so that drippings or seepage from dead bodies does not escape from the vehicles if the drippings or seepage can be prevented;
- (2) with an endgate designed to prevent drippings and seepage from escaping from the vehicle while transporting dead bodies; and
- (3) in a manner that completely conceals the dead bodies in the transport vehicle from view of persons using the highways and any public nuisance is prevented during transport.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-18**

##### **Transportation vehicles: cleaning**

Sec. 18. After the bodies of dead animals have been unloaded from a transport vehicle, the transport vehicle and all parts of the transport vehicle must be thoroughly:

- (1) washed out with steam or hot water; and
- (2) cleansed and disinfected in a manner and with a solution as the state veterinarian may prescribe by rule.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-19**

##### **Transportation vehicles: general requirements**

Sec. 19. (a) If a transport vehicle is loaded with the body of an animal that has died of a disease, the vehicle must be driven directly to the place of disposal or to a substation maintained for the temporary storage of the animal body. However, the vehicle may stop along the highway to load other dead animal bodies.

(b) A driver of a transport vehicle may not do the following:

- (1) Drive a transport vehicle upon the premises of any person unless the driver obtains the permission of the other person.
- (2) Create a nuisance during the transportation of dead animal bodies.

(c) If any drippings or seepage escapes from a transport vehicle, the driver shall clean up the drippings or seepage and correct the escape, if possible to do so.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-20**

##### **Disposal of dead animals required**

Sec. 20. (a) A person who owns or cares for an animal that has died from any cause shall dispose of the animal's body not later than twenty-four (24) hours after knowledge of death so as not to produce a nuisance. Subject to subsection (b), the disposal of the animal's body must be by one (1) of the following methods:

- (1) At an approved disposal plant.

(2) Burial upon the owner's premises to such a depth that every part of the animal's body is at least four (4) feet below the natural surface of the ground and every part of the animal's body is covered with at least four (4) feet of earth in addition to any other material that may be used as cover.

(3) Thorough and complete incineration according to standards established by an appropriate governmental agency.

(4) Composting according to standards approved by the board.

(b) The board may adopt rules to allow alternate methods for the safe, orderly, and efficient disposal of dead animals.

(c) The board may adopt rules and issue orders restricting the use of the disposal methods described in subsection (a) to control disease.

*As added by P.L.2-2008, SEC.8.*

### **IC 15-17-11-21**

#### **Removal of animal hide**

Sec. 21. A person who owns or controls a dead animal that has not died of a contagious disease may remove the hide or skin of the animal on the person's own premises before burying the body as required under this chapter. However, the skinning and disposition of the hide, skin, and body must be made in a manner that will avoid the creation of a nuisance.

*As added by P.L.2-2008, SEC.8.*

### **IC 15-17-11-22**

#### **Ordinances**

Sec. 22. A person may not bury the body of any animal within the corporate limits of a city or town if the burial is prohibited by law or ordinance.

*As added by P.L.2-2008, SEC.8.*

### **IC 15-17-11-23**

#### **Specifications for disposal plants**

Sec. 23. (a) A disposal plant is not considered a suitable or sanitary place for disposing of the bodies of dead animals by any process of cooking unless it conforms to the following minimum specifications:

(1) The building must have four (4) walls complete and be provided with concrete or cement floors and be thoroughly sanitary in construction and maintenance. Any sewage, drainage, or waste water of any kind that has an offensive or obnoxious character or odor, is detrimental to human, animal, agricultural, or aquatic life, or may constitute a public nuisance must be discharged into a public sewer. If a public sewer is not available, the sewage, drainage, or waste water must be disposed of according to the requirements of water pollution control laws (as defined in IC 13-11-2-261).

(2) All disposal plants where a rendering process is conducted must be properly equipped, operated, and designed to:

- (A) minimize the escape of vapors during processing; and
- (B) expose the material being processed to conditions that will kill all pathogenic organisms.

The board may adopt rules specifying conditions that a rendering process must meet in order to protect the public health.

(3) If the owner or operator of a disposal plant wishes to sell any part or parts of any animal carcasses taken to the owner's or operator's disposal plant for use in the manufacture of pet food or for feeding mink and other animals, the disposal plant must have a separate room where the animal bodies that are considered suitable for animal food are taken. The processing and boning of carcasses must be done promptly, and the boned meat shall be ground or cut into small pieces not more than four (4) inches in diameter. While the meat is being ground or cut, a sufficient quantity of dye, charcoal, malodorous fish oil, or other denaturant approved by the state veterinarian must be applied to unequivocally preclude the meat's use in human food. Meat that is not immediately shipped must be refrigerated in a cooler storage room that prevents decomposition. Meat, before being shipped from a disposal plant, must be packed in a container approved by the state veterinarian. The container must be clearly marked or stamped with the legend "Unfit for Human Consumption". Lettering used in the legend must be at least as large as any other lettering on the container, and not smaller than one-half (1/2) inch in height or less than one-half (1/2) inch in width. The meat may be hauled to the plant of a manufacturer of pet food or to the place of feeding to animals at places approved by the state veterinarian. If, after the skinning and dismemberment of an animal body it is determined that the body is not suitable for pet food or animal feeding, the body must be taken to the processing area of the disposal plant and processed in the same manner as other animal bodies.

(4) The skinning and dismembering of bodies must be done within the disposal plant and in a manner that prevents unnecessary annoyance to other persons caused by the conditions or unsightly appearance of the bodies or any parts and contents of the bodies. All animal material transported to a disposal plant for disposal, except that disposed of under subdivision (3), must be disposed of within twenty-four (24) hours after delivery to the disposal plant, by a method allowed under this chapter, except where rendered impossible by accident or other casualty preventing the operation of the disposal plant, or where an epidemic or act of God has caused more bodies to be accumulated than can be reasonably disposed of within twenty-four (24) hours by the continuous operation of the plant, in which case the plant shall be placed in operation as soon as possible and operated continuously until all bodies are disposed of.



(b) A disposal plant may not be situated, constructed, maintained, or operated in a manner that creates or unnecessarily continues a public nuisance.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-24**

##### **Records**

Sec. 24. (a) A disposal plant must maintain the following complete and accurate records concerning the disposal plant's nonedible meats:

- (1) The amount denatured.
- (2) The amount sold.
- (3) To whom the meat was sold.
- (4) The address of the consignee.
- (5) How and by whom the meat was hauled.

(b) The records under subsection (a) must be open for inspection during the disposal plant's normal working hours to the state veterinarian, the commissioner of the state department of health, or the state veterinarian's or commissioner's agent.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-25**

##### **Nonedible meat; sales permit**

Sec. 25. (a) Nonedible meat may be sold when properly decharacterized for shipment to a plant producing pet food or to a person for use in feeding mink and other animals as allowed by the state veterinarian.

(b) A disposal plant may not sell nonedible meats until after the following conditions have been met:

- (1) The disposal plant has applied to the state veterinarian for a permit to sell nonedible meats.
- (2) The state veterinarian has:
  - (A) inspected the disposal plant;
  - (B) determined that the disposal plant is adequate to process and handle nonedible meats; and
  - (C) issued to the disposal plant a permit to sell nonedible meat.

(c) An additional fee may not be charged for a permit issued under this section.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-26**

##### **Collection service license: requirements**

Sec. 26. (a) A person that does not operate a disposal plant licensed under this chapter may not operate a business to transport:

- (1) dead animals;
- (2) nonedible byproducts from the slaughtering of animals, including poultry; or
- (3) restaurant grease;

for delivery to a disposal plant unless the person has a collection

service license.

(b) A person desiring a collection service license must submit an application to the state veterinarian with payment of the license fee required under this chapter.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-27**

##### **Collection service license: application**

Sec. 27. (a) The owner or operator of a disposal plant in a state other than Indiana may apply to the state veterinarian for a collection service license as required by section 26 of this chapter.

(b) The collection service license application must include the following:

- (1) The name of the applicant.
- (2) The location of any proposed substation in Indiana to be used as a concentration site for the temporary deposit or storage of rendering materials pending final delivery to a disposal plant.
- (3) The location of the applicant's disposal plant outside Indiana.
- (4) The number and kind of vehicles that will be operated in Indiana.
- (5) Other essential information required by rules adopted by the board.
- (6) The license fee required under this chapter.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-28**

##### **Collection service license: application; approval**

Sec. 28. The state veterinarian shall determine if an applicant for a collection service license meets the requirements for a collection service license within ninety (90) days after an application is filed.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-29**

##### **Collection service license: denial**

Sec. 29. (a) If an applicant's application to operate a collection service under section 26 of this chapter does not comply with this chapter, the state veterinarian shall notify the applicant that the applicant's application does not comply with the requirements of this chapter and specifically indicate why the application does not comply. An application that does not comply with this chapter must be placed on hold for not more than sixty (60) days during which time the applicant may provide additional information showing the deficiencies have been corrected.

(b) After notification by the applicant that the deficiencies have been corrected, the state veterinarian shall promptly determine if the applicant is entitled to a license.

(c) If the state veterinarian again determines the applicant is not entitled to a license, the state veterinarian may deny the request for a license. If an application is denied, an applicant may reapply by

submitting the information and fees required under this chapter.  
*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-30**

##### **Collection service license: fees**

Sec. 30. An application for a collection service license must include the fees required under section 7 of this chapter for a collections service license, including the appropriate fees for vehicle certificates and substations.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-31**

##### **Collection service license: transport vehicles**

Sec. 31. A transport vehicle used by a collection service must meet the requirements for transport vehicles under this chapter.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-32**

##### **Substation specifications**

Sec. 32. A substation maintained by a licensee under this chapter must meet the requirements under section 23(a) of this chapter.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-33**

##### **Inspections**

Sec. 33. (a) The state veterinarian or the state veterinarian's authorized agent:

- (1) shall inspect each plant and substation licensed under this chapter at least once each year; and
- (2) may inspect plants and substations as often as is necessary to ensure compliance with this chapter.

(b) The state veterinarian shall enforce compliance with this chapter and the rules adopted under this chapter.

*As added by P.L.2-2008, SEC.8.*

#### **IC 15-17-11-34**

##### **License; sanctions; hearing**

Sec. 34. (a) The state veterinarian may suspend or revoke a license issued under this chapter after receiving written certification of specific charges from the state department of health that allege:

- (1) a particular disposal plant;
- (2) the operation of a particular disposal plant; or
- (3) the operator of a byproducts collection service;

is a menace to the public health.

(b) If a hearing on the license suspension or revocation is requested under this section, the hearing must be held not later than thirty (30) days after the charges of the state department of health are filed.

*As added by P.L.2-2008, SEC.8.*