

IC 15-17-2

Chapter 2. Definitions

IC 15-17-2-1

Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-2

"Adulterated"

Sec. 2. "Adulterated" means a food product that meets any of the following descriptions:

- (1) The product bears or contains a poisonous or deleterious substance that may make the product injurious to health. However, if the substance is not an added substance, the product is not considered adulterated under this subdivision if the quantity of the substance in or on the product does not ordinarily make the product injurious to health.
- (2) The product bears or contains any of the following:
 - (A) Any added poisonous or added deleterious substance that is unsafe within the meaning of Section 406 of the federal Food, Drug, and Cosmetic Act and the regulations adopted under that act.
 - (B) A pesticide chemical that is unsafe within the meaning of Section 408 of the federal Food, Drug, and Cosmetic Act or the regulations adopted under that act.
 - (C) A food additive that is unsafe under Section 409 of the federal Food, Drug, and Cosmetic Act or the regulations adopted under that act.
 - (D) A color additive that is unsafe under Section 721 of the federal Food, Drug, and Cosmetic Act or the regulations adopted under that act.
 - (E) A new animal drug (or conversion product of a new animal drug) that is unsafe within the meaning of Section 512 of the federal Food, Drug, and Cosmetic Act or the regulations adopted under that act.

However, a product that is not considered adulterated under clause (A), (B), (C), (D), or (E) is considered adulterated if use of the pesticide chemical, food additive, or color additive in or on the product is prohibited by rules of the board in food processing establishments.

- (3) The product consists in whole or in part of a filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or unfit for human food.
- (4) The product has been prepared, packed, or held under unsanitary conditions under which the product may have:
 - (A) become contaminated with filth; or
 - (B) been made injurious to health.

(5) The product is in whole or in part the product of an animal, including poultry, that has died from a cause other than slaughter.

(6) The product's container consists in whole or in part of a poisonous or deleterious substance that may make the contents injurious to health.

(7) The product has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or an exemption in effect under the federal Food, Drug, and Cosmetic Act.

(8) The product is altered because:

(A) a valuable constituent has been in whole or in part omitted or removed from the product;

(B) a substance has been substituted wholly or in part for the product;

(C) damage or inferiority has been concealed in any manner; or

(D) a substance has been added to the product or mixed or packed with the product to increase the product's bulk or weight, reduce the product's quality or strength, or make the product appear better or of greater value than the product is.

(9) The product is oleomargarine or margarine containing animal fat and any of the raw material used in the product consisted in whole or in part of a filthy, putrid, or decomposed substance or is unfit for human food.

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

IC 15-17-2-3

"Animal"

Sec. 3. "Animal" means a member of the animal kingdom, except humans.

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

IC 15-17-2-4

"Antemortem inspection"

Sec. 4. "Antemortem inspection" means the inspection of all livestock or poultry before slaughter on the day of slaughter at an official establishment.

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

IC 15-17-2-5

"Approved certificate of veterinary inspection"

Sec. 5. "Approved certificate of veterinary inspection" means an official certificate of veterinary inspection that contains the approval of the chief livestock sanitary official of the state of origin.

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

IC 15-17-2-6

"Approved slaughtering establishment"

Sec. 6. "Approved slaughtering establishment" means an establishment operating under:

- (1) the federal Meat Inspection Act (21 U.S.C. 601 et seq.);
- (2) the federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.); or
- (3) IC 15-17-5.

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

IC 15-17-2-7

"Baby chick"

Sec. 7. "Baby chick" means any domestic fowl under the age of six (6) weeks.

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

IC 15-17-2-8

"Board"

Sec. 8. "Board" means the Indiana state board of animal health established by IC 15-17-3-1.

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

IC 15-17-2-9

"Brucellosis"

Sec. 9. "Brucellosis" (commonly known as abortion disease or Bang's disease) means a dangerous, communicable, and infectious disease in animals caused by brucella organisms.

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

IC 15-17-2-10

"Bulk milk hauler/sampler"

Sec. 10. "Bulk milk hauler/sampler" means a person who does the following:

- (1) Collects official samples.
- (2) May transport raw milk in bulk form.
- (3) Transports milk to or from a milk plant, receiving station, or transfer station.

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

IC 15-17-2-11

"Bulk milk pickup tanker"

Sec. 11. "Bulk milk pickup tanker" means a vehicle, including the truck, tank, and associated equipment necessary for its use, used by a bulk milk hauler/sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station.

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

IC 15-17-2-12

"Bulk milk route"

Sec. 12. "Bulk milk route" means a group of dairy farms from

which milk is collected in a bulk milk pickup tanker and transported to a milk plant, receiving station, or transfer station.

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

IC 15-17-2-13

"Can milk hauler" or "cream hauler"

Sec. 13. "Can milk hauler" or "cream hauler" means a person who transports raw fluid milk in cans to a milk plant, receiving station, or transfer station.

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

IC 15-17-2-14

"Can milk route"

Sec. 14. "Can milk route" means a group of dairy farms from which milk is collected in milk cans and transported to a milk plant, receiving station, or transfer station.

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

IC 15-17-2-15

"Capable of use as human food"

Sec. 15. "Capable of use as human food" means any livestock or poultry carcass or part or product of a livestock or poultry carcass, unless the carcass or part or product of the carcass is:

- (1) denatured or identified as not for human food as required by rules adopted by the board to deter its use as human food; or
- (2) naturally inedible by humans.

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

IC 15-17-2-16

"Certificate" and "certificate of veterinary inspection"

Sec. 16. "Certificate" and "certificate of veterinary inspection" means an official document issued by a state or federal representative or an accredited veterinarian that records a veterinary inspection of an animal, statements about the health of an animal, tests conducted on an animal, vaccinations given an animal, and other information about an animal and the animal's movement that is required by a state or the United States to be recorded.

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

IC 15-17-2-17

"Certified brucellosis free herd"

Sec. 17. "Certified brucellosis free herd" means a herd that is certified as free from brucellosis as defined by rules of the board and regulations of the United States Department of Agriculture made under any cooperative agreement authorized by this article.

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

IC 15-17-2-18

"Color additive"

Sec. 18. "Color additive" has the meaning set forth in the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

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

IC 15-17-2-19

"Commerce"

Sec. 19. "Commerce" means commerce within Indiana.

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

IC 15-17-2-20

"Concentration point"

Sec. 20. "Concentration point" means a licensed place of business under IC 15-17-14 where only feeder pigs, to which the licensee has taken title, are assembled for resale.

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

IC 15-17-2-21

"Consignor"

Sec. 21. (a) "Consignor" means any person consigning, shipping, or delivering animals for sale, resale, or exchange.

(b) The term includes any person who causes animals to be transported or who delivers animals to a livestock auction market for the purpose of sale.

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

IC 15-17-2-22

"Container"

Sec. 22. "Container" means any box, can, tin, cloth, package, plastic, or other receptacle, wrapper, or cover.

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

IC 15-17-2-23

"Dairy farm"

Sec. 23. "Dairy farm" means a place:

- (1) where at least one (1) lactating cow, sheep, goat, water buffalo, or other hoofed mammal is kept; and
- (2) from which a part or all of the milk or milk products that are produced are provided, sold, or offered for sale to a milk plant, transfer station, or receiving station.

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

IC 15-17-2-24

"Dealer"

Sec. 24. (a) Except as specifically exempted or excluded by this article, "dealer" means any person who is engaged in the business of buying, selling, or negotiating the transfer of livestock:

- (1) for processing into meat products in conjunction with the operation of a business enterprise; or
- (2) for resale, transfer, or final disposition in any other manner.

(b) The term includes the following:

- (1) Market agencies.
- (2) Stockyards.
- (3) Livestock auction markets.
- (4) Auction markets.
- (5) Buying stations.
- (6) Concentration points.

(c) For purposes of IC 15-17-5, the term means a person engaged in the business of buying or selling livestock products or poultry products on commission or negotiating purchases or sales of livestock products or poultry products other than for the person's own account or as an employee of another person.

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

IC 15-17-2-25

"Disposal plant"

Sec. 25. (a) "Disposal plant" means any plant and all associated equipment that is constructed or intended to be operated for the disposal of the following:

- (1) The bodies of dead animals not slaughtered and intended for human food.
- (2) The nonedible byproducts from the slaughtering of animals for human food, including the disposal of the body of any animal slaughtered for human food that has become unsuitable for use as human food.
- (3) The disposal of the bodies of dead poultry not suitable for human food and of poultry byproducts, including the viscera, heads, feet, and poultry feathers.

(b) The term includes all substations of any plant that are used in connection with a disposal business for the temporary deposit of animal bodies and nonedible byproducts pending final delivery to any disposal plant, including all vehicles and equipment used for the transportation of the bodies and nonedible byproducts.

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

IC 15-17-2-26

"Domestic animal"

Sec. 26. (a) "Domestic animal" means an animal that is not wild.

(b) The term is limited to:

- (1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, emus, or other birds;
- (2) an animal of the bovine, equine, ovine, caprine, porcine, canine, feline, avian, camelid, cervidae, or bison species; or
- (3) an aquatic animal that may be the subject of aquaculture (as defined in IC 15-11-7-1).

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

IC 15-17-2-27

"Employee"

Sec. 27. "Employee" means a person employed by the board, including the state veterinarian, assistant state veterinarian, deputies, and assistants.

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

IC 15-17-2-28

"Establishment"

Sec. 28. "Establishment", for purposes of IC 15-17-5, means a building, part of a building, or other location used for:

- (1) slaughtering livestock or poultry; or
- (2) preparing meat, poultry, meat food products, and meat byproducts capable of use as human food.

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

IC 15-17-2-29

"Federal acts"

Sec. 29. "Federal acts", for purposes of IC 15-17-5, means the following:

- (1) The federal Meat Inspection Act (21 U.S.C. 601 et seq.).
- (2) The federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

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

IC 15-17-2-30

"Federal Food, Drug, and Cosmetic Act"

Sec. 30. "Federal Food, Drug, and Cosmetic Act" means the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

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

IC 15-17-2-31

"Feeder pig"

Sec. 31. "Feeder pig" means swine of any breed weighing not more than one hundred eighty (180) pounds.

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

IC 15-17-2-32

"Food"

Sec. 32. "Food" means the following:

- (1) All articles used for food, drink, confectionary, or condiment whether simple, mixed, or compound.
- (2) All substances or ingredients used in the preparation of the items described in subdivision (1).

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

IC 15-17-2-33

"Food additive"

Sec. 33. "Food additive" has the meaning set forth in the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

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

IC 15-17-2-34**"Garbage"**

Sec. 34. (a) "Garbage" means:

- (1) any waste material derived in whole or in part from any animal, including fish and poultry; or
- (2) refuse from the handling, preparation, cooking, or consumption of food that has been associated with waste material derived in whole or in part from any animal, including fish and poultry.

(b) The term does not include:

- (1) bakery waste;
- (2) candy waste;
- (3) eggs;
- (4) domestic dairy products;
- (5) a processed product;
- (6) a rendered product; or
- (7) waste from ordinary household operations that is fed directly to swine on the same premises where the household is located.

As added by P.L.2-2008, SEC.8. Amended by P.L.133-2015, SEC.3; P.L.202-2015, SEC.3.

IC 15-17-2-35**"Grade A dry milk and whey products"**

Sec. 35. "Grade A dry milk and whey products" means milk products that have been:

- (1) produced for use in Grade A pasteurized or aseptically processed milk products; and
- (2) manufactured under the federal Food and Drug Administration "Grade A Condensed and Dry Milk Products – Condensed and Dry Whey Supplement I to the Grade A Pasteurized Milk Ordinance".

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

IC 15-17-2-36**"Grade A milk and milk products"**

Sec. 36. "Grade A milk and milk products" means milk and milk products that meet the requirements for Grade A in IC 15-18-1 and in the rules adopted under IC 15-18-1.

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

IC 15-17-2-37**"Herd"**

Sec. 37. "Herd", except as provided in IC 15-17-3-22(a), means a group or groups of animals that are:

- (1) maintained on common ground; or
- (2) geographically separated but under common ownership, supervision, or control.

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

IC 15-17-2-38

"Humane method"

Sec. 38. (a) "Humane method" means a method by which livestock is made insensible to pain by mechanical, electrical, chemical, or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut.

(b) The term does not include the use of a manually operated hammer, sledge, or poleax.

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

IC 15-17-2-39

"Immediate container"

Sec. 39. "Immediate container" means a container, receptacle, or other covering in which milk products, livestock products, or poultry products are directly contained or wholly or partially enclosed.

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

IC 15-17-2-40

"Immediate slaughter"

Sec. 40. (a) "Immediate slaughter" means any animal purchased or sold for:

- (1) immediate slaughter; or
- (2) slaughter and will be slaughtered by the purchaser not later than seven (7) days after purchase or will be consigned to an establishment or to a properly licensed market facility for reconsignment to a slaughtering establishment not later than seven (7) days after acquiring the animal.

(b) The term does not include an animal that is diverted for any other purpose or use besides immediate slaughter.

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

IC 15-17-2-41

"Inedible"

Sec. 41. "Inedible" means not suitable for human consumption.

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

IC 15-17-2-42

"Inspector"

Sec. 42. "Inspector" means an individual who is authorized by the board to perform any inspection functions under this article and who meets any of the following criteria:

- (1) The person is authorized by the state veterinarian to do any work or perform any duty in connection with the inspection of animals and food products under this article.
- (2) The person is an employee or official of the government of the county or other governmental subdivision of this state acting under an agreement between the state veterinarian and a governmental subdivision.

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

IC 15-17-2-43

"Label"

Sec. 43. "Label" means a display of written, printed, or graphic matter upon an article or the immediate container, excluding package liners, of an article.

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

IC 15-17-2-44

"Labeling"

Sec. 44. "Labeling" means all labels and other written, printed, or graphic matter:

- (1) placed upon an article or any of the article's containers or wrappers; or
- (2) accompanying an article.

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

IC 15-17-2-45

"Laboratory"

Sec. 45. "Laboratory" means:

- (1) the animal disease diagnostic laboratory established by IC 21-46-3-1; or
- (2) any other laboratory approved by the board.

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

IC 15-17-2-46

"Licensed and accredited veterinarian"

Sec. 46. "Licensed and accredited veterinarian" means a veterinarian:

- (1) licensed by any state; and
- (2) accredited by the United States Department of Agriculture under 9 CFR Subchapter J to perform official functions.

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

IC 15-17-2-47

"Livestock"

Sec. 47. (a) "Livestock", except as provided in subsection (b), means domestic animals, except the following:

- (1) Aquatic animals.
- (2) Fish.
- (3) Dogs.
- (4) Cats.
- (5) Poultry and other birds; however, the term includes ratites that are domestic animals under section 26 of this chapter.

(b) "Livestock", for purposes of IC 15-17-5, means the following, whether live or dead:

- (1) Cattle.
- (2) Sheep.
- (3) Swine.
- (4) Goats.

- (5) Bison.
- (6) Farm raised cervidae.
- (7) Ratitae.
- (8) Horses, mules, or other equines.

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

IC 15-17-2-48

"Livestock auction market"

Sec. 48. "Livestock auction market" means an established place of business and contiguous surroundings where animals are consigned to be sold at public auction by the operator of the business as an agent for the consignor in exchange for a commission paid by the consignor.

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

IC 15-17-2-49

"Livestock product"

Sec. 49. "Livestock product" means:

- (1) a carcass;
- (2) part of a carcass;
- (3) meat; or
- (4) a meat food product;

of livestock.

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

IC 15-17-2-50

"Livestock transaction"

Sec. 50. "Livestock transaction", for purposes of IC 15-17-15, means the following:

- (1) For market agencies selling livestock on commission, the dollar value of livestock sold on commission.
- (2) For market agencies buying on commission and dealers buying livestock, the dollar value of livestock purchased.
- (3) For market agencies acting as a clearing agency, the dollar value of livestock purchased by all persons for whom the market agency served as a clearer.

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

IC 15-17-2-51

"Manufacturing grade milk products"

Sec. 51. "Manufacturing grade milk products" means dairy products that are not considered Grade A under IC 15-18-1 or under the rules adopted under IC 15-18-1.

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

IC 15-17-2-52

"Manufacturing grade raw milk"

Sec. 52. "Manufacturing grade raw milk" means milk produced on a dairy farm that does not have a valid permit issued by the board to

sell Grade A raw milk for pasteurization.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-53

"Market agency"

Sec. 53. "Market agency" means a person who buys or sells livestock on a commission basis.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-54

"Meat food product" and "meat product"

Sec. 54. (a) "Meat food product" and "meat product" means a product capable of use as human food that is made wholly or in part from meat or other part of the carcass of:

- (1) cattle;
- (2) sheep;
- (3) swine;
- (4) equines;
- (5) bison;
- (6) farm raised cervidae;
- (7) ratitae; or
- (8) goats.

(b) The term does not include products that:

- (1) contain meat or other parts of such carcasses only in a relatively small proportion; or
- (2) historically have not been considered by consumers as products of the meat food industry and that are exempted from definition as a meat food product by the state veterinarian under conditions the state veterinarian prescribes to ensure that the meat or other parts of the carcass contained in the product are not adulterated and that the products are not represented as meat food products.

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

IC 15-17-2-55

"Milk"

Sec. 55. "Milk" means the lacteal secretion practically free from colostrum that:

- (1) is obtained by the complete milking of healthy dairy animals; and
- (2) meets a definition and standard of identity for milk adopted by the board under IC 4-22-2.

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

IC 15-17-2-56

"Milk distributor"

Sec. 56. (a) "Milk distributor" means a person that offers for sale or sells milk or milk products to another person.

(b) The term does not include the following:

(1) A store or market that receives and sells bottled or packaged milk and milk products in the original container or package to consumers.

(2) A restaurant, soda fountain, or similar establishment serving milk or milk products.

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

IC 15-17-2-57

"Milk plant"

Sec. 57. (a) "Milk plant" means a place, a premises, or an establishment where milk or milk products are collected, handled, processed, stored, ultrapasteurized, bottled, aseptically processed, condensed, dried, packaged, or prepared for distribution.

(b) The term does not include soft ice cream dispensers in restaurants as defined by the board.

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

IC 15-17-2-58

"Milk producer"

Sec. 58. "Milk producer" means a person that does the following:

(1) Operates a dairy farm.

(2) Provides, sells, or offers raw milk for sale to a milk plant, receiving station, or transfer station.

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

IC 15-17-2-59

"Milk products"

Sec. 59. "Milk products" means those products designated by the rules of the board as:

(1) being within IC 15-18-1; and

(2) conforming to the definitions and standards of identity specified in those rules.

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

IC 15-17-2-60

"Milk tank truck"

Sec. 60. "Milk tank truck" means a bulk milk pickup tanker or a milk transport tank.

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

IC 15-17-2-61

"Milk tank truck cleaning facility"

Sec. 61. "Milk tank truck cleaning facility" means any place, premises, or establishment that is separate from a milk plant, receiving station, or transfer station where a milk tank truck is cleaned and sanitized.

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

IC 15-17-2-62

"Milk transport tank"

Sec. 62. "Milk transport tank" means a vehicle, including the truck and tank, used by a bulk milk hauler/sampler to transport bulk shipments of milk from a milk plant, receiving station, or transfer station to another milk plant, receiving station, or transfer station.

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

IC 15-17-2-63

"Milk transportation company"

Sec. 63. "Milk transportation company" means a person that is responsible for a milk tank truck.

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

IC 15-17-2-64

"Misbranded"

Sec. 64. "Misbranded" means a food product that meets any of the following descriptions:

- (1) The product's labeling is false or misleading in any way.
- (2) The product is offered for sale under the name of another food.
- (3) The product is an imitation of another food, unless the product's label bears, in type of uniform size and prominence, the word "imitation" and immediately afterward, the name of the food imitated.
- (4) The product's container is made, formed, or filled in a manner that is misleading.
- (5) Except as provided in IC 15-17-3-22(b), the product, if in packaged form, does not bear a label containing the following:
 - (A) The name and place of business of the manufacturer, packer, or distributor.
 - (B) Except as provided in IC 15-17-3-22(c), an accurate statement of the quantity of the product in terms of weight, measure, or numerical count.
- (6) A word, statement, or other information required under this chapter or the rules adopted under this chapter to appear on a product's label or other labeling is not prominently placed on the label with sufficient conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in terms making it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
- (7) The product purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by the rules of the board unless:
 - (A) the product conforms to the definition and standard; and
 - (B) the product's label bears the name of the food specified in the definition and standard and, as required by rules of the board, the common names of optional ingredients other than spices, flavoring, and coloring present in the food.
- (8) The product purports to be or is represented as a food for

which a standard or standards of fill of container have been prescribed by rules of the board and the product falls below the applicable standard of fill of container unless the label bears, in a manner and form that the rules specify, a statement that the product falls below that standard.

(9) The product's label does not bear the following:

(A) The common or usual name of the food, if any.

(B) Except as provided in IC 15-17-3-22(d), if the product is fabricated from at least two (2) ingredients, the common or usual name of each ingredient. However, spices, flavorings, and colorings may, when authorized by the state veterinarian, be designated as spices, flavorings, and colorings without naming each ingredient.

(10) The product purports to be or is represented for special dietary uses, unless the product's label bears information concerning the product's vitamin, mineral, and other dietary properties that the board determines to be necessary to fully inform purchasers of the product's value for the special dietary uses as set forth in rules adopted by the board.

(11) Except as provided in IC 15-17-3-22(e), the product contains artificial flavoring, artificial coloring, or a chemical preservative, unless the product bears labeling stating that fact.

(12) The product fails to bear directly on the product and on the product's containers information the board prescribes by rule, including an official mark, to ensure that the product will not have false or misleading labeling and that the public will be reasonably informed about the product.

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

IC 15-17-2-65

"Modified accredited or tuberculosis free area"

Sec. 65. "Modified accredited or tuberculosis free area" means an area that meets the requirements established by the board and the United States department of agriculture under a cooperative agreement as provided for by this article.

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

IC 15-17-2-66

"Move"

Sec. 66. "Move" means the following:

(1) To carry, enter, import, mail, ship, or transport.

(2) To aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting.

(3) To offer to carry, enter, import, mail, ship, or transport.

(4) To receive in order to carry, enter, import, mail, ship, or transport.

(5) To release into the environment.

(6) To allow any of the activities described in this section.

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

IC 15-17-2-67

"Nonedible"

Sec. 67. "Nonedible" means not suitable for human consumption.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-68

"Oath"

Sec. 68. "Oath" includes affirmation.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-69

"Object"

Sec. 69. "Object", for purposes of IC 15-17-1 through IC 15-17-17, means a pest or disease or a material or tangible thing that could harbor a pest or disease.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-70

"Official certificate"

Sec. 70. "Official certificate", for purposes of IC 15-17-5, means a certificate prescribed by rules of the board for issuance by an inspector or other person performing official functions under IC 15-17-5.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-71

"Official device"

Sec. 71. "Official device" means a device prescribed or authorized by the state veterinarian for use in applying an official mark.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-72

"Official establishment"

Sec. 72. "Official establishment", for purposes of IC 15-17-5, means an establishment that has been granted inspection under IC 15-17-5.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-73

"Official health certificate"

Sec. 73. "Official health certificate" or "official certificate of veterinary inspection" means an official document issued by a state or federal representative or an accredited veterinarian who records a veterinary inspection of an animal, statements about the health of an animal, tests conducted on an animal, vaccinations given an animal, and other information about an animal and the animal's movement that is required by a state or by the United States to be recorded.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-74**"Official identification"**

Sec. 74. "Official identification" means the method of identification recognized or required by the board for an animal or class of animals under a rule adopted by the board under IC 4-22-2. *As added by P.L.2-2008, SEC.8.*

IC 15-17-2-75**"Official inspection legend"**

Sec. 75. "Official inspection legend" means a symbol prescribed by rules of the board showing that an article was inspected and passed in accordance with IC 15-17-5.

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

IC 15-17-2-76**"Official laboratory"**

Sec. 76. "Official laboratory" means a biological, chemical, or physical laboratory that meets the following conditions:

- (1) The laboratory is under the direct supervision of the board or a state or local governmental agency designated by the board.
- (2) The laboratory is authorized and certified by the board to do official work.

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

IC 15-17-2-77**"Official mark"**

Sec. 77. "Official mark" means the official inspection legend or other symbol prescribed by rules of the board to identify the status of an article, livestock, or poultry under IC 15-17-5.

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

IC 15-17-2-78**"Officially designated laboratory"**

Sec. 78. "Officially designated laboratory" means:

- (1) a commercial laboratory authorized and certified by the board to do official work; or
- (2) an industry laboratory authorized and certified by the board to do official work.

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

IC 15-17-2-79**"Officially vaccinated calves"**

Sec. 79. "Officially vaccinated calves" means calves that were vaccinated in accordance with the state rules and federal regulations existing at the time of vaccination.

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

IC 15-17-2-80**"Packer"**

- Sec. 80. "Packer" means any person engaged in the business of:
- (1) buying livestock to be slaughtered for food;
 - (2) manufacturing or preparing meat or meat food products for sale or shipment in commerce; or
 - (3) marketing meat and meat food products acting as a wholesaler, broker, dealer, or distributor.

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

IC 15-17-2-81

"Packers and Stock Yards Act"

Sec. 81. "Packers and Stock Yards Act" means the act of Congress designated as the Packers and Stock Yards Act of 1921 (42 U.S. Statutes at Large, page 159), all statutes amending the act, and all regulations adopted under the act.

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

IC 15-17-2-82

"Pasteurization", "pasteurized", and similar terms

Sec. 82. "Pasteurization", "pasteurized", and similar terms mean the following:

- (1) The process of heating every particle of milk or milk products (except ice cream, ice milk, and sherbet mixture) to:
 - (A) at least one hundred forty-five (145) degrees Fahrenheit and holding the particle continuously at or above this temperature for at least thirty (30) minutes; or
 - (B) at least one hundred sixty-one (161) degrees Fahrenheit and holding the particle continuously at or above this temperature for at least fifteen (15) seconds;

in equipment that is properly operated and approved by the board.

- (2) The process of heating milk products that have higher milk fat content than milk or that contain added sweeteners to:
 - (A) at least one hundred fifty (150) degrees Fahrenheit and held continuously at or above this temperature for at least thirty (30) minutes; or
 - (B) at least one hundred sixty-six (166) degrees Fahrenheit and held continuously at or above this temperature for at least fifteen (15) seconds.

- (3) The process of heating every particle of ice cream, ice milk, or sherbet mixture (except fruits, fruit juices, nuts, cocoa or chocolate, maple syrup, cakes, confections, or other flavoring or color) to:

- (A) one hundred fifty-five degrees (155) Fahrenheit and holding the particle continuously at or above this temperature for at least thirty (30) minutes;
- (B) at least one hundred seventy-five (175) degrees Fahrenheit and holding the particle continuously at or above this temperature for at least twenty-five (25) seconds; or
- (C) at least one hundred ninety-four (194) degrees Fahrenheit

for at least one-half (1/2) second.

(4) Any other pasteurization process that is found to be equally efficient and that is approved by rule of the board.

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

IC 15-17-2-83

"Person"

Sec. 83. "Person" means any individual, trustee, receiver, corporation, limited liability company, partnership, and any other firm, organization, association, cooperative, or group of individuals or persons.

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

IC 15-17-2-84

"Pest"

Sec. 84. "Pest" means any of the following that can directly or indirectly injure, cause damage to, or cause disease in animals:

- (1) A protozoan.
- (2) A plant.
- (3) A bacterium.
- (4) A fungus.
- (5) A virus or viroid.
- (6) An infectious agent or other pathogen.
- (7) An arthropod.
- (8) A parasite.
- (9) A prion.
- (10) A vector.
- (11) An organism similar to or allied with any of the organisms described in this section.

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

IC 15-17-2-85

"Pesticide chemical"

Sec. 85. "Pesticide chemical" has the meaning set forth in the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

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

IC 15-17-2-86

"Postmortem inspection"

Sec. 86. "Postmortem inspection" means the inspection of livestock or poultry at the time of slaughter at an official establishment.

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

IC 15-17-2-87

"Poultry"

Sec. 87. "Poultry", for purposes of IC 15-17-3 and IC 15-17-5, means a domesticated bird, whether live or dead.

As added by P.L.2-2008, SEC.8. Amended by P.L.50-2010, SEC.1.

IC 15-17-2-88**"Poultry product"**

Sec. 88. (a) "Poultry product", for purposes of IC 15-17-5, means a poultry carcass, part of a poultry carcass, or a product that is made wholly or in part from a poultry carcass or part of a poultry carcass.

(b) The term does not include products that:

- (1) contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry; and
- (2) are exempted by the board.

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

IC 15-17-2-89**"Practice of veterinary medicine"**

Sec. 89. "Practice of veterinary medicine" has the meaning set forth in IC 25-38.1-1-12.

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

IC 15-17-2-90**"Prepared"**

Sec. 90. "Prepared" means slaughtered, canned, cured, salted, smoked, stuffed, rendered, boned, cut up, frozen, dried, stored, or otherwise manufactured or processed.

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

IC 15-17-2-91**"Private sale"**

Sec. 91. "Private sale" means any sale other than a public sale.

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

IC 15-17-2-91.5**"Processed product"**

Sec. 91.5. "Processed product" means material derived in whole or in part from any animal, including fish and poultry, and other refuse that has been associated with any such material, that has undergone an industrial manufacturing procedure to prevent spoilage or add shelf stability that has been:

- (1) at a minimum, cooked to a temperature of one hundred sixty-seven (167) degrees Fahrenheit for at least thirty (30) minutes; or
- (2) subjected to another industrial process demonstrated to provide an equivalent level of inactivation of disease organisms, as approved by the board.

As added by P.L.133-2015, SEC.4; P.L.202-2015, SEC.4.

IC 15-17-2-92**"Public sale"**

Sec. 92. "Public sale" means a sale where the general public is invited to participate whether held at an established place of business

or at a place where sales are infrequently held.
As added by P.L.2-2008, SEC.8.

IC 15-17-2-93

"Reactor"

Sec. 93. "Reactor" means an animal that has been tested for a certain disease and shows a positive reaction to an official test for the disease according to existing state rules or federal regulations at the time of the test.

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

IC 15-17-2-94

"Receiving station"

Sec. 94. (a) "Receiving station" means a place, a premises, or an establishment where milk or milk products are collected, handled, stored, or cooled and prepared for distribution.

(b) The term does not include soft ice cream dispensers in restaurants as defined by the board.

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

IC 15-17-2-95

"Rendered product"

Sec. 95. "Rendered product" means waste material derived in whole or in part from any animal, including fish and poultry, and refuse from the handling, preparation, cooking, or consumption of food that has been:

- (1) ground and heated to a minimum temperature of two hundred thirty (230) degrees Fahrenheit to make products such as animal, poultry, or fish protein meal, grease, or tallow; or
- (2) subject to other industrial processes demonstrated to provide an equivalent level of inactivation of disease organisms, as approved under rules adopted by the board.

As added by P.L.2-2008, SEC.8. Amended by P.L.133-2015, SEC.5; P.L.202-2015, SEC.5.

IC 15-17-2-96

"Renderer"

Sec. 96. (a) "Renderer" means a person engaged in the business of operating a disposal plant for the rendering of livestock or poultry carcasses or parts or products of such carcasses.

(b) The term does not include rendering conducted under inspection or exemption under IC 15-17-5.

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

IC 15-17-2-97

"Sale", "sell", or "selling"

Sec. 97. (a) "Sale", "sell", or "selling" means sale, lease, donation, trade, barter, or exchange in any manner.

(b) The term includes the following:

(1) Manufacture, processing, transporting, handling, packing, canning, bottling, or any other productions, preparation, or putting up.

(2) Exposure, offer, or any other proffer.

(3) Holding, storing, or any other possession.

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

IC 15-17-2-98

"Stockyards"

Sec. 98. (a) "Stockyards" means a place, an establishment, or a facility conducted, operated, or managed for profit or not for profit as a public market in which livestock is assembled for purchase or sale at competitive bidding, or purchase by the persons operating the stockyards.

(b) The term includes concentration points where livestock is assembled for redistribution or resale by means other than competitive bidding.

(c) The term does not include livestock auction markets.

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

IC 15-17-2-99

"Transfer station"

Sec. 99. "Transfer station" means a place, a premises, or an establishment where milk or milk products are transferred directly from one (1) milk tank truck to another.

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

IC 15-17-2-100

"Transport vehicle"

Sec. 100. "Transport vehicle" means a vehicle used for transporting:

(1) dead animal bodies;

(2) nonedible byproducts from the slaughtering of animals and poultry; or

(3) restaurant grease.

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

IC 15-17-2-101

"Tuberculosis"

Sec. 101. "Tuberculosis" means tuberculosis in an animal.

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

IC 15-17-2-102

"Veterinarian"

Sec. 102. "Veterinarian" means a person authorized by law to practice veterinary medicine.

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