

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

### **Chapter 3. Board of Animal Health**

#### **IC 15-17-3-0.3**

##### **Treatment of rules adopted by state department of health; transfer of records, powers, duties, liabilities; transfer of pending matters**

Sec. 0.3. (a) Rules adopted by the state department of health before July 1, 1996, under IC 16-42-12 (before its repeal on July 1, 1996), IC 16-42-13 (before its repeal on July 1, 1996), and IC 16-42-16 (before its repeal on July 1, 1996) are considered rules of the Indiana state board of animal health after June 30, 1996.

(b) On July 1, 1996, all records, powers, duties, and liabilities of the state department of health under IC 16-42-12 (before its repeal on July 1, 1996), IC 16-42-13 (before its repeal on July 1, 1996), and IC 16-42-16 (before its repeal on July 1, 1996) are transferred to the Indiana state board of animal health under:

- (1) IC 15-2.1-22 (as added by P.L.137-1996 and before its repeal);
- (2) IC 15-2.1-23 (as added by P.L.137-1996 and before its repeal), now codified at IC 15-18-1; and
- (3) IC 15-2.1-24 (as added by P.L.137-1996 and before its repeal), now codified at IC 15-17-5.

(c) All matters pending before and judgments entered by the state department of health under IC 16-42-12 (before its repeal on July 1, 1996), IC 16-42-13 (before its repeal on July 1, 1996), and IC 16-42-16 (before its repeal on July 1, 1996) are transferred to the Indiana state board of animal health under:

- (1) IC 15-2.1-22 (as added by P.L.137-1996 and before its repeal);
- (2) IC 15-2.1-23 (as added by P.L.137-1996 and before its repeal), now codified at IC 15-18-1; and
- (3) IC 15-2.1-24 (as added by P.L.137-1996 and before its repeal), now codified at IC 15-17-5.

*As added by P.L.220-2011, SEC.302.*

#### **IC 15-17-3-1**

##### **Creation**

Sec. 1. The Indiana state board of animal health is established.

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

#### **IC 15-17-3-2**

##### **Membership**

Sec. 2. The board consists of eleven (11) members appointed by the governor as follows:

- (1) One (1) member from the school of veterinary medicine of Purdue University upon the recommendation of the Purdue University board of trustees.
- (2) Two (2) members, each of whom must:
  - (A) be a graduate of a veterinary college accredited by the

American Veterinarian Medical Association and licensed and accredited to practice veterinary medicine and surgery in Indiana;

(B) have at least five (5) years experience in veterinary medicine; and

(C) actually be engaged in the general practice of veterinary medicine during the member's term on the board.

The members appointed under this subdivision may not belong to the same political party.

(3) Seven (7) members with the following qualifications:

(A) One (1) member must be engaged in poultry production.

(B) One (1) member must be engaged in dairying.

(C) One (1) member must be engaged in swine production.

(D) One (1) member must be engaged in beef-type cattle production.

(E) One (1) member must be engaged in horse production.

(F) One (1) member must be engaged in sheep production.

(G) One (1) member must be:

(i) engaged in small animal veterinary medical practice; and

(ii) a veterinarian licensed and accredited to practice veterinary medicine and surgery in Indiana who has been licensed and accredited for at least five (5) years.

The members appointed under clauses (A) through (F) must be producers of livestock or poultry who are engaged in livestock or poultry production during their service on the board. Not more than four (4) of the members appointed under this subdivision may belong to the same political party.

(4) One (1) member who holds or is affiliated with an organization that holds any of the following issued by the board:

(A) A license issued under this article.

(B) A grant of inspection issued to a meat processing establishment under IC 15-17-5.

(C) A permit issued to a milk plant under IC 15-18-1.

*As added by P.L.2-2008, SEC.8. Amended by P.L.133-2012, SEC.180.*

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

#### **Conflict of interest**

Sec. 3. A member of the board may not be directly or indirectly interested as director, officer, salesman, or employee of a person engaged in the manufacture or sale of any commercial product, byproduct, or biological product affecting the livestock industry.

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

### **IC 15-17-3-4**

#### **Compensation**

Sec. 4. A member of the board is entitled to a per diem and transportation expense as provided by law when engaged in the

member's official duties.  
*As added by P.L.2-2008, SEC.8.*

### **IC 15-17-3-5**

#### **Term**

Sec. 5. (a) The term of a member of the board is four (4) years beginning on April 1.

(b) A member serves until the member's successor is appointed and qualified.

(c) Except as provided in subsection (d), a person is not eligible to serve as a member of the board for more than two (2) consecutive full terms.

(d) Subsection (c) does not apply to the member appointed from the school of veterinary medicine at Purdue University under section 2(1) of this chapter.

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

### **IC 15-17-3-6**

#### **Expiration of terms**

Sec. 6. (a) The terms of:

- (1) the member engaged in dairying; and
- (2) the member engaged in swine production;

appointed under section 2(3) of this chapter expire March 31, 2008, and every four (4) years thereafter.

(b) The terms of:

- (1) the members engaged in:
  - (A) poultry production; and
  - (B) sheep production;

appointed under section 2(3) of this chapter; and

- (2) one (1) veterinarian member appointed under section 2(2) of this chapter;

expire March 31, 2009, and every four (4) years thereafter.

(c) The terms of:

- (1) the member engaged in horse production appointed under section 2(3) of this chapter; and
- (2) the member affiliated with a licensed livestock market appointed under section 2(4) of this chapter;

expire March 31, 2010, and every four (4) years thereafter.

(d) The terms of:

- (1) the members engaged in:
    - (A) beef-type cattle production; and
    - (B) small animal veterinary medical practice;
- appointed under section 2(3) of this chapter; and

- (2) one (1) veterinarian member appointed under section 2(2) of this chapter;

expire March 31, 2011, and every four (4) years thereafter.

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

### **IC 15-17-3-7**

**Appointment of successor**

Sec. 7. At least thirty (30) days before the expiration of the term of office of a member of the board, the governor shall appoint a successor.

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

**IC 15-17-3-8****Vacancies**

Sec. 8. In the event of a vacancy, the governor shall immediately appoint a successor to complete the unexpired term.

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

**IC 15-17-3-9****Officers**

Sec. 9. The board shall elect a chairperson and vice chairperson from the board's membership each year at the board's April meeting. The chairperson and vice chairperson each serve a term of one (1) year. The state veterinarian serves as secretary of the board.

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

**IC 15-17-3-10****Meetings; quorum**

Sec. 10. (a) The board:

(1) shall hold quarterly meetings at the board's office in Indianapolis, during January, April, July, and October of each year; and

(2) may hold special meetings upon the call of the chairperson or a majority of the members of the board.

(b) Six (6) members of the board constitute a quorum to transact business.

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

**IC 15-17-3-11****Duties**

Sec. 11. The board has general supervision of:

(1) the prevention, detection, control, and eradication of diseases and pests affecting the health of animals within and in transit through Indiana; and

(2) the production, manufacture, processing, and distribution of products derived from animals;

to control health hazards that may threaten the public health and welfare of the citizens of Indiana.

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

**IC 15-17-3-12****Powers**

Sec. 12. The board has all powers necessary to fulfill the board's duties under this article.

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

### **IC 15-17-3-13**

#### **Additional powers and duties**

Sec. 13. In addition to the powers and duties given the board in this article and by law, the board has the powers and duties reasonable and necessary to do the following:

- (1) Provide for the quarantine of animals and objects to prevent, control, and eradicate diseases and pests of animals.
- (2) Develop, adopt, and implement programs and procedures for establishing and maintaining accredited, certified, validated, or designated disease or pest free or disease or pest monitored animals, herds, flocks, or areas, including the following:
  - (A) The establishment and maintenance of herds that are monitored for disease or pest syndromes.
  - (B) The establishment and maintenance of certified or validated brucellosis free herds, animals, and areas.
  - (C) The establishment and maintenance of accredited tuberculosis free herds, animals, and areas.
- (3) Develop, adopt, and implement programs and plans for the prevention, detection, control, and eradication of diseases and pests of animals.
- (4) Control or prohibit, by permit or other means, the movement and transportation into, out of, or within Indiana of animals and objects in order to prevent, detect, control, or eradicate diseases and pests of animals. When implementing controls or prohibitions, the board may consider whether animals or objects are diseased, suspected to be diseased, or under quarantine, or whether the animals or objects originated from a country, a state, an area, or a premises that is known or suspected to harbor animals or objects infected with or exposed to a disease or pest of animals.
- (5) Control or prohibit the public and private sale of animals and objects in order to prevent the spread of disease and pests of animals.
- (6) Control the use, sanitation, and disinfection of:
  - (A) public stockyards; and
  - (B) vehicles used to transport animals and objects into and within Indiana;to accomplish the objectives of this article.
- (7) Control the use, sanitation, and disinfection of premises, facilities, and equipment to accomplish the objectives of this article.
- (8) Control the movement of animals and objects to, from, and within premises where diseases or pests of animals may exist.
- (9) Control the movement and disposal of carcasses of animals and objects.
- (10) Control the manufacture, sale, storage, distribution, handling, and use of serums, vaccines, and other biologics and veterinary drugs, except those drugs for human consumption regulated under IC 16-42-19, to be used for the prevention,

detection, control, and eradication of disease and pests of animals.

(11) Control and prescribe the means, methods, and procedures for the vaccination or other treatment of animals and objects and the conduct of tests for diseases and pests of animals.

(12) Develop, adopt, and implement plans and programs for the identification of animals, objects, premises, and means of conveyances. Plans and programs may include identification:

(A) of animals or objects that have been condemned under this article; and

(B) related to classification as to disease, testing, vaccination, or treatment status.

(13) Establish the terms and method of appraisal or other determination of value of animals and objects condemned under this article, the payment of any indemnities that may be provided for the animals and objects, and the regulation of the sale or other disposition of the animals or objects.

(14) Control the sale of baby chicks.

(15) Cooperate and enter into agreements with the appropriate departments and agencies of this state, any other state, or the federal government to prevent, detect, control, and eradicate diseases and pests of animals.

(16) Control or prohibit the movement and transportation into, out of, or within Indiana of wild animals, including birds, that might carry or disseminate diseases or pests of animals.

(17) Provide for condemning or abating conditions that cause, aggravate, spread, or harbor diseases or pests of animals.

(18) Establish and designate, in addition to the animal disease diagnostic laboratory under IC 21-46-3-1, other laboratories necessary to make tests of any nature for diseases and pests of animals.

(19) Investigate, develop, and implement the best methods for the prevention, detection, control, suppression, or eradication of diseases and pests of animals.

(20) Investigate, gather, and compile information concerning the organization, business conduct, practices, and management of any registrant, licensee, permittee, applicant for a license, or applicant for a permit.

(21) Investigate allegations of unregistered, unlicensed, and unpermitted activities.

(22) Institute legal action in the name of the state of Indiana necessary to enforce:

(A) the board's orders and rules; and

(B) this article.

(23) Control the collection, transportation, and cooking of garbage to be fed to swine or other animals and all matters of sanitation relating to the collection, transportation, and cooking of garbage affecting the health of swine or other animals and affecting public health and comfort.

- (24) Adopt an appropriate seal.
- (25) Issue orders as an aid to enforcement of the powers granted by this article, IC 15-18-1, and IC 15-19-6.
- (26) Control disposal plants and byproducts collection services and all matters connected to disposal plants and byproducts collection services.
- (27) Abate biological or chemical substances that:
  - (A) remain in or on any animal before or at the time of slaughter as a result of treatment or exposure; and
  - (B) are found by the board to be or have the potential of being injurious to the health of animals or humans.
- (28) Regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten:
  - (A) animal health;
  - (B) the public health and welfare of the citizens of Indiana; and
  - (C) the trade in animals and animal products in and from Indiana.
- (29) Cooperate and coordinate with local, state, and federal emergency management agencies to plan and implement disaster emergency plans and programs as the plans and programs relate to animals in Indiana.
- (30) Assist law enforcement agencies investigating allegations of cruelty and neglect of animals.
- (31) Assist organizations that represent livestock and poultry producers with issues and programs related to the care of livestock and poultry.
- (32) Establish a registry of commercial dog brokers and commercial dog breeders in Indiana.

*As added by P.L.2-2008, SEC.8. Amended by P.L.111-2009, SEC.3; P.L.50-2010, SEC.2.*

#### **IC 15-17-3-14**

##### **Delegation of duties to state veterinarian**

Sec. 14. The board may delegate any of the board's duties to the state veterinarian, except the following:

- (1) The duty to supervise the state veterinarian.
- (2) The duty to hold hearings under this article and IC 4-21.5.
- (3) The duty to adopt rules.

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

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

##### **Inspections; entry onto property; remediation**

Sec. 15. (a) The board or the board's agent:

- (1) may make sanitary inspections and surveys; and
- (2) may enter upon any public or private property where any animals or objects are at the time quartered, including the location of the carcass of any animal;

to inspect the property, examine the animals or objects, conduct tests in regard to the presence of diseases or pests of animals and the possible cause and sources of the disease or pest, and perform any other function authorized by this article.

(b) The board or the board's agent may hold, seize, quarantine, treat, destroy, dispose of, or take other remedial action with respect to any animal or progeny of any animal, object, or means of conveyance that the board or the board's agent:

(1) has reason to believe:

(A) may carry, may have carried, or may have been affected by or exposed to any disease or pest of animals; or

(B) violates this article or a rule adopted under this article;

(2) finds is not being maintained or has not been maintained in accordance with a quarantine or condition imposed under this article, a rule adopted under this article, or an order issued under this article; or

(3) determines must be acted upon to prevent the dissemination of a disease or pest of animals.

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

### **IC 15-17-3-16**

#### **Subpoenas**

Sec. 16. The board, over the signature of the chairperson or another board member authorized by the board, may do the following to accomplish the board's objectives:

(1) Subpoena and bring before the board any person in this state to take testimony either orally or by deposition or by exhibit, with the same fees and mileage, and in the same manner as prescribed by law in judicial procedure in civil cases in the circuit courts of Indiana.

(2) Subpoena and order any person to provide to board personnel for inspection and copying records, photographs, and any other type of document or data compilation, or to allow access for inspection, copying, testing, sampling, analysis, or treatment to any tangible thing, including animals, carcasses of animals, animal feed, and meat, dairy, and other human food products.

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

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

#### **Oaths**

Sec. 17. An agent of the board may administer oaths to witnesses at any hearing that the board is authorized by law to conduct.

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

### **IC 15-17-3-18**

#### **Reports**

Sec. 18. (a) The board may require, by general or special order, licensees and permittees under this article to file with the board in a



prescribed form:

- (1) annual, periodic, or special reports; or
- (2) answers, in writing, to specific questions;

to provide information concerning the business conduct of the licensee or permittee and the practices and management of the business of the licensee or permittee as the practices and management relate to other persons in the same business.

(b) The board may require that the reports and answers under this section be made under oath and filed within a reasonable time if the requirements are determined to be essential by the board.

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

### **IC 15-17-3-19**

#### **Federal laws**

Sec. 19. The board may, on behalf of the state, accept or adopt, in whole or in part, federal laws, including regulations adopted by agencies of the United States that are necessary or helpful in fulfilling the board's duties under this article. The board may cooperate with the authorities of the United States government within Indiana in enforcing state and federal laws.

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

### **IC 15-17-3-20**

#### **Funds from sources other than the state**

Sec. 20. The board may accept, use, and expend funds or other resources from sources other than the state if:

- (1) the resources are awarded for the pursuit of a specific objective that the board is authorized to accomplish under this article or that the board is qualified to accomplish by reason of the board's jurisdiction or professional expertise;
- (2) the resources are expended for the pursuit of the objective for which the resources are awarded;
- (3) activities connected with or occasioned by the expenditure of the resources do not interfere with or impair the performance of the board's duties and responsibilities and do not conflict with the exercise of the board's powers and duties under this article;
- (4) monetary resources are kept in separate accounts in the state treasury; and
- (5) reports of the board's receipt and use of the resources are prepared periodically.

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

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

#### **Rules**

Sec. 21. The board shall adopt rules under IC 4-22-2 that are reasonable and necessary to discharge the duties imposed on the board by law and to implement this article, IC 15-18-1, and IC 15-19-6.

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

### **IC 15-17-3-22**

#### **Allowable adoptions of rules**

Sec. 22. (a) Notwithstanding IC 15-17-2-37, the board may adopt by rule a different definition of "herd" to advance a disease control program or objective.

(b) Notwithstanding IC 15-17-2-64(5), the board may adopt rules concerning livestock products that are not in containers to establish the circumstances under which those products are not considered misbranded.

(c) Notwithstanding IC 15-17-2-64(5)(B), the board may adopt rules concerning small containers to establish variations or exemptions from label quantity statements under which the containers are not considered misbranded.

(d) Notwithstanding IC 15-17-2-64(9)(B), the board shall adopt rules to establish exemptions for product labels that do not bear the common or usual name of each ingredient in a product fabricated from at least two (2) ingredients under which the products are not considered misbranded if listing the common or usual name of each ingredient is impracticable or results in deception or unfair competition.

(e) Notwithstanding IC 15-17-2-64(11), the board shall adopt rules to establish exemptions for products that contain artificial flavoring, artificial coloring, or a chemical preservative under which the products are not considered misbranded if the products do not bear a label stating that the products contain those substances if stating that fact is impracticable.

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

### **IC 15-17-3-23**

#### **Livestock and poultry standards of care**

Sec. 23. The board may adopt rules to establish standards governing the care of livestock and poultry. The board shall consider the following when adopting the standards:

- (1) The health and husbandry of the livestock and poultry.
- (2) Generally accepted farm management practices.
- (3) Generally accepted veterinary standards and practices.
- (4) The economic impact the standards may have on:
  - (A) livestock and poultry farmers;
  - (B) the affected livestock and poultry sector; and
  - (C) consumers.

*As added by P.L.50-2010, SEC.3.*