

IC 15-17-5

Chapter 5. Meat and Poultry Inspection; Humane Slaughter Act

IC 15-17-5-1

Purpose

Sec. 1. The purpose of this chapter is to do the following:

- (1) Safeguard the public health and promote public welfare by:
 - (A) preventing the slaughter of dead, dying, disabled, or diseased livestock or poultry for human food purposes; and
 - (B) preventing the manufacture, processing, storage, transportation, and sale of adulterated meat and poultry products for human food purposes.
- (2) Eliminate the manufacture, processing, distribution, and sale of fraudulent, misbranded, or deceptive products of livestock and poultry origin.
- (3) Prohibit the use of nonhumane methods in the slaughter of livestock and poultry.
- (4) Provide for humane slaughter of livestock and poultry and for meat and poultry products inspection programs that will impose and enforce requirements with respect to intrastate operations and commerce that are at least equal to those imposed and enforced under the federal Humane Slaughter Act (7 U.S.C. 1901 et seq.), the federal Meat Inspection Act (21 U.S.C. 601 et seq.), and the federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.) with respect to operations and transactions in interstate commerce.
- (5) Aid in the control of livestock and poultry diseases by discovering the origins of diseased livestock and poultry found in antemortem inspections and obtaining samples of blood and tissue specimens as considered necessary for the control of livestock and poultry diseases.

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

IC 15-17-5-2

Administration

Sec. 2. The state veterinarian shall administer this chapter to accomplish the purposes set forth in section 1 of this chapter.

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

IC 15-17-5-3

Designation of board

Sec. 3. The board is designated as the appropriate state agency to cooperate with the Secretary of Agriculture of the United States in the administration of this chapter.

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

IC 15-17-5-4

Duties of board

Sec. 4. To accomplish the objectives of this chapter, the board or an agent of the board may do the following:

- (1) Require by rules the following:
 - (A) Antemortem inspection and postmortem inspection of livestock and poultry slaughtered for distribution as human food.
 - (B) Except for the operations of establishments exempt under section 11 of this chapter, the quarantine, segregation, and inspection of livestock and poultry slaughtered, and of livestock products and poultry products processed or prepared for distribution at all establishments in Indiana.
- (2) Require by rules the following:
 - (A) The identification of livestock and poultry for inspection purposes.
 - (B) The marking and labeling of livestock products, poultry products, livestock and poultry product containers, or both the product and containers as:
 - (i) "Indiana Inspected and Passed" if the products are found upon inspection to be not adulterated;
 - (ii) "Indiana Inspected and Condemned" if the products are found upon inspection to be adulterated; or
 - (iii) "Not for Sale" if the products are produced under an exemption from inspection.
 - (C) The destruction for food purposes of all condemned products under the supervision of an inspector.
- (3) Prohibit the entry into official establishments of livestock products and poultry products not prepared under federal inspection or inspection under this chapter and further limit the entry of the products and other materials into official establishments under conditions that the board considers necessary to effectuate the purposes of this chapter.
- (4) Require by rules that when livestock products and poultry products leave official establishments, the products bear directly on the products or on the containers, or both, as the board requires, all information necessary to prevent a product from being misbranded, and that all labeling and containers to be used for the products when sold or transported in commerce be approved by the board to ensure that the products comply with this chapter.
- (5) Investigate the sanitary conditions of each establishment and withdraw or refuse to provide inspection service at an establishment where the sanitary conditions are such as to make adulterated any livestock products or poultry products prepared or handled at the establishment.
- (6) Adopt rules concerning sanitation for all establishments, including custom slaughterers or processors, engaged in the slaughtering of livestock or poultry or preparing meat food products or poultry products capable of use as human food.

(7) Require by rules that the following persons keep records that fully and correctly disclose all transactions involving meat food products and poultry products:

(A) Persons in the business of slaughtering livestock or poultry or preparing, freezing, packaging, labeling, buying, selling (as dealers, wholesalers, or other similar persons), transporting, or storing any livestock products or poultry products for human or animal food.

(B) Persons in business as renderers or in the business of buying, selling, or transporting dead, dying, disabled, or diseased livestock or poultry, or parts of the carcasses of animals, including poultry, that died other than by slaughter.

The board shall adopt rules that require persons described under clauses (A) and (B) to give the state veterinarian access to the places of business, an opportunity at all reasonable times to examine the facilities, inventory, and records, an opportunity to copy the records, and an opportunity to take reasonable samples of the inventory.

(8) If necessary to permit interstate shipment, enter into reciprocal agreements with states adjoining Indiana and the United States Department of Agriculture concerning the inspection of livestock, poultry, and other animals.

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

IC 15-17-5-5

Powers of board or state veterinarian

Sec. 5. To accomplish the purposes in section 1 of this chapter, the board or state veterinarian may do the following:

(1) Remove inspectors from an establishment that:

(A) fails to destroy condemned products as required under this chapter; or

(B) repeatedly violates this chapter.

(2) Refuse to provide inspection service under this chapter with respect to an establishment for violations of this chapter and causes specified in Section 401 of the Federal Meat Inspection Act or Section 18 of the Federal Poultry Products Inspection Act.

(3) Order labeling and containers to be withheld from use if the state veterinarian determines that the:

(A) labeling is false or misleading; or

(B) containers are unsafe or of a misleading size or form.

(4) Adopt rules, after consultation with the Secretary of Agriculture of the United States, to prescribe the sizes and style of type to be used for labeling information required under this chapter and definitions and standards of identity or composition or standards of fill of container identical with federal standards when the board considers this action appropriate for the protection of the public.

(5) Adopt rules to prescribe conditions of storage and handling

of livestock products and poultry products by persons engaged in the business of buying, selling, freezing, storing, or transporting the products in commerce to ensure that the products will not be adulterated or misbranded when delivered to the consumer.

(6) Require that equines be slaughtered and prepared in separate establishments from where other livestock are slaughtered or the products of other livestock are prepared.

(7) Adopt rules to require that every person who is engaged in business in commerce as a dealer, a renderer, a manufacturer of food for animals derived from livestock or poultry carcasses, or a wholesaler or public warehouseman of livestock products or poultry products, or who is engaged in the business of buying, selling, or transporting in commerce dead, dying, disabled, or diseased livestock or poultry or parts of the carcasses of such animals, including poultry, that died other than by slaughter shall register with the board the person's name and the address of each place of business and all trade names under which the person conducts the person's business.

(8) Adopt rules adopting provisions of federal regulations with changes the board considers appropriate to make the regulations applicable to operations and transactions subject to this chapter.

(9) Adopt other rules the board considers necessary for the efficient execution of this chapter, including rules of practice providing an opportunity for a hearing in connection with issuance of rules or orders under this chapter and prescribing procedure for proceedings as provided in IC 4-21.5 and this article. This subdivision and subdivision (8) do not preclude a requirement that a label or container be withheld from use or a requirement for a refusal of inspection under this chapter pending issuance of a final order in a proceeding.

(10) Appoint and prescribe the duties of inspectors and other personnel as the state veterinarian considers necessary for the efficient execution of this chapter.

(11) Cooperate with the Secretary of Agriculture of the United States in the administration of this chapter to effectuate the purposes of this chapter, accept federal assistance for that purpose, and spend state public funds appropriated for the administration of this chapter to pay not more than fifty percent (50%) of the estimated total cost of the cooperative program.

(12) Recommend to the Secretary of Agriculture of the United States for appointment to the advisory committees provided for in the federal acts the officials or employees of the board that the board designates.

(13) Serve at the pleasure of the governor as the representative for consultation with the Secretary of Agriculture of the United States under Section 301(c) of the federal Meat Inspection Act and Section 5(c) of the federal Poultry Products Inspection Act.

(14) Negotiate agreements with the state or local governmental

agencies providing meat inspections as necessary in the opinion of the board to further the provisions provided in this section for the proper administration of this chapter.

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

IC 15-17-5-6

Prohibitions regarding livestock and poultry products

Sec. 6. (a) A person may not do the following:

(1) Slaughter livestock or poultry or prepare any meat products or poultry products that are capable of use as human food for commerce, except in compliance with this chapter.

(2) Sell, transport, offer for sale or transportation, or receive for transportation in commerce any meat products or poultry products that are:

(A) capable of use as human food and are adulterated or misbranded; or

(B) required to be inspected under this chapter unless the products have been inspected and passed.

(3) With respect to articles that are capable of use as human food, perform an act:

(A) while the articles are being transported in commerce or held for sale after transportation in commerce; and

(B) that is intended to cause or has the effect of causing the articles to be adulterated or misbranded.

(b) A person may not sell, transport, offer for sale or transportation, or receive for transportation, in commerce, or from an official establishment, slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with rules adopted by the board except as authorized by rule.

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

IC 15-17-5-7

Transportation of equine carcasses, livestock, poultry not intended for human consumption, and carcasses of animals that died other than by slaughter.

Sec. 7. (a) A person may not sell, transport, offer for sale or transportation, or receive for transportation, in commerce, carcasses or parts of carcasses of horses, mules, or other equines or the meat or meat food products of equines, unless the carcasses are plainly and conspicuously marked or labeled or identified as required by rules adopted by the board to show the kinds of animals from which the carcasses were derived.

(b) A person may not buy, sell, transport, offer for sale or transportation, or receive for transportation, in commerce, livestock products or poultry products that are not intended for use as human food unless the products are denatured or identified as required by the rules of the board or are naturally inedible by humans.

(c) A person engaged in the business of buying, selling, or transporting in commerce, dead, dying, disabled, or diseased animals,

or any parts of the carcasses of any animals that died other than by slaughter, may not buy, sell, transport, offer for sale or transportation, or receive for transportation, in commerce, dead, dying, disabled, or diseased livestock or poultry or the products of such animals that died other than by slaughter unless the transaction or transportation is made in accordance with rules adopted by the board to ensure that the animals, or the unwholesome parts or products of the animals, will be prevented from being used for human food purposes.

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

IC 15-17-5-8

Anesthetic measures before severance of carotid arteries

Sec. 8. The board shall adopt rules governing humane methods to make livestock or poultry insensible to pain before incision of an instrument for severance of the carotid arteries. The rules must conform to the extent applicable to the regulations promulgated under the federal Humane Slaughter Act, as amended.

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

IC 15-17-5-9

Granting of inspection service

Sec. 9. (a) Before a person may engage in slaughtering livestock or poultry or processing meat or poultry, meat food products, or poultry products for commerce, the person must apply for, and upon compliance with this chapter and the rules adopted under this chapter, shall receive from the state veterinarian, inauguration of inspection service in the establishment where the:

- (1) livestock or poultry are to be slaughtered for human consumption; or
- (2) meat or poultry, meat food products, or poultry products are processed or manufactured.

(b) The board shall adopt rules governing the granting of inspection to the establishments that trade in commerce.

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

IC 15-17-5-10

Completion of inspection; reasonable access

Sec. 10. (a) An inspection of products placed in a container at an official establishment is not complete until the products are sealed or enclosed in the container under the supervision of an inspector.

(b) For purposes of an inspection of products required by this chapter, inspectors authorized by the state veterinarian shall have access at reasonable times, by day or night, to every part of every establishment required to have inspection under this chapter, whether or not the establishment is operating.

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

IC 15-17-5-11

Exemptions from antemortem and postmortem inspection

requirements

Sec. 11. (a) The board shall exempt the operations of a person from antemortem inspection and postmortem inspection and other requirements of this chapter if any of the following conditions exist:

(1) To the extent the operations would be exempt from the corresponding requirements under the federal Meat Inspection Act, Section 23 (21 U.S.C. 623), or the Poultry Products Inspection Act, Section 14 (21 U.S.C. 464), if the operations were conducted in or for interstate commerce.

(2) The state is designated under the federal acts as one in which the federal requirements apply to commerce in Indiana.

(b) When the operation of an establishment that is exempt under subsection (a) appears to be a detriment to health and public welfare, the establishment may be brought under this chapter by executive order of the state veterinarian issued in compliance with IC 4-21.5.

(c) Livestock and poultry slaughtered according to the ritual requirements of a religious faith that prescribes a method of slaughter by which the livestock or poultry suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument is a humane method under this chapter. However, livestock must be slaughtered immediately following total suspension from the floor.

(d) Except as required in an agreement between the United States Department of Agriculture and the board, a person operating under the inspection program of the federal acts, as amended, is exempt from this chapter.

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

IC 15-17-5-12

Duty of board to provide inspection service; fee

Sec. 12. (a) Except as provided in subsection (b), the board is not required to furnish meat or poultry inspection under this chapter:

(1) for more than eight (8) hours in one (1) day;

(2) for more than forty (40) hours in one (1) calendar week; or

(3) on Saturdays, Sundays, or the following legal holidays:

(A) New Year's Day.

(B) Washington's Birthday.

(C) Memorial Day.

(D) Martin Luther King, Jr. Day.

(E) Columbus Day.

(F) Independence Day.

(G) Labor Day.

(H) Veterans Day.

(I) Thanksgiving Day.

(J) Christmas.

(b) If the operator of an establishment under inspection pays to the board an hourly fee for each hour of state meat or poultry inspection furnished:

(1) more than eight (8) hours in one (1) day;

(2) more than forty (40) hours in one (1) calendar week; or
(3) on Saturdays, Sundays, and legal holidays;
the board shall furnish the inspection service.

(c) Subject to the approval of the budget agency, the board shall establish an hourly rate for overtime at an amount sufficient to defray the cost of the inspection service. The establishment shall reimburse the board not later than thirty (30) days after assessment for overtime or legal overtime fees collected under this chapter. The fees must be deposited with the treasurer of state. All overtime fees deposited with the treasurer of state under this subsection are appropriated to the budget agency for allotment to the board for the administration and enforcement of this chapter.

(d) The board may assign inspection personnel to more than one (1) establishment in order to efficiently use board personnel and resources.

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

IC 15-17-5-13

No inspection for products not intended for use as human food

Sec. 13. Inspection may not be provided under this chapter at an establishment for the slaughter of livestock or poultry or the preparation of livestock products or poultry products that are not intended for use as human food. However, the articles must, before being offered for sale or transportation in commerce, unless naturally inedible by humans, be denatured or identified as prescribed by rules of the board to deter use for human food.

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

IC 15-17-5-14

Inspection of bison, farm raised cervidae, or ratitae

Sec. 14. (a) After passing the postmortem inspection and upon request by the owner of a bison, farm raised cervidae, or ratitae, an establishment shall immediately upon slaughter return to the owner the head, hide, horns, and hooves.

(b) The board shall conduct field antemortem inspections of bison, farm raised cervidae, and ratitae only if a means of expeditious delivery of the exsanguinated carcass to an establishment is available.

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

IC 15-17-5-15

Fee schedule

Sec. 15. The board may establish a schedule of fees for inspection services provided under this chapter. The fees must be reasonable but are not required to be equal to the costs of the inspection services.

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

IC 15-17-5-16

Prohibition against use of official device, mark, or certificate

Sec. 16. (a) A brand manufacturer, printer, or other person may

not cast, print, lithograph, or otherwise make:

- (1) a device containing an official mark or a simulation of an official mark or a label bearing the mark or simulation; or
- (2) any form of official certificate or simulation of an official certificate;

except as authorized by the board.

(b) A person may not do any of the following:

- (1) Forge an official device, mark, or certificate.
- (2) Use an official device, mark, certificate, or a simulation of an official device, mark, or certificate or alter, detach, deface, or destroy an official device, mark, or certificate without authorization from the board.
- (3) Contrary to the rules adopted by the board, fail to use or detach, deface, or destroy an official device, mark, or certificate.
- (4) Knowingly possess, without promptly notifying the state veterinarian or the state veterinarian's representative, any of the following:
 - (A) An official device.
 - (B) A counterfeit, simulated, forged, or improperly altered official certificate.
 - (C) A device or label on a carcass of an animal, including poultry, or part or product of a carcass, bearing a counterfeit, simulated, forged, or improperly altered official mark.
- (5) Knowingly make a false statement in a shipper's certificate or other nonofficial or official certificate provided for in the rules adopted by the board.
- (6) Knowingly represent that an article has been inspected and passed or exempted under this chapter when the article has not been inspected and passed or exempted.

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

IC 15-17-5-17

Violations; penalties

Sec. 17. (a) A person subject to this chapter that has not been approved for inspection may not offer for sale meat or poultry, a meat food product, or a poultry product in commerce in Indiana.

(b) The board may take the following actions for a violation of this section:

- (1) Issue an order of compliance under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4.
- (2) Levy a civil penalty under IC 4-21.5-3-6.
- (3) Both of the actions listed in subdivisions (1) and (2).

(c) The board may, by rules adopted under IC 4-22-2, adopt a schedule of civil penalties that may be levied for violations of this section. A penalty included in the schedule of civil penalties may not exceed one thousand dollars (\$1,000) per violation for each day of the violation.

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

IC 15-17-5-18

Schedule of slaughter

Sec. 18. If an establishment conducts operations that require an inspection for less than eight (8) hours a day, fewer than five (5) days a week, or for a period that is different from a normal Monday through Friday, eight (8) hours per day, five (5) days per week work week, the state veterinarian shall arrange a schedule of slaughter for each establishment so that proper and efficient antemortem inspection and postmortem inspection of livestock or poultry is provided in each establishment while efficiently using inspection resources among the establishments. The schedule must be arranged in conference with the recognized establishments involved.

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

IC 15-17-5-19

Duties of establishments

Sec. 19. (a) For purposes of this section, references in IC 16-42-1 through IC 16-42-4 to:

- (1) "state health commissioner" refer to the state veterinarian;
and
- (2) "department" refer to the board.

(b) An establishment operating under this chapter shall do the following:

- (1) Provide information considered necessary by the state veterinarian to enforce this chapter.
- (2) Supply samples of ingredients used in the formulation of products.
- (3) Supply samples of products manufactured, processed, or prepared in the establishment for laboratory examination or other examination required by the board to ensure that the products comply with this chapter and IC 16-42-1 through IC 16-42-4.

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

IC 15-17-5-20

Detention of livestock or poultry products or animals pending investigation

Sec. 20. (a) For purposes of this section, references in IC 16-42-1 through IC 16-42-4 to:

- (1) "state health commissioner" refer to the state veterinarian;
and
- (2) "department" refer to the board.

(b) Whenever:

- (1) a:
 - (A) livestock product;
 - (B) poultry product;
 - (C) product exempted from the definition of a livestock product and from the definition of a poultry product; or
 - (D) dead, dying, disabled, or diseased livestock or poultry;

is found by an authorized representative of the board upon any premises where the product or animal is held for purposes of or during or after distribution in commerce or is subject to this chapter; and

(2) there is reason to believe that:

(A) the product or animal is adulterated or misbranded and is capable of use as human food;

(B) the product or animal has not been inspected in violation of this chapter, IC 16-42-1 through IC 16-42-4, the federal Meat Inspection Act (21 U.S.C. 601 et seq.), or the federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

(C) the product or animal has been or is intended to be distributed in violation of a law listed under clause (B);

the product or animal may be detained by the representative for not more than twenty (20) days, pending action under section 21 of this chapter or notification of federal authorities having jurisdiction over the product or animal, and may not be moved by a person from the place at which the product or animal is located when the product or animal is detained until released by the representative.

(c) All official marks may be required by the representative to be removed from the product or animal before the product or animal is released unless it appears to the satisfaction of the state veterinarian that the product or animal is eligible to retain the official marks.

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

IC 15-17-5-21

Procedures for seizure and condemnation of article or animal

Sec. 21. (a) A livestock product, a poultry product, or dead, dying, disabled, or diseased livestock or poultry:

(1) that is:

(A) being transported in commerce;

(B) subject to this chapter; or

(C) held for sale in Indiana after transportation in commerce;

and

(2) that:

(A) is or has been prepared, sold, transported, or distributed or offered or received for distribution in violation of this chapter;

(B) is capable of use as human food and is adulterated or misbranded; or

(C) in any other way is in violation of this chapter;

may be seized and condemned, at any time, on furnishing evidence of a violation of this chapter in any proper court as provided in section 28 of this chapter within whose jurisdiction the article or animal is found.

(b) After entry of a decree condemning an article or animal, the article or animal must be disposed of by destruction or sale, as the court directs.

(c) If the article or animal is sold, the proceeds from the sale, less:

(1) court costs and fees; and
(2) storage and other proper expenses;
must be paid into the state treasury.

(d) The article or animal may not be sold contrary to any of the following:

- (1) This chapter.
- (2) The federal Meat Inspection Act (21 U.S.C. 601 et seq.).
- (3) The federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.).
- (4) The federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

However, upon the execution and delivery of a sufficient agreement conditioned that the article or animal will not be sold or disposed of contrary to this chapter, the article or animal may be delivered to the owner of the article or animal subject to supervision by authorized representatives of the board necessary to ensure compliance with the applicable laws.

(e) When a decree of condemnation is entered against the article or animal and the article or animal is released under the agreement or destroyed, court costs, fees, storage, and other proper expenses must be awarded against the person, if any, intervening as claimant of the article or animal.

(f) The proceedings in cases for condemnation of an article or animal must conform, as much as possible, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case and all of the proceedings must be at the suit of and in the name of the state of Indiana.

(g) This section does not derogate from authority for condemnation or seizure conferred by this chapter or other laws.

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

IC 15-17-5-22

Investigatory powers of state veterinarian

Sec. 22. (a) The state veterinarian may do the following:

- (1) Investigate, gather, and compile information concerning the organization, business, conduct, practices, and management of a person engaged in commerce and the relation of the person to other persons.
- (2) Require, by general or special orders, that a person engaged in commerce file with the state veterinarian, in a form prescribed by the state veterinarian, annual or special, or both, reports or answers in writing to specific questions. The person shall furnish to the state veterinarian the information required by the state veterinarian concerning the organization, business, conduct, practices, management, and relation to other persons. The reports and answers must be made under oath or affirmation as the state veterinarian prescribes. The reports and answers must be filed with the state veterinarian within a reasonable period prescribed by the state veterinarian, unless the state

veterinarian grants additional time.

(b) For purposes of this chapter, the state veterinarian has, at all reasonable times, for the purpose of examination:

- (1) access to; and
- (2) the right to copy;

any documentary evidence of a person being investigated or proceeded against. The state veterinarian may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of a person relating to a matter under investigation. The state veterinarian may sign subpoenas. The board may sign subpoenas, administer oaths and affirmations, examine witnesses, and receive evidence.

(c) The attendance of witnesses and the production of documentary evidence may be required at a designated place of hearing. In case of disobedience to a subpoena, the state veterinarian or board may invoke the aid of any court in requiring the attendance and testimony of witnesses and the production of documentary evidence.

(d) A court may, in case of contumacy or refusal to obey a subpoena issued to a person, issue an order requiring the person to:

- (1) appear before the state veterinarian or board;
- (2) produce documentary evidence; or
- (3) give evidence concerning the matter in question.

A failure to obey an order of the court issued under this subsection may be punished by the court for contempt.

(e) Upon the application of the attorney general at the request of the state veterinarian or board, a court has jurisdiction to issue writs of mandamus commanding a person to comply with this chapter or any order of the state veterinarian or board under this chapter.

(f) The state veterinarian may order testimony to be taken by deposition in a proceeding or investigation pending under this chapter at any stage of the proceeding or investigation. The deposition may be taken before a person who:

- (1) is designated by the state veterinarian; and
- (2) has power to administer oaths.

The testimony must be reduced to writing by the person taking the deposition or under the person's direction and must be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as a witness may be compelled to appear and testify and produce documentary evidence before the state veterinarian or board.

(g) Witnesses summoned before the state veterinarian or board shall be paid the same fees and mileage that are paid witnesses in Indiana courts. Witnesses whose depositions are taken and the persons taking the depositions are entitled to the same fees paid for similar services in the courts.

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

IC 15-17-5-23

No right against self-incrimination

Sec. 23. (a) A person may not be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence:

- (1) before the state veterinarian or board, or in obedience to a subpoena of the state veterinarian or board, regardless of whether the subpoena was signed or issued by the state veterinarian, the state veterinarian delegate, or board; or
- (2) in a cause or proceeding, criminal or civil, based upon or growing out of an alleged violation of this chapter;

on the ground that the testimony, evidence, documents, or other evidence required of the person may tend to incriminate the person or subject the person to a penalty or forfeiture.

(b) A person may not be prosecuted or subjected to a penalty or forfeiture for or on account of a transaction, matter, or thing concerning which the person is compelled to testify or produce testimony, evidence, documents, or other evidence after having claimed the person's privilege against self-incrimination. However, a person testifying is not exempt from prosecution and punishment for perjury.

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

IC 15-17-5-24

Failure to obey subpoena or other requirement

Sec. 24. A person who recklessly, knowingly, or intentionally fails to:

- (1) attend and testify;
- (2) answer a lawful inquiry; or
- (3) produce documentary evidence if in the person's power to do so;

in obedience to a subpoena or lawful requirement of the state veterinarian or board commits a Class A misdemeanor.

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

IC 15-17-5-25

Falsifying or interfering with documentary evidence or inspection

Sec. 25. A person who knowingly:

- (1) makes a false entry or statement of fact in a report required to be made under this chapter or in any account, record, or memorandum kept by a person subject to this chapter;
- (2) fails to make full, true, and correct entries in the accounts, records, or memoranda of all facts and transactions pertaining to the person's business;
- (3) removes out of Indiana or damages, alters, or falsifies documentary evidence of a person subject to this chapter; or
- (4) refuses to submit to the state veterinarian or board or to the state veterinarian's or board's authorized agent for the purpose of inspection and taking copies of documentary evidence of a person subject to this chapter in the person's possession or

within the person's control;
commits a Level 6 felony.
*As added by P.L.2-2008, SEC.8. Amended by P.L.158-2013,
SEC.208.*

IC 15-17-5-26

Failure to file report; forfeiture after notice of default

Sec. 26. (a) A person who fails to file an annual or a special report as required by this chapter within the time fixed by the state veterinarian for filing the report and for thirty (30) days after notice of default shall forfeit to the state one hundred dollars (\$100) for each day of the continuance of the failure beginning thirty-one (31) days after the notice of default. The forfeiture is payable into the state treasury and is recoverable in a civil suit in the name of the state of Indiana brought in the circuit court where the person has the person's principal office or in any county in which the person does business.

(b) The prosecuting attorneys, under the direction of the attorney general, shall prosecute for the recovery of forfeitures. The costs and expenses of prosecution must be paid out of the appropriation for the expenses of the courts.

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

IC 15-17-5-27

Adverse conditions in official establishment

Sec. 27. (a) If a condition exists in an official establishment that may adversely affect the wholesomeness of meat, poultry, meat food products, or meat byproducts prepared or processed in the official establishment, the state veterinarian may suspend state meat or poultry inspection until the condition is remedied.

(b) After notice and hearing in compliance with IC 4-21.5, the board may revoke state meat and poultry inspection from an official establishment if the person in authority at the establishment repeatedly and persistently fails to comply with this chapter and the rules adopted under this chapter.

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

IC 15-17-5-28

Powers of state veterinarian or board upon finding of adverse conditions

Sec. 28. (a) This section applies if, upon inspection of an establishment, the state veterinarian or board finds a condition that meets any of the following conditions:

- (1) May affect adversely the wholesomeness of meat, poultry, meat food products, meat byproducts, or poultry products.
- (2) Is in violation of this chapter or rules adopted under this chapter.

(b) The state veterinarian or board may do either of the following:

- (1) Furnish evidence of the violation to the prosecuting attorney of the judicial circuit in which the violation occurs.

(2) Issue an order to the person in authority at the offending establishment to abate the condition or violation within five (5) days or other reasonable time required to abate the condition or violation. The proceedings to abate must be in accordance with IC 4-21.5.

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

IC 15-17-5-29

Notice of violation; right to counsel; hearing

Sec. 29. (a) Before a violation of this chapter is reported by the state veterinarian or board to a prosecuting attorney for institution of a criminal proceeding, the person against whom the proceeding is contemplated must be given an opportunity to be heard and may be represented by legal counsel.

(b) The state veterinarian or board shall give the person ten (10) days notice in writing. The notice must do the following:

(1) Specify the charges for the action.

(2) Set the date, time, and place where the hearing is to be held.

(c) The board or the board's designee shall hold the hearing in Indianapolis.

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

IC 15-17-5-30

Interference with official duties

Sec. 30. A person who knowingly and forcibly resists, obstructs, or interferes with another person while the other person is engaged in or on account of the performance of the person's official duties under this chapter commits a Level 6 felony. However, the offense is a Level 5 felony if, while committing the offense, the person draws or uses a deadly weapon or inflicts bodily injury on any other person.
As added by P.L.2-2008, SEC.8. Amended by P.L.158-2013, SEC.209.

IC 15-17-5-31

Violations

Sec. 31. (a) Except as otherwise provided, a person who recklessly violates this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

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