



## The National Agricultural Law Center

*The nation's leading source for agricultural & food law research & information*

NationalAgLawCenter.org | nataglaw@uark.edu

---

---

## State Meat Inspection Laws: *Indiana*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

## State Meat Inspection Laws: Indiana

**Fast find:**

- 1) Federal Compliance: [Ind. Code Ann. § 15-17-5-1](#)
- 2) Controlling State Agency/Definitions: [Ind. Code Ann. § 15-17-2-8](#)
- 3) Animals Covered Under the Act: [Ind. Code Ann. § 15-17-2-47](#)
- 4) Approved Methods of Slaughter & Religious Slaughter: [Ind. Code Ann. § 15-17-5-8](#)
- 5) Inspection
  - a) Procedure and Examination: [Ind. Code Ann. § 15-17-5-10](#)
  - b) Licensing: [Ind. Code Ann. § 15-17-5-9](#)
- 6) Exemptions
  - a) Personal Use:
  - b) On Farm or Custom Slaughter:
  - c) Religious: [Ind. Code Ann. § 15-17-5-11](#)
- 7) Violations: [Ind. Code Ann. § 15-17-5-17](#)

### [Ind. Code Ann. Tit. 15, Art. 17, Ch. 5](#)

*The statutes and Constitution are current with all legislation of the 2020 Second Regular Session of the 121st General Assembly effective through June 30, 2020.*

#### **15-17-2-1 Application**

Sec. 1. The definitions in this chapter apply throughout this article.

#### **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.

### **15-17-2-3 “Animal”**

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

### **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.

### **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.

### **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.

### **15-17-2-7 “Baby chick”**

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

### **15-17-2-8 “Board”**

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

### **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.

### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **15-17-2-17.5 "Cervidae"**

Sec. 17.5. "Cervidae", for purposes of IC 15-17-14.5 and IC 15-17-14.7, means privately owned members of the cervidae family, including deer, elk, moose, reindeer, and caribou.

#### **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.).

#### **15-17-2-19 "Commerce"**

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

#### **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.

#### **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.

#### **15-17-2-22 "Container"**

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

### **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.

### **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.

### **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.

#### **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).

#### **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.

#### **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.

#### **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.).

**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.).

**15-17-2-31 “Feeder pig”**

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

**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).

**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.).

**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.

**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”.

**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.

**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.

**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.

**15-17-2-38.5 “Hunting preserve”**

Sec. 38.5. “Hunting preserve”, for purposes of IC 15-17-14.7, has the meaning set forth in IC 15-17-14.7-1.

**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.

**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.

**15-17-2-41 “Inedible”**

Sec. 41. “Inedible” means not suitable for human consumption.

**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.

**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.

**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.

#### **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.

#### **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.

#### **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.

**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.

**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.

**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.

#### **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.

#### **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.

#### **15-17-2-53 “Market agency”**

Sec. 53. “Market agency” means a person who buys or sells livestock on a commission basis.

#### **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.

#### **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.

**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.

**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.

**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.

**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.

**15-17-2-60 "Milk tank truck"**

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

#### **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.

#### **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.

#### **15-17-2-63 “Milk transportation company”**

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

#### **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.

#### **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.

#### **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.

**15-17-2-67 “Nonedible”**

Sec. 67. “Nonedible” means not suitable for human consumption.

**15-17-2-68 “Oath”**

Sec. 68. “Oath” includes affirmation.

**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.

**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.

**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.

**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.

**15-17-2-73 “Official health certificate” or “official certificate of veterinary inspection”**

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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

#### **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.

#### **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 (  $\frac{1}{2}$  ) second.

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

#### **15-17-2-82.5 “Permitted animal”**

Sec. 82.5. “Permitted animal”, for purposes of IC 15-17-14.7, has the meaning set forth in IC 15-17-14.7-3.

#### **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.

#### **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.

#### **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.).

### **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.

### **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.

### **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.

### **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.

### **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.

### **15-17-2-91 “Private sale”**

Sec. 91. “Private sale” means any sale other than a public sale.

### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **15-17-2-101 "Tuberculosis"**

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

#### **15-17-2-102 "Veterinarian"**

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



### **15-17-5-1 Purpose of chapter**

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.

### **15-17-5-2 Administration by state veterinarian**

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

### **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.

### **15-17-5-4 Duties of board or state veterinarian in providing humane slaughter**

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.

### **15-17-5-5 Powers of board or state veterinarian in implementing chapter**

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.

#### **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.

#### **15-17-5-7 Transportation; equine carcasses, livestock or poultry not intended for human consumption; 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.

#### **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.

**15-17-5-9 Granting of inspection service to establishments; slaughter for human consumption; processing or manufacturing products; adoption of rules for establishments trading in commerce**

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.

**15-17-5-10 Completion of inspection; access at reasonable times**

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.

**15-17-5-11 Exemptions to antemortem and postmortem inspection requirements**

Sec. 11. (a) As provided in this section, the board shall issue limited permits for the operations of an establishment that are exempt 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.

A person operating an establishment under subsection (f) shall obtain a limited permit from the board.

(b) The board may enter and inspect the operation of an establishment described in subsection (a) to determine compliance with this chapter. When the operation of an establishment 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.

(e) Except as provided in subsection (f), poultry products produced in an establishment operating under an exemption or limited permit described in subsection (a) must be labeled in accordance with rules adopted by the board and may only be distributed directly to a household consumer who:

(1) is the last person to purchase the poultry product; and

(2) does not resell the poultry.

Distribution directly to a household consumer includes sales at the farm, at a farmers market, at a roadside stand, and through delivery to the consumer.

(f) The board shall issue a limited permit to an establishment operating under subsection (a) and 9 CFR 381.10(a)(5) and 9 CFR 381.10(a)(6) to produce poultry products for distribution to retail stores, hotels, restaurants, and institutions that resell or serve the products to consumers, if the establishment meets the following additional requirements:

(1) The establishment notifies the board of its operating schedule.

(2) The establishment meets the standards in 9 CFR Part 416.

(3) The establishment creates a food safety plan for the operation that includes an analysis of food safety hazards that are reasonably likely to occur in the production process and identification of control measures the establishment can apply to control those hazards.

(4) There is at least one (1) person who is responsible for all periods of the establishment's operations who has successfully completed a course of instruction in the application of food safety principles to meat and poultry product production.

(5) The poultry products are labeled in accordance with rules adopted by the board.

The board may conduct microbial testing for food safety at establishments operating under this subsection. The board's microbial testing may not be more stringent than the board's microbial testing at inspected establishments. The board may create and publish recommended standards for microbial testing by establishments operating under this subsection.

(g) The board may adopt rules under IC 4-22-2 to implement this section.

#### **15-17-5-12 Duty of board to provide inspection service; hours of operation; fees**

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.



### **15-17-5-13 Inspection not provided 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.

### **15-17-5-14 Bison, farm raised cervidae, or ratitae; field antemortem inspections**

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.

### **15-17-5-15 Fee schedules**

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.

### **15-17-5-16 Prohibitions 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.

#### **15-17-5-17 Offer of sale without inspection approval prohibited; order for compliance; civil 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.

#### **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.

#### **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.

### **15-17-5-20 Detention of livestock, 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.

#### **15-17-5-21 Procedures for seizure and condemnation of article or animal; destruction or sale; expenses; proceedings**

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.

### **15-17-5-22 Powers of state veterinarian; investigations; access to evidence and witnesses; subpoena powers; writs of mandamus; depositions; fees paid for services**

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.

### **15-17-5-23 Prohibition of 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.

### **15-17-5-24 Failure to obey subpoena or other lawful requirements; offense**

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.

### **15-17-5-25 Falsifying or interfering with documentary evidence or inspection; offense**

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.

#### **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, superior court, or probate 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.

#### **15-17-5-27 Adverse conditions in official establishment; notice, hearing, and revocation**

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.

#### **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.

**15-17-5-29 Notice of violation before institution of criminal proceedings; right to legal 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.

**15-17-5-30 Unlawful interference with official duties; offense**

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.

**15-17-5-31 Reckless violation of chapter; offense**

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.