**TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH**

**Final Rule**
LSA Document #12-491(F)

DIGEST

Amends 345 IAC 1-3-29 to require certificates of veterinary inspection for all cervids moving into the state. Amends 345 IAC 1-3-30 to require animals moving into the state to come from states and herds participating in a USDA approved chronic wasting disease certification program and prohibit certain animals from entering the state. Amends 345 IAC 2-7-1 through 345 IAC 2-7-5 and adds 345 IAC 2-7-5.5 to conform definitions to federal standards, authorize a certified chronic wasting disease sampler program, amend the chronic wasting disease monitored program, and amend the chronic wasting disease certified program to meet federal standards. Amends 345 IAC 2-7-6 to authorize certain compliance actions for rule violations. Amends 345 IAC 2.5-5-3 to allow movement of cervids to a premises for tuberculosis testing. Amends 345 IAC 7-5-28 to remove the requirement of a brucellosis test prior to exhibiting cervids. Makes other changes in the laws governing disease control in cervids. Effective 30 days after filing with the Publisher.

**345 IAC 1-3-29; 345 IAC 1-3-30; 345 IAC 1-3-31; 345 IAC 2-7-1; 345 IAC 2-7-2; 345 IAC 2-7-2.4; 345 IAC 2-7-2.5; 345 IAC 2-7-3; 345 IAC 2-7-4; 345 IAC 2-7-5; 345 IAC 2-7-5.5; 345 IAC 2-7-6; 345 IAC 2.5-5-3; 345 IAC 7-5-28**

SECTION 1. 345 IAC 1-3-29 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 1-3-29 Importing cervidae into Indiana**

**Authority: IC 15-17-3-21**
**Affected: IC 15-17-3-13; IC 15-17-7**

Sec. 29. (a) An animal from the family cervidae may be moved into Indiana if the requirements of this rule, 345 IAC 2-7, and 345 IAC 2.5-5-2 are met. A person moving cervidae into the state must comply with the following:

(1) A preentry permit to transport the animal into Indiana is required. Subject to the restrictions in section 30 of this rule, permits shall be obtained from the state veterinarian prior to moving the animal into the state. The state veterinarian shall assign a permit number for each permit issued. The permit number shall be recorded on the certificate of veterinary inspection associated with the permitted animals. ~~or, if a certificate of veterinary inspection is not required, the shipping manifest accompanying the shipment.~~ A person transporting a live animal directly through the state without stopping and unloading the animal in the state is not required to obtain a permit from the state veterinarian. Contact the state veterinarian ~~at (317) 227-0310~~ to obtain a permit.

(2) The animal must be accompanied by an official certificate of veterinary inspection written for the animal. ~~Animals that are moved directly to an official state or federally inspected slaughtering establishment for immediate slaughter may be moved into Indiana without a certificate of veterinary inspection if they are accompanied by a shipping manifest that contains the following:~~

~~(A) The origin of each animal.~~
~~(B) An individual description of each animal.~~
~~(C) The official identification for each animal.~~
~~(D) The destination of each animal.~~
~~(E) The import permit number for the shipment.~~

The certificate of veterinary inspection ~~or shipping manifest~~ with the correct permit number must be with the animals and available from the person in charge of the animals during movement.

(3) The animal must be identified ~~using~~ **with at least two (2) forms of identification. One (1) of the identifications must be** official identification that is a tamper resistant ear tag. ~~In addition to~~ The **second identification may be a** tamper resistant ear tag ~~animals may also be identified with official~~ **or one (1) of the following forms of** identification: ~~using the following methods:~~

(A) **An** electronic implant.
(B) **A** flank tattoo.
(C) **An** ear tattoo.
(D) An identification device approved by the state veterinarian.

However, a person may identify a reindeer using an official method other than an ear tag. ~~and a cervid that is moved by permit direct to slaughter at an official state or federally inspected slaughter establishment for immediate slaughter may be identified with an official United States Department of Agriculture back tag.~~

(4) The state veterinarian may permit a person to transport into Indiana an animal without a certificate of

veterinary inspection or identification in order to facilitate research or the diagnosis, prevention, or control of disease.

(b) A person may not import into Indiana the following cervidae:
**(1) Cervids that are prohibited under section 30 of this rule concerning chronic wasting disease or 345 IAC 2.5-5 concerning tuberculosis.**
~~(1)~~ **(2)** Cervids that respond to a brucellosis test.
~~(2)~~ **(3)** Cervidae that originate from a herd that is:
(A) under quarantine for brucellosis; or
(B) affected with brucellosis.

(c) Cervids that respond to a brucellosis test may be imported into Indiana if the animal:
(1) subsequently, prior to importation into Indiana, tests negative for brucellosis using an official brucellosis test; or
(2) is:
(A) sold or consigned to slaughter; and
(B) moved directly to the slaughter establishment.

(d) Before a person may import into Indiana cervidae not known to be infected with or exposed to brucellosis, one (1) of the following set of requirements must be met:
(1) The animal:
(A) originated from a herd that is certified brucellosis free under requirements that are at least equal to those in 345 IAC 2-4.5-3; and
(B) is accompanied by a certificate of veterinary inspection certifying that the animal originated from a brucellosis certified herd.
(2) The animal:
(A) originated from a herd that is brucellosis monitored under requirements that are at least equal to those in 345 IAC 2-4.5-3;
(B) if sexually intact and one (1) year of age or older, tests negative for brucellosis using an official test conducted within ninety (90) days prior to the animal entering Indiana; and
(C) is accompanied by a certificate of veterinary inspection certifying that the animal originated from a brucellosis monitored herd and tested negative for brucellosis on a specific date.
(3) The animal originated from a herd that is not brucellosis certified or monitored and the following requirements are met:
(A) If the animal is to be added to a herd that is brucellosis certified or monitored under 345 IAC 2-4.5-3, the animal meets the requirements in the Brucellosis in Cervidae UM & R adopted under 345 IAC 2-4.5-2 for additions to a herd with that status.
(B) If the animal is to be added to a herd that is not brucellosis certified or monitored under 345 IAC 2-4.5-3, the animal tests negative for brucellosis using an official test within thirty (30) days prior to the animal entering Indiana.
(C) The animal is accompanied by a certificate of veterinary inspection certifying that the animal met the requirements for importation listing the specific test dates.
(4) The animal is consigned to slaughter and is moved directly to the slaughter establishment.

*(Indiana State Board of Animal Health; 345 IAC 1-3-29; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1473; errata filed Mar 31, 1999, 9:37 a.m.: 22 IR 2534; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed Feb 9, 2007, 9:42 a.m.: 20070307-IR-345060512RFA; filed Jul 23, 2008, 1:01 p.m.: 20080820-IR-345070824FRA; filed Nov 3, 2009, 3:28 p.m.: 20091202-IR-345090491FRA; filed May 23, 2013, 3:16 p.m.: 20130619-IR-345120491FRA)*

SECTION 2. 345 IAC 1-3-30 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 1-3-30 Chronic wasting disease**

**Authority: IC 15-17-3-21**
**Affected: IC 15-17-3-13; IC 15-17-18-6**

Sec. 30. (a) Notwithstanding any other provision of this rule, a person may ~~not~~ move or cause to be moved ~~any~~ **into the state live animals** of the **family cervidae that are susceptible to CWD only as provided in subsection (b). These are animals of the** following ~~live animals into the state:~~ **genera and their hybrids and**

**related species:**

~~(1) A member of the:~~

~~(A)~~ **(1) Odocoileus (mule deer and whitetail deer).**

**(2)** Cervus ~~elaphus species~~ (elk, wapiti, ~~and~~ red deer, ~~(B) Cervus nippon species~~ **and** Sika deer). ~~Japanese deer, Japanese Sika deer, spotted deer, and Japanese spotted deer);~~

~~(C) Odocoileus hemionus species (mule deer);~~

~~(D) Odocoileus virginianus species (whitetail deer); or~~

~~(E)~~ **(3)** Alces ~~alces species~~ (moose).

~~(2) Hybrids of the~~ **(4) Any other** species ~~listed in this subsection.~~

~~(3) An animal~~ of the family cervidae ~~if any member of its species has been diagnosed with~~ **that:**

**(A) is found to be susceptible to** CWD; **and**

~~A person may, however, move live animals from these species under~~ **(B)** the ~~conditions set forth~~ **state veterinarian designates** in ~~subsection (b).~~ **writing as being governed by the movement requirements in this rule.**

(b) A person may move or cause to be moved a live animal of the species listed in subsection (a) into the state by complying with one (1) of the following:

(1) A person may transport a live animal directly through the state without stopping and unloading the animal in the state.

(2) The person obtains a pre-entry permit from the state veterinarian that authorizes the movement as follows:

(A) The person must first apply to the state veterinarian for a pre-entry permit to move the animal into the state.

(B) The state veterinarian may require from an applicant for a pre-entry permit and the applicant must provide any information, including supporting documentation, that is relevant to evaluating the disease risk associated with the movement and compliance with subsections (c) through (f). The state veterinarian may require that the application for a permit be in writing and be submitted not less than one hundred twenty (120) hours prior to the **proposed** movement date.

(c) The state veterinarian may issue a pre-entry permit to move a live animal of the species listed in subsection (a) into the state if the epidemiology as it relates to CWD indicates that the proposed movement is consistent with reasonable animal health precautions. The state veterinarian must follow the principles in subsections (d) through (g) when issuing pre-entry permits.

(d) Except as provided in subsections (e) through (g), the state veterinarian must follow the following principles when issuing pre-entry permits for live animals:

(1) Each animal in the proposed movement must originate from an area that meets all of the following conditions:

(A) The principal animal health official in the state of origin has authority to quarantine CWD infected, CWD exposed, and CWD suspect animals.

(B) State law in the state of origin requires that a diagnosis of CWD be reported to the principal animal health official of the state.

(C) The state of origin is engaged in surveillance for CWD in captive and free-ranging cervids.

**(D) The state of origin is participating in the federal CWD herd certification program under 9 CFR Part 55 Subpart B or the United States Department of Agriculture is administering this CWD certification program in the state.**

~~(D)~~ **(E)** CWD has not been diagnosed in a captive ~~or free-ranging~~ cervid **herd** in the state **where the herd of origin is located** within the sixty (60) months immediately prior to the date of the proposed movement.

**(F) CWD has not been diagnosed in a free-ranging cervid in the state where the herd of origin is located within the sixty (60) months immediately prior to the date of the proposed movement.**

**(G) The herd of origin's premises is not located in a state or federal CWD-quarantine area, CWD-infected area, CWD-containment area, CWD-management area, or a similarly designated CWD control area.**

(2) Each animal in the proposed movement must originate from a herd that meets all of the following conditions:

(A) No animal in the herd, no animal that originated from the herd, and no animal that has been traced to the herd has been diagnosed as positive for CWD within the sixty (60) months immediately prior to the date of transportation into Indiana.

**(B) The herd is not classified as a CWD-positive, CWD-exposed, or CWD-suspect herd and is not currently designated a trace back or trace forward herd in a CWD epidemiological investigation.**

~~(B)~~ **(C)** The herd has been enrolled in or subject to an official state or federal surveillance program

**equivalent to the program described in 9 CFR Part 55 Subpart B** whereby the herd has been monitored for CWD for not less than sixty (60) consecutive months and **has achieved CWD certified status.** The owner of the herd ~~is~~ **must be** in compliance with the surveillance program requirements. The certification program information shall be:

(i) disclosed when applying for an entry permit under this section; and

(ii) included on the certificate of veterinary inspection required under section 4 of this rule.

(e) The state veterinarian may issue a pre-entry permit under this section for an animal if the animal has tested negative for CWD using a live animal test that has been approved by the United States Department of Agriculture and the state veterinarian.

(f) The state veterinarian may issue a pre-entry permit under this section to move a live animal of the species listed in subsection (a) into the state directly to slaughter if **all of** the following requirements are met:

(1) An official certificate of veterinary inspection is obtained for the animals on the shipment.

(2) Each animal is identified **with two (2) forms of identification as required in section 29 of this rule** and the identification is recorded on the certificate of veterinary inspection.

~~(3) The permit requires:~~

~~(A)~~ **(3)** A copy of the certificate of veterinary inspection ~~to move~~ **moves** with the animals and ~~be~~ **is** presented to a state or federal official at the slaughtering plant.

~~(B) that~~ **(4)** The animals ~~be~~ **are** moved directly to a slaughtering plant inspected by the board or the United States Department of Agriculture without stopping and unloading the animals elsewhere in the state. ~~and~~

~~(C) that~~ **(5)** The state veterinarian **must** be ~~allowed~~ **provided access** to collect samples from each animal for testing for disease.

**(6) The animal must originate from a herd that is not classified as a CWD-positive, CWD-exposed, or CWD-suspect herd and is not currently designated a trace back or trace forward herd in a CWD epidemiological investigation.**

**(7) The herd of origin's premises must not be located in a state or federal CWD-quarantine area, CWD-infected area, CWD-containment area, CWD-management area or a similarly designated CWD control area.**

~~(4)~~ **(8)** The permit ~~contains~~ **may contain** any other conditions the state veterinarian determines to be necessary to prevent, detect, and control disease.

(g) The state veterinarian may permit the movement of any animal into the state under conditions prescribed by the state veterinarian:

(1) for the purpose of research; or

(2) to facilitate the:

(A) diagnosis;

(B) treatment;

(C) prevention; or

(D) control;

of disease.

*(Indiana State Board of Animal Health; 345 IAC 1-3-30; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1338; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 345; filed Sep 5, 2003, 8:41 a.m.: 27 IR 87; readopted filed Feb 9, 2007, 9:42 a.m.: 20070307-IR-345060512RFA; filed Jul 23, 2008, 1:01 p.m.: 20080820-IR-345070824FRA; filed May 23, 2013, 3:16 p.m.: 20130619-IR-345120491FRA)*

SECTION 3. 345 IAC 1-3-31 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 1-3-31 Chronic wasting disease; carcasses**

**Authority: IC 15-17-3-21**
**Affected: IC 14-22-21; IC 15-17-5; IC 15-17-11**

Sec. 31. (a) The provisions in this section supersede any conflicting provisions in 345 IAC 7-7. Except as provided in subsection (b), a person may not move into the state a carcass or any part thereof of ~~the following~~ animals **of the family cervidae that are susceptible to CWD. These are carcasses of animals of the following genera and their hybrids and related species:**

~~(1) A member of the Cervus elaphus species~~

**(1) Odocoileus (mule deer and whitetail deer).**
**(2) Cervus** (elk, wapiti, ~~and~~ red deer,
~~(2) A member of the Cervus nippon species~~ **and** Sika deer). ~~Japanese deer, Japanese Sika deer, spotted deer, and Japanese spotted deer).~~
~~(3) A member of the Odocoileus hemionus species (mule deer).~~
~~(4) A member of the Odocoileus virginianus species (whitetail deer).~~
~~(5) Hybrids of the~~
**(3) Alces (moose).**
**(4) Any other** species ~~listed in this subsection.~~
~~(6) An animal~~ of the family cervidae ~~if any member of its species has been diagnosed with~~ **that:**
**(A) is found to be susceptible to** CWD; **and**
~~Semen and embryos authorized for entry under section 30 of this rule, however, may be moved into~~ **(B)** the state **veterinarian designates in writing as being governed by the movement requirements in this rule.**

(b) Notwithstanding the prohibition in subsection (a), the following apply:
(1) A person may transport a carcass or parts directly through the state without stopping and unloading the carcass or parts in the state.
(2) A person may move into the state carcasses or parts of carcasses if no portion of the following materials are attached or otherwise included in the movement:
(A) The head.
(B) The spinal cord.
(C) The small intestine.
(3) A person may move into the state carcasses or parts of carcasses that include the materials listed in subdivision (2) if they are delivered within seventy-two (72) hours after entry to one (1) of the following:
(A) A meat processor inspected under IC 15-17-5 for processing.
(B) A commercial deer processor registered with the Indiana department of natural resources under 312 IAC 9-3-10 for processing.
(C) A taxidermist licensed by the Indiana department of natural resources under IC 14-22-21.
(4) A person may move the following parts into the state:
(A) Antlers, including antlers attached to skull caps, if the skull cap is cleaned of all brain and muscle tissue.
(B) Hides.
(C) Upper canine teeth, also known as "buglers", "whistlers", or "ivories".
(D) Finished taxidermist mounts.
(5) A person licensed as a disposal plant or collection service under IC 15-17-11 may move carcasses and parts into the state if the carcasses and parts are moved directly to a licensed disposal plant.
(6) Samples taken for disease control purposes may be moved directly to a diagnostic laboratory.
(7) The state veterinarian may permit the movement of any carcass or part into the state for the purpose of research or to facilitate the:
(A) diagnosis;
(B) treatment;
(C) prevention; or
(D) control;
of disease.

(c) A meat plant accepting live animals for slaughter under section 30 of this rule and any person accepting carcasses under subsection (b)(3) must dispose of discarded tissue and parts from the animals as follows:
(1) At a landfill or commercial incinerator permitted by the Indiana department of environmental management.
(2) Through a renderer or collection service licensed under IC 15-17-11.
**(3) In a manner designated by the state veterinarian.**

*(Indiana State Board of Animal Health; 345 IAC 1-3-31; filed Sep 5, 2003, 8:41 a.m.: 27 IR 89; filed Jul 18, 2005, 1:00 p.m.: 28 IR 3569; readopted filed Feb 9, 2007, 9:42 a.m.: 20070307-IR-345060512RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; filed May 23, 2013, 3:16 p.m.: 20130619-IR-345120491FRA)*

SECTION 4. 345 IAC 2-7-1 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 2-7-1 Definitions**

**Authority: IC 15-17-3-21**

Sec. 1. The following definitions and the definitions in IC 15-17-2 apply throughout this rule:
**(1) "Animal" means any farmed or captive cervid.**
**(2) "Approved CWD sample collector" means a person that has been approved by the state veterinarian to collect official samples for CWD testing.**
~~(1)~~ **(3)** "Board" means the Indiana state board of animal health appointed under IC 15-17-3.
~~(2)~~ **(4)** "Certification program" means the CWD herd certification program in section 4 of this rule.
~~(3) "Cervidae" or~~ **(5)** "Cervid" means all members of the **family** cervidae ~~family and hybrids including~~ **that are susceptible to CWD. These are the animals in** the following **genera and their hybrids and related species:**
(A) **Odocoileus (mule** deer **and whitetail deer).**
(B) **Cervus** (elk, **wapiti, red deer, and Sika deer).**
(C) **Alces** (moose).
~~(D) Caribou.~~
~~(E) Reindeer.~~
~~(F) Related~~ **(D) Any other** species **of the family cervidae that:**
**(i) is found to be susceptible to CWD; and**
**(ii) the state veterinarian designates in writing as being governed by the CWD program established in this rule.**
~~(4)~~ **(6)** "Chronic wasting disease" or "CWD" means a transmissible spongiform encephalopathy of cervids.
~~(5)~~ **(7)** "CWD exposed animal" means an animal that is **part of a CWD positive herd** or **that** has been **exposed to a CWD positive animal or CWD contaminated premises** in the last five (5) years. ~~part of a CWD positive or CWD exposed herd.~~
~~(6)~~ **(8)** "CWD exposed herd" means a herd in which a CWD positive or exposed animal has resided within sixty (60) months prior to the diagnosis of CWD.
~~(7)~~ **(9)** "CWD negative animal" means an animal that has been subjected to an official CWD test that resulted in a negative classification.
~~(8)~~ **(10)** "CWD positive animal" means an animal that has been diagnosed as having CWD ~~based on~~ **through** official ~~laboratory test results.~~ **confirmatory testing conducted by the National Veterinary Services Laboratories.**
~~(9)~~ **(11)** "CWD positive herd" means a herd in which a CWD positive animal resided at the time it was diagnosed and that has not been released from quarantine.
~~(10)~~ **(12)** "CWD suspect **animal"** and **"CWD** suspect" means **an animal for which the state veterinarian has determined that unofficial CWD test results,** laboratory evidence, or clinical signs suggest a diagnosis of CWD, but **for which official** laboratory results are not yet available or have been inconclusive.
~~(11)~~ **(13)** "Herd" means an animal or a group of animals that are:
(A) under common ownership or supervision; and
(B) grouped on one (1) or more parts of a single premises, or on two (2) or more separate premises but on which animals have been interchanged or had direct or indirect contact with one another.
~~(12)~~ **(14)** "Herd plan" means a written herd **and premises** management agreement **described in section 5.5 of this rule that is** developed by the herd owner, the herd owner's veterinarian, and the state veterinarian, and approved by the state veterinarian, that states the steps that will be taken to:
**(A)** eradicate CWD from a CWD positive **herd;**
**(B) control the risk of CWD in a** CWD exposed or CWD suspect herd; **or**
**(C) prevent introduction of CWD into that herd or any other herd.**
~~(13)~~ **(15)** "High risk animal" means a cervid that may have been exposed to CWD. The state veterinarian shall determine which animals are high risk animals based on an epidemiological investigation that includes evaluation of animal movements, housing, location, and probable contacts with CWD positive, CWD exposed, or CWD suspect animals.
~~(14) "Monitored program" means the CWD monitored herd program in section 3 of this rule.~~
~~(15)~~ **(16)** "Official identification" means a device or method of animal identification approved for use under this rule by the state veterinarian. Official identification must include a nationally unique animal identification number that adheres to one (1) of the following numbering systems:
(A) National Uniform Eartagging System **that employs an eight (8) or nine (9) character alphanumeric format, consisting of two (2) number state or territory code, followed by two (2) or three (3) letters and four (4) additional numbers.**
(B) Animal identification number (AIN), the official numbering system for identification of animals in the United States. The AIN must contain fifteen (15) digits with the first three (3) being one (1) of the following:
(i) The country code (840 for the United States).
(ii) The alpha characters "USA".

(iii) The numeric code assigned to the manufacturer of the identification device by the International Committee on Animal Recording.

(C) A premises-based numbering system that combines an official premises identification number with a producer's livestock production numbering system to provide a unique identification number. The PIN number and the production number must both appear on the official tag.

**(D) Any other numbering system that has been approved by the state veterinarian and the United States Department of Agriculture for the identification of animals in commerce.**

~~(16)~~ **(17)** "Official test" means a CWD detection test approved by the state veterinarian conducted in a laboratory approved by the state veterinarian.

~~(17)~~ **(18)** "Owner" means a person who legally owns an animal. The state veterinarian may include as an owner a person who possesses an animal under a permit issued by the United States government or the Indiana department of natural resources, whether or not the permit holder actually has ownership rights in the animal, if it furthers the purposes of this rule.

~~(18)~~ **(19)** "Premises identification number" or "PIN" means a **nationally** unique number **assigned by** the state veterinarian, ~~assigns~~ **the animal health authority of another state, or a federal animal health authority** to a premises **that is, in the judgment of the assigning animal health authority, a geographically distinct location from other premises. All of the following apply to a PIN:**

**(A) It is associated with an address, geospatial coordinates, or location descriptors that provide a verifiably unique location.**

**(B) It may be used in conjunction with a producer's own livestock production numbering system to provide a unique identification number for an animal.**

**(C) It may be used as a component of a group/lot identification number.**

**(D) It may consist of:**

**(i) the state's two (2) letter postal abbreviation followed by the premises assigned number; or**

**(ii) a seven (7) character alphanumeric code, with the right-most character being a check digit. The check digit number I based upon the ISO 70-64 Mod 36/37 check digit algorithm.**

~~(19)~~ **(20)** "Quarantine" means an order restricting the movement of animals onto or off of a premises.

~~(20)~~ **(21)** "State veterinarian" means the state veterinarian appointed under IC 15-17-4 or his or her authorized agent.

*(Indiana State Board of Animal Health; 345 IAC 2-7-1; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1339; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 346; filed Jul 23, 2008, 1:01 p.m.: 20080820-IR-345070824FRA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; filed May 23, 2013, 3:16 p.m.: 20130619-IR-345120491FRA)*

SECTION 5. 345 IAC 2-7-2 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 2-7-2 General provisions**

**Authority: IC 15-17-3-21**
**Affected: IC 15-17-3-13**

Sec. 2. **(a) The state veterinarian may apply to the United States Department of Agriculture to have the state CWD program designated an approved state CWD certification program under 9 CFR Part 55.**

~~(a)~~ **(b)** Any official test for chronic wasting disease must be conducted at:

(1) the Animal Disease Diagnostic Laboratory at Purdue University;

(2) a United States Department of Agriculture laboratory; or

(3) a laboratory approved by the state veterinarian.

The state veterinarian may approve a laboratory to conduct official tests for chronic wasting disease if the laboratory demonstrates that its diagnostic procedures for chronic wasting disease are in compliance with generally accepted scientific standards and approving the laboratory will further the purposes of this rule.

~~(b)~~ **(c)** All tests for CWD required by this rule or conducted under this rule must be official tests. The results of a test for CWD that is not an official test will not ~~be used to determine compliance with~~ **satisfy the requirements of** this rule.

~~(c) Veterinarians collecting samples from cervids under this rule for official tests must meet~~ **(d) The state veterinarian may approve a person to be an approved CWD sample collector if he or she meets** the

following requirements:

(1) ~~Hold a valid license~~ **The person has submitted an application** to ~~practice veterinary medicine in~~ the state **veterinarian for approval.**

(2) ~~Hold a current accreditation status from~~ The ~~United States Department of Agriculture under 9 CFR Subchapter J.~~

~~(3) Be trained~~ **person has successfully completed training programs** on appropriate sample collection techniques **that have been approved** by the state veterinarian.

~~Veterinarians collecting samples~~ **The state veterinarian's approval to be an approved CWD sample collector continues until it is modified, suspended, or revoked by the state veterinarian.**

**(e) A person approved to be an approved CWD sample collector** must **do the following:**

**(1) Collect and preserve appropriate samples as required by this rule and protocols issued by the state veterinarian.**

**(2)** Submit samples for testing according to procedures **and within the timelines required by this rule and the protocols** issued by the state veterinarian.

**(3) Create and upon request of the state veterinarian submit written records of sample collection and submission activities that are required by this rule and protocols issued by the state veterinarian.**

**(f) The state veterinarian may modify, suspend, or revoke the approval issued to an approved CWD sample collector if the sample collector does any of the following:**

**(1) Violates a law administered by the board.**

**(2) Fails to successfully complete the initial training program on sample collection or any supplemental training later designated by the state veterinarian as necessary to maintain proficiency in sample collection and submission techniques.**

**(3) Fails to comply with sample collection and submission protocols issued by the state veterinarian.**

**(4) Fails to create or submit written records required by this rule and protocols issued by the state veterinarian that accurately and completely document the sample collection and submission.**

**(5) Submits poor quality samples, incomplete samples, or samples that are not testable.**

**(6) Violates any requirement of this rule.**

~~(d)~~ **(g)** All records required to be kept by this rule shall be kept for not less than six (6) years.

*(Indiana State Board of Animal Health; 345 IAC 2-7-2; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1339; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; filed Jul 23, 2008, 1:01 p.m.: 20080820-IR-345070824FRA; filed May 23, 2013, 3:16 p.m.: 20130619-IR-345120491FRA)*

SECTION 6. 345 IAC 2-7-2.4 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 2-7-2.4 Interstate movement**

**Authority: IC 15-17-3-21**
**Affected: IC 15-17-3-13**

Sec. 2.4. A person moving a cervid into the state must comply with the requirements in this article, **345 IAC 2-4.5,** and 345 IAC 1-3.

*(Indiana State Board of Animal Health; 345 IAC 2-7-2.4; filed Sep 5, 2003, 8:41 a.m.: 27 IR 92; readopted filed Jul 30, 2009, 10:44 a.m.: 20090826-IR-345090368RFA; filed May 23, 2013, 3:16 p.m.: 20130619-IR-345120491FRA)*

SECTION 7. 345 IAC 2-7-2.5 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 2-7-2.5 Intrastate movement**

**Authority: IC 15-17-3-21**
**Affected: IC 15-17-3-13**

Sec. 2.5. A person moving a cervid within the state must meet the following requirements:

(1) The animal must be officially identified **according to the requirements in this rule.**

(2) The requirements in this article concerning the following must be met:
(A) Tuberculosis control **in 345 IAC 2.5-5.**
(B) Brucellosis control **in 345 IAC 2-4.5.**

*(Indiana State Board of Animal Health; 345 IAC 2-7-2.5; filed Sep 5, 2003, 8:41 a.m.: 27 IR 92; filed Jul 23, 2008, 1:01 p.m.: 20080820-IR-345070824FRA; filed May 23, 2013, 3:16 p.m.: 20130619-IR-345120491FRA)*

SECTION 8. 345 IAC 2-7-3 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 2-7-3 Chronic wasting disease registered herd program**

**Authority: IC 15-17-3-21**
**Affected: IC 15-17**

Sec. 3. (a) The requirements in this section apply to ~~the following cervid animals:~~
~~(1) A member of the:~~
~~(A) Cervus elaphus species (elk, wapiti, and red deer);~~
~~(B) Cervus nippon species (Sika deer, Japanese deer, Japanese Sika deer, spotted deer, and Japanese spotted deer);~~
~~(C) Odocoileus hemionus species (mule deer);~~
~~(D) Odocoileus virginianus species (whitetail deer); or~~
~~(E) Alces alces species (moose).~~
~~(2) Hybrids of the species listed in this subsection.~~
~~(3) An animal of the family cervidae, if any member of its species has been diagnosed with CWD.~~
**captive cervids.** The owner of a **captive** cervid **that is** of a species ~~other than those listed in subdivisions (1) and (2)~~ **that is not known to be susceptible to CWD and therefore not required to participate in the CWD program** may voluntarily participate in the ~~monitored~~ **CWD** program.

(b) ~~If~~ **The following requirements apply to any person that keeps** a captive cervid ~~listed in subsection (a) is located~~ **at a location** in Indiana: ~~the owner of that cervid must meet the following requirements:~~
(1) The ~~owner~~ **person** shall register with the state veterinarian each location where his or her cervids are kept.
(2) Each animal in the herd must be uniquely identified at the earliest of the following events:
(A) At the time the animal is moved onto the premises.
(B) At the time the animal is moved off of the premises.
(C) At the time the animal is held for testing, vaccination, or veterinary care. ~~of any kind.~~
(D) At the time the animal is held for semen, embryo, antler, or other collection from the animal.
Animals that have existing identification do not need to be reidentified upon the occurrence of these events if the existing identification meets the criteria for identification prescribed by this rule and the existing identification is recorded in the herd inventory.
(3) Cervids identified under this section ~~shall~~ **must** be identified using **at least two (2) forms of identification attached to the animal. One (1) of the animal identifications must be an** official identification that is a tamper resistant ear tag. ~~In addition to~~ The **second animal identification may be a** tamper resistant ear tag ~~the animal may also be identified with official~~ **or one (1) of the following forms of** identification ~~using the following methods:~~ **that is unique to the animal within the herd:**
(A) **An** electronic implant.
(B) **A** flank tattoo.
(C) **An** ear tattoo.
(D) ~~Other~~ **An identification** device approved by the state veterinarian.
~~Official~~ Identification of a cervid must be maintained on the animal until the ~~animals~~ **animal** is deceased ~~all~~ **and any** samples **required by the board** are collected from the animal. ~~under this rule, and~~ **If the identification is not collected as a part of a sample collection, it must remain with** the animal **until the carcass** is disposed of in accordance with this rule and IC 15-17-11-20.
(4) The owner must keep a complete, accurate, and current herd inventory. A herd inventory shall include the following:
(A) A record of each animal that is part of the herd including the following:
**(i) The animal's species.**
~~(i)~~ **(ii)** All of the animal's identification.
~~(ii) For animals the owner identified, the:~~
~~(AA) date the animal was identified; and~~
~~(BB) event triggering its identification.~~

(iii) The animal's age and sex.

(B) A record of:

(i) all identification associated with each animal that is added to the herd;

(ii) the date the animal is added to the herd; and

(iii) the source of the animal.

If the source of the animal is from outside the owner's herd, the name and address of the source.

(C) A record of:

(i) all identification associated with each animal that is removed from the herd;

(ii) the cause for removal (sale, escape, death by accident, or death by other means);

(iii) the date removed; and

(iv) the name and address of the animal's destination.

**(D) A person must keep a record of any purchase and resale of an animal, even if the animal never enters that person's possession or herd, and to include transactions brokered by the person. The records must include the source of the animal under clause (B) and the destination of the animal under clause (C).**

(5) Upon request of the state veterinarian, the owner or custodian of ~~the animals~~ **cervids** must do the following:

(A) Provide the state veterinarian access to or a copy of the written herd inventory.

(B) **Provide access to the herd premises and** present each animal in the herd to the state veterinarian for inspection, ~~and~~ verification **or application** of identification, **testing or evaluation, to include assembling, handling, and restraining the animals.**

~~(C) Provide access to any animal in the herd for testing, identification, or evaluation.~~

(6) The herd owner shall, ~~immediately~~ **within one (1) business day of discovery,** notify the state veterinarian of the escape or disappearance of any animal in the herd.

(7) Upon the death of an animal in the herd that is twelve (12) months of age or older for any reason, the owner **of a hunting preserve** shall initiate action to collect samples for CWD testing according to one (1) of the following procedures:

(A) By procuring the services of a veterinarian to collect appropriate samples for CWD testing.

**(B) By procuring the services of an approved CWD sample collector to collect appropriate samples for CWD testing.**

~~(B)~~ **(C)** By any other procedure authorized by the state veterinarian that ensures appropriate sample collection, handling, and transportation for testing.

~~After completing five (5) consecutive years of submitting~~ Samples ~~for collection under this subdivision, the herd owner may continue submitting samples for collection but is no longer required to submit samples. However, a herd owner~~ must ~~continue to submit samples under this subdivision after five (5) years if animals in the herd are harvested by a person other than the owner of the herd.~~ **be submitted to an approved laboratory no later than February 1 of the year immediately following the hunting season. Samples must be adequately preserved to ensure they are in a condition that may be tested.**

(8) The state veterinarian may inspect any cervid and take tissues or other material necessary or helpful for detecting disease. The owner must allow the state veterinarian to collect samples from any animal sent to slaughter.

(9) The owner shall dispose of a cervid carcass that has been sampled for testing as directed by the state veterinarian. Cervid carcasses that are not sampled shall be disposed of in accordance with IC 15-17-11-20. The state veterinarian may require that the owner identify the carcass in a particular manner.

(10) The herd must be enclosed in a perimeter fence that:

(A) is made from materials that will prevent cervids from entering or leaving through the structure;

(B) has no openings that will allow ingress or egress; and

(C) measures at least eight (8) feet from the ground to the top of the fence at all parts of the structure.

The state veterinarian may approve a perimeter fence enclosing smaller cervids that is lower than eight (8) feet if the fence is likely to contain the animals.

(c) The state veterinarian may:

(1) conduct an epidemiologic evaluation of any cervid herd, including testing any animal if it furthers the goal of animal disease surveillance and control; and

(2) consider all relevant factors, including the:

(A) length of time the herd has been under a CWD surveillance program;

(B) herd's health history;

(C) potential effects of any additions to the herd; and

(D) potential effect of wild cervids on the herd;

when evaluating herds under this subsection.

(d) The requirements in this section do not apply to a person possessing a dead wild cervid taken pursuant to a hunting permit issued by the Indiana department of natural resources.

*(Indiana State Board of Animal Health; 345 IAC 2-7-3; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1339; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 347; filed Sep 5, 2003, 8:41 a.m.: 27 IR 92; filed Jul 23, 2008, 1:01 p.m.: 20080820-IR-345070824FRA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; filed May 23, 2013, 3:16 p.m.: 20130619-IR-345120491FRA)*

SECTION 9. 345 IAC 2-7-4 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 2-7-4 Chronic wasting disease certified herd program**

**Authority: IC 15-17-3-21**
**Affected: IC 15-17-11-20; IC 15-17-17**

Sec. 4. (a) An owner of a cervid herd located in Indiana may apply to the board to enroll in the state CWD herd certification program by sending a written request to the state veterinarian.

(b) To obtain and maintain a herd status, a herd owner who enrolls in the certification program must do the following:

(1) Comply with the requirements in this rule, including the requirements for a ~~monitored~~ **registered** herd in section 3 of this rule, and the applicable requirements in 345 IAC 1-3.

(2) ~~Continue submitting~~ **Within one (1) business day of discovery, report to the state veterinarian:**

**(A) all animals that escape or disappear; and**

**(B) the death of any animal that is at least twelve (12) months of age that is not sampled and submitted for CWD testing.**

**The report must include the identification of the animal involved and the estimated date and time of the animal's death, escape, or disappearance.**

**(3) Except as provided in subdivision (4), upon the death of an animal in the herd that is at least twelve (12) months of age for any reason, the caretaker shall initiate action to collect** samples **from the carcass** for CWD testing ~~under section 3(b)(7)~~ **according to one (1)** of ~~this rule for as long as~~ the ~~herd is enrolled in the certification program.~~ **following procedures:**

**(A) By procuring the services of a veterinarian to collect appropriate samples for CWD testing.**

**(B) By procuring the services of an approved CWD sample collector to collect appropriate samples for CWD testing.**

**(C) By any other procedure authorized by the state veterinarian that ensures appropriate sample collection, handling, and transportation for testing.**

**Samples must be submitted to an approved laboratory no later than seven (7) days after the date of death of the animal.**

**(4) If there is an event that results in a mass casualty in the herd over a short period of time from apparently the same cause, the herd owner may request that the state veterinarian approve a plan to sample a representative number of animals from the herd rather than sampling all of the deceased animals. Samples collected pursuant to a sampling plan approved by the state veterinarian satisfy the requirement in subdivision (3), even if all animals are not sampled.**

~~(3)~~ **(5)** Comply with the following ~~additional~~ **identification** requirements:

(A) All animals in the herd must be identified ~~with official identification~~ before reaching twelve (12) months of age if they are not first identified under section ~~3(b)(3)~~ **3(b)(2)** of this rule. All animals regardless of age must be identified before being moved from the herd premises.

(B) All animals in the herd that are identified must be identified with at least two (2) forms of identification attached to the animal as follows:

(i) One (1) animal identification must be official animal identification ~~with~~ **that is** a ~~nationally unique animal identification number.~~ **tamper resistant ear tag.**

(ii) The second animal identification must be:

(AA) unique for the individual animal within the herd; and

(BB) linked to that animal and herd.

(iii) ~~At least one (1) of~~ The ~~identifications must~~ **second identification may** be a tamper resistant ear tag ~~In addition to~~ **or one (1) of** the ~~tamper resistant ear tag, the animal may also be identified with official~~ **following forms of** identification: ~~using the following methods:~~

(AA) **An** electronic implant.

(BB) **A** flank tattoo.
(CC) **An** ear tattoo.
(DD) ~~Other~~ **An identification** device approved by the state veterinarian.

Official identification of a cervid must be maintained on the animal until the animal is deceased, ~~all~~ **any** samples **required by the board** are collected from the animal, ~~under this rule,~~ and, **if the identification is not collected as a part of a sample collection, it must remain with** the animal **until it** is disposed of in accordance with this rule and IC 15-17-11-20.

~~(C) The state veterinarian may require participants in the herd certification program to submit at designated intervals reports of changes to the herd inventory resulting from:~~
~~(i) deaths;~~
~~(ii) escapes;~~
~~(iii) disappearance; or~~
~~(iv) any other reason.~~

**(6) Provide access to the written herd inventory, premises, and herd, to include assembling, handling, and restraining the animals, as follows:**
**(A) Upon request of the state veterinarian to aid in an animal disease investigation or verify compliance with this rule.**
**(B) At least once each year for an inventory that consists of a review of herd records and visual examination of the herd.**
**(C) At least once every three (3) years for a complete physical herd inventory with verification of identification to reconcile all animals and identification with records maintained by the herd owner.**
**The state veterinarian may authorize board employees, federal employees, and licensed and accredited private veterinarians to conduct inventories and complete physical herd inventories for the purposes of this rule.**
**(7) The herd must be enclosed in a perimeter fence that:**
**(A) is made from materials that will prevent cervids from entering or leaving through the structure;**
**(B) has no openings that will allow ingress or egress; and**
**(C) measures at least eight (8) feet from the ground to the top of the fence at all parts of the structure.**

(c) Subject to the provisions of subsections ~~(e)(3)~~ **(e)** and ~~(g),~~ **(f)** the state veterinarian will place a newly enrolled cervid herd in ~~participating~~ **first year** status ~~Subject to the provisions of subsection (f),~~ **and** if a herd continues to meet the requirements in this section ~~for participation in the CWD certification program, the state veterinarian~~ will upgrade the herd status on the anniversary date of the herd's enrollment. The following are the herd statuses in the CWD certification program:
(1) ~~Level One~~ **First year** status. ~~after one (1) year of compliance.~~
(2) ~~Level Two~~ **Second year** status after ~~two (2) years~~ **one (1) year** of compliance.
(3) ~~Level Three~~ **Third year** status after ~~three (3)~~ **two (2)** years of compliance.
(4) ~~Level Four~~ **Fourth year** status after ~~four (4)~~ **three (3)** years of compliance.
(5) ~~Level Five or certified status~~ **Fifth year** after ~~five (5)~~ **four (4)** or more years of compliance.
(6) **Certified status after five (5) or more years of compliance.**
**(7)** Suspended status if a herd is not in compliance.

(d) If an owner wishes to maintain separate herds, each herd that is enrolled in the CWD herd certification program must maintain separate:
(1) herd inventories;
(2) records;
(3) working facilities;
(4) water sources;
(5) equipment; and
(6) land use.
There must be a buffer zone of at least thirty (30) feet between the perimeter fencing around separate herds, and no commingling of animals may occur. Movement of animals between herds must be recorded as if they were separately owned herds.

(e) ~~If~~ **New animals may be introduced into a herd participating in the CWD certification program only from other herds participating in the program or an equivalent program in another state. When** an animal is added to a herd, the CWD certification status of a herd will be altered as follows:
(1) The CWD status will not change if the animal that is added to the herd originated from a herd that has been in **compliance with** an equivalent CWD certification program ~~for at least as long~~ **and has achieved the same**

**level of CWD status** as the recipient herd.
(2) If the animal that is added to the herd originated from a herd ~~that has been in~~ **with** a CWD certification program ~~for less time~~ **status that is lower** than the recipient ~~herd,~~ **herd's status,** the recipient herd's certification status will be lowered to the status of the lowest status cervid added.
(3) A new herd that is assembled on a premises where CWD has never been diagnosed retains the certification status of the lowest status animal brought into the new herd.

(f) The state veterinarian may suspend, revoke, or lower the certification program status of a herd for the following reasons:
(1) A herd is found to be:
(A) CWD positive;
(B) CWD suspect; or
(C) CWD exposed.
**(2) The herd is designated a CWD trace back or trace forward herd.**
**(3) The herd is associated with an epidemiological investigation that is unable to make a determination regarding the exposure of the herd.**
~~(2)~~ **(4)** The **custodian of the** herd ~~owner~~ does not meet the requirements under this section.
**(5) The custodian of the herd does not enter into or complete the provisions of a herd plan under section 5 of this rule.**
~~(3)~~ **(6)** The **custodian of the** herd ~~owner~~ violates ~~the~~ **board** requirements for moving cervids into **or within** Indiana ~~in 345 IAC 1-3~~ or any provision of this rule.

(g) **A** herd ~~owners with a CWD certification herd status that was obtained from the board under a prior CWD certification program may keep that status in the certification program if they reapply for the certification program and bring their herd into compliance with the requirements in this section before July 1, 2009. Otherwise, the state veterinarian will revert the herd status to monitored herd status under section 3 of this rule.~~ **owner may appeal a determination of the state veterinarian under IC 15-17-17.**

**(h) As a part of an appeal of a designation of an animal as CWD positive, the owner may present as evidence the results of a DNA test, requested and paid for by the owner, to determine whether previous official CWD test results were correctly associated with an animal that belonged to the owner if the animal owner:**
**(1) arranged to submit animal tissue attached to an official identification device along with the other tissues that were collected for the official CWD test; and**
**(2) submits a written notice to the board indicating their intent to submit the test results as a part of their appeal.**
**The board may postpone a decision on the appeal for a reasonable period of time pending receipt of the test results.**

*(Indiana State Board of Animal Health; 345 IAC 2-7-4; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1340; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 348; filed Jul 23, 2008, 1:01 p.m.: 20080820-IR-345070824FRA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; filed May 23, 2013, 3:16 p.m.: 20130619-IR-345120491FRA)*

SECTION 10. 345 IAC 2-7-5 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 2-7-5 CWD positive, CWD suspect, and CWD exposed animals**

**Authority: IC 15-17-3-21**
**Affected: IC 15-17-10**

Sec. 5. (a) Whenever an animal **or herd** is determined to be CWD positive, **CWD suspect, or CWD exposed or an epidemiological investigation is unable to make a determination regarding the exposure of the animal or herd,** the state veterinarian shall take steps to prevent, detect, contain, and eradicate CWD and may, **without limitation on any other authority granted to the state veterinarian,** do the following:
(1) Quarantine **or otherwise restrict the movement of** animals, carcasses, and feed or other material.
(2) Condemn animals, carcasses, and feed or other material.
(3) Specify the means of disposal for condemned items **and animals in a manner appropriate for a prion disease.**

(4) Conduct a complete epidemiologic investigation to determine the:
**(A)** specific cause and source of the disease; and ~~to determine the~~
**(B)** population infected with and exposed to the disease.
**(5) Order testing of any animal in the herd and require tissues from all CWD exposed or CWD suspect animals that die or are depopulated or otherwise killed to be tested for CWD.**
~~(5)~~ **(6)** Take steps that are necessary or helpful to prevent, detect, contain, and eradicate CWD.

(b) Whenever a cervid is determined to be CWD positive, **CWD suspect, or CWD exposed or an epidemiological investigation is unable to make a determination regarding the exposure of the herd, the state veterinarian will develop** a herd plan ~~shall be developed.~~ **in conjunction with** the herd ~~plan shall include the following:~~
~~(1) The specific conditions of the quarantine imposed by the state veterinarian under subsection (a).~~
~~(2) The specific conditions for the disposal of condemned items and death loss from the herd.~~
~~(3) A plan for cleaning and disinfecting the CWD positive herd premises according to directions prescribed by the state veterinarian. The plan shall be designed to minimize the likelihood that CWD is spread.~~
~~(4) A plan for assessing the health of animals in the herd. The plan shall address each of the following:~~
~~(A) Testing some or all of the animals for CWD.~~
~~(B) Depopulating some or all of the animals in the herd.~~
~~(C) Inspections by state or federal officials and other surveillance measures.~~
~~(D) Animal identification requirements.~~
~~(E) Herd inventory requirements.~~
~~(5) If necessary, parameters for separation of animals, captive and wild.~~
~~(6) Parameters for restocking or adding to the herd.~~
~~(7) Any other measures necessary to prevent, detect, and eradicate CWD.~~
**owner and appropriate federal agencies.**

~~(c) The following apply to CWD exposed and CWD suspect herds:~~
~~(1) The state veterinarian may quarantine a CWD exposed or CWD suspect herd.~~
~~(2) The state veterinarian may:~~
~~(A) condemn animals in the herd; and~~
~~(B) order testing of any animal in the herd.~~
~~(3) A herd plan shall be developed for the herd. The herd plan shall meet the requirements in subsection (b).~~

~~(d)~~ **(c)** A cervid owner shall follow and implement the provisions of ~~a~~ **the** herd plan developed for the owner's herd under this section.

~~(e)~~ **(d)** The state veterinarian ~~may release a quarantine imposed on a CWD positive, CWD suspect, or CWD exposed herd after~~ **will determine when** the provisions of the herd plan developed under this section have been completed.

**(e) The following apply to indemnity payments made to an owner of an animal or herd that is condemned under this article:**
**(1) The state veterinarian shall utilize the federal indemnity program under 9 CFR 55 or other federal indemnity funds whenever possible to indemnify for animals condemned under this article.**
**(2) If federal funds are not available, the state veterinarian shall utilize procedures in IC 15-17-10 and 345 IAC 1-7-8 when indemnity is required, but the state veterinarian shall not pay more indemnity for an animal than the USDA would have paid under 9 CFR 55.2.**

*(Indiana State Board of Animal Health; 345 IAC 2-7-5; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1340; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 349; readopted filed Jul 18, 2008, 8:16 a.m.: 20080813-IR-345080287RFA; filed May 23, 2013, 3:16 p.m.: 20130619-IR-345120491FRA)*

SECTION 11. 345 IAC 2-7-5.5 IS ADDED TO READ AS FOLLOWS:

**345 IAC 2-7-5.5 Herd plans**

**Authority: IC 15-17-3-21**
**Affected: IC 15-17**

**Sec. 5.5. (a) The state veterinarian will evaluate each proposed herd plan and approve herd plans that contain requirements that are designed to detect, prevent, or control possible spread of CWD based on the particular circumstances of the herd and its premises. Herd plans may address any topic associated with the prevention and control of CWD, such as the following:**

**(1) The specific conditions associated with movement restrictions imposed by the state veterinarian.**
**(2) Specified means of identification for each animal in the herd.**
**(3) Regular examination of animals in the herd for clinical signs of disease.**
**(4) Reporting to the state veterinarian any clinical signs of central nervous system disease or chronic wasting condition in the herd.**
**(5) Maintaining records of the acquisition and disposition of all animals entering or leaving the herd.**
**(6) Selective culling of animals.**
**(7) Depopulation of animals.**
**(8) The specific conditions for the disposal of condemned animals and objects and death loss from the herd.**
**(9) Restrictions on repopulating the premises or adding to the herd.**
**(10) Fencing and other containment requirements.**
**(11) Restrictions on sharing or moving potentially contaminated equipment or other objects.**
**(12) Premises cleaning and disinfection.**
**(13) Any other measures designed to prevent, detect, or eradicate CWD.**

**(b) A herd plan may be reviewed and changes proposed by the herd owner or the state veterinarian. A revised herd plan will be effective only after it is approved by the herd owner and the state veterinarian.**

*(Indiana State Board of Animal Health; 345 IAC 2-7-5.5; filed May 23, 2013, 3:16 p.m.: 20130619-IR-345120491FRA)*

SECTION 12. 345 IAC 2-7-6 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 2-7-6 Chronic wasting disease program compliance**

**Authority: IC 15-17-3-21**
**Affected: IC 15-17-3-13; IC 15-17-18-12**

Sec. 6. (a) The state veterinarian may take any of the following actions against a herd owner that violates any provision of this rule or any of the requirements for moving cervids into Indiana in 345 IAC 1-3:

(1) Suspend, revoke, or lower the CWD status of the person's herd.
(2) Impose a monetary penalty under IC 15-17-18-12.
**(3) Require the development and implementation of a herd plan.**
**(4) Require participants in the herd certification program to submit at designated intervals copies of the herd inventory or reports of changes to the herd inventory.**
~~(3)~~ **(5)** Any other action authorized by law.

(b) The state veterinarian may take any of the following actions against a person that alters or removes official identification of a cervid:

(1) Suspend, revoke, or lower the CWD status of the person's herd.
(2) Impose a monetary penalty under IC 15-17-18-12.
**(3) Require the development and implementation of a herd plan.**
~~(3)~~ **(4)** Any other action authorized by law.

**(c) In the event a sample required to be collected under section 4(b)(3) of this rule is not collected and submitted for testing, the following apply:**

**(1) The owner must either:**
**(A) collect an ear from the carcass that contains an official identification ear tag and preserve the ear by freezing it or by using another method approved by the state veterinarian until such time as the inventory required under section 4(b)(6) of this rule is completed and any discrepancies in the inventory are resolved; or**
**(B) have a licensed and accredited veterinarian verify in writing that the carcass is in a condition that is unsuitable for sampling. The written verification must be kept with the herd inventory records.**

**(2) The state veterinarian may take any of the following actions:**
**(A) Issue a letter of warning.**
**(B) Issue a compliance order.**
**(C) If the herd owner or caretaker is an approved CWD sample collector, require the sample collector to complete additional training or take any of the actions specified in section 2(f) of this rule against the approved CWD sample collector's approval.**
**(D) After more than one (1) violation in a twelve (12) month period relating to the same herd, do the following:**
**(i) Require additional samples be collected from the herd.**
**(ii) Impose a monetary penalty of not more than two hundred fifty dollars ($250) for each missed sample.**
**(iii) Require the development and implementation of a herd plan.**
**(iv) Suspend or lower the CWD status of the herd.**
**(E) Any other action authorized by law.**

**(d) In the event a sample required under section 4(b)(3) of this rule is collected and submitted for testing but the sample is incomplete or is not in a condition** that **may be tested, the state veterinarian may take any of the following actions:**
**(1) Issue a letter of warning.**
**(2) Issue a compliance order.**
**(3) Require the sample collector to complete additional training.**
**(4) Take any of the actions specified in section 2(f) of this rule against the approved CWD sample collector's approval.**
**(5) After more than one (1) violation in a twelve (12) month period relating to the same herd, do the following:**
**(A) Require additional samples be collected from the herd.**
**(B) Impose a monetary penalty of not more than two hundred fifty dollars ($250) for each missed sample.**
**(C) Suspend or lower the CWD status of the herd.**
**(6) Any other action authorized by law.**

*(Indiana State Board of Animal Health; 345 IAC 2-7-6; filed Jul 23, 2008, 1:01 p.m.: 20080820-IR-345070824FRA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; filed May 23, 2013, 3:16 p.m.: 20130619-IR-345120491FRA)*

SECTION 13. 345 IAC 2.5-5-3 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 2.5-5-3 Intrastate movement of cervids**

**Authority: IC 15-17-3-21**
**Affected: IC 15-17-3-13**

Sec. 3. (a) A person moving cervids within the state shall meet the requirements in 345 IAC 2-7.

(b) A person moving a cervid from a premises in Indiana to another premises in Indiana must meet the following requirements:
(1) The animal must be individually identified before movement as follows:
(A) Animals that are subject to the chronic wasting disease rule in 345 IAC 2-7 must be identified as required by 345 IAC 2-7-3(b)(3) or 345 IAC 2-7-4(b)(3)(B).
(B) Animals not subject to the chronic wasting disease rule in 345 IAC 2-7 must be identified using an official identification that is a tamper resistant ear tag. In addition to the ear tag, the animal may also be identified using the following methods of identification:
(i) Electronic implant.
(ii) Flank tattoo.
(iii) Ear tattoo.
(iv) An identification device approved by the state veterinarian.
However, a person may identify a reindeer using an official method other than an ear tag.
(2) Notwithstanding subdivision (1), the state veterinarian may issue a permit to a person to move a cervid that is identified with an official United States Department of Agriculture back tag if the cervid is moved directly to slaughter at an official state or federally inspected slaughter establishment for immediate slaughter.

(3) One (1) of the following requirements must be met:
(A) The animal tests negative for tuberculosis using an official test conducted within ninety (90) days prior to the date the animal is moved. **The animal may be moved to a veterinary clinic or an isolation site approved by the state veterinarian prior to testing if the state veterinarian determines it is necessary or helpful to move the animals to a different location to facilitate testing.**
(B) The animal is moved from a herd that is tuberculosis accredited under section 4 of this rule.
(C) The animal is moved from a herd that is tuberculosis qualified under 9 CFR 77.36(a) or tuberculosis monitored under 9 CFR 77.37(a).
(D) The animal is moved from a herd that has been subject to a whole herd test for tuberculosis and all of the following are met:
(i) The whole herd test was conducted within the twelve (12) months prior to movement.
(ii) All animals tested negative for tuberculosis.
(iii) The animal to be moved was part of the herd at the time the whole herd test was conducted or is an animal that was added to the herd after the whole herd test was conducted by moving it from a tuberculosis accredited herd or by being born into the herd.
(E) The animal is less than twelve (12) months of age.
(F) The animal is moved directly to an official state or federally inspected slaughtering establishment for immediate slaughter.
(4) The animal must be accompanied by proof of compliance with subdivision (3), such as the following:
(A) An official certificate of veterinary inspection written for the animal that indicates the tuberculosis test status of the herd or animal.
(B) An official tuberculosis test chart for the herd or animal.
(C) A statement from the herd veterinarian that documents the tuberculosis status of the animal being moved.
(D) A copy of the certificate or notice from the state veterinarian documenting the tuberculosis status of the herd.
(E) A record or certification from the owner that the animal is under twelve (12) months of age.

*(Indiana State Board of Animal Health; 345 IAC 2.5-5-3; filed Jul 23, 2008, 1:01 p.m.: 20080820-IR-345070824FRA; filed Nov 3, 2009, 3:28 p.m.: 20091202-IR-345090491FRA; readopted filed Nov 1, 2011, 3:50 p.m.: 20111130-IR-345110312RFA; filed May 23, 2013, 3:16 p.m.: 20130619-IR-345120491FRA)*

SECTION 14. 345 IAC 7-5-28 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 7-5-28 Cervidae exhibition**

**Authority: IC 15-17-3-21**
**Affected: IC 15-17-3-13; IC 15-17-15-9**

Sec. 28. If cervidae are to be exhibited at a show or 4-H fair, the cervidae must meet the following requirements or they may not enter the exhibition grounds:
~~(1) The animal must meet the following requirements:~~
~~(A)~~ **(1)** If the animal originates outside the state, the requirements in 345 IAC 1-3-29.
~~(B)~~ **(2)** If the animal originates within the state, the requirements in 345 IAC 2.5-5-3.
~~(2) The animal must test negative for brucellosis within ninety (90) days prior to the date of exhibition.~~

*(Indiana State Board of Animal Health; 345 IAC 7-5-28; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1477; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1540; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; filed Nov 3, 2009, 3:28 p.m.: 20091202-IR-345090491FRA; filed May 23, 2013, 3:16 p.m.: 20130619-IR-345120491FRA)*

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*Health, Discovery Hall, Suite 100, 1202 E. 38th Street, Indianapolis, IN 46205, (317) 544-2412, ghaynes@boah.in.gov*

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