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

**Proposed Rule**  
LSA Document #20-557

DIGEST

Amends [345 IAC 9-2.1-1](#) to change the incorporation by reference from January 1, 2018, to January 1, 2020.  
Amends [345 IAC 9-21.5-2](#) to change the incorporation by reference from January 1, 2018, to January 1, 2020.  
Amends [345 IAC 10-2.1-1](#) to change the incorporation by reference from January 1, 2018, to January 1, 2020.  
Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[345 IAC 9-2.1-1](#); [345 IAC 9-21.5-2](#); [345 IAC 10-2.1-1](#)

SECTION 1. [345 IAC 9-2.1-1](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 9-2.1-1](#) Incorporation by reference**

**Authority:** [IC 15-17-3](#); [IC 15-17-5](#)

**Affected:** [IC 4-21.5-3](#); [IC 15-17-2](#); [IC 15-17-17](#)

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, 2018 ~~2020~~:

- (1) 9 CFR 301, except the definitions in [IC 15-17-2](#) and [345 IAC 9-1-3](#) shall control over conflicting definitions in 9 CFR.
- (2) 9 CFR 303 through 9 CFR 311, except the following are not incorporated:
  - (A) 9 CFR 303.1(c), 9 CFR 303.1(g), and 9 CFR 303.2.
  - (B) 9 CFR 306.1.
  - (C) 9 CFR 307.4, 9 CFR 307.5, and 9 CFR 307.6.
  - (D) 9 CFR 308.
- (3) 9 CFR 313 through 9 CFR 320, except 9 CFR 317.4 and 9 CFR 317.5.
- (4) 9 CFR 325.
- (5) 9 CFR 416 through 9 CFR 441.
- (6) 9 CFR 500, except the following:
  - (A) References to the Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H, shall mean [IC 15-17-17](#) and [IC 4-21.5-3](#).
  - (B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in [IC 15-17-2](#).

(b) When interpreting this article, including all matters incorporated by reference, the following shall apply:

- (1) A reference to any subpart of 9 CFR 302 refers to the corresponding section of [345 IAC 9-2](#).
- (2) A reference to:
  - (A) 9 CFR 307.4 shall refer to [345 IAC 9-7-4](#);
  - (B) 9 CFR 307.5 shall refer to [345 IAC 9-7-6](#); and
  - (C) 9 CFR 307.6 shall refer to [345 IAC 9-7-6](#).
- (3) A reference to any subpart of 9 CFR 312 refers to the corresponding section of [345 IAC 9-12](#).
- (4) A reference to:
  - (A) 9 CFR 316.16 shall refer to [345 IAC 9-16-16](#); and
  - (B) 9 CFR 317.16 shall refer to [345 IAC 9-17-16](#).
- (5) A reference to:
  - (A) 9 CFR 321.1 shall refer to [345 IAC 9-20](#); and
  - (B) 9 CFR 321.2 shall refer to [345 IAC 9-20](#).
- (6) A reference to any subpart of 9 CFR 329 shall refer to the corresponding section in [345 IAC 9-22](#).

(c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control.

(d) The board will utilize the latest edition of the following documents issued by the United States Department

of Agriculture when interpreting and implementing the provisions of this article and [IC 15-17](#):

- (1) Food Safety and Inspection Service Regulatory Directives.
- (2) Food Safety and Inspection Service Notices.

(e) Copies of incorporated documents and interpreting and implementing documents may be obtained from the United States Department of Agriculture, Food Safety Inspection Service website, the U.S. Government Publishing Office website, or by sending a written request to the board.

*(Indiana State Board of Animal Health; [345 IAC 9-2.1-1](#); filed Dec 10, 1997, 11:30 a.m.: 21 IR 1301; filed Sep 10, 1999, 9:14 a.m.: 23 IR 14; filed Oct 30, 2000, 2:06 p.m.: 24 IR 678; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:43 p.m.: 26 IR 1540; filed Jul 14, 2004, 9:25 a.m.: 27 IR 3982; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1552; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Aug 11, 2008, 3:39 p.m.: [20080910-IR-345080126FRA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed Nov 24, 2010, 3:20 p.m.: [20101222-IR-345100122FRA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#); filed Mar 25, 2014, 10:18 a.m.: [20140423-IR-345130230FRA](#); filed Dec 14, 2016, 11:58 a.m.: [20170111-IR-345160220FRA](#); filed Aug 24, 2018, 11:17 a.m.: [20180919-IR-345180123FRA](#))*

SECTION 2. [345 IAC 9-21.5-2](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 9-21.5-2](#) General provisions and incorporation by reference**

**Authority:** [IC 15-17-3](#)

**Affected:** [IC 15-17-5](#); [IC 15-17-17](#)

Sec. 2. (a) The board adopts as its rule and incorporates by reference the regulations in 9 CFR Part 354 for the voluntary inspection of rabbits in effect on January 1, ~~2018~~ **2020**.

(b) The following revisions, exclusions, and limitations apply to the regulations adopted by reference in subsection (a):

- (1) The term "department" shall mean and refer to the board.
- (2) 9 CFR 354.45(b) is not incorporated by reference. The state veterinarian shall follow the notice provisions in [IC 15-17-17](#) when suspending or denying services under this rule.
- (3) 9 CFR 354.100 through 9 CFR 354.110 are not incorporated. The state veterinarian shall follow the procedures in [IC 15-17-5](#) and other state laws when assessing and collecting fees and charges.
- (4) The marks, devices, and certificates in [345 IAC 9-12](#) shall be the official marks, devices, and certificates for the purposes of the inspection program authorized in section 1 of this rule. The state veterinarian may authorize, after consultation with the United States Department of Agriculture, use of the marks described in 9 CFR 354.63 and 9 CFR 354.65.
- (5) 9 CFR Part 416 and 9 CFR Part 417 apply to establishments participating in the inspection program established under section 1 of this rule.

*(Indiana State Board of Animal Health; [345 IAC 9-21.5-2](#); filed Jan 5, 2006, 8:00 a.m.: 29 IR 1554; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed Nov 24, 2010, 3:20 p.m.: [20101222-IR-345100122FRA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#); filed Dec 14, 2016, 11:58 a.m.: [20170111-IR-345160220FRA](#); filed Aug 24, 2018, 11:17 a.m.: [20180919-IR-345180123FRA](#))*

SECTION 3. [345 IAC 10-2.1-1](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 10-2.1-1](#) Incorporation by reference; poultry products inspection**

**Authority:** [IC 15-17-3](#)

**Affected:** [IC 4-21.5-3](#); [IC 15-17-2](#); [IC 15-17-5-12](#); [IC 15-17-17](#)

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, ~~2018~~ **2020**:

- (1) 9 CFR Part 362 with the following amendments and additions:
  - (A) 9 CFR 362.4(a)(2), 9 CFR 362.4(b)(2), 9 CFR 362.4(c), 9 CFR 362.4(d), and 9 CFR 362.5 are not incorporated.

(B) Fees for voluntary inspection service shall be charged in accordance with [IC 15-17-5-12](#).

(C) The state veterinarian may refuse to provide or withdraw voluntary inspection service for administrative reasons, including nonavailability of personnel and failure to pay for service.

(2) 9 CFR 381.1, except the definitions in [IC 15-17](#) and [345 IAC 10-1-1](#) shall control over conflicting definitions in 9 CFR.

(3) 9 CFR 381.10 with the following amendments and additions:

(A) 9 CFR 381.10(d)(2)(i) shall be amended by deleting the word "unless" and the remaining part of the sentence that follows that word.

(B) A person operating a facility engaged in exempt operations described in 9 CFR 381.10(a)(4) through 9 CFR 381.10(a)(7) and 9 CFR 381.10(b) through 9 CFR 381.10(c) shall comply with the registration and record keeping requirements in 9 CFR 381.175 through 9 CFR 381.182.

(4) 9 CFR 381.11 through 9 CFR 381.95, except the following are not incorporated:

(A) 9 CFR 381.36.

(B) 9 CFR 381.37.

(C) 9 CFR 381.38.

(D) 9 CFR 381.39.

(5) 9 CFR 381.115 through 9 CFR 381.182, except the following are not incorporated:

(A) 9 CFR 381.132.

(B) 9 CFR 381.133.

(6) 9 CFR 381.189 through 9 CFR 381.194.

(7) 9 CFR 381.300 through 9 CFR 381.500.

(8) 9 CFR 416 through 9 CFR 441.

(9) 9 CFR 500, except the following:

(A) References to Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H shall mean [IC 15-17-17](#) and [IC 4-21.5-3](#).

(B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in [IC 15-17-2](#).

(b) When interpreting this article, including all matters incorporated by reference, the following shall apply:

(1) References to 9 CFR 381.3 through 9 CFR 381.7 refer to the corresponding section in [345 IAC 10-2](#).

(2) References to:

(A) 9 CFR 381.36 refer to [345 IAC 10-7-1](#);

(B) 9 CFR 381.37 refer to [345 IAC 10-7-2](#) and [345 IAC 10-7-3](#); and

(C) 9 CFR 381.38 and 9 CFR 381.39 refer to [345 IAC 10-7-3](#).

(3) References to:

(A) 9 CFR 381.96 refer to [345 IAC 10-13-1](#);

(B) 9 CFR 381.98 refer to [345 IAC 10-13-2](#);

(C) 9 CFR 381.99 refer to [345 IAC 10-13-3](#);

(D) 9 CFR 381.100 refer to [345 IAC 10-13-4](#);

(E) 9 CFR 381.101 refer to [345 IAC 10-13-5](#);

(F) 9 CFR 381.103 refer to [345 IAC 10-13-6](#);

(G) 9 CFR 381.110 refer to [345 IAC 10-13-7](#); and

(H) 9 CFR 381.111 refer to [345 IAC 10-13-8](#).

(4) References to 9 CFR 381.131 refer to [345 IAC 10-14-18](#) and [345 IAC 10-14-20](#).

(5) References to:

(A) 9 CFR 381.185 refer to [345 IAC 10-18-1](#); and

(B) 9 CFR 381.186 refer to [345 IAC 10-18-2](#).

(6) References to 9 CFR 381.210 through 9 CFR 381.218 refer to the corresponding section of [345 IAC 10-20](#).

(c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control.

*(Indiana State Board of Animal Health; [345 IAC 10-2.1-1](#); filed Dec 10, 1997, 11:30 a.m.: 21 IR 1319; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Sep 10, 1999, 9:14 a.m.: 23 IR 16; filed Oct 30, 2000, 2:06 p.m.: 24 IR 685; errata filed Apr 9, 2001, 12:52 p.m.: 24 IR 2470; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:43 p.m.: 26 IR 1541; filed Dec 16, 2004, 1:30 p.m.: 28 IR 1474; filed Jan 5, 2006, 8:00 a.m.: 29 IR 1554; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); filed Aug 11, 2008, 3:39 p.m.: [20080910-IR-345080126FRA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed Nov 24, 2010, 3:20 p.m.: [20101222-IR-345100122FRA](#); filed Sep 18, 2012, 2:21 p.m.: [20121017-IR-345120108FRA](#); filed Mar 25, 2014, 10:18 a.m.: [20140423-IR-345130230FRA](#); filed Dec 14, 2016, 11:58 a.m.: [20170111-IR-345160220FRA](#); filed Aug 24, 2018, 11:17 a.m.: [20180919-IR-345180123FRA](#))*

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