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

LSA Document #00-3(F)

DIGEST

Amends 345 IAC 9 concerning livestock slaughter and meat processing, including facility, sanitation, and product testing requirements. Amends 345 IAC 10 concerning poultry slaughter and processing, including facility, sanitation, and product testing requirements. Makes other changes in the law of meat and poultry slaughter and processing. Effective 30 days after filing with the secretary of state.

345 IAC 9-1-3	345 IAC 9-12-5
345 IAC 9-2-1	345 IAC 10-1-1
345 IAC 9-2-2	345 IAC 10-2-1
345 IAC 9-2.1-1	345 IAC 10-2-2
345 IAC 9-6-4	345 IAC 10-2-3
345 IAC 9-7-4	345 IAC 10-2.1-1
345 IAC 9-7-5	345 IAC 10-7-2
345 IAC 9-7-6	345 IAC 10-7-3
345 IAC 9-8-10.5	345 IAC 10-7-4
345 IAC 9-12-2	345 IAC 10-13-2
345 IAC 9-12-4	

SECTION 1. 345 IAC 9-1-3, AS AMENDED AT 23 IR 13, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

345 IAC 9-1-3 Definitions

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-2; IC 15-2.1-4; IC 15-2.1-24; IC 16-42

Sec. 3. Unless otherwise required by context, the definitions in IC 15-2.1-2, **IC 15-2.1-24**, and the following definitions apply throughout this article:

- (1) "Act" means the Indiana Meat and Poultry Inspection and Humane Slaughter Act in IC 15-2.1-24.
- (2) "Administrator" means the state veterinarian, division director, or other board employee to whom authority has been delegated **under the act**.
- (3) "Antelope" means any animal belonging to the antelope family.
- (4) "Area supervisor", "**circuit supervisor**", or "**meat inspector supervisor**" means a designated division employee who is in charge of **the division's inspection and operational duties** in a geographical area of the state.
- (5) "Bison" means any American bison or catalo or cattalo.
- (6) "Board", "state board", or "department" means the Indiana state board of animal health.
- (7) "Buffalo" means any animal belonging to the buffalo family.
- (8) "Commerce" means commerce within Indiana. The term includes, without limitation, a transfer of ownership or an offer to transfer ownership by sale or otherwise, and the transportation of products on public roads of the state pursuant to a business transaction.
- (9) "Catalo" or "cattalo" means any hybrid animal with American bison appearance resulting from direct crossbreeding of American bison and cattle.
- (10) "Deer" means any member of the deer family.
- (11) "Division" or "program" means the meat and poultry inspection division of the board.
- (12) "Division director" or "regional director" means the veterinarian employed by the board to whom authority has been delegated to direct the meat and poultry inspection program.

(13) "Division employee" or "**program employee**" means the inspectors and all other individuals employed by the board and authorized to do any work or perform any duty in connection with the enforcement of the act.

(14) "Establishment" or "recognized establishment" means any building, or part thereof, or other location used for slaughtering animals or poultry or preparing meat or poultry, meat food products, and meat byproducts capable of use as a human food.

(15) "Elk" means any American elk.

(16) "Exotic livestock" or "exotic animal" means any reindeer, elk, deer, antelope, water buffalo, or bison that are livestock.

(17) "Field antemortem inspection" means the antemortem inspection of an animal away from the official establishment's premises.

(18) "Field designated area" means a designated area approved by the board where field antemortem inspection is to be performed.

(19) "Food safety and inspection service" or "FSIS", referenced in 9 CFR, means the board.

(20) "Household consumer" or "household" means those who dwell under the same roof as a family and utilize economic goods.

(21) "Indiana Food, Drug, and Cosmetic Act" means the act found at IC 16-42-1 through IC 16-42-4.

(22) "Inspection" or "inspection service" means inspection under the act by agents of the board.

~~(22)~~ **(23)** "Inspector-in-charge" means a designated division employee who is in charge of one (1) or more official establishments within an area and is responsible to the area supervisor.

~~(23)~~ **(24)** "Livestock" means the following:

(A) Cattle.

(B) Sheep.

(C) Swine.

(D) Goats.

(E) Bison.

(F) Farm-raised cervidae.

(G) Horses.

(H) Mules.

(I) Other equine.

(25) "Meat" means the part of the muscle of any livestock that is skeletal or is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels that normally accompany the muscle tissue and that are not separated from it in the process of dressing. The term does not mean the muscle found in the lips, snout, or ears.

~~(24)~~ **(26)** "Official establishment" means an establishment granted inspection under the provisions of ~~IC 15-2.1-24~~; **the act and this article.**

(27) "Official inspection legend" means the official inspection mark prescribed in 345 IAC 9-12.

(28) "Official mark" means any symbol prescribed in 345 IAC 9-12 to identify the status of any article or poultry under the act.

~~(25)~~ **(29)** "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, or estate, or his legal representative or agent.

~~(26)~~ **(30)** "Poultry" means a domesticated bird, whether live or dead, and includes domesticated:

(A) chickens;

(B) turkeys;

(C) ducks;

(D) geese; and

(E) ratitae.

~~(27)~~ **(31)** "Reindeer" means any reindeer commonly referred to as caribou.

~~(28)~~ **(32)** "Secretary", "state veterinarian", or "administrator" means the state veterinarian appointed under IC 15-2.1-4.

(33) "Supervision" means controls implemented by board officials under the act and this article to ensure compliance with the act and this article. Supervision may include periodic observation or review as allowed under board policies.

~~(29)~~ **(34)** "United States" or "U.S.", as used in 9 CFR, followed by the term:

(A) inspected and passed;

(B) condemned;

(C) inspected and condemned;

(D) passed for cooking;

(E) passed for refrigeration;

(F) retained; or

(G) suspect;

means Indiana or state of Indiana followed by the appropriate term.

~~(30)~~ **(35)** "Water buffalo" means any Asiatic water buffalo, commonly referred to as carabao, and the water buffalo of India,

commonly referred to as the Indian buffalo.
(Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 1, Sec 1.2; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 223; filed Aug 13, 1973, 9:20 a.m.: Rules and Regs. 1974, p. 227; filed May 26, 1978, 3:30 p.m.: 1 IR 102; filed Aug 12, 1987, 4:30 p.m.: 11 IR 11; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1296; filed Sep 10, 1999, 9:14 a.m.: 23 IR 13; filed Oct 30, 2000, 2:06 p.m.: 24 IR 676) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-1-3) to the Indiana State Board of Animal Health (345 IAC 9-1-3) by P.L.138-1996, SECTION 76, effective July 1, 1996.

SECTION 2. 345 IAC 9-2-1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 9-2-1 Establishments requiring inspection or a grant of exemption

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-16; IC 15-2.1-24-13

Sec. 1. (a) ~~Every~~ **Unless otherwise exempted, a person may not operate an establishment except those operating under without receiving inspection service by the division. A person desiring to operate an establishment must meet at least one (1) of the authority following sets of requirements:**

(1) A person may operate an official establishment by meeting the requirements of the federal Meat Inspection act in which any and this article for an official establishment, applying to the division for inspection, and receiving a grant of inspection from the division prior to beginning operation. The division shall grant inspection services to an applicant as required under IC 15-2.1-24 and this article.

(2) A person may operate a custom exempt establishment by meeting the requirements of the act and this article for a custom exempt establishment, applying to the division for inspection, and receiving a grant of exemption from inspection from the division prior to beginning operation.

(b) Establishments that must receive a grant of inspection under this section are those establishments that slaughter livestock are slaughtered for transportation or for sale as articles of commerce or in which process meat, meat byproducts, or meat food products of, or derived from carcasses of livestock. are; wholly or in part, canned; cured; salted; cooked; smoked; packed; rendered; manufactured; processed; frozen; dried; or where Processing, for the purpose of this section, includes canning, curing, salting, cooking, smoking, packing, rendering, manufacturing, freezing, drying, and any other similar operation that is performed for human food: conducted on meat.

(c) Establishments conducting activities described in 9 CFR 303.1(a)(2) must receive a grant of exemption under this section.

(d) The division shall be inspected for inspect the construction, sanitation, and operation and shall make application for inspection of an applicant's establishment according to this article prior to and after granting inspection services or an exemption from inspection services. The Indiana state board of animal health, division may temporarily or permanently withdraw inspection services or a grant of meat exemption from an establishment for violations of the act and poultry.

(b) Every establishment engaged in commerce not exempted by 9 CFR 303; in which livestock this article.

(e) A person submitting an application for inspection under this section must include a description of the means by which the establishment will dispose of inedible products. The division shall approve the inedible disposal method if the proposed method complies with the act, this article, and IC 15-2.1-16.

(f) A person conducting activities that are slaughtered or in which meat, meat food products; or meat byproducts are prepared for human consumption will be exempted by IC 15-2.1-24-13 is not required to apply for and maintain inspection. and will be designated as official establishments. *(Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 2, Sec 2.1; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 230; filed May 26, 1978, 3:30 p.m.: 1 IR 103; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1301; filed Oct 30, 2000, 2:06 p.m.: 24 IR 677) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-2-1) to the Indiana State Board of Animal Health (345 IAC 9-2-1) by P.L.138-1996, SECTION 76, effective July 1, 1996.*

SECTION 3. 345 IAC 9-2-2 IS AMENDED TO READ AS FOLLOWS:

345 IAC 9-2-2 Inspection of livestock and products; applicability

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 2. All livestock and all products entering any official establishment and all products prepared in whole or in part therein, shall be inspected, handled, stored, prepared, packaged, marked, and labeled as required by this article. **All livestock and all products entering a custom exempt establishment shall meet those requirements in this article that apply to custom exempt establishments and those products produced at custom exempt establishments.** (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 2, Sec 2.2; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 230; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1301; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2392; filed Oct 30, 2000, 2:06 p.m.: 24 IR 678*) **NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-2-2) to the Indiana State Board of Animal Health (345 IAC 9-2-2) by P.L.138-1996, SECTION 76, effective July 1, 1996.**

SECTION 4. 345 IAC 9-2.1-1, AS AMENDED AT 23 IR 14, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

345 IAC 9-2.1-1 Incorporation by reference

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-19; IC 15-2.1-24

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, ~~1999~~ **2000**:

(1) 9 CFR 301, except the definitions in **IC 15-2.1** 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.

(6) 9 CFR 417.

(7) 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 15-2.1-19 and IC 4-2.15-3.

(B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in IC 15-2.1-24.

(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;

(B) 9 CFR 317.4 shall refer to 345 IAC 9-17-4;

(C) 9 CFR 317.5 shall refer to 345 IAC 9-17-5; and

(D) 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. (*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)

SECTION 5. 345 IAC 9-6-4 IS AMENDED TO READ AS FOLLOWS:

345 IAC 9-6-4 Inspectors' powers and duties

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 4. ~~Veterinary meat inspectors~~ **Board employees that are trained as veterinarians** shall conduct final postmortem inspection of carcasses or parts thereof before condemnation unless the ~~authorized establishment personnel~~ **establishment's agent** waives the right of examination by ~~the veterinary meat inspector~~ **a board veterinarian** and accepts condemnation by ~~the a board~~ **a board** meat inspector. ~~Veterinary meat inspectors shall supervise the necessary inspection procedures at the establishment or establishments to which assigned.~~ Meat inspectors may retain carcasses or parts thereof for final postmortem examination by a ~~veterinary meat inspector~~ **board veterinarian** and perform the necessary inspections to enforce this article. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 6, Sec 6.4; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 237; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1302; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2392; filed Oct 30, 2000, 2:06 p.m.: 24 IR 679*) **NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-6-4) to the Indiana State Board of Animal Health (345 IAC 9-6-4) by P.L.138-1996, SECTION 76, effective July 1, 1996.**

SECTION 6. 345 IAC 9-7-4 IS AMENDED TO READ AS FOLLOWS:

345 IAC 9-7-4 Inspection required; work schedules of establishments

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 4. (a) ~~No operations~~ **operation** requiring inspection ~~shall under this article may~~ be conducted ~~except unless it is conducted~~ under the supervision of a division employee. All slaughtering of animals ~~and preparation of products~~ shall be done **under the direct supervision of a division employee and shall be done** with reasonable speed, considering the official establishment's facilities. **The division may implement inspection procedures for processing operations that are different than the inspection procedures for slaughter operations. Processing procedures may include procedures that allow for varied frequency of inspection depending on the processing operations conducted.**

(b) ~~Official establishments~~ **Subject to section 5 of this rule, the division shall be provided provide, without charge,** inspection service ~~without charge, to official establishments,~~ up to eight (8) consecutive hours per shift during the basic work week. ~~subject to section 5 of this rule.~~ The basic work week shall consist of five (5) consecutive ~~eight (8) hour~~ **eight (8) hour** days **beginning** Monday ~~through and ending~~ Friday, ~~excluding eight (8) hours each day not counting~~ the lunch period.

(c) Each official establishment shall submit a work schedule to the board for approval ~~Such schedule shall be submitted upon the occurrence of any of the following:~~

- (1) Prior to the inauguration of inspection.
- (2) When a change in work schedule is requested. ~~or at any other time deemed necessary~~
- (3) **Upon request** by ~~the a board to enforce the provisions of the Act.~~ In consideration of whether the approval of an establishment's work schedule shall be given **employee.**

(d) The division director shall take into account the efficient and effective use of inspection personnel ~~provided that when one (1) inspector is detailed to conduct the approving work at two (2) or more official establishments where few livestock are slaughtered, or where but a small quantity of any product is prepared:~~ **schedules.** The division director may designate the hours of the day and the days of the week during which ~~such inspection will be provided if an establishment conducts operations may be conducted:~~ **requiring inspection less than eight (8) hours a day, fewer than five (5) days a week, or otherwise different than a normal five (5) day, eight (8) hours each day, work week.** The division director shall consult with the establishments involved when **designating work schedules.** An approved work schedule must specify daily clock hours of operation and lunch periods for all departments of the establishment requiring inspection.

~~(d)~~ (e) Establishments shall maintain consistent work schedules. Any request by an establishment for a change in its work schedule shall be submitted to the board at least two (2) weeks in advance of the proposed change. Frequent requests for change shall not be

approved, provided that minor deviations from a daily operating schedule may be approved by the area supervisor. ~~if such request is received on the day preceding the day of change:~~

~~(e)~~ **(f)** Request for inspection service outside an approved work schedule shall be made:

(1) as early in the day as possible for overtime work to be performed within that same workday; or

(2) prior to the end of the day's operation when such a request will result in overtime service at the start of the following day.

provided But, an inspector may be recalled to his assignment after completion of the daily tour of duty under section 6(d) of this rule.

~~(f)~~ **(g)** For the purpose of administration of this rule, "few livestock" shall be construed as less than fifty (50) cattle or calves per week or an equivalent number of other species of livestock (two (2) animals of all other species being deemed equivalent to one (1) cattle). In addition, "small quantity of any product" shall be construed as less than seven hundred fifty (750) pounds per day or less than three thousand (3,000) pounds per week of any one (1) class of product. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 7, Sec 7.4; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 240; filed May 26, 1978, 3:30 p.m.: 1 IR 105; filed Jun 2, 1980, 1:00 p.m.: 3 IR 1270; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1302; errata filed Dec 10, 1997, 3:50 p.m.: 21 IR 1349; filed Oct 30, 2000, 2:06 p.m.: 24 IR 679*) **NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-7-4) to the Indiana State Board of Animal Health (345 IAC 9-7-4) by P.L.138-1996, SECTION 76, effective July 1, 1996.**

SECTION 7. 345 IAC 9-7-5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 9-7-5 Assignment of inspectors; days and hours of operation

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 5. (a) **The division director may designate the hours of the day and the days of the week during which inspection will be provided when an establishment conducts operations requiring inspection less than eight (8) hours a day, fewer than five (5) days a week, or otherwise different than a normal five (5) day, eight (8) hours each day, work week. When an official slaughtering establishment requires less than five (5) consecutive eight (8) hour days to slaughter the animals present, the inspector division may be assigned assign inspection personnel to more than one (1) establishment at the discretion of the division: in order to efficiently utilize board personnel and resources.**

(b) ~~When one (1) inspector is detailed to conduct the work at two (2) or more official establishments where few livestock are slaughtered, or where but a small quantity of any product is prepared, the division may designate the hours of the day and the days of the week during which such operations may be conducted, provided that the schedule of days and hours of operation shall be arranged in conference with the official establishments involved. If, for any reason, an assigned inspector is unable to conduct antemortem and postmortem examinations on the day and hour of a scheduled operation at an official establishment, the inspector shall, without delay, notify the inspector's immediate or area supervisor. It shall be the duty of the supervisor to furnish inspection at the official establishment.~~

(c) ~~Any further processing of product in an official establishment may be conducted at any scheduled time during the basic work week: within the approved work schedule. The division will provide inspection service will be provided as required in the act and this rule and 345 IAC 9-17: article. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 7, Sec 7.5; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 241; filed Jun 2, 1980, 1:00 p.m.: 3 IR 1271; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1303; filed Oct 30, 2000, 2:06 p.m.: 24 IR 680*) **NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-7-5) to the Indiana State Board of Animal Health (345 IAC 9-7-5) by P.L.138-1996, SECTION 76, effective July 1, 1996.**~~

SECTION 8. 345 IAC 9-7-6 IS AMENDED TO READ AS FOLLOWS:

345 IAC 9-7-6 Overtime work of inspectors

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24-14

Sec. 6. (a) ~~The management of an official establishment desiring to work under conditions conduct operations that will require the board inspection services of an inspector on any Saturday, Sunday, or holiday, or for more than eight (8) hours on any other day, or forty (40) hours any one (1) week, shall: during a time the board is not required to provide inspection under IC 15-2.1-24-14(a), may receive inspection but must comply with all of the following requirements:~~

(1) **The establishment must** sufficiently in advance of the period of overtime request the ~~inspector in charge or the inspector's assistant area supervisor~~ to furnish inspection service during such overtime period. ~~and~~

(2) **The establishment must** pay the board therefor ~~an amount sufficient to reimburse the board for the cost of the inspection services so supplied~~ **provided that fee required under IC 15-2.1-24-14(c).**

No official establishment shall be assessed for overtime services when such overtime is due to late arrival of the inspector for any cause. ~~Provided further that the An~~ official establishment that has been designated to slaughter for a limited number of hours **that** operates longer than the designated period ~~any overtime must pay any overtime caused by the extended operation. shall be charged to the official establishment that causes such overtime.~~

(b) Holidays for assigned division employees that are considered overtime work days ~~shall be as follows:~~

(1) ~~New Year's Day.~~

(2) ~~Martin Luther King Day.~~

(3) ~~Columbus Day.~~

(4) ~~Washington's Birthday.~~

(5) ~~Memorial Day.~~

(6) ~~Independence Day.~~

(7) ~~Labor Day.~~

(8) ~~Veterans Day.~~

(9) ~~Thanksgiving Day.~~

(10) ~~Christmas Day.~~

(11) ~~A Saturday.~~

(12) ~~A Sunday.~~

are those designated in IC 15-2.1-24-14.

(c) Any establishment that requires the overtime services of a division employee shall pay to the board the per hour rate as designated by the state budget agency to reimburse the state for the cost of inspection so furnished. Bills are payable upon receipt and become delinquent thirty (30) days from date of billing. Overtime or holiday inspection service will not be performed at any establishment that is delinquent in payment and processing operations thereat shall be confined to the regular operating schedule of the establishment. Failure to comply with this section by nonpayment of the overtime due the board will result in inspection being withdrawn from the establishment thirty (30) days after notification of such action by certified mail. Inspection will not be reinstated until the amount due for overtime has been paid to the board.

(d) An official establishment that requests and receives the services of a division employee after the employee has completed his or her day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of two (2) hours of overtime or holiday inspection service at the established rate. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 7, Sec 7.6; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 241; filed Aug 13, 1973, 9:20 a.m.: Rules and Regs. 1974, p. 229; filed May 26, 1978, 3:30 p.m.: 1 IR 106; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1303; filed Oct 30, 2000, 2:06 p.m.: 24 IR 680*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-7-6) to the Indiana State Board of Animal Health (345 IAC 9-7-6) by P.L.138-1996, SECTION 76, effective July 1, 1996.

SECTION 9. 345 IAC 9-8-10.5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 9-8-10.5 Product protection

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 10.5. (a) Product shall be protected from contamination at all times during production, preparation, storage, and transportation.

(b) There shall be no handling or storage of materials that create an objectionable condition in rooms, compartments, or places where product is prepared, stored, or otherwise handled.

(c) All containers used for storage or transportation of products in establishments shall be of such construction and material as to protect products adequately from dust, dirt, flies, insects, and other contamination. Containers constructed of pervious material shall be lined with a satisfactory sanitary liner and neither shall be reused.

(d) A separate inedible waste room or building, insect tight and rodent-proof, shall be provided for handling and storage of waste containers and covers, waste materials, inedible material, and condemned products. This room or building shall be located as to ensure no contamination to edible products or congestion in the establishment. Hot water (one hundred eighty degrees Fahrenheit (180°F)) and cold water under pressure, proper drainage, and facilities for cleaning the inedible containers and area shall be provided. The area shall be maintained in a clean and sanitary condition.

(e) All operating and storage rooms and departments of establishments used for inedible materials shall be maintained in acceptably clean condition. The outer premises of every establishment, including docks and areas where cars and vehicles are loaded, and the driveways, approaches, yards, pens, and alleys, shall be properly paved and drained and kept in clean and orderly condition. All catch basins on the premises shall be of such construction and location and shall be given such attention to ensure their being kept in acceptable condition with regard to odors and cleanliness. Catch basins shall not be located in departments where any product is prepared, handled, or stored. The accumulation on the premises of establishments of any material in which flies may breed, such as hog hair, bones, paunch contents, or manure, is forbidden. No other conditions that may result in adulteration of product or interfere with inspection shall be allowed in any establishment or on its premises.

(f) The room or building used for storage of inedible material, waste, and condemned carcasses shall be located to ensure no contamination of edible products or congestion in the establishment. Hot water (one hundred eighty degrees Fahrenheit (180°F)) and cold water under pressure, properly drained floors, and facilities for cleaning inedible metal barrels and trucks before reentering edible rooms shall be provided. (*Indiana State Board of Animal Health; 345 IAC 9-8-10.5; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1304; filed Oct 30, 2000, 2:06 p.m.: 24 IR 681*)

SECTION 10. 345 IAC 9-12-2 IS AMENDED TO READ AS FOLLOWS:

345 IAC 9-12-2 Inspected and passed products; official marks

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 2. (a) The official inspection legend required by 9 CFR 316 to be applied to inspected and passed carcasses and parts of carcasses of cattle, sheep, swine, and goats, meat food products in animal casings, and other products as approved by the board, shall be in the appropriate form of an outline of the state of Indiana with the words “IND. INSP. & PASSED BOAH EST. 000” inside the outline, as specified and depicted in this subsection, substituting the assigned establishment number where the number “000” is used. **But**, legend markers that were in use prior to July 1, 1996, may contain “St. B. of H” followed by “Est. 000”, and the establishment number may be placed elsewhere on a label as allowed under 9 CFR 317.2. Each mark must be the size specified in this subsection, but may vary by one-sixteenth ($1/16$) of an inch, plus or minus, in either direction. The following marks must be used:

(1) For applications to sheep, calf, and goat carcasses, the loins and ribs of pork, beef tails, and the smaller all varieties of sausage and meat food products in animal casings, a mark that is one and one-eighth ($1\frac{1}{8}$) inches tall by five-eighths ($\frac{5}{8}$) inches wide. The following is a picture of the mark:



(2) For applications to calf and goat carcasses and on the larger varieties of sausage and meat food products in animal casings:



(3) (2) For applications to beef and hog cattle, swine, equine, cervid, and carcasses, primal parts and cuts therefrom, beef livers, beef tongues, beef hearts, and smoked meats not in casings, and for applications to burlap, muslin, cheesecloth, heavy paper, or other acceptable material that encloses carcasses or parts of carcasses, a mark that is one and fifteen-sixteenths ($1\frac{15}{16}$) inches tall by one and one-eighth ($1\frac{1}{8}$) inches wide. The following is a picture of the mark:



(4) For applications to burlap, muslin, cheesecloth, heavy paper, or other acceptable material that encloses carcasses or parts of carcasses:



(b) The official inspection legend required by 9 CFR to be shown on all labels for inspected and passed products of ~~cattle, sheep, swine, and goats~~ **livestock** shall be in the form **described and** illustrated in subsection (a), except that it need not be of the size **specified or** illustrated, provided that it is **proportionate to the size of the label, and** a sufficient size and of such color as to be conspicuously displayed and readily legible and the same proportions of letter size and boldness are maintained as illustrated. This official mark shall be applied by mechanical means and shall not be applied by a hand stamp.

(c) The official inspection legend described in subsection (a) may also be used for purposes of 9 CFR 316 on shipping containers, band labels, artificial casings, and other articles with the approval of the secretary.

(d) Any brand, stamp, label, or other device approved by the board and bearing any official mark prescribed in this section shall be an official device for purposes of the act. (*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 12, Sec 12.2; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 276; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1305; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2392; filed Oct 30, 2000, 2:06 p.m.: 24 IR 682*) **NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-12-2) to the Indiana State Board of Animal Health (345 IAC 9-12-2) by P.L.138-1996, SECTION 76, effective July 1, 1996.**

SECTION 11. 345 IAC 9-12-4 IS AMENDED TO READ AS FOLLOWS:

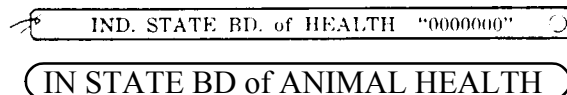
345 IAC 9-12-4 Transportation of products; official marks

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 4. (a) The official mark for use in sealing railroad cars or other means of conveyance, as prescribed in 9 CFR 325 **or otherwise**, shall be ~~the inscription and a serial number as shown seal bearing the inscription~~ **“IN STATE BD of ANIMAL HEALTH”** and ~~any a unique serial number. The state veterinarian may approve a different seal approved by the secretary for applying such use as an official mark if necessary to enforce the provisions of the act. The marks described in this subsection shall be an official device devices for purposes of the act. This A seal shall be attached to the means of conveyance only by a division employee and he shall also affix thereto a “Warning Tag- state or federal official.~~

(b) The number “0000000” **in the following example** is given as an example only. The serial number of the specific seal will be shown in lieu thereof. The following is an example **of the seal described in this section:**



(*Indiana State Board of Animal Health; Reg HMP-1R, CH A, PT 12, Sec 12.4; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 278; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1306; filed Oct 30, 2000, 2:06 p.m.: 24 IR 682*) **NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-12-4) to the Indiana State Board of Animal Health (345 IAC 9-12-4) by P.L.138-1996, SECTION 76, effective July 1, 1996.**

SECTION 12. 345 IAC 9-12-5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 9-12-5 Adulterated products or insanitary facilities; official marks

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 5. (a) The official marks required by ~~9 CFR 308~~ **9 CFR 416** and 9 CFR 310 for use in postmortem inspection and identification of adulterated products and insanitary equipment and facilities are as follows:

(1) The tag that is used to retain carcasses and parts of carcasses in the slaughter department shall appear as follows:

(A) Black and white.

(B) Bears the legend "IND. Retained".

(C) Is a three-section **or five-section tag** as used for hogs, sheep, goats, **ratitae**, and calves.

(D) Is a five-section tag as used for cattle, **farm-raised cervidae, and bison.**

(2) The "IND. Retained" mark is applied to products and articles as prescribed in 9 CFR 310 by means of a paper tag bearing the legend "IND. Retained".

(3) The "IND. Rejected" mark is used to identify insanitary buildings, rooms, or equipment as prescribed in ~~9 CFR 308~~ **9 CFR 416** and is applied by means of a paper tag bearing the legend "IND. Rejected".

(4) The "IND. Passed for Cooking" mark is applied on products passed for cooking as prescribed in 9 CFR 310 by means of a brand and is in the following form:

IND. PASSED FOR COOKING

(5) The "IND. Condemned" mark is applied to products condemned as prescribed in 9 CFR 310 by means of a brand and is in the following form:

IND. CONDEMNED

(b) The IND. Retained and IND. Rejected tags, and all other brands, stamps, labels, and other devices approved by the board and bearing any official mark prescribed in this section, shall be official devices for purposes of the act. (*Indiana State Board of Animal Health; Reg HMP-IR, CH A, PT 12, Sec 12.5; filed Feb 11, 1972, 2:00 p.m.: Rules and Regs. 1973, p. 278; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1306; filed Oct 30, 2000, 2:06 p.m.: 24 IR 683*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 9-12-5) to the Indiana State Board of Animal Health (345 IAC 9-12-5) by P.L.138-1996, SECTION 76, effective July 1, 1996.

SECTION 13. 345 IAC 10-1-1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 10-1-1 Definitions

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-2-39; IC 15-2.1-4; IC 15-2.1-24

Sec. 1. (a) The definitions in this section, unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall also import the feminine, and vice versa.

(b) The ~~following definitions unless otherwise required by the context:~~ **in IC 15-2.1-2, IC 15-2.1-24, and this section** apply throughout this article:

(1) "Act" means the Indiana Meat and Poultry Inspection and Humane Slaughter Act under IC 15-2.1-24.

(2) **"Administrator" means the state veterinarian, division director, or other board employee to whom authority has been delegated under the act.**

(3) **"Area supervisor", "circuit supervisor", or "poultry inspector supervisor" means a designated division employee who is in charge of the division's inspection and operational duties in a geographical region of the state.**

~~(2)~~ (4) "Board", "state board", or "department" means the Indiana state board of animal health.

~~(3)~~ (5) "Commerce" means commerce within the state. The term includes, without limitation, a transfer of ownership or an offer to transfer ownership by sale or otherwise and the transportation of products on public roads of the state pursuant to a business transaction.

~~(4)~~ (6) "Division" **or "program"** means the meat and poultry division of the board.

~~(5)~~ (7) "Division director" means the veterinarian employed by the board to whom authority has heretofore been delegated or may be delegated to act in his stead.

(8) **"Division employee" or "program employee" means the inspectors and all other individuals employed by the board and authorized to do any work or perform any duty in connection with the enforcement of the act.**

~~(6)~~ **(9)** "Establishment" or "recognized establishment" means any building or part thereof, or other location, used for:

- (A) slaughtering animals or poultry; or
 - (B) preparing:
 - (i) meat or poultry;
 - (ii) meat **or poultry** food products; and
 - (iii) meat **or poultry** byproducts;
- for human consumption.

~~(7)~~ **(10)** "Food safety and inspection service", as referenced in 9 CFR, means the board.

(11) "Inspection" or "inspection service" means inspection under IC 15-2.1-24 and this rule by agents of the board.

~~(8)~~ **(12)** "Inspector" means an employee or official of the state authorized by the board to inspect poultry and poultry products under the authority of the act, or an employee of the United States government authorized to inspect poultry or poultry products under the authority of the act under an agreement between the board and the United States government.

(13) "Official establishment" means an establishment granted inspection service under the act and this article.

(14) "Official inspection legend" means the official inspection mark prescribed in 345 IAC 10-13.

(15) "Official mark" means any symbol prescribed in 345 IAC 10-13 to identify the status of any article or poultry under the act.

~~(9)~~ **(16)** "Person" has the meaning as set forth in IC 15-2.1-2-39.

~~(10)~~ **(17)** "Poultry" means any domesticated bird, including:

- (A) chickens;
- (B) turkeys;
- (C) ducks;
- (D) geese;
- (E) guineas; or
- (F) ratitae;

whether live or dead.

~~(11)~~ **(18)** "Secretary", "state veterinarian", or "administrator" means the Indiana state veterinarian appointed under IC 15-2.1-4 or a legally authorized representative.

~~(12)~~ **(19)** "State" means the state of Indiana.

(20) "Supervision" means controls implemented by board officials under the act and this article to ensure compliance with the act and this article. Supervision may include periodic observation or review as allowed under board policies.

~~(13)~~ **(21)** "United States" or "U.S.", as referenced in 9 CFR, followed by:

- (A) detained;
- (B) retained;
- (C) rejected; or
- (D) suspect;

means "Indiana" or "state of Indiana" followed by the appropriate term.

(Indiana State Board of Animal Health; Reg HMP 1R, CH B, Subpt A, Sec 1.1; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 268; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1315; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Oct 30, 2000, 2:06 p.m.: 24 IR 683) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-1-1) to the Indiana State Board of Animal Health (345 IAC 10-1-1) by P.L.138-1996, SECTION 76, effective July 1, 1996.

SECTION 14. 345 IAC 10-2-1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 10-2-1 Administration; waiver of provisions

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 1. (a) General authority to administer the act has been delegated to the state veterinarian under the act. **The state veterinarian may delegate any duty under the act to a board employee.**

(b) The state veterinarian may, in specific classes of cases, waive for limited periods any provisions of this article in order to permit appropriate and necessary action in the event of a national, state, or local emergency or to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements, provided that such waivers of

the provisions of the regulations are not in conflict with the purposes or provisions of the act. (*Indiana State Board of Animal Health; Reg HMP 1R, CH B, Subpt B, Sec 1.3; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 275; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1318; filed Oct 30, 2000, 2:06 p.m.: 24 IR 684*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-2-1) to the Indiana State Board of Animal Health (345 IAC 10-2-1) by P.L.138-1996, SECTION 76, effective July 1, 1996.

SECTION 15. 345 IAC 10-2-2 IS AMENDED TO READ AS FOLLOWS:

345 IAC 10-2-2 Inspection pursuant to regulations

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24-11

Sec. 2. Inspection of poultry products shall be rendered pursuant to the regulations and under such conditions and in accordance with such the methods as may be prescribed or approved by the board: set forth in this article. (*Indiana State Board of Animal Health; Reg HMP 1R, CH B, Subpt B, Sec 1.4; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 275; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1319; filed Oct 30, 2000, 2:06 p.m.: 24 IR 684*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-2-2) to the Indiana State Board of Animal Health (345 IAC 10-2-2) by P.L.138-1996, SECTION 76, effective July 1, 1996.

SECTION 16. 345 IAC 10-2-3 IS AMENDED TO READ AS FOLLOWS:

345 IAC 10-2-3 Applicability of inspection provisions

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24-13

Sec. 3. Inspection under the regulations act and this article is required at every establishment, except as provided in Subpart C of 9 CFR 381 and IC 15-2.1-24-13, in which any poultry is slaughtered or any poultry products are processed for transportation or sale in commerce or in which any poultry products are wholly or in part processed for transportation or sale in commerce as articles intended for use as human food. The division may implement inspection procedures for processing operations that are different than the inspection procedures for slaughter operations. Processing procedures may include procedures that allow for varied frequency of inspection depending on the processing operations conducted. (*Indiana State Board of Animal Health; Reg HMP 1R, CH B, Subpt B, Sec 1.6; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 275; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1319; filed Oct 30, 2000, 2:06 p.m.: 24 IR 684*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-2-3) to the Indiana State Board of Animal Health (345 IAC 10-2-3) by P.L.138-1996, SECTION 76, effective July 1, 1996.

SECTION 17. 345 IAC 10-2.1-1, AS AMENDED AT 23 IR 16, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

345 IAC 10-2.1-1 Incorporation by reference; poultry products inspection

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 4-21.5-3; IC 15-2.1-19; IC 15-2.1-24

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, 1999, 2000, relating to poultry products inspection:

- (1) 9 CFR 381.1, except the definitions in IC 15-2.1 and 345 IAC 10-1-1 shall control over conflicting definitions in 9 CFR.
- (2) 9 CFR 381.10 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.
 - (E) 9 CFR 381.45 through 381.61.**
- (3) 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.
- (4) 9 CFR 381.189 through 9 CFR 381.194.
- (5) 9 CFR 381.300 through 9 CFR 381.500.
- (6) 9 CFR 416.
- (7) 9 CFR 417.

(8) 9 CFR 500, except the following:

(A) References to Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H shall mean IC 15-2.1-19 and IC 4-21.5-3.

(B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in IC 15-2.1-24.

(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 10-7-4.

(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, 9 CFR 381.132, and 9 CFR 381.133 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*)

SECTION 18. 345 IAC 10-7-2 IS AMENDED TO READ AS FOLLOWS:

345 IAC 10-7-2 Time of inspection

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 2. The ~~inspector in charge in an official operator of an~~ establishment shall ~~be informed;~~ **notify the board**, in advance, of the hours when ~~such~~ inspection ~~at that establishment~~ will be required. (*Indiana State Board of Animal Health; Reg HMP 1R, CH B, Subpt G, Sec 1.37; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 288; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1320; filed Oct 30, 2000, 2:06 p.m.: 24 IR 685*) **NOTE:** *Transferred from the Indiana State Department of Health (410 IAC 10-7-2) to the Indiana State Board of Animal Health (345 IAC 10-7-2) by P.L.138-1996, SECTION 76, effective July 1, 1996.*

SECTION 19. 345 IAC 10-7-3 IS AMENDED TO READ AS FOLLOWS:

345 IAC 10-7-3 Hours of operation

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 3. ~~Operating schedules of 345 IAC 9-7-4, 345 IAC 9-7-5, and 345 IAC 9-7-6 shall govern the scheduling of inspection~~ at an official establishment shall be subject to approval of the board. For the purpose of this regulation scheduling inspection, the normal operating schedule shall consist of a continuous eight (8) hour period per day (excluding not to exceed one (1) hour for lunch), five (5) days per week, within the period of Monday through Friday, for each full shift required. Any variation from such Monday through Friday schedule of operation must be fully justified and approved in advance by the board. The hours of operation must be **reasonably uniform from day to day: under this article.** (*Indiana State Board of Animal Health; Reg HMP 1R, CH B, Subpt G, Sec*

1.38; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 288; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1320; filed Oct 30, 2000, 2:06 p.m.: 24 IR 685) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-7-3) to the Indiana State Board of Animal Health (345 IAC 10-7-3) by P.L.138-1996, SECTION 76, effective July 1, 1996.

SECTION 20. 345 IAC 10-7-4 IS AMENDED TO READ AS FOLLOWS:

345 IAC 10-7-4 Overtime work of inspectors

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 4. (a) The management of an official establishment, desiring to work under conditions that will require the services of an inspector: **345 IAC 9-7-6 shall govern the scheduling of inspection under this rule in the following circumstances:**

- (1) on any Saturday, Sunday, or holiday or for more than eight (8) hours on any other day; or
- (2) for more than forty (40) hours any one (1) week.

shall sufficiently, in advance of the period of overtime, request the inspector in charge or the inspector's assistant to furnish inspection service during such overtime period and shall pay the board therefor an amount sufficient to reimburse the board for the cost of the inspection services so supplied, provided that no official establishment shall be assessed for overtime services when such overtime is due to late arrival of the inspector for any cause. Provided, further, that the official establishment that has been designated to slaughter for a limited number of hours operates longer than the designated period; any overtime pay caused by the extended operation shall be charged to the official establishment that causes such overtime.

(b) Holidays for assigned division employees shall be:

- (1) New Year's Day;
- (2) Martin Luther King Day;
- (3) Columbus Day;
- (4) Washington's Birthday;
- (5) Memorial Day;
- (6) Independence Day;
- (7) Labor Day;
- (8) Veterans Day;
- (9) Thanksgiving Day; and
- (10) Christmas Day;

or the day designated for such holidays by the Act.

(c) Any establishment that requires the overtime services of a division employee shall pay to the board the per hour rate as designated by the state budget agency to reimburse the state for the cost of inspection so furnished. Bills are payable upon receipt and become delinquent thirty (30) days from date of billing. Overtime or holiday inspection service will not be performed at any establishment that is delinquent in payment; and processing operations thereat shall be confined to the regular operating schedule of the establishment. Failure to comply with this rule by nonpayment of the overtime due the board will result in inspection being withdrawn from the establishment thirty (30) days after notification of such action by certified mail. Inspection will not be reinstated until the amount due for overtime has been paid to the board. (*Indiana State Board of Animal Health; Reg HMP 1R, CH B, Subpt G, Sec 1.39; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 288; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1320; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Oct 30, 2000, 2:06 p.m.: 24 IR 686*) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-7-4) to the Indiana State Board of Animal Health (345 IAC 10-7-4) by P.L.138-1996, SECTION 76, effective July 1, 1996.

SECTION 21. 345 IAC 10-13-2 IS AMENDED TO READ AS FOLLOWS:

345 IAC 10-13-2 Official seal

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 2. The official mark for use in sealing means of conveyance used in transporting poultry products under any requirement in this section article shall be the inscription "IN STATE BD of ANIMAL HEALTH" and a unique serial number. shown as follows; and any seals approved by the board for applying such mark The state veterinarian may approve a different seal for use as an

official mark if necessary to enforce the provisions of the act. The marks described in this section shall be an official device:



devices for the purposes of the act. A seal may be attached to a means of conveyance only by a state or federal official. The following is an example of the seal described in this section:

IN STATE BD of ANIMAL HEALTH

(Indiana State Board of Animal Health; Reg HMP 1R, CH B, Subpt M, Sec 1.98; filed Aug 13, 1973, 9:30 a.m.: Rules and Regs. 1974, p. 314; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1321; filed Oct 30, 2000, 2:06 p.m.: 24 IR 686) NOTE: Transferred from the Indiana State Department of Health (410 IAC 10-13-2) to the Indiana State Board of Animal Health (345 IAC 10-13-2) by P.L.138-1996, SECTION 76, effective July 1, 1996.

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