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

Proposed Rule
LSA Document #01-333

DIGEST

Amends 345 IAC 2-6-8 to clarify exemptions to certificates of veterinary inspection requirements for cattle sold intrastate. Amends 345 IAC 7-3.5 to remove the requirement that all animals sold through a public market be inspected. Makes other changes in the law of livestock dealers and markets and the sale of animals. Repeals 345 IAC 5-1-3 and 345 IAC 5-1-4. Effective 30 days after filing with the secretary of state.

345 IAC 2-6-8

345 IAC 7-3.5-13

345 IAC 5-1-3

345 IAC 7-3.5-14

345 IAC 5-1-4

SECTION 1. 345 IAC 2-6-8 IS AMENDED TO READ AS FOLLOWS:

345 IAC 2-6-8 Sale of cattle; testing required; exceptions; owner responsibilities

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15

Sec. 8. (a) An owner of cattle, that are to be sold, leased, bartered, or exchanged must have a licensed accredited veterinarian prepare an official health certificate for the cattle within thirty (30) days prior to the sale, lease, barter, or exchange. A copy of the health certificate shall accompany the cattle during transportation. Copies of the health certificate shall be distributed as follows:

(1) A copy to the recipient of the cattle.

(2) The veterinarian preparing the certificate must mail the pink and blue copies of the health certificate to the board's office within seven (7) days of preparing the certificate.

(b) A transaction involving feeder cattle is exempt from the certificate of veterinary inspection requirement in subsection (a). But if the feeder cattle are moved into Indiana from outside the state, the interstate movement requirements in 345 IAC 1-3 must be met. An owner or custodian of feeder cattle must keep the feeder cattle separate and apart from all dairy and breeding cattle.

(c) All cattle sold for immediate slaughter at an auction market, community sale, or public stockyard must be entered on an approved consignment sheet indicating **the name and address of the consignee.**

(d) **The following apply to cattle sold for immediate slaughter:**

(1) The transaction is exempt from the certificate of veterinary inspection requirement in subsection (a).

(2) The cattle shall not be resold or diverted for any other purpose or use.

(e) The responsibility for having cattle tested in accordance with this rule shall be upon the owner of the cattle prior to any transfer.

(f) Blood samples for Brucellosis tests must be drawn by a licensed, accredited veterinarian and tested by the Brucellosis testing service laboratory at Purdue University or at such other laboratory as the **board state veterinarian** may designate. Blood samples tested at an approved laboratory at a licensed auction market shall be sent to the animal

disease diagnostic laboratory at Purdue University for confirmation. (*Indiana State Board of Animal Health; 345 IAC 2-6-8; filed Oct 29, 1984, 8:59 a.m.: 8 IR 171; filed Feb 26, 1986, 4:00 p.m.: 9 IR 1568; filed Dec 22, 1986, 3:40 p.m.: 10 IR 1072; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1481; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 2. 345 IAC 7-3.5-13 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-3.5-13 Sale of animals at a market facility

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14; IC 15-2.1-15

Sec. 13. (a) A person consigning livestock to a dealer to be sold or offered for sale by competitive bidding shall, upon consignment or delivery of the animal to such dealer, stipulate the specific purpose for which the animal is to be sold or offered for sale. However, where the consignor does not declare such intent or purpose and relies upon the dealer to make the determination in his or her behalf, the dealer shall make the determination and proceed to sell or offer for sale the animal in such manner as will be in the best interests of the consignor.

(b) The following shall apply to animals sold for immediate slaughter:

(1) When ~~any domestic~~ ~~an~~ animal is consigned to a dealer under the stipulation that it is to be sold or offered for sale solely for the purpose of immediate slaughter, the auctioneer or any other selling agent acting in behalf of the consignor shall clearly announce to all prospective buyers the specific purpose for which the animal is to be sold. When an animal is sold for slaughter, the dealer shall clearly identify on a bill of sale given to the buyer and in the dealer's records that the animal was sold for slaughter only.

(2) When it has been determined or stipulated that any given animal is to be sold or offered for sale for the sole purpose of immediate slaughter, it shall be unlawful for any person to divert said animal or cause said animal to be diverted for any other purpose or use.

(3) Any duly authorized representative of the state veterinarian shall have the right to identify any ~~domestic~~ animal which has been designated for immediate slaughter by paint branding the letter "S" just behind the point of the shoulder. Such letter "S" shall be at least twelve (12) inches in height.

~~(c) It shall be unlawful for any person to remove or cause to be removed from the premises of a public market in Indiana any domestic animal unless or until such animal has passed inspection as defined in section 2(12) of this rule.~~

~~(d)~~ (c) The following requirements apply to sales on consignment:

(1) Any dealer engaged in the business of receiving, buying, or selling livestock on a commission basis, by competitive bidding, or otherwise, shall market the livestock consigned to his or her place of business openly so as to obtain the highest available bid and in a manner that will best promote the interest of the consignor.

(2) A dealer shall sell each consignment of livestock on its merits and shall not make the sale of one (1) consignment conditional on the sale of another and different consignment, provided, however, that this shall not prohibit the sale in graded lots of livestock belonging to different consignors who have agreed to such procedure.

~~(e)~~ (d) It is a violation of this rule to knowingly make any false statement or representation of fact with respect to the consignment or sale of any domestic animal that is intended to induce action by another if such statement causes another to act upon it to his or her damage.

~~(f)~~ (e) Promptly following the purchase or sale of livestock at public auction, the dealer shall transmit or deliver to the seller or consignor and the buyer, or their agent, an itemized written account of the purchase or sale which shall include the following:

(1) The number, weight (if sold by weight), and price for each animal or draft.

(2) The name of the person for whose account the transaction was made.

(3) The amount of the commission or other lawful charges or deductions withheld from the gross proceeds.

(4) Such other facts as may be necessary to complete the account and show fully the true nature of the transaction.

~~(g)~~ (f) Each market facility dealer must provide marketing services ~~that include the following:~~

~~(h) Services and facilities that are~~ **Services and facilities that are** reasonably necessary in the buying, selling, assembling, holding, feeding, watering,

testing, identifying, inspecting, and delivering livestock for public marketing.

(2) The services of a licensed, accredited veterinarian approved by the board to conduct all testing, vaccinating, and inspection of animals sold through the market facility ~~as if needed to perform services~~ required by state and federal law.

(Indiana State Board of Animal Health; 345 IAC 7-3.5-13; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1290; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 3. 345 IAC 7-3.5-14 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-3.5-14 Animals not intended for slaughter; inspection and identification

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14; IC 15-2.1-15

Sec. 14. (a) ~~No person shall sell or offer for sale, except for purposes of immediate slaughter, any domestic animal consigned to a dealer for public sale or auction in Indiana unless or until such animal has been inspected as defined by this rule.~~

(b) (a) Dealers having the custody of ~~livestock~~ **animals** subject to inspection under ~~this rule~~ **state or federal law** shall make the ~~livestock~~ **animals** readily available to inspecting agencies in such manner as to preserve the identity of the consignment until such inspection has been completed.

(c) (b) Employees of the board and all other persons duly authorized by the state veterinarian shall have the right to inspect any ~~livestock~~ **animal** at market facilities in Indiana in order to determine ownership, point of origin, evaluate the health of the animals, and pursue any lawful objective of the board.

(d) (c) When ~~domestic~~ animals are tested, vaccinated, or otherwise professionally treated by a qualified veterinarian on the premises of a market facility incidentally to their being sold or offered for sale through such market, it shall be the duty of the market operator to furnish the veterinarian:

- (1) all available identification of the animal;
- (2) the name and address of the consignor; and
- (3) all other pertinent information that may be required in order for the veterinarian to complete a report of the professional services rendered.

(e) (d) Any expense or cost incidental to professional services rendered at a market, along with other lawful charges, may be withheld or deducted by the marketing agency from the consignor's gross proceeds of sale. In such case, when accounting to the consignor of ~~livestock, animals,~~ the marketing agency shall clearly show the amount withheld or deducted and the reason for which such deduction was made.

(f) (e) It shall be the duty of every person licensed by the state to operate a market in this state to compile and file with the state veterinarian a complete and accurate report of all cattle that have been identified (tagged) at his or her place of business in connection with the market-cattle test program currently being conducted by state-federal regulatory agencies. Such report shall be prepared by the licensee on a form provided for this purpose without charge by the regulatory agencies. The completed forms shall be forwarded by the dealer to the state veterinarian.

(g) (f) Unless specifically stated otherwise, the dealer is responsible for sending all prepared and completed forms that are required to be forwarded to the office of the state veterinarian by this rule or otherwise within ten (10) days following the date of the event requiring the form. *(Indiana State Board of Animal Health; 345 IAC 7-3.5-14; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1291; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

SECTION 4. THE FOLLOWING ARE REPEALED: 345 IAC 5-1-3; 345 IAC 5-1-4.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 16, 2002 at 10:00 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed amendments to rules concerning certificate of veterinary inspections for cattle sold intrastate, inspection of animals sold through livestock markets, and certificates of veterinary inspection for scapies control in sheep. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh, D.V.M.
Indiana State Veterinarian
Indiana State Board of Animal Health