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

Proposed Rule
LSA Document #05-41

DIGEST

Adds 345 IAC 5-2 through 345 IAC 5-7 concerning the movement of sheep and goats into and within Indiana, identification of sheep and goats, record keeping, testing for scrapie, and other requirements for the purpose of detecting and controlling scrapie in sheep and goats. Repeals 345 IAC 1-3-20, 345 IAC 5-1-1, and 345 IAC 5-1-2. Effective 30 days after filing with the Secretary of State.

345 IAC 1-3-20	345 IAC 5-4
345 IAC 5-1-1	345 IAC 5-5
345 IAC 5-1-2	345 IAC 5-6
345 IAC 5-2	345 IAC 5-7
345 IAC 5-3	

SECTION 1. 345 IAC 5-2 IS ADDED TO READ AS FOLLOWS:

ARTICLE 5. SCRAPIE

Rule 2. Definitions

345 IAC 5-2-1 Applicability

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 1. The definitions in IC 15-2.1-2 and this rule apply throughout this article. (*Indiana State Board of Animal Health; 345 IAC 5-2-1*)

345 IAC 5-2-2 “Accredited veterinarian” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 2. “Accredited veterinarian” means a veterinarian that is approved by the United States Department of Agriculture under 9 CFR Part 161 to perform official work associated with disease control and eradication programs. (*Indiana State Board of Animal Health; 345 IAC 5-2-2*)

345 IAC 5-2-3 “Animal” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 3. “Animal” means a sheep or goat. (*Indiana State Board of Animal Health; 345 IAC 5-2-3*)

345 IAC 5-2-4 “Approved laboratory” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-5

Sec. 4. “Approved laboratory” means any of the following:

- (1) The National Veterinary Services Laboratories (NVSL) at Ames, Iowa.**
- (2) The Animal Disease Diagnostic Laboratory created under IC 15-2.1-5.**
- (3) Any other diagnostic laboratory approved by the state veterinarian to conduct tests for scrapie or genetic susceptibility to scrapie under this article.**

(Indiana State Board of Animal Health; 345 IAC 5-2-4)

345 IAC 5-2-5 “Approved test” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 5. “Approved test” means a test for the diagnosis of scrapie that has been approved by the United States Department of Agriculture and the state veterinarian for use in the scrapie eradication or certification programs in this article. *(Indiana State Board of Animal Health; 345 IAC 5-2-5)*

345 IAC 5-2-6 “Board” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 6. “Board” means the Indiana state board of animal health appointed under IC 15-2.1-3 or its authorized representative. *(Indiana State Board of Animal Health; 345 IAC 5-2-6)*

345 IAC 5-2-7 “Blackface sheep” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 7. “Blackface sheep” means any of the following:

- (1) Purebred Suffolk, Hampshire, Shropshire, or cross thereof.**
- (2) Nonpurebred sheep known to have Suffolk, Hampshire, or Shropshire ancestors.**
- (3) Nonpurebred sheep of unknown ancestry with a black face except for hair sheep.**

(Indiana State Board of Animal Health; 345 IAC 5-2-7)

345 IAC 5-2-8 “Breed association and registries” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 8. “Breed association and registries” means organizations listed in 9 CFR 151.9 that maintain the permanent records of the following:

- (1) The ancestry or pedigrees of animals.**
- (2) Individual animal identification.**
- (3) The ownership of animals.**

(Indiana State Board of Animal Health; 345 IAC 5-2-8)

345 IAC 5-2-9 “Breeding sheep and goats” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 9. “Breeding sheep and goats” means any sexually intact sheep or goat, but does not include an animal moving:

- (1) directly to slaughter;**
- (2) in slaughter channels; or**
- (3) to a feedlot to improve its condition for movement for slaughter.**

(Indiana State Board of Animal Health; 345 IAC 5-2-9)

345 IAC 5-2-10 “Certification program” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 10. “Certification program” means the voluntary scrapie flock certification program established under 345 IAC 5-7. *(Indiana State Board of Animal Health; 345 IAC 5-2-10)*

345 IAC 5-2-11 “Certification program standards” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 11. “Certification program standards” means the Voluntary Scrapie Flock Certification Program Standards adopted under 345 IAC 5-7. *(Indiana State Board of Animal Health; 345 IAC 5-2-11)*

345 IAC 5-2-12 “Commercial sheep or goat” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 12. “Commercial sheep or goat” means any animal:

(1) from a flock from which animals are moved only either directly to slaughter or through slaughter channels to slaughter; or

(2) raised only for meat or fiber production and not registered with a sheep or goat registry or used for exhibition.

(Indiana State Board of Animal Health; 345 IAC 5-2-12)

345 IAC 5-2-13 “Commingle”, “commingled”, or “commingling” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 13. “Commingle”, “commingled”, or “commingling” mean animals grouped together and having physical contact with each other, including contact through a fence and sharing the same section in a transportation unit where there is physical contact, but not including limited contacts. *(Indiana State Board of Animal Health; 345 IAC 5-2-13)*

345 IAC 5-2-14 “Consistent state” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 14. “Consistent state” means a state designated consistent by the United States Department of Agriculture under 9 CFR Part 79. *(Indiana State Board of Animal Health; 345 IAC 5-2-14)*

345 IAC 5-2-15 “Direct movement” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 15. “Direct movement” means animals that are:

(1) transported to a facility without unloading en route, other than briefly for food and water; and

(2) not commingled with any other animals during transport or at such food and water stops.

(Indiana State Board of Animal Health; 345 IAC 5-2-15)

345 IAC 5-2-16 “Exposed animal”, “exposed embryo”, and “exposed flock” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 16. (a) “Exposed animal” means a sheep or goat that meets one (1) of the following criteria:

(1) The animal has been in the same flock at the same time as a scrapie-positive female animal.

(2) The animal resided in a flock that was designated an infected or source flock and before the requirements of a flock plan were completed for the flock, but not including animals that meet all of the following conditions:

(A) The scrapie-positive animal was not born on the premises.

(B) The owner knows the date the animal was first introduced on the premises.

(C) The animal resided in the flock only before the scrapie-positive animal was introduced to the premises.

Exposed animals will be designated as either genetically resistant exposed sheep, genetically less susceptible exposed sheep, genetically susceptible exposed animals, or low-risk animals.

(b) “Exposed embryo” means an embryo that was collected from an exposed, suspect, or scrapie-positive animal.

(c) “Exposed flock” means a flock that meets one (1) of the following criteria:

(1) An infected or source flock that:

(A) has completed a flock plan; and

(B) retained a high-risk animal.

(2) A flock under investigation that retains a genetically susceptible exposed animal or a suspect animal.

(3) A flock under investigation whose owner declines to complete the required genotyping and live animal or necropsy scrapie testing.

(4) A flock that is not in compliance with the PEMMP.

A flock is an exposed flock until it has completed a PEMMP. *(Indiana State Board of Animal Health; 345 IAC 5-2-16)*

345 IAC 5-2-17 “Flock” or “herd” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 17. “Flock” or “herd” means animals that are maintained:

(1) on a single premises for any purpose; or

(2) in two (2) or more groups under common ownership or supervision, geographically separated, but that have an interchange or movement of animals, equipment, or personnel between the groups.

Changes in ownership of part or all of a flock do not change the identity of a flock or the regulatory requirements applicable to the flock. Animals maintained temporarily on a premises for an exhibition or sale or while in marketing channels are not a flock. The state veterinarian shall determine the flock status of any group of animal and shall make such determination in a manner that advances the board’s disease control objectives. *(Indiana State Board of Animal Health; 345 IAC 5-2-17)*

345 IAC 5-2-18 “Flock of origin” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 18. “Flock of origin” means the following:

(1) For male animals, the flock of birth.

(2) For female animals, the flock in which the animal:

(A) most recently resided; and

(B) was born, gave birth, or resided during lambing.

The state veterinarian shall determine an animal’s flock of origin based on the physical presence of the animal in a herd, the presence of official identification on the animal, other identification on the animal, and other evidence suggesting the animal’s origin.

(Indiana State Board of Animal Health; 345 IAC 5-2-18)

345 IAC 5-2-19 “Flock plan” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 19. “Flock plan” means a written flock management agreement between the owner of a flock, the state veterinarian, and other essential parties in which each participant agrees to undertake specified actions in the flock plan to:

(1) control the spread of scrapie from, and eradicate scrapie in, an infected flock or source flock; or

(2) reduce the risk of the occurrence of scrapie in a flock that contains a high-risk or an exposed animal.

Flock plans must meet the requirements for flock plans in this article and 9 CFR 54.8. *(Indiana State Board of Animal Health; 345 IAC 5-2-19)*

345 IAC 5-2-20 “Flock under investigation” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 20. “Flock under investigation” means either of the following:

- (1) A flock in which a scrapie-suspect animal was born or lambed.**
- (2) A flock containing a female high-risk or suspect animal or that once contained such an animal that may have lambed in the flock and from which obex and lymphoid tissues were:
 - (A) not submitted for official testing; or**
 - (B) submitted and found negative for scrapie.****

A flock is no longer a flock under investigation if it has completed the required genotyping and live-animal or necropsy testing for scrapie, is in compliance with a PEMMP if required, or it has been designated an infected, source, or exposed flock. (*Indiana State Board of Animal Health; 345 IAC 5-2-20*)

345 IAC 5-2-21 “Genetically less susceptible exposed sheep”, “genetically resistant exposed sheep”, “genetically susceptible animal”, and “genetically susceptible exposed animal” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 21. (a) “Genetically less susceptible exposed sheep” means the following:

- (1) Any exposed AA QR sheep or embryo unless it is epidemiologically linked to a scrapie-positive RR or AA QR sheep.**
- (2) Any exposed AV QR sheep unless it is epidemiologically linked to a scrapie-positive RR, QR, AV QQ, or VV QQ sheep.**

(b) “Genetically resistant exposed sheep” means any exposed RR sheep or embryo that was not designated exposed because of exposure to, or the presence in a flock of, a scrapie-positive RR sheep.

(c) “Genetically susceptible animal” means any of the following:

- (1) A goat or goat embryo.**
- (2) A QQ sheep or sheep embryo.**
- (3) A sheep or embryo of undeterminable genotype.**
- (4) A genetically susceptible exposed animal.**

(d) “Genetically susceptible exposed animal” means any exposed animal or embryo other than a low-risk exposed animal that is one (1) of the following:

- (1) A goat or goat embryo.**
- (2) A QQ sheep or sheep embryo.**
- (3) A sheep or embryo of undeterminable genotype.**
- (4) An AV QR sheep or sheep embryo that is epidemiologically linked to a scrapie-positive RR, QR, AV QQ, or VV QQ sheep, including a AV QR sheep or sheep embryo epidemiologically linked to a positive animal for which the 136 codon type either cannot be determined or is unavailable at the time of depopulation.**
- (5) An AA QR sheep or sheep embryo that is epidemiologically linked to a scrapie-positive RR or AA QR sheep.**
- (6) An RR sheep or sheep embryo that is epidemiologically linked to a scrapie-positive RR sheep.**

(Indiana State Board of Animal Health; 345 IAC 5-2-21)

345 IAC 5-2-22 Genotypes of sheep

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 22. (a) Two (2) locations on DNA that code for prion protein are particularly important for scrapie susceptibility and for the purposes of this article will be referred to as follows:

- (1) Codon 136 that may code for the amino acids alanine (A) or valine (V).**
- (2) Codon 171 that may code for the amino acids arginine (R), glutamine (Q), histidine (H), or lysine (K).**

For the purposes of this article, amino acids H, K, or any amino acid other than R at codon 171 will be treated as equivalent to Q at codon 171.

(b) The abbreviations for amino acids alanine (A), valine (V), arginine (R), glutamine (Q), histidine (H), and lysine (K) apply throughout this article.

(c) The following definitions of genetic types of sheep apply throughout this article:

- (1) “RR sheep” means any sheep that has tested RR at codon 171 on an official genotype test.
- (2) “QR sheep” means any sheep that has tested QR, KR, or HR at codon 171 on an official genotype test.
- (3) “QQ sheep” means any sheep that has tested QQ, QK, QH, HK, KK, or HH at codon 171 on an official genotype test.
- (4) “AV sheep” means any sheep that has tested AV at codon 136 on an official genotype test.
- (5) “VV sheep” means any sheep that has tested VV at codon 136 on an official genotype test.
- (6) “AA sheep” means any sheep that has tested AA at codon 136 on an official genotype test.
- (7) “AA QR sheep” means any sheep that has tested QR, KR, or HR at codon 171 and AA at codon 136 on an official genotype test.
- (8) “AV QR sheep” means any sheep that has tested QR, KR, or HR at codon 171 and AV at codon 136 on an official genotype test.
- (9) “AA QQ sheep” means any sheep that has tested QQ, QK, QH, HK, KK, or HH at codon 171 and AA at codon 136 on an official genotype test.
- (10) “AV QQ sheep” means any sheep that has tested QQ, QK, QH, HK, KK, or HH at codon 171 and AV at codon 136 on an official genotype test.
- (11) “VV QQ sheep” means any sheep that has tested QQ, QK, QH, HK, KK, or HH at codon 171 and VV at codon 136 on an official genotype test.

(d) The state veterinarian may require confirmatory testing before designating any animal a particular genetic class under subsection (c). (*Indiana State Board of Animal Health; 345 IAC 5-2-22*)

345 IAC 5-2-23 “High-risk animal” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 23. “High-risk animal” means a sexually intact animal that meets one (1) of the following criteria:

- (1) A female genetically susceptible exposed animal.
- (2) The female offspring of a scrapie-positive female animal and any female genetically less susceptible exposed animal that the state veterinarian determines to be a potential disease risk based on the epidemiology of the flock, including the following:
 - (A) The genetics of positive animals.
 - (B) The prevalence of scrapie in the flock.
 - (C) The history of recurrent infection, if any.
 - (D) Other relevant characteristics.

(*Indiana State Board of Animal Health; 345 IAC 5-2-23*)

345 IAC 5-2-24 “Inconsistent state” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 24. “Inconsistent state” means a state designated inconsistent by the United States Department of Agriculture under 9 CFR Part 79. (*Indiana State Board of Animal Health; 345 IAC 5-2-24*)

345 IAC 5-2-25 “Infected flock” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 25. “Infected flock” means a flock in which a scrapie-positive female animal resided unless an epidemiological investigation conducted by the state veterinarian determines that the animal did not lamb or abort in the flock. A flock remains an infected flock until such time as a flock plan is completed. (*Indiana State Board of Animal Health; 345 IAC 5-2-25*)

345 IAC 5-2-26 “Limited contacts” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 26. “Limited contacts” means the following:

(1) Any contact with a male animal or brief contact with a female animal from a different flock off of the flock’s premises at events such as the following:

- (A) Fairs.**
- (B) Shows.**
- (C) Exhibitions.**
- (D) Sales.**

(2) Incidental contacts between:

- (A) ewes being inseminated, flushed, or implanted; or**
- (B) rams at a ram test or collection station.**

Embryo transfer and artificial insemination equipment and surgical tools must be sterilized between animals for these contacts to be considered limited contacts.

Limited contacts do not include any contact, incidental or otherwise, with an animal during or up to thirty (30) days after the animal has given birth or aborted, with an animal that has any visible vaginal discharge other than that associated with estrus. Limited contacts do not include any activity where uninhibited contact occurs with a female animal, including sharing an enclosure, sharing a section in a transport vehicle, and residing in another flock for breeding or other purposes. (*Indiana State Board of Animal Health; 345 IAC 5-2-26*)

345 IAC 5-2-27 “Live animal screening test” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 27. “Live animal screening test” means a test for the diagnosis of scrapie in live animals that is approved by the state veterinarian as usually reliable but not definitive for diagnosing scrapie. (*Indiana State Board of Animal Health; 345 IAC 5-2-27*)

345 IAC 5-2-28 “Low-risk commercial flock”, “low-risk commercial goat”, “low-risk exposed animal”, and “low-risk goat” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 28. (a) “Low-risk commercial flock” means a flock composed of commercial whitefaced, whitefaced cross, or commercial hair sheep or commercial goats that meet the following requirements:

- (1) The sheep and goats were born in and have resided throughout their lives in flocks with no known risk factors for scrapie, including exposure to female blackfaced sheep.**
- (2) The flock never has:**
 - (A) contained a scrapie-positive female, suspect female, or high-risk animal; or**
 - (B) been an infected, exposed, or source flock or a flock under investigation.**
- (3) The animals are identified using identification recognized for breeding animals in 345 IAC 5-4-2(c).**
- (4) The flock is located in a state where in the preceding ten (10) years low-risk commercial flock has been designated a source or infected flock.**

(b) “Low-risk commercial goat” means a low-risk goat that is from a herd in which animals are moved to slaughter, directly or through slaughter channels, or any animal raised only for meat or fiber production and not registered with a sheep and goat registry or used for exhibition.

(c) “Low-risk exposed animal” means an exposed animal that meets one (1) or more of the following sets of circumstances:

- (1) The animal’s exposure was to a positive animal that:**
 - (A) was not born in the flock; and**
 - (B) did not lamb in the flock or enclosure where the exposed animal resided.**
- (2) The exposed animal most likely resided in the infected or source flock only before scrapie was introduced to the premises based on the flock history or five (5) years of known nonexposure.**

- (3) The state veterinarian determines that the animal was:
- (A) maintained at a location or during a time when infection was highly unlikely to have occurred; and
 - (B) not exposed to the lambing or kidding of an infected animal, in an infected or source flock, or lambing or kidding area before it had been cleaned and disinfected.
- (4) The animal is male and was not born in an infected or source flock.
- (5) The animal is a wether.

(d) “Low-risk goat” means a goat that is not scrapie-positive, suspect, high-risk, or exposed, that has not been commingled with sheep other than sheep from low-risk commercial flocks, and is from one (1) of the following states:

- (1) A state in which scrapie has not been identified in a goat during the preceding ten (10) years.
- (2) A state in which scrapie has been identified in a goat during the preceding ten (10) years, but one (1) of the following set of requirements applies:
 - (A) The scrapie-positive goat was not born in the state or it:
 - (i) resided in the state for less than seventy-two (72) months; and
 - (ii) did not kid while in the state.
 - (B) The scrapie-positive goat was commingled with sheep, but the flock records allowed a complete epidemiologic investigation to be completed with all resulting infected, source, and exposed goat herds completing flock plans and compliant with postexposure monitoring and management plan.

(Indiana State Board of Animal Health; 345 IAC 5-2-28)

345 IAC 5-2-29 “Moved” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 29. “Moved” means shipped, transported, or otherwise moved, delivered, or received for movement. *(Indiana State Board of Animal Health; 345 IAC 5-2-29)*

345 IAC 5-2-30 “Moved directly” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 30. “Moved directly” means moved without stopping or unloading at livestock assembly points of any type. Animals moved directly may be unloaded from the means of conveyance while en route only:

- (1) with permission of the state veterinarian; and
- (2) if the animals are isolated from all other animals other than those in the same shipment.

(Indiana State Board of Animal Health; 345 IAC 5-2-30)

345 IAC 5-2-31 “Noncompliant flock” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 31. “Noncompliant flock” means a flock that meets one (1) of the following sets of criteria:

- (1) A source or infected flock whose owner:
 - (A) does not participate in a flock plan or a PEMMP agreement within sixty (60) days of the flock being so designated; or
 - (B) is not in compliance with the terms of either agreement.
- (2) An exposed flock or flock under investigation whose owner fails to:
 - (A) make animals available for testing within sixty (60) days of notification; or
 - (B) submit required postmortem samples as directed in the PEMMP.
- (3) A flock whose owner, including the owner’s agents, has misrepresented the scrapie status of an animal or any other information on a certificate, permit, owner statement, or other official document within the last five (5) years.
- (4) A flock whose owner, including the owner’s agents, has moved an animal in violation of 9 CFR Part 79 or this article within the last five (5) years.

(Indiana State Board of Animal Health; 345 IAC 5-2-31)

345 IAC 5-2-32 “Official back tag or poll tag” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 32. “Official back tag or poll tag” means a tag approved by the state veterinarian that:

(1) is applied to the back or poll of the animal; and

(2) provides unique identification for that animal.

(Indiana State Board of Animal Health; 345 IAC 5-2-32)

345 IAC 5-2-33 “Official eartag” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 33. “Official eartag” means a tag approved by the state veterinarian that when applied to an animal provides unique identification for that animal. Official ear tags must contain unique identification for each animal or a premises identification number, or both, as determined by the state veterinarian. *(Indiana State Board of Animal Health; 345 IAC 5-2-33)*

345 IAC 5-2-34 “Official genotype test” defined

Authority: IC 15-2.1-3-19

Authority: IC 15-2.1-3

Sec. 34. “Official genotype test” means a test to determine the genotype of a live or dead animal that meets the following requirements:

(1) The test has been approved by the state veterinarian.

(2) The test is run on samples that have been collected by a licensed and accredited veterinarian or state or federal official.

(3) The test is run in an approved laboratory.

(Indiana State Board of Animal Health; 345 IAC 5-2-34)

345 IAC 5-2-35 “Official identification” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 35. “Official identification” means an identification method approved by the state veterinarian under this article. *(Indiana State Board of Animal Health; 345 IAC 5-2-35)*

345 IAC 5-2-36 “Official test” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 36. “Official test” means a test for the diagnosis of scrapie in a live or dead animal that is:

(1) approved by the state veterinarian; and

(2) conducted in an approved laboratory.

(Indiana State Board of Animal Health; 345 IAC 5-2-36)

345 IAC 5-2-37 “Owner” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 37. “Owner” means a person who has legal or rightful title to animals, whether or not they are subject to a security interest. *(Indiana State Board of Animal Health; 345 IAC 5-2-37)*

345 IAC 5-2-38 “Owner statement” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 38. “Owner statement” means a written statement by the owner of sheep or goats that includes the following information:

- (1) The owner’s name, signature, address, and phone number.**
 - (2) The date the animals left the flock of origin.**
 - (3) The premises identification number assigned to the premises.**
 - (4) The number of animals.**
 - (5) The identification of each animal if required.**
 - (6) A statement that the animals were either born on or were used for breeding purposes on the premises to which the premises identification is assigned.**
 - (7) The number for the permit for movement issued by the state veterinarian if a permit is required under this article.**
- (Indiana State Board of Animal Health; 345 IAC 5-2-38)*

345 IAC 5-2-39 “Permit” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 39. “Permit” means an official document issued by the USDA, the state veterinarian, or an accredited veterinarian for the movement of animals. A permit must be issued at the point of origin, must be reissued for each change in destination, and must contain the following information:

- (1) The name and address of the animal’s owner.**
- (2) The origin and destination of the animal.**
- (3) The number of animals covered.**
- (4) The purpose of the movement.**
- (5) Whether the animal is from an exposed, noncompliant, infected, or source flock or a flock under investigation.**
- (6) Whether the animal is a high-risk, exposed, scrapie-positive, or scrapie-suspect animal.**
- (7) The official identification of each animal including the following:**
 - (A) Eartag numbers.**
 - (B) Animal registered breed association tattoos and brands.**
 - (C) United States Department of Agriculture backtag.**
 - (D) Registered breed association registration number.**
 - (E) Any other form of official identification on each animal.**
- (8) The transportation vehicle license number or other identification number.**
- (9) If the shipment is sealed, the seal number.**

(Indiana State Board of Animal Health; 345 IAC 5-2-39)

345 IAC 5-2-40 “Postexposure management and monitoring plan” or “PEMMP” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 40. “Postexposure management and monitoring plan” or “PEMMP” mean a written agreement between a flock owner, the state veterinarian, and other essential parties in which each participant agrees to undertake specified actions in the agreement to reduce the risk of scrapie and monitor for scrapie in a flock for:

- (1) at least five (5) years after the last high-risk or scrapie-positive animal is removed from the flock;**
- (2) at least five (5) years after the last exposure of the flock to a scrapie-positive animal; or**
- (3) a time period agreed to by the parties.**

PEMMP plans must meet the requirements for PEMMPs in this article and 9 CFR 54.8. *(Indiana State Board of Animal Health; 345 IAC 5-2-40)*

345 IAC 5-2-41 “Premises” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 41. “Premises” has the meaning set forth in 345 IAC 1-2.5-2. *(Indiana State Board of Animal Health; 345 IAC 5-2-41)*

345 IAC 5-2-42 “Premises identification number” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 42. “Premises identification number” has the meaning set forth in 345 IAC 1-2.5-2. (Indiana State Board of Animal Health; 345 IAC 5-2-42)

345 IAC 5-2-43 “Scrapie” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 43. “Scrapie” means a nonfebrile, transmissible, insidious degenerative disease affecting the central nervous system (CNS) of sheep and goats. (Indiana State Board of Animal Health; 345 IAC 5-2-43)

345 IAC 5-2-44 “Scrapie-positive animal” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 44. “Scrapie-positive animal” means an animal for which a diagnosis of scrapie has been made using one (1) of the following official tests:

- (1) Histopathological examination of central nervous system tissues from the animal for characteristic microscopic lesions of scrapie.**
- (2) Proteinase resistant protein analysis methods including, but not limited to, immunohistochemistry, western blotting on central nervous system, or peripheral tissue samples from a live or dead animal for which a given method has been approved by the state veterinarian.**
- (3) Bioassay.**
- (4) Scrapie associated fibrils detected by electron microscopy.**
- (5) Any other official test.**

(Indiana State Board of Animal Health; 345 IAC 5-2-44)

345 IAC 5-2-45 “Separate contemporary lambing groups” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 45. “Separate contemporary lambing groups” means a group of animals that meet all of the following criteria:

- (1) The group of animals is kept separate from:**
 - (A) other animals; and**
 - (B) the birth fluids and placenta from other animals.**
- (2) The group of animals does not have fence-line contact with animals that have given birth for not less than sixty (60) days following the date the last lamb or kid was born in the lambing season.**
- (3) The group of animals has not used the same lambing facility as other animals prior to the facility being cleaning and disinfected under the supervision of the state veterinarian or federal officials.**
- (4) The owner maintains records sufficient to accurately document:**
 - (A) which animals were maintained in each lambing group; and**
 - (B) any cleaning and disinfecting.**

(Indiana State Board of Animal Health; 345 IAC 5-2-45)

345 IAC 5-2-46 “Slaughter channels” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 46. “Slaughter channels” means animals that are sold, transferred, or moved:

- (1) directly to a slaughter establishment;**
 - (2) to an individual for custom slaughter;**
 - (3) for feeding for the express purpose of improving the animals condition before moving the animal directly to slaughter;**
- or**

(4) through a sale or market expressly for one (1) of these purposes.
But, an animal that is sexually intact and commingled with breeding animals from another flock is not in slaughter channels, and animals sold for unrestricted sale are not in slaughter channels. (*Indiana State Board of Animal Health; 345 IAC 5-2-46*)

345 IAC 5-2-47 “Slaughter establishment” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 47. “Slaughter establishment” means a slaughtering establishment that is operating under the:

- (1) Federal Meat Inspection Act (21 U.S.C. 601 et seq.); or
- (2) Indiana Meat and Poultry Inspection Act (IC 15-2.1-24).

(*Indiana State Board of Animal Health; 345 IAC 5-2-47*)

345 IAC 5-2-48 “Source flock” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 48. “Source flock” means a flock in which the state veterinarian has determined that at least one (1) animal was born that was diagnosed as a scrapie-positive animal at an age of seventy-two (72) months or less or in which a scrapie-positive animal has resided throughout its life based on the following:

- (1) Presence of official identification on an animal traceable to the flock.
- (2) Other identification on an animal that is listed on a bill of sale, certificate, or other records.
- (3) Registry records.
- (4) The absence of records showing that the positive animal was born outside the flock and added to the flock.
- (5) A comparison of DNA from the animal with a sample of DNA previously collected by an accredited veterinarian and stored at a genotyping laboratory approved by the United States Department of Agriculture or the state veterinarian. The animal owner must pay all costs associated with such a comparison. The comparison must be supported by adequate records and animal identification to show that the archived DNA is that of the animal that has been traced to the flock.

A flock is no longer a source flock after its flock plan has been completed. (*Indiana State Board of Animal Health; 345 IAC 5-2-48*)

345 IAC 5-2-49 “State official” or “state representative” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 49. “State official” or “state representative” means the board or its authorized representative. (*Indiana State Board of Animal Health; 345 IAC 5-2-49*)

345 IAC 5-2-50 “State veterinarian” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3; IC 15-2.1-4

Sec. 50. “State veterinarian” means the state veterinarian appointed under IC 15-2.1-4 or his or her agent. (*Indiana State Board of Animal Health; 345 IAC 5-2-50*)

345 IAC 5-2-51 “Suspect animal” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 51. “Suspect animal” means a sheep or goat that is designated a suspect animal under 345 IAC 5-6 and meets one (1) of the following sets of criteria:

- (1) The sheep or goat exhibits any of the following signs of scrapie and is determined to be suspicious for scrapie by an accredited veterinarian, the state veterinarian, or a federal animal health official:
 - (A) Weight loss despite retention of appetite.
 - (B) Behavior abnormalities.

- (C) Puritus (itching).
 - (D) Wool pulling.
 - (E) Biting at legs or side.
 - (F) Lip smacking.
 - (G) Motor abnormalities, such as the following:
 - (i) Incoordination.
 - (ii) High stepping gait of forelimbs.
 - (iii) Bunny hop movement of rear legs.
 - (iv) Swaying of back end.
 - (H) Increased sensitivity to noise and sudden movement.
 - (I) Tremor.
 - (J) Star gazing.
 - (K) Head pressing.
 - (L) Recumbency.
 - (M) Other signs of neurological disease or chronic wasting.
- (2) A sheep or goat that has:
- (A) tested positive for:
 - (i) scrapie; or
 - (ii) the proteinase resistant protein associated with scrapie; on a live animal screening test or any other test; and
 - (B) not been designated a scrapie-positive animal.
- (3) A sheep or goat that has tested inconclusive or suggestive of scrapie on an official test for scrapie.
- (Indiana State Board of Animal Health; 345 IAC 5-2-51)*

345 IAC 5-2-52 “Terminal feedlot” defined

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3

Sec. 52. “Terminal feedlot” means a premises that meets the following requirements:

(1) The following premises if they are approved by the state veterinarian:

(A) A dry lot where animals are separated:

(i) from all other animals by at least thirty (30) feet at all times; or

(ii) by a solid wall through, over, or under which fluids cannot pass and contact cannot occur and from which animals are moved only to another terminal feedlot or directly to slaughter.

(B) A pasture in which only nonpregnant animals are permitted, there is no fence-to-fence contact with another flock, and from which animals are moved only to another terminal feedlot or directly to slaughter.

(2) Records for all animals entering and leaving the terminal feedlot are maintained as required under 345 IAC 5-4-3.

(Indiana State Board of Animal Health; 345 IAC 5-2-52)

SECTION 2. 345 IAC 5-3 IS ADDED TO READ AS FOLLOWS:

Rule 3. General Provisions

345 IAC 5-3-1 Purpose

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-4

Sec. 1. The purpose of this article is to detect, control, and eradicate the disease scrapie in sheep and goats in the state.

(Indiana State Board of Animal Health; 345 IAC 5-3-1)

345 IAC 5-3-2 Designated scrapie epidemiologist and state status

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-4

Sec. 2. (a) The state veterinarian or the state veterinarian’s designee shall serve as the scrapie epidemiologist for the state

under 9 CFR Part 54 and 9 CFR Part 79.

(b) The state veterinarian shall cooperate with the United States Department Agriculture in implementing the National Scrapie Eradication Program including the National Scrapie Database under 9 CFR Part 54 and 9 CFR Part 79.

(c) The state veterinarian may take any action necessary to qualify the state as a consistent state under 9 CFR Part 79.

(d) The state veterinarian may apply to the United States Department of Agriculture for a scrapie classification for all of the state or an area within the state as is necessary or helpful to eradicate scrapie and facilitate trade in animals and animal products. (*Indiana State Board of Animal Health; 345 IAC 5-3-2*)

345 IAC 5-3-3 Incorporation by reference

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 3. (a) The board adopts and incorporates by reference the following:

(1) The following provisions of the United States Department of Agriculture Animal and Plant Health Inspection Service, Scrapie Eradication Uniform Methods and Rules, June 1, 2005:

(A) Part II (M) Movement Restrictions.

(B) Part VII – Epidemiology.

(2) 9 CFR 54.8 and 9 CFR 54.9.

Where provisions of the Uniform Methods and Rules conflict with this article, the express provisions of this article shall control.

(b) Copies of the Scrapie Uniform Methods and Rules may be obtained from the office of the state veterinarian by calling (317) 227-0315. (*Indiana State Board of Animal Health; 345 IAC 5-3-3*)

345 IAC 5-3-4 Certificates of veterinary inspection

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 4. Certificates of veterinary inspection required under this article shall contain the following information:

(1) The identification of each animal to be moved, including the following:

(A) The official eartag number of each animal.

(B) Individual animal registered breed association registration number, tattoo, and brand, if any.

(C) Any other official identification.

(2) The number of animals covered by the certificate.

(3) The purpose for which the animals are being moved.

(4) The points of origin and destination.

(5) The consignor and consignee.

(6) An indication whether the animal is or is not a:

(A) scrapie-positive;

(B) suspect;

(C) high-risk; or

(D) exposed;

animal.

(7) An indication of whether the animal originated in:

(A) an infected;

(B) a source;

(C) an exposed; or

(D) a noncompliant;

flock.

(*Indiana State Board of Animal Health; 345 IAC 5-3-4*)

345 IAC 5-3-5 Cleaning and disinfecting

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 5. The state veterinarian may order a premises, including:

- (1) all structures thereon;
- (2) holding facilities;
- (3) conveyances;
- (4) equipment; and
- (5) materials;

that have been or may have been exposed to scrapie so as to constitute a health hazard to animals, cleaned and disinfected according to procedures set forth by the state veterinarian. The procedures for cleaning and disinfecting ordered by the state veterinarian must be reasonably likely to reduce the hazard of scrapie exposure to animals. (*Indiana State Board of Animal Health; 345 IAC 5-3-5*)

345 IAC 5-3-6 Violations

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-14-21; IC 15-2.1-18-9

Sec. 6. (a) The following are violations of this article:

- (1) Removing or tampering with any official animal identification unless specifically authorized by this article or the state veterinarian.
- (2) Knowingly or intentionally:
 - (A) creating;
 - (B) recording;
 - (C) submitting; or
 - (D) distributing;

a record required to be kept under this article that is false or misleading.

- (3) Applying official identification containing a premises identification number to an animal that did not originate from the premises corresponding to that premises identification number. But, an owner may apply a premises identification number to the owner's animal that resides in the flock but came from outside the flock as long as the records required under this article are kept.

(b) It is a violation of this article and IC 15-2.1-18-9 to refuse to allow a state or federal official to inspect an animal's identification or a record required to be kept under this article.

(c) The state veterinarian may:

- (1) impose a fine under IC 15-2.1-14-21;
- (2) refuse to issue official identification;
- (3) withdraw official identification already issued under this article; and
- (4) take any other lawful action;

for violations of this article. (*Indiana State Board of Animal Health; 345 IAC 5-3-6*)

SECTION 3. 345 IAC 5-4 IS ADDED TO READ AS FOLLOWS:

Rule 4. Identification and Record Keeping

345 IAC 5-4-1 Official identification

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 1. (a) The state veterinarian will issue official premises identification numbers to sheep and goat owners. The state veterinarian may use the following:

- (1) The premises identification number issued under the National Animal Identification Program implemented under 345 IAC 1-2.5.
- (2) A number that consists of the state postal zip code abbreviation followed by a unique alphanumeric number or name.

- (3) Any other alphanumeric numbering system that is:**
 - (A) unique across the country; and**
 - (B) compatible with federal animal health programs.**

(b) Only tags approved by the state veterinarian shall be used as official identification under this article. Tags approved by the United States Department of Agriculture may be used to move animals into the state. (Indiana State Board of Animal Health; 345 IAC 5-4-1)

345 IAC 5-4-2 Official identification of animals required

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 2. (a) The owner of sheep or goats shall identify the sheep and goats to the animal's flock of birth using official identification. If the flock of birth cannot be determined, animals shall be identified to their flock of origin. But, animals that meet one (1) of the following criteria need not be identified under this rule:

- (1) Sheep in slaughter channels if they are under eighteen (18) months of age.**
- (2) Goats in slaughter channels.**
- (3) Low-risk commercial goats.**
- (4) Wethers for exhibition and wethers under eighteen (18) months of age.**
- (5) Animals shipped directly to an approved slaughter establishment or approved market when:**
 - (A) all of the animals transported in a section of the truck originate from the same premises; and**
 - (B) the animals are accompanied by an owner's statement containing information sufficient for the establishment or market to identify the animals.**
- (6) Animals moved by an owner for management reasons from one (1) premises owned or leased by the owner of the animals to another premises owned or leased by the owner of the animals.**

(b) The owner of sheep or goats that are required to be identified under subsection (a) must identify the animals at the earliest of the following events:

- (1) Upon change of ownership.**
- (2) Before being commingled with sheep or goats from any other flock of origin.**
- (3) Before arriving at an exhibition.**
- (4) When moved to a market, one (1) of the following apply:**
 - (A) Upon unloading the animals at the market.**
 - (B) If the market agrees to act as an agent for the owner to apply official identification to animals, the animals may enter the market without official identification but must be identified before leaving the market. But, animals must be kept separate from all other animals from different flocks of origin or flocks of birth until such time as they are identified. The owner shall provide to the market agent an owner's statement providing information needed to identify the animals to their flock of birth as required under this article.**
- (5) When moved directly to a slaughter plant that has agreed to act as an agent for the owner to apply official identification to animals, upon arrival at the slaughter plant. But, animals must be kept separate from all other animals from different flocks of origin or flocks of birth until such time as they are identified. The owner shall provide to the slaughter plant an owner's statement providing information needed to identify the animals to their flock of birth as required under this article.**

(c) The owner of an animal that must be identified under this section shall identify the animal using one (1) of the following means:

- (1) An official eartag.**
- (2) A registration tattoo approved by the state veterinarian. The state veterinarian may approve legible registration tattoos that are recorded in the book of record of a sheep or goat registry association. Animals identified with registration tattoos must be accompanied by a registration certificate or certificate of veterinary inspection.**
- (3) For animals that are moved directly to slaughter or that are moved for grazing or other management purposes without a change of ownership, one (1) of the following:**
 - (A) An official eartag.**
 - (B) A registration tattoo approved by the state veterinarian.**
 - (C) An official back tag or poll tag.**

(D) Clearly visible and legible paint brands.

(4) Goats that are registered with a national goat registry association that allows the use of electronic implants for official registry identification may use such electronic identification if the following conditions are met:

(A) The electronic implant number is recorded on the registration certificate accompanying the animal, and the animal is accompanied by an implant reader that will read the implant in the animal or a certificate of veterinary inspection that contains a list of the implant numbers and a certification by an accredited veterinarian that the veterinarian read and checked the identification against the registration certificates.

(B) An implant reader that will read the implant in the animal is available at the exhibition for use by state or federal officials.

(C) The animals are being moved for exhibition or sale with transfer of the registration papers to a new owner who has a reader that can read the implant in the animal.

(d) No person may:

(1) sell;

(2) transport;

(3) receive for transportation or sale; or

(4) offer for sale or transportation;

any sheep or goats that have not been identified as required under this section.

(e) Animals that have been identified under this section shall remain so identified. The owner or custodian of an animal that loses its official identification shall reidentify the animal according to the requirements of this section prior to commingling the animal with any other animals.

(f) A person may not apply official identification containing a premises identification number to an animal that did not originate from the premises corresponding to that premises identification number. But, an owner may apply a premises identification number to the owner's animal that resides in the flock but came from outside the flock as long as the records required under this article are kept.

(g) No person may remove or tamper with any official identification required to be on a sheep or a goat. (*Indiana State Board of Animal Health; 345 IAC 5-4-2*)

345 IAC 5-4-3 Records required

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 3. (a) An owner of sheep or goats shall keep records of the animals they identify, including the following information:

(1) The premises identification number associated with each animal.

(2) For each animal identified, the identification used and the date identified.

(3) For animals that are not born in the flock, the name, address, and telephone number of the owner of the flock of origin.

(4) The species and breed or class of the animal.

(5) The sex of the animal.

(6) The disposition of each animal, including the name, address, and telephone number of a person that purchases the animal.

(b) Persons other than animal owners that are assigned official identification by the state veterinarian shall keep records of the animals they identify, including the following information:

(1) The serial numbers applied to animals.

(2) The name, address, and telephone number of the following:

(A) The person presenting the animal for identification and the animal's owner, if different.

(B) The owner of the animal's flock of birth, if known.

(3) The date identification was applied.

(4) The species and breed or class of each animal identified.

(5) The sex of each animal identified.

(6) The invoice for any tags received.

The person applying official identification should make a reasonable effort to record any identification appearing on the

animal before application of the official identification.

(c) Each person who buys or sells, including as an agent for others, must keep the following records:

- (1) The number of sheep and goats.
- (2) The date of purchase or sale.
- (3) The species and breed or class of the animals.
- (4) A copy of the owner's statement, certificate of veterinary inspection, or other documentation that is required to move animals under this article.
- (5) The name, address, and telephone number of the owner of the flock of origin.

(d) Records required under this article shall be kept for not less than five (5) years after the animal is transferred to another person or dies.

(e) A person holding records required to be kept under this article shall make the records available for inspection and copying by state or federal officials during normal business hours. (*Indiana State Board of Animal Health; 345 IAC 5-4-3*)

SECTION 4. 345 IAC 5-5 IS ADDED TO READ AS FOLLOWS:

Rule 5. Moving Animals

345 IAC 5-5-1 Interstate movement into the state

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 1. (a) A person moving sheep or goats into the state must meet the animal identification requirements in 345 IAC 5-4.

(b) A person moving sheep or goats into the state must obtain a permit from the state veterinarian before moving the animals into the state as required under 345 IAC 1-3-4. Permits may be obtained by calling (317) 227-0316.

(c) A person moving sheep or goats into the state shall procure the services of a licensed and accredited veterinarian to prepare a certificate of veterinary inspection for all of the animals that are to be moved. The completed certificate must accompany the animals while being moved. A copy of the completed certificate shall be mailed or otherwise delivered to the board office within seven (7) days of the movement.

(d) A person may move sheep or goats that are not scrapie-positive, scrapie-suspect, or high-risk animals into the state without a certificate of veterinary inspection or a permit otherwise required under this section under the following circumstances:

- (1) The animals are moved directly through the state en route to another state.
- (2) The animals are moved directly to slaughter in the state.
- (3) The animals are moved in slaughter channels to slaughter. A person moving animals in slaughter channels must do the following:
 - (A) Deliver to the recipient of the animals at the first point of concentration an owner statement.
 - (B) Consign the animals for slaughter only or otherwise designate to the recipient that the animals are slaughter only animals.
- (4) The state veterinarian may allow a person to move into the state an animal without a certificate of veterinary inspection in order to facilitate the diagnosis, prevention, or control of disease.

(e) The following animals must be moved directly to a slaughter establishment or directly to a market where they are sold as slaughter only animals:

- (1) An animal sold as a slaughter animal.
- (2) An animal that is identified as a slaughter animal by the following:
 - (A) Tag or other identification.
 - (B) Slaughter only official paperwork.
- (3) An animal that is marked a slaughter animal on its:
 - (A) bill of sale;

- (B) certificate of veterinary inspection; or
- (C) shipping manifest.

(f) Moving scrapie-positive or scrapie-suspect sheep and goats into the state is prohibited.

(g) Sexually intact high-risk animals and sexually intact animals from an infected or source flock that are not scrapie-positive or suspect animals must be moved directly to:

- (1) slaughter; or
- (2) a terminal feedlot.

(h) Sexually intact exposed animals that are not scrapie-positive, suspect, or high-risk animals and are not animals from an infected or source flock that are pregnant or have a visible vaginal discharge may only be moved directly to slaughter or a terminal feedlot. (*Indiana State Board of Animal Health; 345 IAC 5-5-1*)

345 IAC 5-5-2 Intrastate movement

Authority: IC 15-2.1-3-19

Authority: IC 15-2.1-3-13

Sec. 2. (a) A person moving sheep and goats within the state must meet the animal identification requirements in 345 IAC 5-4.

(b) The following animals must be moved directly to a slaughter establishment or directly to a market where they are sold as slaughter only animals:

- (1) An animal sold as a slaughter animal.
- (2) An animal that is identified as a slaughter animal by the following:
 - (A) Tag or other identification.
 - (B) Slaughter only official paperwork.
- (3) An animal that is marked a slaughter animal on its:
 - (A) bill of sale;
 - (B) certificate of veterinary inspection; or
 - (C) shipping manifest.

(c) Moving the following sheep or goats within the state is prohibited unless the state veterinarian issues a permit for the movement and the conditions of the permit and the requirements in 345 IAC 5-6 are met:

- (1) Scrapie-positive animals.
- (2) Suspect animals.
- (3) High-risk animals.

(*Indiana State Board of Animal Health; 345 IAC 5-5-2*)

SECTION 5. 345 IAC 5-6 IS ADDED TO READ AS FOLLOWS:

Rule 6. Scrapie Affected Animals and Herds

345 IAC 5-6-1 Investigating scrapie incidents

Authority: IC 15-2.1-3-19

Authority: IC 15-2.1-3-13

Sec. 1. (a) The state veterinarian shall do the following:

- (1) Conduct an epidemiologic investigation of infected and source flocks.
- (2) As a part of the investigation:
 - (A) designate high-risk and exposed animals; and
 - (B) identify animals that are to be traced.

(b) The state veterinarian shall make a reasonable effort to do the following:

- (1) Trace scrapie-positive animals back to their flock of birth.

(2) Find high-risk and exposed animals.

(Indiana State Board of Animal Health; 345 IAC 5-6-1)

345 IAC 5-6-2 Animal and flock designations

Authority: IC 15-2.1-3-19

Authority: IC 15-2.1-3-13

Sec. 2. (a) The state veterinarian shall determine the following:

(1) If an animal is scrapie-positive, high-risk, exposed, or suspect.

(2) If a flock is a source, infected, exposed, or noncompliant flock.

The state veterinarian may redesignate the scrapie status of an animal or a flock.

(b) The state veterinarian shall make the determinations in subsection (a) based on the following:

(1) The definitions in 345 IAC 5-2.

(2) The standards in Part VII – Epidemiology in the uniform methods and rules incorporated by reference in 345 IAC 5-3-3.

(3) The standards in this rule.

(c) When determining the scrapie status of an animal or flock the following apply:

(1) The state veterinarian may utilize sale, movement, breeding, and flock records and any other information that is relevant.

(2) The state veterinarian may test animals, including the following:

(A) A live animal official test.

(B) An official genotype test.

(C) Culling and postmortem examination and testing.

(D) Postmortem examination and testing of animals found dead or cull animals at slaughter.

(3) A flock will be designated a source, infected, or exposed flock as the case may be if an owner:

(A) does not make his or her animals available for testing within sixty (60) days of official notification or as mutually agreed; or

(B) fails to submit required postmortem samples.

(4) While a flock status determination is pending, the flock owner shall comply with movement restrictions for infected flocks.

(d) The state veterinarian shall make an effort to notify each flock owner of the designation assigned to the owner's animals and flock under this section. *(Indiana State Board of Animal Health; 345 IAC 5-6-2)*

345 IAC 5-6-3 Managing flocks

Authority: IC 15-2.1-3-19

Authority: IC 15-2.1-3-13

Sec. 3. (a) The state veterinarian shall restrict the movement of the following animals in a manner that will prevent the spread of scrapie and further the purposes of this article:

(1) Scrapie-positive animals.

(2) Suspect animals.

(3) High-risk animals.

(4) Any animal from a scrapie-positive or source flock.

The state veterinarian may issue, modify, and rescind quarantines or other orders that accomplish the movement restrictions. The movement restrictions must be consistent with the standards in Part II (M) of the Uniform Methods and Rules incorporated by reference in 345 IAC 5-3-3.

(b) The following persons shall enter into a flock plan and a post PEMMP:

(1) The owner of an infected flock.

(2) The owner of a source flock.

(3) The owner of an exposed flock.

The owner of a flock that enters into a flock plan or a PEMMP shall complete all provisions in the plan. The owner of flock

must provide the facilities and personnel needed to carry out the provisions of a flock plan or a PEMMP.

(c) The state veterinarian may enter into flock plans and PEMMPs that advance the purposes of this article. Flock plans and PEMMP shall meet the minimum requirements for such plans in 9 CFR 54.8 and 9 CFR 54.9. The state veterinarian may modify flock plans and PEMMPs as provided in 9 CFR 54.8.

(d) The state veterinarian may do the following:

- (1) Quarantine or continue to quarantine the flock of an owner that fails to follow their flock plan or PEMMP.
- (2) Extend the duration of the flock plan or PEMMP.

(Indiana State Board of Animal Health; 345 IAC 5-6-3)

345 IAC 5-6-4 Condemnation and indemnity

Authority: IC 15-2.1-3-19

Authority: IC 15-2.1-3-13

Sec. 4. (a) The state veterinarian:

- (1) may condemn any scrapie-positive, suspect, exposed, or high-risk sheep or goat and any sheep or goat in an infected or source flock if such action furthers the goals of this article; and
- (2) shall utilize the federal indemnity program under 9 CFR 54 or other federal indemnity money whenever possible to indemnify for condemned sheep and goats.

(b) The state veterinarian shall cooperate with the United States Department of Agriculture in implementing the scrapie indemnification program in 9 CFR 54, Subpart A in the state.

(c) Scrapie-positive and suspect animals condemned under this article or destroyed under 9 CFR 54 shall be disposed of as follows:

- (1) Under 345 IAC 7-7 (dead animal disposal).
- (2) The animals may not be processed for human or animal food. But, exposed or high-risk animals not known to be infected may be disposed of by slaughter.
- (3) Moved to an official research facility.

The state veterinarian may order animals disposed of in a particular manner to minimize the risk of disease spread. *(Indiana State Board of Animal Health; 345 IAC 5-6-4)*

SECTION 6. 345 IAC 5-7 IS ADDED TO READ AS FOLLOWS:

Rule 7. Scrapie Flock Certification Program

345 IAC 5-7-1 Scrapie flock certification program established

Authority: IC 15-2.1-3-19

Authority: IC 15-2.1-3-13

Sec. 1. (a) The state veterinarian shall establish a voluntary scrapie flock certification program in the state. The purpose of the certification program is to provide a program by which owners may certify their flocks as being free from scrapie by maintaining compliance with certification program standards.

(b) The state veterinarian may do the following:

- (1) Cooperate with the United States Department of Agriculture in establishing and operating the scrapie flock certification program in the state.
- (2) Establish a scrapie flock certification program advisory committee to advise the state veterinarian on implementing the scrapie flock certification program.
- (3) Designate official animal identification for the purpose of participating in the scrapie flock certification program. Official scrapie flock certification program identification may be different than official identification for flocks not enrolled in the certification program.

(Indiana State Board of Animal Health; 345 IAC 5-7-1)

345 IAC 5-7-2 Incorporation by reference

Authority: IC 15-2.1-3-19

Authority: IC 15-2.1-3-13

Sec. 2. (a) The board adopts and incorporates by reference the United States Department of Agriculture Animal and Plant Health Inspection Service, Voluntary Scrapie Flock Certification Program Standards, July 1, 1999. This document will be referred to in this rule as the certification program standards.

(b) Copies of the Scrapie Flock Certification Program Standards may be obtained from the office of the state veterinarian by calling (317) 227-0315.

(c) Where provisions of the certification program standards conflict with this article, the express provisions of this article shall control. (*Indiana State Board of Animal Health; 345 IAC 5-7-2*)

345 IAC 5-7-3 Scrapie flock certification program participation

Authority: IC 15-2.1-3-19

Authority: IC 15-2.1-3-13

Sec. 3. (a) An owner of a sheep flock or goat herd may apply to enter the scrapie flock certification program. The state veterinarian may do the following:

- (1) Prescribe a form for the application for entry into the certification program.**
- (2) Designate information the applicant must submit with the application.**

(b) Upon receiving an application for participation in the certification program, the state veterinarian may inspect the flock that is the subject of the application.

(c) The state veterinarian may designate a flock as a certification program participant flock if the following requirements are met:

(1) The owner of the flock has submitted the following:

- (A) A complete application.**
- (B) All requested supporting documentation.**

(2) The owner of the flock agrees to do the following:

- (A) Establish and maintain records as specified in the certification program standards.**
- (B) Provide access to animals and records for inspection by state or federal officials upon reasonable prior notice.**
- (C) Authorize the state veterinarian and United States Department of Agriculture to have access to records maintained by:
 - (i) breed associations;**
 - (ii) registries;**
 - (iii) livestock markets; and**
 - (iv) packers;**that relate to the subject flock.**
- (D) Identify animals in the flock with official identification as specified in the certification program standards.**
- (E) Allow state and federal personnel to enter the premises to carry out duties under this article.**
- (F) Provide necessary personnel, facilities, and equipment to assist in the inspection of animals and animal health records.**
- (G) Report scrapie-suspect animals to the state veterinarian.**
- (H) Ensure that tissue samples are collected and submitted for diagnostic purposes as specified by the certification program standards.**
- (I) Report to the state veterinarian additions to the flock that are of lower certification program status, including animals from flocks that are not participating in a scrapie flock certification program.**
- (J) Clean and disinfect pens, premises, and equipment as designated by the state veterinarian.**

(4) The owner of the flock has complied with the requirements:

- (A) of this rule; and**
- (B) for certification program participation in the certification program standards.**

(d) The state veterinarian shall issue an enrollment date and a status date to flocks that are approved for participation in

the certification program. Enrollment dates and status dates shall be issued and changed by the state veterinarian according to the certification program standards. (Indiana State Board of Animal Health; 345 IAC 5-7-3)

345 IAC 5-7-4 Changes in scrapie flock certification program status

Authority: IC 15-2.1-3-19

Authority: IC 15-2.1-3-13

Sec. 4. (a) The state veterinarian may assign the following certification program statuses to flocks:

(1) Certified status if the owner has complied with the requirements:

(A) of this rule; and

(B) for achieving certified flock status in the certification program standards.

(2) Complete monitored category status if the owner has complied with the requirements:

(A) of this rule; and

(B) for participation in the complete monitored category in the certification program standards.

(3) Selective monitored category status if the owner has complied with the requirements:

(A) of this rule; and

(B) for participation in the selective monitored category in the certification program standards.

(4) Nonparticipating flock status for all flocks not participating in the certification program.

(b) The state veterinarian may change, including downgrading, the certification program status of a flock as follows:

(1) According to the certification program standards.

(2) Under the provisions of this rule.

(3) Upon the owner's failure to comply with any of the terms outlined in section 3(c)(2) of this rule.

(4) Upon a violation of this article.

(Indiana State Board of Animal Health; 345 IAC 5-7-4)

SECTION 7. THE FOLLOWING ARE REPEALED: 345 IAC 1-3-20; 345 IAC 5-1-1; 345 IAC 5-1-2.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 13, 2005 at 9:35 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 new rules concerning the movement of sheep and goats into and within Indiana, identification of sheep and goats, record keeping, testing for scrapie, and other requirements for the purpose of detecting and controlling scrapie in sheep and goats.

Federal regulations impose restrictions on moving sheep and goats from states that the United States Department of Agriculture designates "inconsistent" with the federal scrapie control program. 9 CFR 79.3. The proposed rules are designed to satisfy the federal requirements for consistent state status. 9 CFR 79.6.

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