

HOUSE BILL No. 1146

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-17-3-21; IC 15-20-5; IC 34-30-2.1-195.5.

Synopsis: Adoption of animals from testing facilities. Specifies requirements for release of a cat or dog from an animal testing facility or breeder to a releasing agency. Establishes the adoption of tested animals and animals bred for testing fund. Provides that the Indiana state board of animal health may bring a civil action against an animal testing facility or breeder that violates the requirements. Provides that an animal testing facility or breeder is immune from civil liability for harm caused by, or a defect suffered by, a cat or dog released under this chapter.

Effective: July 1, 2023.

Errington, Campbell, Bauer M

January 10, 2023, read first time and referred to Committee on Agriculture and Rural Development.



First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1146

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-17-3-21, AS ADDED BY P.L.2-2008,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 21. The board shall adopt rules under IC 4-22-2
4 that are reasonable and necessary to discharge the duties imposed on
5 the board by law and to implement this article, IC 15-18-1, ~~and~~
6 IC 15-19-6, **and IC 15-20-5.**

7 SECTION 2. IC 15-20-5 IS ADDED TO THE INDIANA CODE AS
8 A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2023]:

10 **Chapter 5. Adoption of a Tested Animal or Animal Bred for**
11 **Testing**

12 **Sec. 1. As used in this chapter, "animal testing facility" means**
13 **any facility, including a private entity, state agency, or institution**
14 **of higher education, that confines and uses cats or dogs for:**

- 15 (1) **research;**
- 16 (2) **education;**
- 17 (3) **testing; or**



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(4) other scientific or medical purposes.

Sec. 2. As used in this chapter, "board" has the meaning set forth in IC 15-17-2-8.

Sec. 3. As used in this chapter, "breeder" means a person who mates cats, dogs, or both for sale or transfer to an animal testing facility.

Sec. 4. As used in this chapter, "releasing agency" means:

- (1) a public animal shelter;
- (2) a private animal shelter;
- (3) a humane society;
- (4) an animal welfare organization;
- (5) a society for the prevention of cruelty to animals; or
- (6) another similar entity or home based rescue;

that releases companion animals for adoption.

Sec. 5. As used in this chapter, "state agency" means an authority, board, branch, commission, committee, department, division, or other instrumentality of any of the following:

- (1) The executive, including the administrative department of state government.
- (2) The legislative department of state government.
- (3) The judicial department of state government.
- (4) A body corporate and politic created by statute.

Sec. 6. If:

- (1) an animal testing facility or breeder possesses a cat or dog that has fulfilled the animal testing facility's or breeders's purpose; and
- (2) the release of the cat or dog will not pose a health or safety risk to the public or to the welfare of the cat or dog;

the animal testing facility or breeder shall offer to release the cat or dog to a releasing agency.

Sec. 7. An animal testing facility or breeder shall keep the offer to release a cat or dog under section 6 of this chapter open for at least twenty-one (21) calendar days before the cat or dog may be euthanized by the animal testing facility or breeder.

Sec. 8. An animal testing facility or breeder may enter into an agreement with a releasing agency to implement this chapter.

Sec. 9. This chapter does not require a releasing agency to accept a cat or dog that is offered for adoption by an animal testing facility or breeder under this chapter.

Sec. 10. (a) The adoption of tested animals and animals bred for testing fund is established for the purpose of funding the enforcement of this chapter by the board. The fund shall be



- 1 administered by the board.
- 2 (b) The fund consists of civil penalties imposed under section 13
3 of this chapter.
- 4 (c) The expenses of administering the fund shall be paid from
5 money in the fund.
- 6 (d) The treasurer of state shall invest the money in the fund not
7 currently needed to meet the obligations of the fund in the same
8 manner as other public money may be invested. Interest that
9 accrues from these investments shall be deposited in the fund.
- 10 (e) Money in the fund at the end of a state fiscal year does not
11 revert to the state general fund.
- 12 (f) Money in the fund is continuously appropriated to carry out
13 the purpose of the fund.
- 14 **Sec. 11. (a) An animal testing facility or breeder shall collect and**
15 **maintain records that contain the following information regarding**
16 **a cat or dog released to a releasing agency:**
- 17 (1) The date on which the cat or dog was taken into custody
18 by the animal testing facility or breeder, if applicable.
- 19 (2) The date on which the cat or dog was released to a
20 releasing agency.
- 21 (3) A description of the cat or dog, including the:
- 22 (A) species;
- 23 (B) color;
- 24 (C) breed;
- 25 (D) sex;
- 26 (E) approximate age at the time of release to a releasing
27 agency; and
- 28 (F) approximate weight at the time of release to a releasing
29 agency;
- 30 of the cat or dog.
- 31 (4) For animal testing facilities, the purpose for which the cat
32 or dog was used.
- 33 (5) The name and address of the releasing agency that will
34 eventually place the cat or dog for adoption.
- 35 (b) The animal testing facility or breeder shall maintain the
36 records required under this section for at least five (5) years.
- 37 (c) Not later than:
- 38 (1) January 1, 2025; and
- 39 (2) January 1 of each year thereafter;
- 40 the animal testing facility or breeder shall provide a summary of
41 the records collected under subsection (a) during the previous
42 calendar year to the board.



1 **Sec. 12. An animal testing facility or breeder is immune from**
2 **civil liability for harm caused by, or a defect suffered by, a cat or**
3 **dog released under this chapter.**

4 **Sec. 13. (a) The board may enforce this chapter when the board**
5 **determines that sufficient funds have been deposited in the**
6 **adoption of tested animals and animals bred for testing fund to**
7 **permit enforcement.**

8 **(b) In enforcing this chapter, the board may:**

9 **(1) seek injunctive relief;**

10 **(2) issue an order of compliance notifying the animal testing**
11 **facility or breeder of a violation and requiring corrective**
12 **action by a certain date; and**

13 **(3) impose a civil penalty of not more than:**

14 **(A) five hundred dollars (\$500) for a knowing violation;**

15 **(B) one thousand dollars (\$1,000) for an intentional**
16 **violation; and**

17 **(C) five thousand dollars (\$5,000) for knowingly or**
18 **intentionally violating an injunction.**

19 **(c) Subsection (a) does not prohibit the board from assisting a**
20 **law enforcement agency in a criminal investigation.**

21 **SECTION 3. IC 34-30-2.1-195.5 IS ADDED TO THE INDIANA**
22 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
23 **[EFFECTIVE JULY 1, 2023]: Sec. 195.5. IC 15-20-5-12 (Concerning**
24 **adoption of a tested animal or animal bred for testing).**

