

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1420

AN ACT to amend the Indiana Code concerning agriculture and animals.

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

SECTION 1. IC 15-17-3-13, AS AMENDED BY P.L.201-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. In addition to the powers and duties given the board in this article and by law, the board has the powers and duties reasonable and necessary to do the following:

- (1) Provide for the quarantine of animals and objects to prevent, control, and eradicate diseases and pests of animals.
- (2) Develop, adopt, and implement programs and procedures for establishing and maintaining accredited, certified, validated, or designated disease or pest free or disease or pest monitored animals, herds, flocks, or areas, including the following:
 - (A) The establishment and maintenance of herds that are monitored for disease or pest syndromes.
 - (B) The establishment and maintenance of certified or validated brucellosis free herds, animals, and areas.
 - (C) The establishment and maintenance of accredited tuberculosis free herds, animals, and areas.
- (3) Develop, adopt, and implement programs and plans for the prevention, detection, control, and eradication of diseases and pests of animals.
- (4) Control or prohibit, by permit or other means, the movement

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and transportation into, out of, or within Indiana of animals and objects in order to prevent, detect, control, or eradicate diseases and pests of animals. When implementing controls or prohibitions, the board may consider whether animals or objects are diseased, suspected to be diseased, or under quarantine, or whether the animals or objects originated from a country, a state, an area, or a premises that is known or suspected to harbor animals or objects infected with or exposed to a disease or pest of animals.

(5) Control or prohibit the public and private sale of animals and objects in order to prevent the spread of disease and pests of animals.

(6) Control the use, sanitation, and disinfection of:

(A) public stockyards; and

(B) vehicles used to transport animals and objects into and within Indiana;

to accomplish the objectives of this article.

(7) Control the use, sanitation, and disinfection of premises, facilities, and equipment to accomplish the objectives of this article.

(8) Control the movement of animals and objects to, from, and within premises where diseases or pests of animals may exist.

(9) Control the movement and disposal of carcasses of animals and objects.

(10) Control the manufacture, sale, storage, distribution, handling, and use of serums, vaccines, and other biologics and veterinary drugs, except those drugs for human consumption regulated under IC 16-42-19, to be used for the prevention, detection, control, and eradication of disease and pests of animals.

(11) Control and prescribe the means, methods, and procedures for the vaccination or other treatment of animals and objects and the conduct of tests for diseases and pests of animals.

(12) Develop, adopt, and implement plans and programs for the identification of animals, objects, premises, and means of conveyances. Plans and programs may include identification:

(A) of animals or objects that have been condemned under this article; and

(B) related to classification as to disease, testing, vaccination, or treatment status.

(13) Establish the terms and method of appraisal or other determination of value of animals and objects condemned under this article, the payment of any indemnities that may be provided



for the animals and objects, and the regulation of the sale or other disposition of the animals or objects.

(14) Control the sale of baby chicks.

(15) Cooperate and enter into agreements with the appropriate departments and agencies of this state, any other state, or the federal government to prevent, detect, control, and eradicate diseases and pests of animals.

(16) Control or prohibit the movement and transportation into, out of, or within Indiana of wild animals, including birds, that might carry or disseminate diseases or pests of animals.

(17) Provide for condemning or abating conditions that cause, aggravate, spread, or harbor diseases or pests of animals.

(18) Establish and designate, in addition to the animal disease diagnostic laboratory under IC 21-46-3-1, other laboratories necessary to make tests of any nature for diseases and pests of animals.

(19) Investigate, develop, and implement the best methods for the prevention, detection, control, suppression, or eradication of diseases and pests of animals.

(20) Investigate, gather, and compile information concerning the organization, business conduct, practices, and management of any registrant, licensee, permittee, applicant for a license, or applicant for a permit.

(21) Investigate allegations of unregistered, unlicensed, and unpermitted activities.

(22) Institute legal action in the name of the state of Indiana necessary to enforce:

(A) the board's orders and rules; and

(B) this article.

(23) Control the collection, transportation, and cooking of garbage to be fed to swine or other animals and all matters of sanitation relating to the collection, transportation, and cooking of garbage affecting the health of swine or other animals and affecting public health and comfort.

(24) Adopt an appropriate seal.

(25) Issue orders as an aid to enforcement of the powers granted by this article, IC 15-18-1, and IC 15-19-6.

(26) Control disposal plants and byproducts collection services and all matters connected to disposal plants and byproducts collection services.

(27) Abate biological or chemical substances that:

(A) remain in or on any animal before or at the time of



- slaughter as a result of treatment or exposure; and
 (B) are found by the board to be or have the potential of being injurious to the health of animals or humans.
- (28) Regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten:
- (A) animal health;
 - (B) the public health and welfare of the citizens of Indiana; and
 - (C) the trade in animals and animal products in and from Indiana.
- (29) Cooperate and coordinate with **animal owners, law enforcement, and** local, state, and federal emergency management agencies to plan **for, prepare for, and implement disaster emergency plans and programs as the plans and programs relate to animals respond to, and recover from all hazard emergencies** in Indiana.
- (30) Assist law enforcement agencies investigating allegations of cruelty and neglect of animals.
- (31) Assist organizations that represent livestock and poultry producers with issues and programs related to the care of livestock and poultry.
- (32) Establish a registry of commercial dog brokers and commercial dog breeders in Indiana.
- (33) Establish a registry of animal care facilities (as defined in IC 15-20-4-1).

SECTION 2. IC 15-17-3-14, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. The board may delegate any of the board's duties to the state veterinarian, except the following:

- (1) The duty to supervise the state veterinarian.
- (2) The duty to hold hearings under this article and IC 4-21.5.
- (3) The duty to adopt rules **under IC 4-22-2. However, the board may delegate the duty to adopt emergency rules under IC 4-22-2-37.1.**

SECTION 3. IC 15-17-10-9, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. If the board determines that **an emergency event has occurred or** a disease or pest of animals **or animal products** presents a ~~health~~ hazard to the citizens or animals of Indiana, the following action may be taken:

- (1) The board may adopt emergency rules under IC 4-22-2-37.1

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that facilitate the prevention, detection, control, and eradication of the disease or pest of animals, including the following to:

- (A) Prohibit or impose conditions on importing animals and objects into Indiana.
 - (B) Require testing of animals and objects.
 - (C) Require vaccination or other treatment of animals and objects.
 - (D) Prohibit or impose conditions on moving animals and objects within Indiana.
 - (E) Govern the disposition of animals and objects.
 - (F) Impose other measures governing animals and objects to protect the citizens and animals of Indiana from diseases and pests of animals.
- (2) The **state veterinarian board** may issue emergency orders under IC 4-21.5-4 governing animals and objects in order to protect the citizens and animals of the state from diseases and pests of animals.

SECTION 4. IC 15-17-10-10, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. If the board determines that **an emergency event or** a disease or pest of animals has or is **imminently** likely to result in a large number of dead animals, the board may facilitate the prompt disposal of the dead animals by adopting an emergency rule under IC 4-22-2-37.1 that amends or suspends any of the following:

- (1) IC 15-17-11.
- (2) A rule adopted by the board that governs the disposal of dead animals.

SECTION 5. IC 15-17-11-20, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 20. (a) A person who owns or cares for an animal that has died from any cause shall dispose of the animal's body not later than twenty-four (24) hours after knowledge of death so as not to produce a nuisance. Subject to subsection (b), the disposal of the animal's body must be by one (1) of the following methods:

- (1) At an approved disposal plant.
- (2) Burial upon the owner's premises ~~to such a depth that every part of the animal's body is at least four (4) feet below the natural surface of the ground and every part of the animal's body is covered with at least four (4) feet of earth in addition to any other material that may be used as cover.~~ **according to standards approved by the board to mitigate the risk of transmission of**
a:

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(A) disease or pest of animals; or

(B) chemical or radiological substance.

(3) Thorough and complete incineration according to standards established by an appropriate governmental agency.

(4) Composting according to standards approved by the board.

(b) The board may adopt rules to allow alternate methods for the safe, orderly, and efficient disposal of dead animals.

(c) The board may adopt rules and issue orders restricting the use of the disposal methods described in subsection (a) to control:

(1) disease or pest of animals; and

(2) chemical or radiological substances.

SECTION 6. IC 15-17-17-5, AS AMENDED BY P.L.186-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. Any notice required by this article, IC 15-18-1, or IC 15-19-6, including notice required under IC 4-21.5-3, may be served by:

(1) personal delivery to the person concerned, by leaving the notice at the place of business or residence last specified by the person concerned or the person's last notification to the board; **or**

(2) mailing the notice to the place of business or residence last specified by the person concerned in the person's last notification to the board; **or**

(3) electronic mail, when authorized under IC 4-21.5-3-1.

SECTION 7. IC 16-42-11-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 5.5. The state egg board may adopt emergency rules under IC 4-22-2-37.1 when there is a declared emergency or sudden disruption that affects the commerce of eggs.**

SECTION 8. IC 35-46-3-0.5, AS AMENDED BY P.L.141-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 0.5. The following definitions apply throughout this chapter:

(1) "Abandon" means to desert an animal or to leave the animal without making provision for adequate long term care of the animal. The term does not include leaving an animal in a place that is temporarily vacated for the protection of human life during a disaster.

(2) "Abuse" means to knowingly or intentionally beat, torment, injure, or otherwise harm an animal. The term includes destruction of an animal by any means other than humane euthanasia if the person who destroys the animal is:

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- (A) a humane society;
 - (B) an animal control agency; or
 - (C) a governmental entity operating an animal shelter or other animal impounding facility.
- (3) "Humane euthanasia" means the humane destruction of an animal using sodium pentobarbital or a derivative, administered in a manner that causes painless loss of consciousness and death. The term does not include a method:
- (A) prohibited by section 15 of this chapter; or
 - (B) involving the use of carbon monoxide, carbon dioxide, or any nonanesthetic inhalant.
- (4) "Mutilate" means to wound, injure, maim, or disfigure an animal by damaging the animal's body parts or to render any part of the animal's body useless. The term includes bodily injury involving:
- (A) serious permanent disfigurement;
 - (B) serious temporary disfigurement;
 - (C) permanent or protracted loss or impairment of the function of a bodily part or organ; or
 - (D) a fracture.
- (5) "Neglect" means:
- (A) endangering an animal's health by failing to provide or arrange to provide the animal with food or drink, if the animal is dependent upon the person for the provision of food or drink;
 - (B) restraining an animal for more than a brief period in a manner that endangers the animal's life or health by the use of a rope, chain, or tether that:
 - (i) is less than three (3) times the length of the animal;
 - (ii) is too heavy to permit the animal to move freely; or
 - (iii) causes the animal to choke;
 - (C) restraining an animal in a manner that seriously endangers the animal's life or health;
 - (D) failing to:
 - (i) provide reasonable care for; or
 - (ii) seek veterinary care for;
 an injury or illness to a dog or cat that seriously endangers the life or health of the dog or cat; or
 - (E) leaving a dog or cat outside and exposed to:
 - (i) excessive heat without providing the animal with a means of shade from the heat; or
 - (ii) excessive cold if the animal is not provided with straw



or another means of protection from the cold; regardless of whether the animal is restrained or kept in a kennel.

(6) "Torture" means:

(A) to inflict extreme physical pain or injury on an animal with the intent of increasing or prolonging the animal's pain;

(B) to administer poison to a domestic animal (as defined in section 12(d) of this chapter) or expose a domestic animal to a poisonous substance with the intent that the domestic animal ingest the substance;

(C) to destroy an animal by electrocution **in a manner inconsistent with section 5 of this chapter;** or

(D) to intentionally freeze or heat an animal to death.

SECTION 9. IC 35-46-3-5, AS AMENDED BY P.L.141-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Except as provided in subsections (b) through (c), this chapter does not apply to the following:

(1) Fishing, hunting, trapping, or other conduct authorized under IC 14-22.

(2) Conduct authorized under IC 15-20-2.

(3) **Generally accepted** veterinary **standards and** practices. ~~authorized by standards adopted under IC 25-38.1-2-14.~~

(4) Conduct authorized by a local ordinance.

(5) Acceptable farm management practices.

(6) Conduct authorized by IC 15-17, and rules adopted under IC 15-17 for:

(A) state or federally inspected livestock slaughtering facilities; ~~and~~

(B) **emergency events; or**

(C) state or federal animal disease control programs.

(7) A research facility registered with the United States Department of Agriculture under the federal Animal Welfare Act (7 U.S.C. 2131 et seq.).

(8) Destruction of a vertebrate defined as a pest under IC 15-16-5-24.

(9) Destruction of or injury to a fish.

(10) Destruction of a vertebrate animal that is:

(A) endangering, harassing, or threatening livestock or a domestic animal; or

(B) destroying or damaging a person's property.

(11) Humane euthanasia of an animal by:

(A) a humane society;

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(B) an animal control agency; or

(C) a governmental entity operating an animal shelter or other animal impounding facility.

(12) Destruction of an injured or ill animal by an individual to prevent the animal from prolonged suffering.

(13) Conduct not resulting in serious injury or illness to the animal that is incidental to exhibiting an animal for show, competition, or display, or that is incidental to transporting the animal for show, competition, or display.

(14) Parking an animal.

(15) Humane destruction of an animal that the person owns.

(b) Section 1 of this chapter applies to conduct described in subsection (a).

(c) Destruction of an animal by electrocution is authorized under this section only if it is conducted by a person who:

(1) uses generally accepted veterinary standards and practices for euthanasia, depopulation, or slaughter of animals;

(2) is engaged in an acceptable farm management practice; or

(3) is engaged in activities by a research facility registered with the United States Department of Agriculture under the Animal Welfare Act, or for the animal disease diagnostic laboratory established under IC 21-46-3-1 **or** a research facility licensed by the United States Department of Agriculture, a college, or a university.

SECTION 10. IC 35-46-3-6, AS AMENDED BY P.L.2-2008, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) This section does not apply to a violation of section 1 of this chapter.

(b) Any law enforcement officer or any other person having authority to impound animals who has probable cause to believe there has been a violation of this chapter or IC 15-20-1-4 may take custody of the animal involved.

(c) The owner of an animal that has been impounded under this section may prevent disposition of the animal by an animal shelter that is caring for the animal by posting, not later than ten (10) days after the animal has been impounded, a bond with the court in an amount sufficient to provide for the animal's care and keeping for at least thirty (30) days, beginning from the date the animal was impounded. The owner may renew a bond by posting a new bond, in an amount sufficient to provide for the animal's care and keeping for at least an additional thirty (30) days, not later than ten (10) days after the expiration of the period for which a previous bond was posted. If a

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bond expires and is not renewed, the animal shelter may determine disposition of the animal, subject to court order. If the owner of an animal impounded under this section is convicted of an offense under this chapter or IC 15-20-1-4, the owner shall reimburse the animal shelter for the expense of the animal's care and keeping. If the owner has paid a bond under this subsection, the animal shelter may euthanize an animal if a veterinarian determines that an animal is suffering extreme pain.

(d) If the owner requests, the court having jurisdiction of criminal charges filed under this chapter or IC 15-20-1 shall hold a hearing to determine whether probable cause exists to believe that a violation of this chapter or IC 15-20-1 has occurred. If the court determines that probable cause does not exist, the court shall order the animal returned to its owner, and the return of any bond posted by its owner.

(e) Whenever charges are filed under this chapter, the court shall appoint:

- (1) the state veterinarian under IC 15-17-4-1; or
- (2) the state veterinarian's designee;

(~~1~~) to investigate the condition of the animal and the circumstances relating to the animal's condition and (~~2~~) make a recommendation to the court under subsection (f) regarding the confiscation of the animal.

(f) The state veterinarian or the state veterinarian's designee who is appointed under subsection (e) shall do the following:

- (1) Make a recommendation to the court concerning whether confiscation is necessary to protect the safety and well-being of the animal **or public**.
- (2) If confiscation is recommended under subdivision (1), recommend a manner for handling the confiscation and disposition of the animal that is in the best interests of the animal **and public**.

The state veterinarian or the state veterinarian's designee who submits a recommendation under this subsection shall articulate to the court the reasons supporting the recommendation.

(g) The court:

- (1) shall give substantial weight to; and
- (2) may enter an order based upon;

a recommendation submitted under subsection (f).

(h) If a person is convicted of an offense under this chapter or IC 15-20-1, the court may impose the following additional penalties against the person:

- (1) A requirement that the person pay the costs of caring for an animal involved in the offenses that are incurred during a period

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of impoundment authorized under subsection (b).

(2) An order terminating or imposing conditions on the person's right to possession, title, custody, or care of:

(A) an animal that was involved in the offense; or

(B) any other animal in the custody or care of the person.

(i) If a person's right to possession, title, custody, or care of an animal is terminated under subsection (h), the court may:

(1) award the animal to a humane society or other organization that has as its principal purpose the humane treatment of animals;
or

(2) order the disposition of the animal as recommended under subsection (f).



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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