



February 16, 2018

---

---

# ENGROSSED

## SENATE BILL No. 105

---

DIGEST OF SB 105 (Updated February 15, 2018 8:57 am - DI 84)

**Citations Affected:** IC 15-11; IC 15-15; IC 15-17; IC 15-19; IC 34-6; IC 34-30; IC 35-52.

**Synopsis:** State agriculture and animal certification programs. Removes responsibilities concerning the Indiana organic peer review panel from the duties of the Indiana state department of agriculture. Repeals certain statutes concerning the following: (1) Indiana organic certification accreditation. (2) Certification of agricultural products. (3) Livestock certification. Relocates statutes concerning livestock certification to the animal health law. Makes conforming amendments.

**Effective:** July 1, 2018.

---

---

## Leising, Glick, Mrvan

(HOUSE SPONSORS — LEHE, WRIGHT)

---

---

January 3, 2018, read first time and referred to Committee on Agriculture.  
January 8, 2018, reported favorably — Do Pass.  
January 16, 2018, read second time, ordered engrossed. Engrossed.  
January 18, 2018, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 6, 2018, read first time and referred to Committee on Agriculture and Rural Development.  
February 15, 2018, reported — Do Pass.

---

---

ES 105—LS 6266/DI 129





February 16, 2018

Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 105

---

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

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

- 1 SECTION 1. IC 15-11-2-3, AS AMENDED BY P.L.97-2017,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2018]: Sec. 3. (a) As used in this section, "biomass" means  
4 agriculturally based sources of renewable energy, including the  
5 following:  
6 (1) Agricultural crops.  
7 (2) Agricultural wastes and residues.  
8 (3) Wood and wood byproducts, including the following:  
9 (A) Wood residue.  
10 (B) Forest thinning.  
11 (C) Mill residue wood.  
12 (4) Animal wastes.  
13 (5) Animal byproducts.  
14 (6) Aquatic plants.  
15 (7) Algae.  
16 The term does not include waste from construction and demolition.  
17 (b) The department shall do the following:

ES 105—LS 6266/DI 129



- 1 (1) Provide administrative and staff support for the following:  
 2 (A) The state fair board for purposes of carrying out the  
 3 director's duties under IC 15-13-5.  
 4 (B) The Indiana corn marketing council for purposes of  
 5 administering the duties of the director under IC 15-15-12.  
 6 ~~(C) The Indiana organic peer review panel under IC 15-15-8.~~  
 7 ~~(D)~~ (C) The Indiana dairy industry development board for  
 8 purposes of administering the duties of the director under  
 9 IC 15-18-5.  
 10 ~~(E)~~ (D) The Indiana land resources council under IC 15-12-5.  
 11 ~~(F)~~ (E) The Indiana grain buyers and warehouse licensing  
 12 agency under IC 26-3-7.  
 13 ~~(G)~~ (F) The Indiana grain indemnity corporation under  
 14 IC 26-4-3.  
 15 ~~(H)~~ (G) The division.  
 16 (2) Administer the election of state fair board members under  
 17 IC 15-13-5.  
 18 (3) Administer state programs and laws promoting agricultural  
 19 trade.  
 20 (4) Administer state livestock or agriculture marketing grant  
 21 programs.  
 22 (5) Administer economic development efforts for agriculture by  
 23 doing the following:  
 24 (A) Promoting value added agricultural resources.  
 25 (B) Marketing Indiana agriculture to businesses  
 26 internationally.  
 27 (C) Assisting Indiana agricultural businesses with developing  
 28 partnerships with the Indiana economic development  
 29 corporation.  
 30 (D) Soliciting private funding for selective economic  
 31 development and trade initiatives.  
 32 (E) Providing for the orderly economic development and  
 33 growth of Indiana's agricultural economy.  
 34 (F) Facilitating the use of biomass and algae production  
 35 systems to generate renewable energy.  
 36 (6) Carry out the department's duties under IC 23-15-12.  
 37 SECTION 2. IC 15-15-8 IS REPEALED [EFFECTIVE JULY 1,  
 38 2018]. (Indiana Organic Certification Accreditation).  
 39 SECTION 3. IC 15-15-9 IS REPEALED [EFFECTIVE JULY 1,  
 40 2018]. (Certification of Agricultural Products).  
 41 SECTION 4. IC 15-17-20 IS ADDED TO THE INDIANA CODE  
 42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]:

2 **Chapter 20. Certification of Animals and Animal Products**

3 **Sec. 1. The state veterinarian may certify that certain animals**  
 4 **and animal products meet:**

5 (1) the specifications of a buyer; or

6 (2) international import standards;

7 for purposes of shipment of the animals or animal products to a  
 8 person.

9 **Sec. 2. The state veterinarian may charge a fee to cover the costs**  
 10 **of certification under this chapter. The state veterinarian shall**  
 11 **deposit fees collected under this section to the board of animal**  
 12 **health operating account within the state general fund.**

13 **Sec. 3. The state veterinarian and the state are immune from**  
 14 **liability for lawful actions taken under this chapter.**

15 **Sec. 4. A person who intentionally or knowingly forges a**  
 16 **certification or the identification of animals or animal products**  
 17 **certified under this chapter commits a Level 6 felony.**

18 SECTION 5. IC 15-19-5 IS REPEALED [EFFECTIVE JULY 1,  
 19 2018]. (Livestock Certification).

20 SECTION 6. IC 34-6-2-74.1, AS ADDED BY P.L.155-2013,  
 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2018]: Sec. 74.1. "Livestock", for purposes of IC 34-30-5, ~~has~~  
 23 ~~the meaning set forth in IC 15-19-5-3.~~ **means any animal or fowl**  
 24 **raised for commercial purposes.**

25 SECTION 7. IC 34-30-2-59 IS REPEALED [EFFECTIVE JULY 1,  
 26 2018]. ~~Sec. 59. IC 15-15-9-7 (Concerning administrator and state for~~  
 27 ~~certification of agricultural products):~~

28 SECTION 8. IC 34-30-2-63 IS REPEALED [EFFECTIVE JULY 1,  
 29 2018]. ~~Sec. 63. IC 15-19-5-7 (Concerning the state and the livestock~~  
 30 ~~certification administrator for acts taken under the livestock~~  
 31 ~~certification program):~~

32 SECTION 9. IC 34-30-2-64.3 IS ADDED TO THE INDIANA  
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2018]: **Sec. 64.3. IC 15-17-20-3 (Concerning**  
 35 **the state and the state veterinarian for acts taken under the**  
 36 **animals and animal products certification program).**

37 SECTION 10. IC 35-52-15-4 IS REPEALED [EFFECTIVE JULY  
 38 1, 2018]. ~~Sec. 4. IC 15-15-9-8 defines a crime concerning horticulture~~  
 39 ~~products:~~

40 SECTION 11. IC 35-52-15-26.5 IS ADDED TO THE INDIANA  
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2018]: **Sec. 26.5. IC 15-17-20-4 defines a**



1 **crime concerning animals and animal products.**  
2 SECTION 12. IC 35-52-15-32 IS REPEALED [EFFECTIVE JULY  
3 1, 2018]. ~~Sec. 32. IC 15-19-5-8 defines a crime concerning livestock.~~



COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture, to which was referred Senate Bill No. 105, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 105 as introduced.)

LEISING, Chairperson

Committee Vote: Yeas 8, Nays 0

---

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 105, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 105 as printed January 9, 2018.)

LEHE

Committee Vote: Yeas 9, Nays 0

