

# SENATE BILL No. 258

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## 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 an animal used in product testing. Requires an offer for release of a cat or dog from an animal testing facility or breeder to a releasing agency if the cat or dog has fulfilled its purpose with the animal testing facility or breeder, and the release does not pose a health or safety risk to the public or to the welfare of the cat or dog. Requires that the animal testing facility or breeder keep the offer to release a cat or dog for adoption open for at least 21 days before the cat or dog may be euthanized. Provides that an animal testing facility or breeder may enter into an agreement with a releasing agency for the adoption of a cat or dog used for animal testing or breeding. Provides that a releasing agency is not required to accept a cat or dog offered for adoption by an animal testing facility or breeder. Establishes the adoption of tested animals and animals bred for testing fund. Provides that an animal testing facility or breeder shall collect and maintain certain information regarding a cat or dog released to a releasing agency. Requires an animal testing facility or breeder to maintain records regarding the cat or dog released to a releasing agency for at least five years. Provides that not later than January 1, 2025, and not later than January 1 each year thereafter, an animal testing facility or breeder shall provide a summary of the records collected during the previous calendar year to the Indiana state board of animal health (board). Provides that an animal testing facility or breeder is not liable for harm caused by, or a defect suffered by, a cat or dog released to a releasing agency. Provides that the board may bring a civil action against the animal testing facility or breeder and seek relief. Makes an appropriation.

**Effective:** July 1, 2023.

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January 11, 2023, read first time and referred to Committee on Agriculture.

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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.

## SENATE BILL No. 258

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**



- 1           **(4) other scientific or medical purposes.**  
 2           **Sec. 2. As used in this chapter, "board" has the meaning set**  
 3 **forth in IC 15-17-2-8.**  
 4           **Sec. 3. As used in this chapter, "breeder" means a person who**  
 5 **mates cats, dogs, or both for sale or transfer to an animal testing**  
 6 **facility.**  
 7           **Sec. 4. As used in this chapter, "releasing agency" means:**  
 8           **(1) a public animal shelter;**  
 9           **(2) a private animal shelter;**  
 10           **(3) a humane society;**  
 11           **(4) an animal welfare organization;**  
 12           **(5) a society for the prevention of cruelty to animals; or**  
 13           **(6) another similar entity or home based rescue;**  
 14 **that releases companion animals for adoption.**  
 15           **Sec. 5. As used in this chapter, "state agency" means an**  
 16 **authority, board, branch, commission, committee, department,**  
 17 **division, or other instrumentality of any of the following:**  
 18           **(1) The executive, including the administrative department of**  
 19 **state government.**  
 20           **(2) The legislative department of state government.**  
 21           **(3) The judicial department of state government.**  
 22           **(4) A body corporate and politic created by statute.**  
 23           **Sec. 6. If:**  
 24           **(1) an animal testing facility or breeder possesses a cat or dog**  
 25 **that has fulfilled its purpose; and**  
 26           **(2) the release of the cat or dog will not pose a health or safety**  
 27 **risk to the public or to the welfare of the cat or dog;**  
 28 **the animal testing facility or breeder shall offer to release the cat**  
 29 **or dog to a releasing agency.**  
 30           **Sec. 7. An animal testing facility or breeder shall keep the offer**  
 31 **to release a cat or dog under section 6 of this chapter open for at**  
 32 **least twenty-one (21) calendar days before the cat or dog may be**  
 33  **euthanized by the animal testing facility or breeder.**  
 34           **Sec. 8. An animal testing facility or breeder may enter into an**  
 35 **agreement with a releasing agency to implement this chapter.**  
 36           **Sec. 9. This chapter may not be construed to require a releasing**  
 37 **agency to accept a cat or dog that is offered for adoption by an**  
 38 **animal testing facility or breeder under this chapter.**  
 39           **Sec. 10. (a) The adoption of tested animals and animals bred for**  
 40 **testing fund is established for the purpose of funding the**  
 41 **enforcement of this chapter by the board. The fund shall be**  
 42 **administered by the board.**



1           (b) The fund consists of civil penalties imposed under section 13  
2 of this chapter.

3           (c) The expenses of administering the fund shall be paid from  
4 money in the fund.

5           (d) The treasurer of state shall invest the money in the fund not  
6 currently needed to meet the obligations of the fund in the same  
7 manner as other public money may be invested. Interest that  
8 accrues from these investments shall be deposited in the fund.

9           (e) Money in the fund at the end of a state fiscal year does not  
10 revert to the state general fund.

11           (f) Money in the fund is continuously appropriated to carry out  
12 the purpose of the fund.

13           Sec. 11. (a) An animal testing facility or breeder shall collect and  
14 maintain records that contain the following information regarding  
15 a cat or dog released to a releasing agency:

16           (1) The date on which the cat or dog was taken into custody  
17 by the animal testing facility or breeder, if applicable.

18           (2) The date on which the cat or dog was released to a  
19 releasing agency.

20           (3) A description of the cat or dog, including the:

21           (A) species;

22           (B) color;

23           (C) breed;

24           (D) sex;

25           (E) approximate age at the time of release to a releasing  
26 agency; and

27           (F) approximate weight at the time of release to a releasing  
28 agency;

29 of the cat or dog.

30           (4) For animal testing facilities, the purpose for which the cat  
31 or dog was used.

32           (5) The name and address of the releasing agency that will  
33 eventually place the cat or dog for adoption.

34           (b) The animal testing facility or breeder shall maintain the  
35 records required under this section for at least five (5) years.

36           (c) Not later than January 1, 2025, and not later than January  
37 1 each year thereafter, the animal testing facility or breeder shall  
38 provide a summary of the records collected under subsection (a)  
39 during the previous calendar year to the board.

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



1       **Sec. 13. (a) The board may enforce the adoption of tested**  
2 **animals or animals bred for testing.**

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

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

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

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

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

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

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

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

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

