



INDIANA BRAND LAWS

INDIANA CODE

TITLE 15. AGRICULTURE AND ANIMALS ARTICLE 5. LIVESTOCK AND ANIMAL CONTROL CHAPTER 14. LIVESTOCK BRANDS

15-5-14-1 Definitions

Sec. 1. As used in this chapter:

"Board" refers to the Indiana state board of animal health established by IC 15-2.1-3-1.

"Brand" means a distinctive design or mark of identification made or applied to the hide on livestock by the use of a hot iron or by any other method or process approved by the board. Such brands shall be applied to the shoulder, ribs, or hip on either the right or left side as determined by standing behind the animal. No brand, except those for livestock disease control purposes, may be applied to the head or neck area.

"Livestock" means:

- (1) all cattle or animals of the bovine species;
- (2) all horses, mules, burros, and asses or animals of the equine species;
- (3) all swine or animals of the porcine species; and
- (4) all goats or animals of the caprine species.

"Person" includes any individual, firm, association, partnership, corporation, other legal entity, public or private institution, the state of Indiana, or municipal corporation or political subdivision of the state.

15-5-14-2 Adoption of brands

Sec. 2. A person owning livestock within Indiana may adopt a brand for his exclusive use in this state. No person may brand or cause to be branded any livestock with a brand that is of legal record in the office of the board, unless that brand has been certified by the board for that person's exclusive use.

15-5-14-3 Recording of brands

Sec. 3. The board shall record livestock brands. The board shall carry out the terms and provisions of this chapter and for that purpose may make rules to implement this chapter.

15-5-14-4 Application for recording of brand

Sec. 4. (a) An owner of livestock in this state desiring to adopt for his exclusive use any brand shall, before doing so, forward to the board an application on a form approved and provided by the board for that purpose.

(b) For the purpose of this chapter, the post office address included in the application shall be considered the legal address of the applicant. Until the board receives from the applicant, in writing, a notice of change of address, the latest address of record with the board shall remain the legal address.

(c) If the brand is accepted, the board shall file the brand in the official brand book, furnish the applicant a brand certificate, and inform the applicant that he has, from the date of filing, exclusive right to the use of such brand in Indiana.

(d) Additional brand certificates of a recorded brand may be obtained from the board upon the payment of a fee to be established by the board under section 14 of this chapter.

15-5-14-5 One brand for each owner; separate livestock operations; identical or similar brands; restrictions on use of brands

Sec. 5. (a) Only one (1) brand may be awarded or recorded for each owner of livestock, but the owner or owners of separate and distinct livestock operations may, at the discretion of the board, record one (1) brand for use at each such distinct and separate livestock operation.

(b) No brand may be recorded or used which:

(1) is identical with or, in the opinion of the board, is so similar to any brand previously recorded and remaining of legal record; or

(2) if an abandoned brand, has not been abandoned for five (5) years; so as to be liable to cause confusion as to the identity or ownership of livestock.

(c) If the board determines that the submitted brand is already on record for another person or that it so closely resembles a previously registered brand that the brands cannot be readily distinguished, the board shall notify the applicant and shall return the facsimile brand and recording fee. In case of duplications, applications bearing the earliest postmark will be accepted.

(d) The board shall adjust conflicting stock brands and make changes as may be necessary. Changes made by the board are conclusive, and brands the board indicates may be recalled or adjusted at any time by means of written notice from the board given to the owner of the brand.

(e) No brand may be recorded in the state elsewhere than in the office of the board.

15-5-14-6 Evidentiary effect of certificates of recordation

Sec. 6. All certificates of recordation or rerecordation of brands furnished by the board are prima facie evidence of the ownership of all livestock of the kind or kinds bearing the brand or brands specified and as set forth in the record, and

the certificates are evidence of ownership in all law suits or in any criminal proceedings, when the title to livestock in this state is to be proved. Upon request, disputes in ownership or custody of branded livestock shall be investigated by state or county law enforcement officials.

15-5-14-7 Ownership of brands

Sec. 7. A recorded brand is the personal property of the person in whose name it is filed and is subject to sale, assignment, transfer, devise, and descent as personal property. Instruments of writing evidencing the sale, assignment, or transfer of a brand shall be forwarded to the board to be recorded in the official brand book. The fee for such a transaction shall be determined by the board. As soon as the transaction has been recorded, the board shall furnish the new owner with a brand certificate.

15-5-14-8 Determination of renewal date

Sec. 8. (a) By January 1 of each fifth year following the original recording with the board, each owner of a brand of record shall submit to the board a renewal fee to be established by the board.

(b) For the purpose of determining the renewal date, the period between the date a brand is recorded by the board and January 1 of the next year constitutes the first year of the five (5) year period.

(c) If the owner of a brand of record fails, refuses, or neglects to pay the fee by June 30 of the year in which it is due, the brand shall be forfeited and no longer carried in the record. A forfeited brand may not be issued to another person for a period of five (5) years following the date of forfeiture. During that five (5) year period, the former owner of record may make application to the commission for reinstatement of a forfeited brand. Such an application shall be accompanied by a reinstatement fee established by the board. The renewal date for a reinstatement brand shall remain the same, and renewal fees on such brands shall be due on January 1 of each fifth year following original recording.

15-5-14-9 Use of unrecorded brand

Sec. 9. Use of unrecorded brand. (a) Except as otherwise provided for in this section, no person may use any brand for identifying livestock, unless the brand has been recorded as provided for in this chapter. When a recorded brand is applied to livestock which may have been branded by a previous owner, such brand must be applied so as not to overlap, obliterate, disfigure, or mutilate the existing brand or brands.

(b) Brands consisting of arabic numerals only may be used for individual livestock identification if they are located at least ten (10) inches away from any recorded brand. Such brands for individual identification are not to be recorded.

15-5-14-10 Publication of recorded brands

Sec. 10. The board shall publish all recorded brands in book form and shall publish supplemental lists at least once each year. This book and all supplements shall contain a facsimile of all brands recorded together with the owner's name and legal mailing address. The board shall, without charge, furnish copies of the brand book and supplements to state and county law enforcement agencies within the state. The general public may obtain copies by remitting to the board the cost of printing and mailing each book and accompanying supplements.

15-5-14-11 Reported livestock thefts

Sec. 11. The board, in cooperation with law enforcement officials in this and other states, shall develop a uniform procedure for notifying livestock markets and livestock slaughtering establishments of reported livestock thefts.

15-5-14-12 Sale and transportation of livestock

Sec. 12. Sale and transportation of livestock. (a) All persons selling livestock branded with their brand recorded in a current state brand book or supplement thereto shall execute to the purchaser a written bill of sale bearing the signature and residence of the seller, the name and address of the purchaser, the total number of livestock sold, a description of each animal sold as to sex and kind, and all registered brands. A copy of the bill of sale shall be given to each hauler of livestock, other than railroads, and must accompany the shipment of livestock while in transit. The bill of sale or a copy shall be shown by the possessor on demand to any law enforcement or peace officer. The bill of sale is prima facie evidence of the conveyance of title of the livestock described by the bill of sale.

(b) Persons engaged in the business of transporting or hauling livestock in the state shall, upon receiving such livestock for transportation, issue a waybill or bill of lading for all livestock transported or hauled by them, and such waybill or bill of lading shall accompany the shipment of livestock with a copy thereof being furnished to the person delivering livestock to the hauler. The waybill or bill of lading shall show the place of origin and destination of the shipment, the name of the owner of the livestock, date and time of loading, name of person or company hauling the livestock, the number of livestock and a general description thereof, including the identifying brands. The waybill or bill of lading shall be signed by the person delivering the livestock to the hauler certifying that the information contained thereon is correct.

15-5-14-13 Charges for recording and rerecording of brands

Sec. 13. (a) The board may establish and collect up to thirty-five dollars (\$35) for each brand recording and fair and reasonable charges related to the cost of administering a brand recordation program for:

- (1) the rerecording of brands;
- (2) the recording of instruments transferring ownership of brands; and
- (3) certificates of recordation or rerecording of brands.

(b) The money received by the board shall be deposited in the brand registration fund. The brand registration fund is a nonbudgetary fund, and the money remaining in the brand registration fund at the end of a fiscal year does not revert to the state general fund. The board may disburse money from the brand registration fund for the purpose of defraying the administrative costs of implementing this chapter.

15-5-14-14 Offenses; forgery included

Sec. 14. (a) A person who, without permission of the owner, applies a brand to livestock for the purpose of transferring ownership of that livestock commits a Class C felony.

(b) A person who knowingly destroys or alters a brand recorded with the board from any livestock for the purpose of concealing the identity of the owner of that livestock commits a Class C felony.

(c) A person who knowingly sells or offers for sale livestock whose brand has been destroyed or altered for the purpose of concealing the identity of the owner of that livestock commits a Class C felony.

(d) A person who knowingly purchases livestock whose brand has been destroyed or altered for the purpose of concealing the identity of the owner of that livestock commits a Class C felony.

(e) A livestock brand constitutes a written instrument for purposes of IC 35-43-5.

INDIANA ADMINISTRATIVE CODE

TITLE 345. INDIANA STATE BOARD OF ANIMAL HEALTH

ARTICLE 1. DOMESTIC ANIMAL DISEASE CONTROL; GENERAL PROVISIONS

RULE 3. IMPORTATION OF DOMESTIC ANIMALS

345 IAC 1-3-3. IDENTIFICATION REQUIRED; EXCEPTIONS

Sec. 3. (a) All domestic animals entering Indiana, regardless of age, sex, or breed, shall be identified as follows:

(1) Each animal shall be individually identified utilizing a method of identification acceptable for that species.

Acceptable methods of identification are as follows:

(A) An ear tag.

(B) A tattoo.

(C) An individual brand.

(D) A standard ear notch.

(E) A registration number.

(F) A method of identification that is approved by the state veterinarian.

(2) Each animal shall be individually described on the accompanying certificate of veterinary inspection.

(b) The following official identification is approved for livestock transported into Indiana:

(1) Swine must be identified as provided in section 11 of this rule.

(2) Cattle must be identified using one (1) of the following methods of identification:

(A) An official ear tag.

(B) A tattoo.

(C) An individual brand.

(D) A registration number if accompanied by registration papers.

(3) Sheep must be identified using one (1) of the following methods of identification:

(A) A tattoo.

(B) A standard ear notch.

(C) An ear tag.

(D) A breed association ear tag.

(4) Goats must be identified using one (1) of the following methods of identification:

(A) A tattoo.

(B) A standard ear notch.

(C) An ear tag.

(D) A breed association ear tag.

(5) Horses and other equine must be identified using one (1) of the following methods of identification:

(A) A lip tattoo.

(B) An individual brand.

(C) A registration number if accompanied by registration papers.

(D) A descriptive marking with the animal's name.

(6) Cervidae must be identified using one (1) of the following methods of identification:

(A) An ear tag.

(B) A tattoo.

(7) Any species may be identified using other identification approved by the state veterinarian.

(c) Any animal may be identified using a permanent electronic chip implant that uniquely identifies the animal if the following requirements are met:

(1) The chip identification number is written on the certificate of veterinary inspection or shipping manifest.

(2) A piece of equipment that is capable of accurately reading the chip implant accompanies the animal at all times.

(3) The owner or caretaker of the animal allows board personnel to use the equipment necessary to read the implanted chip upon request.

If the equipment provided by an owner or caretaker of an animal does not allow for an accurate identification of an animal for any reason, the animal will be deemed unidentified for the purpose of this rule unless the animal is identified using another method authorized by this rule.

(d) If additional identification is present, at least one (1) additional identification shall also be listed on the certificate of veterinary inspection.

(e) The following types of animals are exempt from the identification requirements in this section:

(1) Steers.

(2) Poultry.

(3) Slaughter animals.

(4) Baby calves and feeder heifers from Brucellosis-free and Class A states.

Authority: IC 15-2-1-3-19.

Affected: IC 15-2.1-313; IC 15-2.1-12-7.5; IC 15-2.1-15-17.

345 IAC 1-3-4. CERTIFICATE OF VETERINARY INSPECTION AND PERMIT REQUIRED FOR IMPORTATION

Sec. 4. (a) A person may not transport into Indiana a domestic animal, or a wild animal of the family Bovidae, family Suidae, family Equidae, family Cervidae, or family Camelidae, unless the animal is accompanied by an official certificate of veterinary inspection. The following animals may be transported into Indiana without a certificate of veterinary inspection:

(1) Those consigned for immediate slaughter.

(2) The state veterinarian may allow a person to transport into Indiana an animal without a certificate of veterinary inspection in order to facilitate the diagnosis, prevention, or control of disease.

(3) Swine moving under the procedures in section 16.5 of this rule.

(b) No person may transport into Indiana an animal other than those described in subsection (a) unless the animal is accompanied by a shipping manifest clearly stating the following information:

(1) The origin of each animal.

(2) An individual description and identification of each animal.

(3) The destination of each animal.

(4) The import permit number, if required under subsection (d), for the shipment.

(c) The state veterinarian may set specific restrictions, prerequisites, and other requirements for the transportation of diseased or experimental animals into Indiana. Each official certificate of veterinary inspection or shipping manifest must note any restrictions imposed.

(d) No person may transport into Indiana any domestic or wild animal of the family Bovidae, family Suidae, family

Cervidae, or family Camelidae regardless of age, sex, or breed, without first obtaining a permit to transport the animal into Indiana. Permits shall be obtained from the state veterinarian. The state veterinarian shall assign a permit number for each permit issued. The permit number shall be recorded on the certificate of veterinary inspection associated with the permitted animals, or if a certificate of veterinary inspection is not required, the shipping manifest accompanying the shipment. The certificate of veterinary inspection or shipping manifest with the correct permit number must be in possession of the person in charge of animals during movement. A person transporting the following animals into Indiana is exempt from the requirements in this subsection:

- (1) Animals transported into Indiana for immediate slaughter.
- (2) The state veterinarian may waive all or part of the requirements in this subsection for a specific shipment of animals to facilitate the diagnosis, prevention, or control of disease.
- (3) Swine moving under the procedures in section 16.5 of this rule.

(e) Permits for the transportation of animals into Indiana may be obtained day or night, including weekends and holidays, by calling the following telephone numbers:

- (1) For a permit to transport an animal of the bovine, ovine, caprine, bison, cervidae, or camelid species, call (317) 227-0316.
- (2) For a permit to transport an animal of the porcine species, call (317) 227-0311.

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1

345 IAC 1-3-4.5. CARRIERS; INSPECTION; SANITATION

Sec. 4.5. (a) Owners and operators of common carriers and private conveyances may not transport any animal into, within, or through the state of Indiana, except in compliance with the provisions set forth in this rule (345 IAC 1- 3).

(b) All common carriers and private conveyances transporting animals into, within, or through the state of Indiana shall be subject to inspection and may be stopped by any agent or employee of the board or any other law enforcement officer commissioned in the state of Indiana, to make an investigation to determine compliance with the provisions of this rule (345 IAC 1-3).

(c) All railway cars, trucks, and other conveyances used for the transportation of animals and poultry shall be maintained in a sanitary condition.

(d) Owners and operators of conveyances that have been used to transport animals infected with or exposed to infectious, contagious, or communicable disease shall have such conveyances thoroughly cleaned and disinfected prior to transporting any other animals and upon the order of the state veterinarian.

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-11; IC 15-2.1-3-13; IC 15-2.1-21-6

345 IAC 7-8-1. RECORDING LIVESTOCK BRANDS; ADMINISTRATION; DUTIES

Sec. 1. (a) Livestock brands within the state of Indiana shall be recorded in the office of the state veterinarian for the Indiana state board of animal health.

(b) The duty to certify and record livestock brands along with all other duties concerning the board's oversight of livestock brands in Indiana are hereby delegated to the state veterinarian under IC 15-2.1-3-13.5.

Authority: IC 15-2.1-3-13.5; IC 15-2.1-3-19; IC 15-5-14-3

Affected: IC 15-5-14

345 IAC 7-8-2. DEFINITIONS

Sec. 2. (a) The definitions in this section apply throughout this rule.

(b) "Board" refers to the Indiana state board of animal health established by IC 15-2.1-3-1.

(c) "Brand" means a distinctive design or mark of identification made or applied to the hide on livestock by the use of a hot iron or by any other method or process approved by the board. Such brands shall be applied to the shoulder, ribs, or hip on either the right or left side as determined by standing behind the animal. No brand, except those for livestock disease control purposes, may be applied to the head or neck area.

(d) "Livestock" means the following:

(1) All cattle or animals of the bovine species.

(2) All horses, mules, burros, and asses or animals of the equine species.

(3) All swine or animals of the porcine species.

(4) All goats or animals of the caprine species.

(e) "Owner" refers to:

(1) an individual, firm, association, partnership, corporation, or other legal entity;

(2) any public or private institution;

(3) the state of Indiana; or

(4) any municipal corporation or political subdivision of the state.

(f) "State veterinarian" means the chief administrative officer of the board who shall be appointed by the board with the approval of the governor.

Authority: IC 15-2.1-3-13.5; IC 15-2.1-3-19; IC 15-5-14-3

Affected: IC 15-2.1-3-1; IC 15-2.1-3-13; IC 15-5-14

345 IAC 7-8-3. NOTICE REQUIRED

Sec. 3. (a) In addition to all other information required by IC 15-5-14, the owner of a recorded livestock brand shall immediately give written notice to the office of the state veterinarian upon the occurrence of any of the following:

(1) Change in ownership of a recorded brand.

(2) Change in name under which a brand is recorded.

(3) Change in address of the owner of a recorded brand.

(b) The owner of a recorded livestock brand shall immediately give verbal notice to the office of the state veterinarian of the loss of any livestock from the owner's operation due to theft or suspected theft.

(c) Written notice, when required under this rule, shall be delivered by first class United States mail or in person to the office of the state veterinarian.

Authority: IC 15-2.1-3-13.5; IC 15-2.1-3-19; IC 15-5-14-3

Affected: IC 15-2.1-3-13; IC 15-5-14

345 IAC 7-8-4. RESTRICTIONS AND GUIDELINES IN CREATING NEW BRANDS

Sec. 4. (a) Except for disease control purposes, no person within the state of Indiana may use any brand for identifying livestock unless that brand has been recorded in the office of the state veterinarian.

(b) In order to avoid confusion, according to the style of brand chosen, the state veterinarian requires that a brand be read as follows:

(1) Left to right.

(2) Top to bottom.

(3) Outside to inside.

(c) All stacked and/or connected brands will be read from top to bottom whether or not the bottom letter may extend to the left.

(d) A brand will be filed in the category read first (left takes preference over top).

(e) A brand will be filed in the sequence as follows:

(1) A to Z.

(2) 1 to 9.

(3) Symbols and characters as follows:

(A) Double letters.

(B) Letters with numbers.

(C) Letters with characters (to the right or below).

(f) A single letter brand shall not be recorded.

(g) No lazy open A will be recorded; > (h) The letter G will only be recorded in the reversed position, for example,

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

(i) The letter C will never be recorded in the reverse position.

(j) The letter W will not be recorded in the lazy position; will be considered as the letter M.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

(k) The letter I will only be recorded with another letter.

(l) A lowercase letter, for example, a, c, t, or d, will not be recorded.

(m) A circle or a zero (0) will be recorded as the letter O.

(n) The letter Q will not be recorded.

(o) A half diamond must always have the points (ends) toward the brand, for example, .

[table omitted]

(p) A quarter circle must always be recorded with the points away from the brand, for example, , and is never connected with the letter.

[table omitted]

(q) A brand consisting of arabic numbers only may be used for individual livestock identification (in-herd) if it is located at least ten (10) inches away from any recorded livestock brand. The arabic number brand will not be recorded.

(r) When a recorded brand is applied to livestock which may have been branded by a previous owner, the new brand must be applied so as not to overlap, obliterate, disfigure, or mutilate the previous brand.

(s) A brand shall be placed in one (1) specific location upon an animal. The appropriate location shall be designated on the brand recordation application.

(t) A horse may be branded on the shoulder regardless of the specific location designated for other livestock. The brand shall not be recorded on the ribs of the horse.

(u) All cattle brands must be a minimum of three (3) inches in height, and all other brands must be a minimum of two (2) inches in height.

Authority: IC 15-2.1-3-13.5; IC 15-2.1-3-19; IC 15-5-14-3

Affected: IC 15-2.1-3-13; IC 15-5-14

345 IAC 7-8-6. BRAND ADJUSTMENT OR RECALL

Sec. 6. (a) All livestock marked with brands later recalled or adjusted under IC 15-5-14-5(d) shall retain the brand on livestock previously branded. The owner of the recalled or adjusted brand shall not apply any new brand so as to interfere, overlap, obliterate, disfigure, or mutilate the previously recorded brand.

(b) Any brand which, in the opinion of the state veterinarian, is designed in such a manner as to cause difficulty in obtaining a readable brand (due to blotching, etc.) shall not be recorded. The state veterinarian shall notify the applicant and either adjust or return the facsimile brand. If the facsimile brand is returned to the applicant, the recording fee shall also be returned.

Authority: IC 15-2.1-3-13.5; IC 15-2.1-3-19; IC 15-5-14-3

Affected: IC 15-2.1-3-13; IC 15-5-14-5

345 IAC 7-8-7. EAR MARKS

Sec. 7. Owners of livestock wishing to use ear marks or notches in addition to a recorded brand may so notify the state veterinarian in writing, and the marks or notches will be listed in the state recorded livestock brand book. However, ear marks or notches listed in the state brand book shall only appear there as a courtesy to the owners of recorded livestock brands.

Authority: IC 15-2.1-3-13.5; IC 15-2.1-3-19; IC 15-5-14-3

Affected: IC 15-2.1-3-13; IC 15-5-14

Amended in 1998, 1999, 2001, 2002.

Reviewed by AAHS in July 2001.

Reviewed and updated by AAHS in April 2003.

[Return to Top of This Page](#)

[Return to Brand Laws Page](#)