

ENROLLED BILL

-- Environmental Matters/Education, Health, and Environmental Affairs --

Introduced by **Chairman, Environmental Matters Committee (By Request - Departmental - Agriculture)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Secretary of Agriculture - Regulation of Poultry to Control Avian Influenza**

3 FOR the purpose of requiring certain live poultry markets, poultry production
4 facilities, and poultry dealers to obtain a certain annual license; authorizing the
5 Secretary of Agriculture to adopt a certain animal health protection program;
6 prohibiting certain persons from keeping poultry unless the persons register
7 with the Secretary; requiring a person who keeps poultry to complete and
8 submit to the Secretary a certain registration form; requiring the Secretary to
9 maintain certain registration records in a certain manner that protects the
10 identity of the registrant; authorizing the disclosure of certain registration
11 records identifying information if the Secretary, after consulting with the
12 Secretary of Health and Mental Hygiene, makes a certain determination;
13 authorizing the Secretary to refuse to issue a license or registration, or suspend
14 or revoke a license or registration, under certain circumstances; providing for
15 the suspension or revocation of a license or certificate; ~~making certain records~~
16 ~~confidential~~; and generally relating to the regulation of persons or facilities to

1 control and prevent the spread of avian influenza.

2 BY adding to

3 Article - Agriculture

4 Section 3-801 through ~~3-806~~ 3-805 to be under the new *subtitle* "Subtitle 8.

5 Regulation of Poultry to Control Avian Influenza"

6 Annotated Code of Maryland

7 (1999 Replacement Volume and 2004 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

9 MARYLAND, That the Laws of Maryland read as follows:

10

Article - Agriculture

11

SUBTITLE 8. REGULATION OF POULTRY TO CONTROL AVIAN INFLUENZA.

12 3-801.

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS

14 INDICATED.

15 (B) "LIVE POULTRY MARKET" MEANS ANY FACILITY WHERE LIVE POULTRY IS

16 GATHERED TO BE SLAUGHTERED AND SOLD ON SITE.

17 (C) "POULTRY" MEANS ANY LIVING DOMESTICATED BIRD.

18 (D) "POULTRY DEALER" MEANS A PERSON WHO IS IN THE BUSINESS OF

19 TRADING, SELLING, TRANSPORTING, OR MOVING POULTRY BETWEEN A PRODUCTION

20 FACILITY AND A LIVE POULTRY MARKET.

21 (E) "PRODUCTION FACILITY" MEANS THE FACILITY OR FARM THAT IS THE

22 ORIGIN OF POULTRY OFFERED FOR SALE AT A LIVE POULTRY MARKET.

23 3-802.

24 (A) EACH LIVE POULTRY MARKET OPERATOR, PRODUCTION FACILITY

25 OPERATOR, AND POULTRY DEALER SHALL OBTAIN AN ANNUAL LICENSE FROM THE

26 SECRETARY.

27 (B) EACH LICENSE SHALL BE EFFECTIVE UNTIL THE FOLLOWING JUNE 30,

28 UNLESS SUSPENDED OR REVOKED.

29 3-803.

30 IN ADDITION TO ANY OF THE POWERS PROVIDED IN THIS ARTICLE TO PROTECT

31 THE HEALTH OF DOMESTIC ANIMALS, THE SECRETARY HAS THE AUTHORITY TO

32 ADOPT AN ANIMAL HEALTH PROTECTION PROGRAM THAT IS APPLICABLE TO ANY

33 LIVE POULTRY MARKET, PRODUCTION FACILITY, AND POULTRY DEALER AND THAT

34 MEETS THE REGULATORY REQUIREMENTS OF THE UNITED STATES DEPARTMENT OF

1 AGRICULTURE'S UNIFORM STANDARDS FOR THE PREVENTION AND CONTROL OF H5
2 AND H7 LOW PATHOGENICITY AVIAN INFLUENZA IN THE LIVE BIRD MARKETING
3 SYSTEM.

4 3-804.

5 (A) EXCEPT AS PROVIDED BY THE SECRETARY, A PERSON MAY NOT KEEP
6 POULTRY UNLESS THE POULTRY IS REGISTERED WITH THE SECRETARY.

7 (B) A PERSON WHO KEEPS POULTRY SHALL COMPLETE AND SUBMIT TO THE
8 SECRETARY A REGISTRATION FORM ON WHICH THE PERSON SHALL INCLUDE ~~THE~~
9 ~~NAME OF THE POULTRY KEEPER, THE LOCATION, TYPE, AND ANY OTHER RELATED~~
10 ~~INFORMATION THE SECRETARY REQUIRES;~~

11 (1) THE NAME OF THE POULTRY KEEPER;

12 (2) THE LOCATION OF THE PROPERTY ON WHICH THE POULTRY IS KEPT;

13 (3) THE TYPE OF POULTRY; AND

14 (4) ANY OTHER RELATED INFORMATION REQUIRED BY THE SECRETARY.

15 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
16 SECRETARY SHALL MAINTAIN A PERSON'S REGISTRATION RECORD FILED UNDER
17 SUBSECTION (B) OF THIS SECTION IN A MANNER THAT PROTECTS THE IDENTITY OF
18 THE REGISTRANT.

19 (2) IF THE SECRETARY, AFTER CONSULTATION WITH THE SECRETARY
20 OF HEALTH AND MENTAL HYGIENE, DETERMINES THAT THE DISCLOSURE IS
21 NECESSARY TO PROTECT THE PUBLIC HEALTH OR PREVENT THE SPREAD OF AN
22 INFECTIOUS OR CONTAGIOUS DISEASE, THE SECRETARY MAY DISCLOSE A PERSON'S
23 REGISTRATION RECORD IDENTIFYING INFORMATION.

24 3-805.

25 THE SECRETARY MAY REFUSE TO ISSUE A LICENSE OR REGISTRATION, OR MAY
26 SUSPEND OR REVOKE A LICENSE OR REGISTRATION, ON ANY OF THE FOLLOWING
27 GROUNDS:

28 (1) FRAUDULENT OR DECEPTIVE STATEMENT ON AN APPLICATION FOR
29 A LICENSE OR CERTIFICATE; OR

30 (2) A VIOLATION OF SUBTITLE 1 OF TITLE 3 OF THIS ARTICLE OR ANY
31 REGULATIONS ADOPTED BY THE SECRETARY UNDER THIS SUBTITLE.

32 ~~3-806.~~

33 (A) ~~THE SECRETARY SHALL DENY ACCESS TO ANY INFORMATION SUBMITTED~~
34 ~~BY ANY PERSON REGULATED UNDER THIS SUBTITLE.~~

1 (B) ~~THIS SECTION DOES NOT APPLY TO A DISCLOSURE BY THE SECRETARY TO~~
2 ~~A PERSON IN INTEREST OR TO A GOVERNMENTAL AGENCY PERFORMING ITS LAWFUL~~
3 ~~DUTIES WHERE THE SECRETARY DETERMINES THAT THE DISCLOSURE IS~~
4 ~~NECESSARY TO PROTECT THE PUBLIC HEALTH OR TO PREVENT THE SPREAD OF AN~~
5 ~~INFECTIOUS OR CONTAGIOUS DISEASE.~~

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2005.