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

Introduced and read first time: February 8, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

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; authorizing the Secretary to
9 refuse to issue a license or registration, or suspend or revoke a license or
10 registration, under certain circumstances; providing for the suspension or
11 revocation of a license or certificate; making certain records confidential; and
12 generally relating to the regulation of persons or facilities to control and prevent
13 the spread of avian influenza.

14 BY adding to

15 Article - Agriculture

16 Section 3-801 through 3-806 to be under the new "Subtitle 8. Regulation of
17 Poultry to Control Avian Influenza"

18 Annotated Code of Maryland

19 (1999 Replacement Volume and 2004 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Agriculture**

23 **SUBTITLE 8. REGULATION OF POULTRY TO CONTROL AVIAN INFLUENZA.**

24 3-801.

25 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

1 (B) "LIVE POULTRY MARKET" MEANS ANY FACILITY WHERE LIVE POULTRY IS
2 GATHERED TO BE SLAUGHTERED AND SOLD ON SITE.

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

4 (D) "POULTRY DEALER" MEANS A PERSON WHO IS IN THE BUSINESS OF
5 TRADING, SELLING, TRANSPORTING, OR MOVING POULTRY BETWEEN A PRODUCTION
6 FACILITY AND A LIVE POULTRY MARKET.

7 (E) "PRODUCTION FACILITY" MEANS THE FACILITY OR FARM THAT IS THE
8 ORIGIN OF POULTRY OFFERED FOR SALE AT A LIVE POULTRY MARKET.

9 3-802.

10 (A) EACH LIVE POULTRY MARKET OPERATOR, PRODUCTION FACILITY
11 OPERATOR, AND POULTRY DEALER SHALL OBTAIN AN ANNUAL LICENSE FROM THE
12 SECRETARY.

13 (B) EACH LICENSE SHALL BE EFFECTIVE UNTIL THE FOLLOWING JUNE 30,
14 UNLESS SUSPENDED OR REVOKED.

15 3-803.

16 IN ADDITION TO ANY OF THE POWERS PROVIDED IN THIS ARTICLE TO PROTECT
17 THE HEALTH OF DOMESTIC ANIMALS, THE SECRETARY HAS THE AUTHORITY TO
18 ADOPT AN ANIMAL HEALTH PROTECTION PROGRAM APPLICABLE TO ANY LIVE
19 POULTRY MARKET, PRODUCTION FACILITY, AND POULTRY DEALER THAT MEETS THE
20 REGULATORY REQUIREMENTS OF THE UNITED STATES DEPARTMENT OF
21 AGRICULTURE'S UNIFORM STANDARDS FOR THE PREVENTION AND CONTROL OF H5
22 AND H7 LOW PATHOGENICITY AVIAN INFLUENZA IN THE LIVE BIRD MARKETING
23 SYSTEM.

24 3-804.

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

27 (B) A PERSON WHO KEEPS POULTRY SHALL COMPLETE AND SUBMIT TO THE
28 SECRETARY A REGISTRATION FORM ON WHICH THE PERSON SHALL INCLUDE THE
29 NAME OF THE POULTRY KEEPER, THE LOCATION, TYPE, AND ANY OTHER RELATED
30 INFORMATION THE SECRETARY REQUIRES.

31 3-805.

32 THE SECRETARY MAY REFUSE TO ISSUE A LICENSE OR REGISTRATION, OR MAY
33 SUSPEND OR REVOKE A LICENSE OR REGISTRATION, ON ANY OF THE FOLLOWING
34 GROUNDS:

35 (1) FRAUDULENT OR DECEPTIVE STATEMENT ON AN APPLICATION FOR
36 A LICENSE OR CERTIFICATE; OR

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

3 3-806.

4 (A) THE SECRETARY SHALL DENY ACCESS TO ANY INFORMATION SUBMITTED
5 BY ANY PERSON REGULATED UNDER THIS SUBTITLE.

6 (B) THIS SECTION DOES NOT APPLY TO A DISCLOSURE BY THE SECRETARY TO
7 A PERSON IN INTEREST OR TO A GOVERNMENTAL AGENCY PERFORMING ITS LAWFUL
8 DUTIES WHERE THE SECRETARY DETERMINES THAT THE DISCLOSURE IS
9 NECESSARY TO PROTECT THE PUBLIC HEALTH OR TO PREVENT THE SPREAD OF AN
10 INFECTIOUS OR CONTAGIOUS DISEASE.

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