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

Introduced and read first time: February 8, 2005

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2005

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 if the Secretary, after consulting with the Secretary of Health and
12 Mental Hygiene, makes a certain determination; authorizing the Secretary to
13 refuse to issue a license or registration, or suspend or revoke a license or
14 registration, under certain circumstances; providing for the suspension or
15 revocation of a license or certificate; ~~making certain records confidential;~~ and
16 generally relating to the regulation of persons or facilities to control and prevent
17 the spread of avian influenza.

18 BY adding to

19 Article - Agriculture

20 Section 3-801 through ~~3-806~~ 3-805 to be under the new "Subtitle 8. Regulation
21 of Poultry to Control Avian Influenza"

22 Annotated Code of Maryland

23 (1999 Replacement Volume and 2004 Supplement)

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

1

Article - Agriculture

2

SUBTITLE 8. REGULATION OF POULTRY TO CONTROL AVIAN INFLUENZA.

3 3-801.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

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

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

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

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

14 3-802.

15 (A) EACH LIVE POULTRY MARKET OPERATOR, PRODUCTION FACILITY
16 OPERATOR, AND POULTRY DEALER SHALL OBTAIN AN ANNUAL LICENSE FROM THE
17 SECRETARY.

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

20 3-803.

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

29 3-804.

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

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

- 1 (1) THE NAME OF THE POULTRY KEEPER;
- 2 (2) THE LOCATION OF THE PROPERTY ON WHICH THE POULTRY IS KEPT;
- 3 (3) THE TYPE OF POULTRY; AND
- 4 (4) ANY OTHER RELATED INFORMATION REQUIRED BY THE SECRETARY.

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

9 (2) IF THE SECRETARY, AFTER CONSULTATION WITH THE SECRETARY
 10 OF HEALTH AND MENTAL HYGIENE, DETERMINES THAT THE DISCLOSURE IS
 11 NECESSARY TO PROTECT THE PUBLIC HEALTH OR PREVENT THE SPREAD OF AN
 12 INFECTIOUS OR CONTAGIOUS DISEASE, THE SECRETARY MAY DISCLOSE A PERSON'S
 13 REGISTRATION RECORD.

14 3-805.

15 THE SECRETARY MAY REFUSE TO ISSUE A LICENSE OR REGISTRATION, OR MAY
 16 SUSPEND OR REVOKE A LICENSE OR REGISTRATION, ON ANY OF THE FOLLOWING
 17 GROUNDS:

18 (1) FRAUDULENT OR DECEPTIVE STATEMENT ON AN APPLICATION FOR
 19 A LICENSE OR CERTIFICATE; OR

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

22 ~~3-806.~~

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

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

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

