

STATE OF MARYLAND

MARYLAND DEPARTMENT OF AGRICULTURE

ORDER OF: * **ORDER# AH 02-2022**
THE SECRETARY OF AGRICULTURE * **AUTHORITY: Agriculture**
TO PREVENT THE SPREAD OF * **Article, §§ 3-101 *et seq.*,**
ANIMAL DISEASES IN THIS STATE * **Annotated Code of Maryland**
* **EFFECTIVE DATE: 1/26/2022**

* * * * *
ORDER OF THE SECRETARY GOVERNING AUCTION MARKETS, LIVE BIRD MARKETS AND LIVE BIRD SALES (NON-SLAUGHTER) WHERE POULTRY BROUGHT FOR EXHIBITION OR SALE

WHEREAS, Avian Influenza is a contagious and infectious animal disease that can devastate the economically important Maryland poultry industry,

WHEREAS, there has been an outbreak of Avian Influenza in certain other states, which has resulted in the destruction of flocks in those states,

WHEREAS, the movement and commingling of poultry for any purpose within, into, and out of the State poses a high risk of disease spread,

WHEREAS, a process for tracing the movement of birds to sites of commingling for sale and subsequent dispersal is needed, and

WHEREAS, the Secretary has determined that there is a need to extend the requirements of Order # 01-2021 due to the continuing threat of an Avian Influenza outbreak that now involves new strains of Avian Influenza in our poultry markets.

NOW THEREFORE pursuant to Agriculture Article, §§ 3-101 *et seq.*, Annotated Code of Maryland, the Secretary of the Maryland Department of Agriculture (“MDA”), on this 26th day of January, 2022, having found cause to extend Order # 01-2021 (that was issued on September 1, 2018) for an additional six months, hereby Orders:

A. Terms defined. For the purposes of this Order, the following terms have the meanings indicated:

(1) "Auction Market" means any place where a producer, dealer, wholesaler, distributor or retailer meet to purchase or sell live poultry or hatching eggs at auction, that has been approved by the United States Department of Agriculture ("USDA") and MDA to operate as an auction market.

(2) "Avian influenza" means an infection or disease of poultry caused by viruses in the family Orthomyxoviridae, genus Influenza virus A.

(3) "Baby Poultry" means newly hatched poultry.

(4) "Department" means the Maryland Department of Agriculture or MDA.

(5) "Hatching eggs" means fertile eggs that can be incubated and hatched.

(6) "Live Bird Market" means any facility (including botanica, poultry store, or custom slaughter) that sells live poultry for on-site slaughter.

(7) "Live Bird Sales (non-slaughter)" means a place to purchase, sell, or barter poultry or their hatching eggs including, but not limited to, farmers' markets, flea markets, swap meets, and botanicas, but is neither approved by the USDA as an approved auction market nor approved by MDA as a live bird market or exhibition.

(8) "Market operator" means the person(s) primarily responsible for the daily operations of the market or event, including, but not limited to, managing seller information, and the purchases and sales of all livestock and poultry at the market or event.

(9) "Poultry" means any domesticated fowl, including, but not limited to, chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds (except doves and pigeons), which are bred for the primary purpose of producing eggs or meat.

B. Auction Market, Live Bird Market, and Live Bird Sales (Non-slaughter).

(1) A person who operates an auction market, live bird market or live bird sales (non-slaughter) located in Maryland shall comply with the following requirements:

(a) Register the poultry market premises under the Maryland Poultry Registration Program;

(b) Provide advance written notice to the Department of its operations, stating the name of the market operator, the address of the event, its inclusive dates, and hours, as follows:

(i) For auction markets: Excepting auction markets that already have provided notice of its operations pursuant to the USDA approval process for auction markets, at least 60 days before its occurrence;

(ii) For live birds sales (non-slaughter): At least 60 days before its occurrence; and

(iii) For Live Bird Markets: At least 120 days before its occurrence.

(c) Except as provided by the Secretary, each market operator shall obtain an annual license from the Secretary, which shall remain effective until the following June 30th, unless suspended or revoked.

(d) For the period of time specified in paragraph (e) immediately below, keep the following records, as applicable, for each sale or purchase of poultry:

(i) The name, address, and phone number of the buyer and seller;

(ii) The quantity, type, and species of poultry bought and sold;

(iii) Official identification if applied; and

(iv) The date of the transaction;

(e) Maintain the records noted in paragraph (d) immediately above for one year from the date of each transaction, excepting however, auction markets and live bird markets, which shall maintain these records for three years from the date of each transaction;

(f) Allow the Department to have access to and copy any required records;

(2) The Secretary may order diagnostic testing, surveillance testing, quarantine, sell-down, depopulation, market closure, cleaning, disinfection, virus elimination or other actions, deemed necessary to control the introduction and spread of Avian Influenza or other contagious or infectious diseases at an auction market, live bird market, or at live bird sales (non-slaughter).

C. Duration. This Order takes effect immediately and shall be effective through January 25, 2023, unless the danger of additional disease has passed and it is revoked earlier by the Secretary of Agriculture.

D. Violations. A person who violates this Order is subject to criminal and administrative penalties as provided under Maryland law. In addition, the Secretary of Agriculture may impose a quarantine order on any poultry, hatching eggs, eggs or nest-run eggs found in this State in violation of this Order.

E. Contact Person. If a person affected by this Order has questions, the person may contact the Office of the State Veterinarian at (410) 841-5810.



Joseph Bartenfelder
Secretary of Agriculture
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, MD 21401