

**STATE OF MARYLAND**  
**MARYLAND DEPARTMENT OF AGRICULTURE**

**SUPPLEMENTAL ORDER OF:** \* **ORDER # 04-2016**

**THE SECRETARY OF AGRICULTURE** \* **AUTHORITY: Agriculture**  
**Article, §§ 3-101 *et seq.*,**

**TO PREVENT THE SPREAD OF** \* **Annotated Code of Maryland**

**ANIMAL DISEASES IN THIS STATE** \*

\* **Effective Date: July 1, 2016**

\* \* \* \* \*

**ORDER OF THE SECRETARY**  
**GOVERNING AUCTION MARKETS, LIVE BIRD MARKETS AND OTHER**  
**MARKETS WHERE POULTRY IS BROUGHT FOR EXHIBITION OR SALE**

WHEREAS, Highly Pathogenic Avian Influenza (“HPAI”) 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 renew the requirements of Order # 02-2016 due to the continuing threat of an Avian Influenza outbreak in this State into and throughout the upcoming waterfowl migration season,

NOW THEREFORE, pursuant to Agriculture Article, §§ 3-101 *et seq.*, Annotated Code of Maryland, the Secretary of the Maryland Department of Agriculture, on this 1st day of July 2016, supplementing the previous Order issued on July 1, 2016 (Order #03-2016), hereby **ORDERS:**

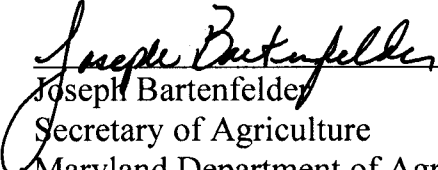
A. Terms defined. For the purposes of this amended Order, the following terms have the meanings indicated:

- (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 USDA and MDA to operate as an auction market.
- (2) "Department" means the Maryland Department of Agriculture.
- (3) "HPAI" means Highly Pathogenic Avian Influenza.
- (4) "Hatching eggs" means fertile eggs that can be incubated and hatched.
- (5) "Live Bird Market" means any facility (including botanica, poultry store, or custom slaughter) that sells live poultry for onsite slaughter or for offsite ritual use.
- (6) "Other Market" means a place to purchase, sell, barter poultry or their hatching eggs including but not limited to farmers' markets, flea markets, swap meets, botanicas and internet web-sites, but is not approved by the United States Department of Agriculture as an approved livestock facility.
- (7) "Poultry" means any domesticated fowl, of any age, including but not limited to chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds, and including hatching eggs.

B. Auction Market, Live Bird Market, and Other Market.

- (1) A person who operates an auction market, live bird market or other market where poultry is brought for sale that is located in Maryland shall comply with the following requirements:
  - (a) Register under the Maryland Poultry Registration Program;
  - (b) Notify the Department in writing, providing the name, place, and inclusive dates and hours of the event at least 30 days before the event, unless notice has otherwise been provided to MDA in the USDA approval process for Auction Markets.
  - (c) For the period of time specified in (d) below, keep the following records for each sale or purchase of poultry:
    - (i) The name, address, phone number of the buyer and seller;
    - (ii) The quantity, type, species of poultry bought and sold;
    - (iii) Official identification if applied; and
    - (iv) The date of the transaction;
  - (d) Maintain the records noted in (c) above for one year from the date of each transaction, except auction markets, which shall maintain these records for two years from the date of each transaction;

- (e) Allow the Department to have access to and to copy any required records during regular business hours;
- (2) The Secretary may order diagnostic testing or other actions deemed necessary to control the introduction and spread of Avian Influenza or other contagious or infectious poultry diseases at an auction market, live bird market or other market.
- C. Duration. This Order takes effect immediately and shall be effective through December 31, 2016 unless the danger of additional disease has passed unless 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.

  
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