

**STATE OF MARYLAND**

**MARYLAND DEPARTMENT OF AGRICULTURE**

**AMENDED ORDER OF:** \* **ORDER# AH 03-2022**  
**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: 4/27/2022**

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

WHEREAS Highly Pathogenic 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 Highly Pathogenic Avian Influenza in Maryland and 28 other states, including Pennsylvania, Delaware, Virginia, and New Jersey, which has resulted in the destruction of flocks in Maryland and these other states,

WHEREAS, nationwide, more than 31 million birds have been currently affected in this most recent outbreak, including 155 commercial flocks and 80 backyard flocks,

WHEREAS, in response to this outbreak, the Secretary of Agriculture has imposed quarantine orders on certain affected locations in the state, ordering the destruction of more than 1.4 million birds and 19 million eggs at one location in Cecil County, and 150,000 birds in Queen Anne's County,

WHEREAS Highly Pathogenic Avian Influenza has also been detected in the wild bird population in the state,

WHEREAS, in light of the spread of this disease nationwide, including the neighboring states of Pennsylvania, Delaware and Virginia, the movement and commingling of poultry for any purpose within, into, and out of the quarantined areas of the state, and the state itself, 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 at Poultry Auction Markets, Other Markets (non-slaughter), and Exhibitions, is needed once the movement of poultry to these locations is allowed,

WHEREAS restrictions to movement of poultry to certain markets, sales and exhibitions are now immediately needed, and

WHEREAS, the Secretary has determined that there is a need to amend the requirements of Order # 02-2022 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 25<sup>th</sup> day of April, 2022, having found cause to amend Order # 02-202, hereby Orders:

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

- (1) “Avian influenza” means an infection or disease of poultry caused by viruses in the family Orthomyxoviridae, genus Influenza virus A.
- (2) “Department” means the Maryland Department of Agriculture or MDA.
- (3) “Exhibition” means displaying or showing live poultry or hatching eggs other than for the primary purpose of sale, including, among other examples, county and state fairs, farm shows, petting zoos, races, and breeding shows.
- (4) “Live Bird Market” means any facility including botanica, poultry store, or custom slaughter that sells live poultry for on-site slaughter.
- (5) “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.
- (6) (a) “Other Market (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 United States Department of Agriculture (“USDA”) as an approved auction market nor approved by MDA as a live bird market or exhibition.  
(b) “Other Market (non-slaughter)” does not mean a farm or other location (e.g., a Tractor Supply store) selling poultry or hatching eggs that:
  - (i) Are derived immediately from flocks and hatcheries participating in the National Poultry Improvement Plan (NPIP) or equivalent program; and
  - (ii) Are not and have not been commingled with other poultry.
- (7) “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.
- (8) “Poultry 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, which has been approved by the USDA) and MDA to operate as an auction market.

B. Selling, Exchanging, and Commingling of Poultry at Poultry Auction Markets, Other Markets (non-slaughter), and Exhibitions prohibited until August 1, 2022.

(1) A person may not operate a Poultry Auction Market, Other Market (non-slaughter), or Exhibition where poultry are displayed, sold, exchanged, commingled, or otherwise held for such purpose until August 1, 2022.

(2) A person may continue to operate a Live Bird Market where poultry are sold for on-site slaughter and otherwise sell poultry or hatching eggs that:

(i) Are derived immediately from flocks and hatcheries participating in the NPIP or equivalent program; and

(ii) Are not and have not been commingled with poultry from other flocks.

C. Requirements for Operating a Poultry Auction Market, Live Bird Market, and Live Bird Sales (Non-slaughter).

(1) A person who operates a Poultry Auction Market, Live Bird Market or Other Market (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 Poultry 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 Other Markets (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).

D. 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.

E. Violations. A person who violates this Order is subject to criminal and administrative penalties as provided under Maryland state 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.

F. 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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