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HOUSE BILL NO. 2641

Offered January 10, 2003

A BILL to amend the Code of Virginia by adding in Chapter 27 of Title 3.1 an article numbered 1.1, consisting of sections numbered 3.1-741.3, 3.1-741.4, and 3.1-741.5, relating to avian influenza.

Patrons—Weatherholtz, Albo, Bloxom, Cline, Council, Hogan, Landes, Louderback, Saxman and Wright

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 27 of Title 3.1 an article numbered 1.1, consisting of sections numbered 3.1-741.3, 3.1-741.4, and 3.1-741.5, as follows:

*Article 1.1.**Testing for Avian Influenza.**§ 3.1-741.3. Definitions.*

As used in this article, unless the context requires a different meaning:

"Accredited veterinarian" means a veterinarian approved by the United States Department of Agriculture in accordance with 9 CFR Part 161.

"Subject avian" means any chicken, turkey, waterfowl, game bird, or other avian that is susceptible to avian influenza.

§ 3.1-741.4. Importation of subject avians; test.

A. Except as provided in subsection D, no person may bring or ship to Virginia any subject avian from any state that is subject to a current avian influenza testing proclamation, issued pursuant to § 3.1-741.5, unless:

1. The subject avian is first tested and found negative for avian influenza, or comes from a flock that has first been tested and found negative for avian influenza, within 10 days before the subject avian enters Virginia; and

2. The results of the test for avian influenza are recorded on a health certificate signed by an accredited veterinarian in the state of origin.

B. In testing for avian influenza pursuant to this section, the accredited veterinarian shall use only a test method approved by the State Veterinarian, conducted in a laboratory approved by any state or federal animal health authority.

C. Any person who violates this section shall be guilty of a Class 1 misdemeanor.

D. Nothing in this section shall apply to any subject avian passing through Virginia to another state.

§ 3.1-741.5. State Veterinarian's proclamation of avian influenza testing.

When avian influenza of the H5 or H7 subtype has been found in another state, or conditions in another state render the importation of any specific type of subject avian a menace to the health of any animal in the Commonwealth, or the protection of any animal in the Commonwealth from avian influenza so requires, the State Veterinarian may issue with respect to that state and with respect to that specific type of subject avian a proclamation of avian influenza testing. Nothing in this article shall be deemed to limit the State Veterinarian's authority pursuant to § 3.1-734.

INTRODUCED

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