

033234984

HOUSE BILL NO. 2641**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on January 29, 2003)

(Patron Prior to Substitute—Delegate Weatherholtz)

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.

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 Section 160.1 (2002).

"Broiler" means any chicken that is grown exclusively for food purposes.

"Hatching egg" means any egg of any chicken, turkey, waterfowl, or game bird, or the egg of any other avian species susceptible to avian influenza that is used or intended to be used for hatching purposes.

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

§ 3.1-741.4. Importation of subject avian species; test.

A. Except as provided in subsection D, no person may bring or ship to Virginia any type of subject avian species or hatching egg 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 species or hatching egg 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 species or hatching egg 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 or on a report issued by a laboratory approved by any state or federal animal health authority.

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:

1. Any subject avian species or hatching egg passing directly through Virginia to another state without being removed from its primary container;

2. Any hatching egg, day-old chicken, or day-old turkey, so long as the flock from which the hatching egg, day-old chicken, or day-old turkey originates participates in the National Poultry Improvement Plan's Avian Influenza Clean Program, unless otherwise expressly provided by the proclamation of avian influenza testing issued pursuant to § 3.1-741.5; or

3. Any broiler going directly to slaughter unless otherwise expressly provided by the proclamation of avian influenza testing issued pursuant to § 3.1-741.5.

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

When (i) avian influenza of the H5 or H7 subtype has been found in another state, (ii) the State Veterinarian determines that conditions in another state render the importation of any specific type of subject avian species or hatching egg a menace to the health of any animal in the Commonwealth, or (iii) the protection of any animal in the Commonwealth from avian influenza so requires, the State Veterinarian may issue with respect to that state, or any portion thereof, a proclamation of avian influenza testing. Such proclamation shall set forth the specific types of subject avian species or hatching eggs to be tested. Nothing in this article shall be deemed to limit the State Veterinarian's authority pursuant to § 3.1-734.