

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 21

An Act to amend and reenact § 3.1-741.4 of the Code of Virginia, relating to testing for avian influenza.

[H 1424]

Approved February 22, 2008

Be it enacted by the General Assembly of Virginia:

1. That § 3.1-741.4 of the Code of Virginia is amended and reenacted as follows:

§ 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~~ *the specific period of time set out by the proclamation of the State Veterinarian* 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, day-old game bird or day-old turkey, so long as the flock from which the hatching egg, day-old chicken, day-old game bird 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.

2. That an emergency exists and this act is in force from its passage.