

AMENDED AVIAN INFLUENZA EMERGENCY RULE
Effective March 23, 2022, through July 20, 2022

As used in this rule:

“Affected area” means a radius of 25 miles surrounding a flock with a confirmed case of highly pathogenic avian influenza (HPAI).

“Domestic Waterfowl” means ducks and geese that have been selectively bred for meat, eggs, or exhibition purposes.

“Exhibit” means gathering or commingling for purposes of show, public display, or competition.

“Poultry” means chickens, turkeys, guinea fowl, pigeons, ostrich, emus, or pheasants raised commercially or domestically for meat, eggs, and feathers.

“Poultry Industry” means entities involved in the production of poultry and waterfowl, of any species, for the purpose of meat and/or eggs.

I. It is prohibited to:

A. Exhibit poultry and domestic waterfowl;

B. Move poultry or domestic waterfowl from or within an affected area;

- Poultry with commuter agreements or premovement avian influenza testing by polymerase chain reaction (PCR) or antigen capture are exempt from paragraph B.

C. Sell barter, trade, auction, or give away, poultry or domestic waterfowl at fairs, swap meets, auctions, flea markets, and similar events and locations within an affected area.

- Chicks and ducklings three weeks of age or less originating from a NPIP certified flock are exempt from paragraph C.

II. Other conditions or requirements imposed by appropriate federal agencies may also apply.

EMERGENCY DECLARATION

Since January of 2022 multiple states have confirmed cases of highly pathogenic avian influenza (HPAI) in both commercial and backyard operations. HPAI is caused by an influenza type A virus which can infect poultry and wild birds, especially waterfowl. HPAI is a contagious and economically devastating disease that causes severe illness and/or death in poultry, such as chickens, turkeys, and ducks.

There are no treatments or vaccines currently available to control avian influenza. The only available control for the disease is by depopulating all affected and exposed flocks. The spread of this highly contagious disease in poultry presents imminent peril to the welfare of the state’s poultry industry, due to the potential to quickly destroy private property and cause economic hardship.

The commingling of poultry and waterfowl from multiple locations presents a significant risk of transmission of HPAI. Therefore, it is necessary to establish a temporary prohibition of exhibition of birds at events where birds from multiple sources are commingled, such as fairs, shows, and exhibitions; and to temporarily restrict the sale and movement of poultry and domestic waterfowl in affected areas.

These matters constitute imminent peril to the public welfare which requires adoption of an emergency rule.

However, unforeseen excessive temperatures have also caused imminent peril to the public welfare which requires an emergency amendment to this rule regarding the confinement of free range and backyard poultry. Those involved in raising of said poultry typically do not have the type of structures that allow the safe confinement of the poultry during extended periods of high temperatures. Due to the current high temperatures, which are expected to continue for the duration of this rule, free range and backyard poultry will not be required to be confined under roof or inside structures.

This amendment will take effect immediately upon filing with the Secretary of State.