

### **302 KAR 20:250. Avian influenza.**

RELATES TO: KRS 257.070(2), 9 C.F.R. 71.10

STATUTORY AUTHORITY: KRS 257.030, 257.070(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 257.070 requires that importation of animals into Kentucky complies with administrative regulations promulgated by the board. This administrative regulation establishes requirements for entry into Kentucky to prevent the introduction and spread of avian influenza virus into Kentucky domestic poultry.

Section 1. Definitions. (1) "AGID" means Agar Gel Immunodiffusion.

(2) "Clean and disinfected" means the item is free of organic matter and is disinfected with a phenolic or chlorine-based disinfectant or other agent, approved in 9 CFR 71.10, that is viricidal to avian influenza virus.

(3) "Domestic poultry" means chickens, turkeys, quail, pheasants, chukars, peafowl, guineas, ratites, and waterfowl.

(4) "ELISA" means Enzyme Linked Immunosorbent Assay.

(5) "Flock affected with low pathogenic avian influenza" means the subtype H5 or H7 low pathogenic avian influenza virus has been diagnosed in that flock.

(6) "Low pathogenic avian influenza" means the detection of subtype H5 or H7 low pathogenic avian influenza virus by serology, antigen detection, or virus isolation.

(7) "NPIP" means National Poultry Improvement Plan.

(8) "Poultry products" means hatching eggs, chicks, poults, table eggs, litter, and offal, except for processed poultry meat for human consumption.

(9) "State affected with low pathogenic avian influenza" means low pathogenic avian influenza virus has been diagnosed anywhere within the state in chickens or turkeys raised intensively for commercial purposes. A state shall be considered to remain affected with low pathogenic avian influenza until the state has depopulated infected flocks and had no new infection for at least ninety (90) days after depopulation.

Section 2. Live domestic poultry or poultry products originating from any flock affected with low pathogenic avian influenza, including noncommercial poultry, shall not enter Kentucky for any purpose.

Section 3. (1) Unfed baby chicks or hatching eggs from states affected with low pathogenic avian influenza, including noncommercial poultry, shall enter Kentucky only under the following circumstances:

(a) The unfed baby chicks or hatching eggs originate from a flock that is certified avian influenza clean from the NPIP, with the flock testing negative within thirty (30) days prior to chicks or eggs entering Kentucky, and the shipment is accompanied by a USDA VS Form 9-3 listing test dates, test results, and name of testing laboratory;

(b) The unfed baby chicks or hatching eggs originate from an avian influenza negative flock that participates in an approved state sponsored avian influenza monitoring program, with the flock testing negative within thirty (30) days prior to chicks or eggs entering Kentucky, and the shipment is accompanied by a Certificate of Veterinary Inspection indicating participation and listing the general description of the birds, test dates, test results, and name of testing laboratory; or

(c) The unfed baby chicks or hatching eggs originate from a flock in which a minimum of thirty (30) birds, or the complete flock if fewer than thirty (30), are serologically negative to an ELISA or AGID test for avian influenza within thirty (30) days prior to chicks or eggs entering

Kentucky. If more than one (1) house or pen is on the premises, samples from poultry in each house or pen shall be represented in the tests. The shipment shall be accompanied by a Certificate of Veterinary Inspection listing the general description of the birds, test dates, test results, and name of testing laboratory.

(2) All source flocks supplying a hatchery or collection point shall comply with this section in order for any unfed baby chicks or hatching eggs from that hatchery or collection point to be shipped into Kentucky.

(3) Upon confirmation of health requirements and prior to entry into Kentucky, a permit number shall be issued by the Kentucky Department of Agriculture by calling (502) 564-3956, Monday through Friday, 8 a.m. to 4:30 p.m. The permit number shall be recorded on the USDA VS Form 9-3 or the Certificate of Veterinary Inspection.

Section 4. Chicks, poults, or hatching eggs originating from a hatchery or collection point that received eggs from a low pathogenic avian influenza flock shall not enter Kentucky unless:

(1) All eggs from the flocks affected with low pathogenic avian influenza have been removed from the hatchery or collection point;

(2) Following removal of the eggs from the affected flock, the hatchery or collection point and associated equipment, containers, and vehicles have been thoroughly cleaned and disinfected; and

(3) A statement from the owner, manager, or agent verifying compliance with the requirements of this section is included on or attached to the USDA VS Form 9-3 or Certificate of Veterinary Inspection.

Section 5. (1) Chicks, poults, or hatching eggs entering Kentucky from states affected with low pathogenic avian influenza shall be transported in new disposable containers or reusable containers that have been cleaned and disinfected.

(2) A statement from the owner, manager, or agent verifying compliance the requirement of subsection (1) of this section shall be included on or attached to the USDA VS Form 9-3 or the Certificate of Veterinary Inspection.

(3) Disposable containers and any associated papers with the shipment shall be properly disposed at the point of destination.

(4) Reusable containers shall be cleaned and disinfected a second time at the point of destination.

Section 6. Live poultry and poultry products, except unfed baby chicks and hatching eggs, from states affected with low pathogenic avian influenza may enter Kentucky only under the following circumstances:

(1) A minimum of thirty (30) birds representative of the flock are serologically negative to an ELISA or AGID test for avian influenza within 120 hours of entry and a minimum of ten (10) birds (two (2) pools of five (5) birds each) representative of the flock are tested negative on tracheal swabs to a Directigen test within seventy-two (72) hours of entry. If more than one (1) house or pen is on the premises, samples from poultry in each house or pen shall be represented in the tests. The shipment shall be accompanied by a Certificate of Veterinary Inspection listing the general description of the birds, test dates, test results, and name of testing laboratory; and

(2) Upon confirmation of health requirements and prior to entry into Kentucky, a permit number shall be issued by the Kentucky Department of Agriculture by calling (502) 564-3956, Monday through Friday, 8 a.m. to 4:30 p.m. The permit number shall be recorded on the Certificate of Veterinary Inspection.

Section 7. Poultry originating from Kentucky that have been transported to a state that is affected with low pathogenic avian influenza shall not return to Kentucky until the time that they have met the requirements established in Section 6 of this administrative regulation.

Section 8. (1) All vehicles associated with transporting poultry or poultry products from states affected with avian influenza shall be cleaned and disinfected prior to loading of poultry or poultry products.

(2) Loaded vehicles shall also have tires, wheels, and undercarriage cleaned and disinfected a second time after leaving the premises and prior to entering Kentucky.

(3) Vehicles used to transport poultry or poultry products that are empty shall be completely cleaned and disinfected inside and outside prior to entering Kentucky.

(4) A statement from the owner, manager, or agent verifying compliance with the requirements of this section shall be included on or attached to the USDA VS Form 9-3 or the Certificate of Veterinary Inspection, if the documents are required by Sections 3 to 6 of this administrative regulation.

Section 9. If the Kentucky Department of Agriculture determines that a state affected with low pathogenic avian influenza poses a risk to Kentucky poultry, then the department may restrict the entry of poultry into Kentucky for the purpose of being offered for sale, barter, exchange, or exhibition in any auction market, marketplace, fair, show, or other event where live poultry are customarily assembled in Kentucky from multiple sources.

Section 10. Penalties for any violation of this administrative regulation shall be in accordance with KRS 257.990.

Section 11. Incorporation by Reference. (1) "United States Department of Agriculture, Animal and Plant Health Inspection Service, National Poultry Improvement Plan' Report of Sales of Hatching Eggs, Chicks, and Poult's', Form VS 9-3, June, 1998" is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the office of the Department of Agriculture, Office of State Veterinarian, 100 Fair Oaks, 2nd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (29 Ky.R. 592; Am. 1265; eff. 11-13-02; Crt eff. 2-18-2020.)