



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Agriculture TITLE-SERIES: 61-13A
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: Yes
RULE NAME: 61-13A Poultry Rules for Hatcheries, Growers and Contractors Pertaining to Poultry Disease Control and Eradication

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: §19-9

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/11/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

n/a

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

The rule contains regulations for poultry disease and testing.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The rule is being repealed because the provisions of this rule are included in 61CSR1 Section 15.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

n/a

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

n/a

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

n/a

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Norman Bailey -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**TITLE 61
LEGISLATIVE RULE
DEPARTMENT OF AGRICULTURE**

**SERIES 13A—
POULTRY—RULES FOR HATCHERIES, GROWERS AND CONTRACTORS PERTAINING TO POULTRY DISEASE
CONTROL AND ERADICATION—**

~~§61-13A-1. General.~~

~~1.1. Scope. These legislative regulations establish general operating rules and procedures in the Poultry Division.~~

~~1.2. Authority. W. Va. Code §19-9.~~

~~1.3. Filing Date. June 30, 1955.~~

~~1.4. Effective Date. June 30, 1955.~~

~~§61-13A-2. Regulations.~~

~~2.1. All hatcheries shall report weekly the total number of eggs set and the total number of chicks and poults hatched to the Federal State Crop Reporting Service, State Department of Agriculture, Capitol Building, Charleston, West Virginia.~~

~~2.2. All dealers in baby chicks and broiler contractors shall report the number of inshipments of chicks and poults to the State Department of Agriculture, Capitol Building, Charleston, West Virginia.~~

~~2.3. All hatcheries producing and offering for sale baby chicks and turkey poults shall have their breeder supply flocks officially blood tested for pullorum typhoid.~~

~~2.4. All chickens to be used as breeders must be tested when more than five (5) months of age.~~

~~2.5. All turkeys to be used as breeders must be tested when more than four (4) months of age.~~

~~2.6. All flocks shall consist of healthy, normal individuals characteristic of the breed and variety, cross or other combination which they are stated to represent.~~

~~2.7. All domesticated birds on the premises, with the exception of a flock of unmated layers properly segregated, shall be tested and qualified as pullorum typhoid clean.~~

~~2.8. All official tests for pullorum typhoid will be made by trained inspectors employed by and under the supervision of the West Virginia Department of Agriculture.~~

~~2.9. The official test for pullorum typhoid in chickens shall be the stained antigen, rapid, whole-~~

blood test.

~~2.10.— The official test for pullorum typhoid in turkeys shall be the rapid serum test.~~

~~2.11.— No private or unofficial tests will be permitted.~~

~~2.12.— In conducting such official tests the recommended procedures of the Agricultural Research Service, Animal and Poultry Husbandry Branch of the United States Department of Agriculture shall be used.~~

~~2.13.— Each lot of pullorum typhoid antigen used for testing shall be approved by the United States Department of Agriculture.~~

~~2.14.— There shall be an interval of at least twenty one (21) days between any official blood test and any previous test with pullorum typhoid antigen.~~

~~2.15.— All reactors shall be considered in determining the classification of a flock.~~

~~2.16.— Reactors may be submitted to a state laboratory for autopsy and bacteriological examination. In case such bacteriological examination fails to demonstrate pullorum or typhoid infection, the flock shall be deemed to have had no pullorum or typhoid reactors.~~

~~2.17.— Hatcheries shall furnish local transportation for tester.— Hatcheries and/or flockowner shall provide necessary labor in handling birds to be selected and tested.~~

~~2.18.— Immediate removal of reactors for slaughter shall be made.— Disposal of suspects and rejects shall be made within ten (10) days from date of test and a report made of such disposal.~~

~~2.19.— Testing and inspection fee shall be five and one half cents (5 1/2¢) per bird for chickens and turkeys, which includes an officially sealed and numbered leg band.— Payment to be made to the State Department of Agriculture on completion of test.~~

~~2.20.— The above stated regulations covering chicken and turkey testing are intended to supplement the U.S.D.A.— publication dated and effective December 9, 1954, and the regulations for the operation of the National Poultry and Turkey Improvement Plans in West Virginia, as revised March 11, 1955, and under no circumstances are these regulations to be considered as eliminating any of the minimum provisions as outlined in the publications above dated.—~~