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Model State Law Proposed To Regulate Birds

by Jerry Jennings
Woodland Hills, CA

At the request of the U.S. Animal Health Association, the U.S. Department of Agriculture's Animal, Plant Health Inspection Service (APHIS) has requested the Southeastern Cooperative Wildlife Disease Study, College of Veterinary Medicine, University of Georgia to evaluate the current animal trade and draft a Model State Law for its regulation.

When the Model State Law is in its final form, it would be forwarded to the state legislature of each of the fifty states with recommendation that this law be adopted. Of course, each state will have to individually consider this model law and a bill must be introduced into each legislature and hearings must be held before any portion of the Model State Law is adopted by that state.

The present draft of the Model State Law, if adopted, could put an effective end to the bird trade. It defines all birds except chickens, turkeys, domestic ducks and geese, and pigeons as zoological animals. Zoological animals (birds) would be subject to stiff regulation, or outright prohibition. A tiered classification system is urged, wherein Class I animals would be prohibited without exception. Class II animals would be allowed to be possessed and sold only if the owner/seller holds a valid Class II license to do so. Class III animals could be possessed and sold without a permit, unless the holder was engaged in commercial activity, for which a Class III permit would be required.

Class I species recommended include all starlings (*Sturnidae*), except the greater hill mynah, all cuckoos (*Cuculidae*), all sky larks (*Alaudidae*), all bulbuls (*Pycnonotidae*), the monk parakeet, red billed weaver, cowbirds, blackbirds, all white eyes, ostriches, casowaries, and several others.

Class II species are all species not in Class I or Class III. Included in Class II

are all softbills, except the hill mynah, not listed in Class I.

Class III species are all remaining psittacines, finches and gamebirds not listed in Class I.

All interstate shipments of zoological animals, regardless of whether they are in Class I, II, or III, shall be accompanied by an interstate health certificate signed by a licensed veterinarian AND approved by a state official. These certificates shall contain common and scientific names of the species, names and addresses of consignor and consignee, origin and destination of shipment, accurate identification of animal, purpose for which they are shipped, and method of transportation. Prior approval of entry into the state must be obtained from the appropriate state agency, except for shipments between public zoos or research facilities registered under the Animal Welfare Act.

All gamebirds, including pheasants, quail, ducks, geese, swans, chukar, partridge, frankolins, and cranes as well as any hatching eggs, shipped into the state must be reported to the State Department of Agriculture through a state poultry laboratory under one of the following methods: a) reported on an official National Poultry Improvement Plan Form #15 if the birds come from a NPIP pullorum-typhoid control program and an approval number has been obtained from the State Department of Agriculture prior to shipment, or b) reported on a health certificate signed by the livestock sanitary official of the state of origin certifying the shipment has met that state's regulations for control of pullorum-typhoid and other contagious or infectious diseases, or c) reported on a health certificate signed by the livestock sanitary official of the state of origin certifying the shipment was tested for pullorum-typhoid disease within the

past 30 days and found to be negative, or in the case of hatching eggs, the flock from which they originated was tested for pullorum-typhoid disease within the past 30 days and found to be negative.

Gamebirds brought into the state for not more than five days for shows, fairs, and exhibitions, then returning to the state of origin must be individually tested for pullorum-typhoid within 90 days prior to entry and found to be negative. Each such gamebird must be identified with a leg band or other suitable means.

Prior to the entry of cage birds or companion birds, a permit number must be obtained from the State Department of Agriculture. This number must be indicated on the interstate health certificate and other accompanying documents. Health certificates must be issued within ten days prior to shipment and all psittacine birds must be identified with a numbered leg band. Within five days of arrival of the shipment, the recipient must notify the State Department of Agriculture of the arrival, except for cage birds and companion birds shipped into the state for shows, fairs, or exhibitions and which will not remain in the state for more than five days.

The Model State Law will further require that anyone possessing, selling, shipping, or transporting any bird, regardless of which class it is, shall comply with the requirements of the U.S. Animal Welfare Act. Specifically, the law would require sturdy construction of facilities, provision for maintenance of minimum sanitary standards, service of palatable food, provision of routine veterinary care and minimum sizes for cages and enclosures.

This Model State Law attempts to address the lack of uniform regulation among the states concerning the management of animal keeping and trading practices. It quite obviously goes too far in its requirement for testing and reporting of bird shipments, the costs of which far outweigh any potential risk. Further, like any other Model State Law, the uniformity which it seeks will likely prove elusive, since few states adopt such proposals in their entirety, but rather add to or subtract from in an effort to deal with what each state perceives as their own "unique" situation.

Hearings on the draft have been scheduled for January and March in order that interest groups have an opportunity to input. AFA will be well represented and members will be informed as to the progress. ●

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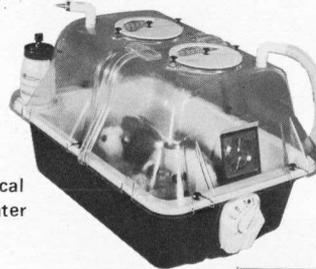
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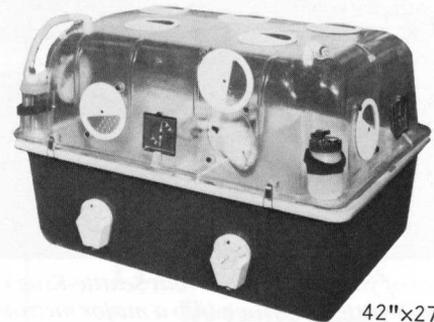
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