

HAWAII ADMINISTRATIVE RULES

TITLE 4

DEPARTMENT OF AGRICULTURE

SUBTITLE 3

DIVISION OF ANIMAL INDUSTRY

CHAPTER 28

POULTRY AND BIRDS

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Historical Note: Chapter 4-28 is based substantially upon chapter 4-19 [Eff 10/05/81; am 3/24/83; R ] which is based substantially upon Regulation 1 entitled "Definition of Terms, Etc." [Eff 9/26/49; am 9/29/55; am 7/25/57; am 6/26/58; am 8/15/68; am 5/19/72; am 10/31/74; am 8/16/77; am 8/21/80; R 10/5/81]; Regulation 2 entitled "Permits for Importation" [Eff 9/26/49; am 9/29/55; am 7/24/70; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 3 entitled "Inspection and Quarantine" [Eff 9/26/49; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 4 entitled "Landings and Entry into Territory" [Eff 9/26/49; am 4/29/54; am 8/15/68; am 6/26/70; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 11 entitled "Importation of Poultry and Hatching Eggs" [Eff 9/26/49; am 5/20/54; am 9/29/55; am 6/21/68; am 5/19/72; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 105 entitled "Relating to Use of Facilities at the Animal Quarantine Station, Honolulu" [Eff 9/26/49; am 6/26/70; am 2/18/72; am 7/30/73; am 2/26/76; am 8/16/77; am 7/17/80; am 8/21/80; R 10/5/81]; Regulation 106 entitled "Quarantine of Premises, Animals and Effects" [Eff 9/26/49; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 107 entitled "Penalty" [Eff 9/26/49; am and ren Regulation 200 9/29/55; am 7/25/57; am 6/26/58; am 10/31/74; am 8/21/80; R 10/5/81]

#### SUBCHAPTER 1

#### GENERAL PROVISIONS

§4-28-1 Objectives. The objectives of this chapter are to prevent the introduction of pests and

diseases of poultry and birds into the State, and to control poultry and bird diseases found in the State. [Eff ] (Auth: HRS §142-2) (Imp: HRS §142-3)

§4-28-2 Definitions. As used in this chapter, unless the context requires otherwise:

"Accredited veterinarian" means a veterinarian certified by federal and state animal health authorities to participate in cooperative disease control activities, including execution of official certificates of veterinary inspection for the interstate and international movement of animals.

"APHIS" means Animal and Plant Health Inspection Service of the United States Department of Agriculture.

"Aviary game bird" includes the various species of pheasant which are of rare nature and are generally propagated and raised for ornamental and aesthetic purposes, but does not pertain to birds raised for food, fighting, baiting, or for similar commercial purposes.

"Bird" or "birds" means all birds of the class aves, including eggs for hatching, other than poultry.

"Board" means the board of agriculture, State of Hawaii.

"Carrier" means a person or company engaged in the activity of transporting animals, by land, sea, or air including any ship, vessel, airplane, or other conveyance used to transport animals; or its master, commanding officer, owner, local manager, broker or agent.

"Carrier pigeon" means a homing or racing pigeon that has an identification device.

"Certificate of veterinary inspection" or "CVI" means an official state or federal certificate issued by an accredited veterinarian or state or federal veterinary officer providing all information and test results required for poultry and birds to enter Hawaii and certifying that the poultry or birds being transported are free of symptoms of transmissible disease.

"Commercial chickens" means chickens other than hatching eggs and day-old chickens, originating from NPIP certified hatcheries, imported for commercial egg or meat production, by entities maintaining a valid Hawaii General Excise Tax license for that purpose.

"Day-old birds" means birds that are shipped

directly to Hawaii before twenty-four hours of age but may arrive after twenty-four hours of age. "Day-old birds" shall mean and include day-old poultry.

"Department" or "department of agriculture" means department of agriculture, State of Hawaii.

"Division" means division of animal industry, department of agriculture.

"Effects" means crates or cages used to transport poultry or birds, and bedding, dishes, toys, or other objects that may accompany any bird, including poultry.

"Entry" means the release of poultry or birds into the community after completion of all requirements set forth in this chapter.

"Hold order" means an order issued by the state veterinarian restricting the movement of all animals, effects, and implements at a premise undergoing a disease investigation, for a maximum period of ninety days for each hold order.

"Identification device" means either a band placed around the leg or attached within the wing of poultry and birds or an implantable electronic microchip that allows poultry or birds to be individually identified with a unique numeric or alphanumeric identifier.

"Inspector" means a veterinarian, livestock inspector, or any officer or employee of the department of agriculture or USDA, authorized or designated by the state veterinarian to enforce the provisions of this chapter.

"Isolation" means to keep poultry and birds separated in a room not being used to house any other poultry or birds except that imported poultry or birds received less than seven days apart may be held together with the prior approval of an inspector.

"NPIP" means National Poultry Improvement Plan.

"Pigeon" means rock doves (*Columbia livia*).

"Poultry" means ducks, geese, pigeons, and birds of the Order *Galliformes* such as chickens, turkeys, guinea fowls, peafowl, pheasants, grouse, partridges, and quail, including their eggs for hatching.

"Premise" means a property, including any structure on it.

"Pullorum-Typhoid" means diseases of poultry caused by *Salmonella pullorum* and *Salmonella gallinarum*, respectively.

"Quarantine" means the secure isolation and confinement of poultry or birds on a premise or premises, or in an area designated by the state veterinarian. No poultry or birds may be removed

from or added to these premises or areas except as permitted by the state veterinarian.

"Racing pigeon" means any pigeon whose identification device is registered with any county, state, national, or international pigeon racing organization.

"Shipmaster's declaration" means an official state form that shall be completed and submitted by a carrier and that provides information on poultry and birds transported including the name of the importer.

"Show pigeon" means any pigeon intended for show purposes that bears an identification device.

"State veterinarian" means the veterinary program administrator in the division of animal industry, department of agriculture.

"Transmissible disease" means any contagious, infectious, or communicable disease of poultry or birds.

"USDA" means United States Department of Agriculture.

"Vaccine" means a suspension of live, attenuated, killed, or genetically altered organisms or parts thereof used for the prevention, amelioration, or treatment of infectious diseases.

"Valid import permit" or "import permit" or "poultry and bird import permit" means a properly completed import permit issued by the division and signed by an accredited veterinarian or a NPIP approved state inspector authorized to issue a "Report of Sales of Hatching Eggs, Chicks, and Poults" (VS Form 9-3, Oct 81). An NPIP approved state inspector may only issue an import permit for day-old poultry or hatching eggs.  
[Eff ] (Auth: HRS §142-2) (Imp: HRS §§142-3, 142-101, 142-111)

## SUBCHAPTER 2

### IMPORT REQUIREMENTS

§4-28-3 Regulatory jurisdiction. Importation of poultry and birds into the State of Hawaii are subject to this chapter. International shipments of poultry and birds shall also meet federal entry requirements.  
[Eff ] (Auth: HRS §142-2) (Imp: HRS §142-3)

§4-28-4

§4-28-4 Entry of poultry, birds, and effects without inspection prohibited. Poultry or birds may be denied entry into the State unless all preshipment and quarantine requirements have been met. Landing or arrival of poultry or birds for purposes of inspection shall not constitute entry into the State for any purpose whatsoever. No poultry or birds shall be allowed to enter the State except after inspection, quarantine, and other pre-entry requirements have been met. Every carrier, owner, handler, or other person causing poultry or birds to arrive in the State shall be required to present the animals to the department for inspection immediately upon arrival. No effects of poultry or birds that accompany the animals shall be entered into the State unless inspected and passed by an inspector. [Eff ] (Auth: HRS §142-2) (Imp: HRS §§142-4, 142-5)

§4-28-5 Arrival port. All poultry and birds, including hatching eggs and day-old birds, shall be landed at the Honolulu International Airport and be submitted to the airport animal quarantine holding facility for inspection. [Eff ] (Auth: HRS §142-2) (Imp: HRS §§142-3, 142-4, 142-5)

§4-28-6 Containers. All poultry and birds shall be transported in either new containers or in containers that have been thoroughly cleaned and disinfected to remove droppings, blood, feathers, fluff, eggshells, yolk, albumen, litter or other bedding, food, or other residual materials associated with container use. [Eff ] (Auth: HRS §142-2) (Imp: HRS §§142-3, 142-4)

§4-28-7 Carrier responsibility. (a) Carriers transporting poultry and birds into the State, except poultry and birds in transit to ports outside of Hawaii, shall immediately upon arrival deliver the shipment to the Honolulu International Airport animal quarantine holding facility and submit a shipmaster's declaration to the division providing the following:

- (1) Name and address of owner, importer, consignee, and port of origin of the poultry

and birds;

- (2) Number of poultry and birds onboard; and
- (3) Number of poultry and birds that have died or have been injured en route, with the circumstances of the deaths or injuries.

(b) Poultry and birds in transit to ports beyond Hawaii shall not be off-loaded for any purpose unless authorized by the state veterinarian or an inspector.

(c) Carriers shall not accept for transport to Hawaii any shipment of poultry or birds, including hatching eggs, without a valid "Poultry and Bird Import Permit" (Form DC-50, 8/03), which is attached at the end of this chapter. The import permit shall be obtained from the division and securely fixed to the outside of a shipping container, group of shipping containers, or pallet of shipping containers so that it is clearly visible. It shall be the responsibility of the carrier to deny shipment, or immediately transport to a port outside of Hawaii, all poultry and birds arriving without a valid import permit. The import permit shall contain:

- (1) An entry number issued by the state veterinarian or an inspector;
  - (2) A list and count for each species of poultry or birds shipped;
  - (3) A destination address, name, and contact telephone number;
  - (4) A return address, name, and contact telephone number;
  - (5) A statement that provisions of this chapter were met for all poultry and birds in the shipment, including the telephone number and name of the facility used to meet preshipment quarantine requirements for poultry and birds subject to quarantine as provided in section 4-28-8(a); and
  - (6) The signature of the accredited veterinarian attesting that preshipment requirements have been met, or in the case of day-old birds and hatching eggs, the signature of a NPIP hatchery agent or accredited veterinarian.
- [Eff \_\_\_\_\_] (Auth: HRS §142-2)  
 (Imp: HRS §§142-3, 142-4, 142-5, 142-8)

§4-28-8 Preshipment requirements. (a) In addition to any other applicable requirements, an import permit issued by the division shall be required

to import all poultry, birds, day-old birds, and hatching eggs. Each shipment shall have a valid import permit attached, in plain view, to the outside of a shipping container, group of shipping containers, or pallet of shipping containers, used to transport the birds and poultry into the State.

(b) For all poultry and birds, an import permit shall not be issued and entry into the State not permitted unless the poultry and birds for entry have been quarantined in isolation from mosquitoes in a mosquito-free and mosquito-proof enclosure under the supervision of the accredited veterinarian issuing the CVI for entry. The isolation period shall be for a minimum period of seven days (one hundred and sixty-eight hours) and poultry or birds shall enter the State within thirty-six hours of completion of the seven days isolation. The seven days isolation period shall not apply to the following:

- (1) Hatching eggs and day-old birds;
- (2) Chickens, pheasants, quail, chuckers, rock doves (*Columba livia*), and budgerigars (*Melopsittacus undulates*) that are older than four weeks; and
- (3) Poultry or birds with a positive specific antibody test to West Nile virus (enzyme-linked immunosorbent assay, plaque-reduction neutralization test, or hemagglutination inhibition test) performed between thirty days and one hundred and eighty days of entry by a laboratory approved by the Hawaii state veterinarian. Positive and negative test results shall be interpreted according to national standards for the type of test performed.

(c) For all poultry and birds, entry shall not be permitted into the State unless the following conditions have been met and certified in writing by the accredited veterinarian issuing a CVI, or a NPIP state inspector authorized to issue a "Report of Sales of Hatching Eggs, Chicks, and Poults." The issuing accredited veterinarian or NPIP state inspector shall validate the completed import permit accompanying each shipment by signature.

- (1) For day-old poultry and poultry hatching eggs, entry shall not be permitted into the State unless accompanied by a valid import permit and the following:
  - (A) A CVI or a NPIP "Report of Sales of

- Hatching Eggs, Chicks, and Poults”  
 containing a description and count of the  
 day-old poultry or poultry hatching eggs;
- (B) A certificate of participation or  
 statement that the day-old poultry or  
 poultry hatching eggs originated in a  
 flock that has a Pullorum-Typhoid clean  
 rating and is designated a United States  
 sanitation monitored flock in accordance  
 with NPIP standards;
  - (C) A statement that the day-old poultry have  
 not been vaccinated with a vaccine  
 containing a live agent for any disease  
 except Marek's disease, except that  
 vaccination for other conditions may be  
 allowed when authorized by the state  
 veterinarian. In such exceptions, the  
 type of vaccine, manufacturer's name, and  
 expiration date of the vaccine shall be  
 included in the CVI.
- (2) For poultry other than day-old poultry and  
 poultry hatching eggs, entry into the State  
 shall not be permitted without a valid import  
 permit and a CVI issued in the state of origin  
 within ten days of arrival. The CVI shall:
- (A) Give the type and age of the poultry;
  - (B) List the identification numbers of the  
 poultry to be shipped;
  - (C) Declare that the poultry:
    - (i) Originated in a flock that is  
 designated as a U.S. sanitation  
 flock under NPIP with a rating of  
 Pullorum-Typhoid clean in an  
 official national or state plan for  
 poultry, or tested negative for  
 Pullorum-Typhoid disease within  
 thirty days of arrival;
    - (ii) Were not vaccinated for any disease  
 with a vaccine containing a live  
 agent within sixty days of shipment;  
 and
    - (iii) Were free of external parasites and  
 symptoms of transmissible diseases  
 or evidence of recent exposure to  
 parasites or diseases; and
  - (D) Declare that all non-commercial chickens  
 were test negative by a Newcastle's  
 Disease virus (NDV) specific

hemagglutination inhibition (HI) test within fourteen days of arrival. Non-commercial chickens testing positive by the HI test shall be required to test negative by polymerase chain reaction (PCR) methodology or by NDV virus isolation (VI) within fourteen days of arrival. A positive result by PCR or VI disqualifies a bird from entry unless the virus is determined to be a vaccine strain. Polymerase chain reaction or virus isolation tests shall be performed on a cloacal swab sample collected within fourteen days of arrival. The test result for each non-commercial chicken and the date of sample collection shall be recorded on, or attached to, the CVI. Testing for NDV shall be at a government laboratory qualified to perform PCR, VI or HI tests specific for NDV.

- (3) For birds not subject to subsection (c)(1) or subsection (c)(2), entry into the State shall not be permitted unless accompanied by a valid poultry and bird import permit and a CVI issued in the state of origin within ten days of arrival. The CVI shall give a description of each bird, including breed, sex, and age, and a list of identification numbers, and certify that the birds described:
  - (A) Were free of external parasites and symptoms of transmissible diseases or evidence of recent exposure to parasites or diseases; and
  - (B) Have not been vaccinated with a vaccine containing a live agent during the sixty-day period before shipment.
- (4) In addition to the requirements listed in subsection (c)(3), importation of birds requires:
  - (A) A permit issued by the plant quarantine branch, department of agriculture, prior to shipment for certain species of poultry and birds; and
  - (B) An identification device for all birds except canaries, finches, budgerigars, lovebirds, cockatiels, and doves, placed before arrival into the State. The identification device shall remain on the

bird at least thirty days after importation, except that an identification device may be removed for reasons of health or safety, in which case the importer or owner shall obtain prior authorization from the state veterinarian or an inspector.

(d) Poultry and birds originating from a country, State, or area with exotic NDV or highly pathogenic avian influenza virus (AIV) may be denied entry or allowed entry only after testing for the presence of NDV or AIV by a test method designated by the state veterinarian. [Eff: ] (Auth: HRS §142-2) (Imp: HRS §§142-4, 142-4.5, 142-10)

§4-28-9 Post-shipment requirements. (a) All poultry and birds entering the State shall be inspected by the state veterinarian or an inspector upon arrival. Failure to comply with pre-arrival requirements, evidence of transmissible disease, or possible exposure to a transmissible disease shall be sufficient reason to refuse entry, place the poultry or birds under quarantine, or destroy the poultry or birds.

(b) All expenses incurred in connection with the testing, segregation, treatment, destruction, and disposal of poultry or birds that are refused entry, quarantined, or destroyed shall be borne by the owner, shipper, importer, or consignee.

(c) All birds entering the State shall be kept in isolation for a period of thirty days at the importer's premises at a site approved by the state veterinarian. Poultry shall be isolated for a minimum period of seven days. Poultry or birds may be sold or transferred to another person, provided the poultry or birds continue to be held in isolation by the new owner for the remainder of the isolation period.

(d) Importers of poultry and birds shall keep a record of each sale or transfer that contains the:

- (1) Date of sale or transfer;
- (2) Name, address, and telephone number of the purchaser or transferee;
- (3) Number and species of poultry or birds sold or transferred; and
- (4) Identification device number of the poultry or birds sold or transferred.

Subsequent owners, likewise, shall keep records of sales and transfers. Transfer forms shall be available

from the division. A record of transfer shall be maintained for not less than ninety days after entry and shall be made available to the division if, during this period, a quarantine is placed on a premise because of the diagnosis of a disease listed in chapter 4-22, Hawaii Administrative Rules, "Reporting of Animal Diseases and Disease Agents," or other transmissible disease of poultry or birds. Pet shops dealing exclusively in birds of local origin are exempt from the requirements of this subsection.

(e) Every shipper, importer, consignee, and subsequent owner of poultry or birds shall report promptly to the state veterinarian all instances of sick or dead poultry or birds occurring during the required isolation period and, upon request by the department, shall make those poultry or birds available for testing and other diagnostic procedures.

(f) The state veterinarian or an inspector may inspect an importer's premises, isolation facilities, or records relating to poultry or bird importations and sales, during reasonable hours to investigate a disease outbreak or assess compliance with these rules. A report of inspection shall be on file with the division.

(g) Poultry and birds imported into the State directly from USDA-approved quarantine facilities are exempt from the isolation requirement of subsection (c).

(h) Poultry and birds entering the State for exhibition or performance shall be held in isolation at a premise, under conditions approved by the state veterinarian, for the duration of the exhibition or performance. [Eff ] (Auth: HRS §142-2) (Imp: HRS §§142-3, 142-4, 142-5, 142-11, 142-13, 142-29, 142-98)

§4-28-10 Failure to meet entry requirements.

Failure to meet preshipment requirements shall result in refusal of entry into the State. No poultry, birds, day-old birds or hatching eggs refused entry shall remain in the State for more than 24 hours after their arrival date and time. During this 24-hour grace period, poultry, birds, day-old birds or hatching eggs refused entry shall be permitted to leave the State. After this 24-hour grace period, poultry, birds, day-old birds or hatching eggs refused entry and remaining in the State shall be humanely euthanized.

- (1) All costs associated with the return to origin, euthanasia, and disposal of poultry, birds, day-old birds or hatching eggs shall be borne by the carrier, owner, importer, or consignee.
- (2) Any carrier transporting poultry, birds, day-old birds or hatching eggs into the State without a valid poultry and bird import permit shall be responsible for all costs incurred in returning the poultry, birds, day-old birds or hatching eggs immediately to a North American port. [Eff ]  
(Auth: HRS 142-2) (Imp: HRS §§142-3, 142-4, 142-5, 142-6)

### SUBCHAPTER 3

#### PENALTY

§4-28-11 Penalty. Any person, including a carrier or handler, who violates any provision of this chapter shall be subject to penalties provided in section 142-12, Hawaii Revised Statutes. [Eff ]  
(Auth: HRS §142-12) (Imp: HRS §§142-2, 142-4, 142-5)

### SUBCHAPTER 4

#### CONTROL OF POULTRY AND BIRD DISEASES IN THE STATE

§4-28-12 Quarantine-general. The state veterinarian may deny permits for entry or movement of poultry, birds, day-old birds, and hatching eggs, or place a hold or quarantine order on any premise, district, or island of the State, or place an embargo on the movement of poultry and birds within the State or from another state or territory of the United States, whenever action is necessary to prevent the spread of transmissible diseases to poultry, birds, or humans. No poultry or birds shall be removed from or be added to a quarantined premise or area except by permit from the division. A quarantine order shall remain in effect until rescinded by the state veterinarian. [Eff ] (Auth: HRS §142-2) (Imp: HRS §§142-3, 142-6, 142-9)

SUBCHAPTER 5

PIGEON AND AVIARY GAME BIRD PERMITS

§4-28-13 Owner responsibility. (a) Any person that raises pigeons or aviary game birds shall obtain a "Pigeon/Aviary Game Bird Permit" (Form DC-48, 8/03), that is a part of this chapter, shall be renewed every three years from the anniversary date of the initial date of registration. The applicant shall complete an application for a pigeon or aviary game bird permit with the following:

- (1) Name and address, including the county and district, and contact telephone number;
- (2) Type and number of pigeons or aviary game birds;
- (3) Origin of birds;
- (4) Number and species of other animals and birds kept at the permit location; and
- (5) Number of male and female aviary game birds.

(b) Owners of carrier pigeons or persons acting for the owners, in areas zoned for residential, hotel, or apartment use shall have in their possession and shall be allowed to fly no more than twenty-five pairs, or a total of fifty carrier pigeons. The total number of carrier pigeons and racing pigeons allowed to fly for necessary exercise, training, and racing in areas zoned for other uses shall not exceed two hundred. Show pigeons shall not be allowed to fly free and are not required to abide by numeric limitations of this section.

(c) Pigeon/aviary game bird permits may be suspended or revoked for failure to comply with provisions of this section.

[Eff \_\_\_\_\_ ] (Auth: HRS §§142-2, 142-102 and 142-112) (Imp: HRS §§142-102, 142-103, 142-112)

§4-28-14 Maximum time period for permit approvals, disapprovals, or automatic approvals. (a) Pursuant to the requirements of chapter 91, Hawaii Revised Statutes, the department establishes fourteen calendar days as the maximum time period for approval or disapproval of a pigeon or aviary game bird ownership permit request after acceptance of a completed permit application.

(b) Notwithstanding the requirements of subsection (a) the maximum period of time shall be extended indefinitely in the event of a national disaster, state emergency, or union strike, that prevents the department from fulfilling application or review requirements in a timely manner.

(c) Except as provided in subsection (b), an application request for the issuance of a permit shall be given automatic approval if action is not taken by the department within the established maximum period of time as specified in subsection (a). If a permit application is automatically approved pursuant to this subsection, the department shall issue the permit within a reasonable period of time after being informed of or discovering the automatic approval.

(d) This section shall apply only to application requests for business or development-related permits required by law to be obtained prior to the formation, operation, or expansion of a commercial or industrial enterprise. [Eff \_\_\_\_\_] (Auth: HRS §§91-13.5, 142-2) (Imp: HRS §§91-13.5, 142-3)

## SUBCHAPTER 6

### SEVERABILITY

§4-28-15 Severability. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the chapter that can be given effect without the invalid provision or the application, and to this end the provisions of this chapter are severable. [Eff \_\_\_\_\_] (Auth: HRS §142-12) (Imp: HRS §§142-2, 142-3)