

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES  
ANIMAL INDUSTRY  
ADMINISTRATIVE CODE

CHAPTER 80-3-17  
HATCHERIES

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80-3-17-.01	<u>Purpose</u> . (Senate Bill 236 and Governor's Bill 481): To promote and encourage the poultry industry and to

regulate public hatcheries, chick dealers, and jobbers; the shipping into the state of baby chicks, hatching eggs and turkey poults; and to authorize the Alabama Department of Agriculture and Industries to make regulations for such purposes and for the control of contagious and infectious diseases in poultry.

**NOTE:** Senate Bill 236 and Governor's Bill 481 are codified into Code of Ala. 1975, §§2-16-1 through 2-16-9.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.02** **Definitions.** For the purpose of these rules, the following words, names and terms shall be construed within the meaning and purpose of this Act.

(a) **Board** shall mean the State Board of Agriculture and Industries.

(b) **Commissioner** shall mean the Commissioner of Agriculture and Industries.

(c) **Public Hatchery** shall mean any establishment that regularly artificially hatches baby chicks, turkey poults, game birds or any domestic fowl which are bred for the primary purpose of producing eggs or meat or that does custom hatching; or an independent hatchery selling hatching eggs or baby poultry; or a commercial hatchery producing baby poultry for poultry integrators.

(d) **Chick Dealer or Chick Jobber** shall mean any person, firm or corporation that buys baby chicks, or hatching eggs, or turkey poults and sells or offers same for sale.

(e) **Hatching Eggs** shall mean eggs from any domestic fowl which are to be used for hatching purposes in a public hatchery.

(f) **Baby Chicks** shall mean any domestic fowls under six weeks of age.

(g) **Pullorum Testing** shall mean one of the recognized methods used to blood-test chickens or turkeys for pullorum disease.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982. **Amended:** Filed November 14, 2011; effective November 14, 2011 (**ED. NOTE: This**

Rule was certified to clarify an amendment to Rule 80-3-17-.16 as per certification filed November 14, 2011; effective December 19, 2011. No Notice of Intended Action was filed.)

**80-3-17-.03      Permit Required.**

(1) Any person or persons, firm or corporation desiring to engage in the business of public hatching, dealing, or jobbing, baby chicks, hatching eggs or turkey poults shall obtain a permit from the Commissioner of Agriculture and Industries. Said permit may be cancelled for a violation of this Act or the regulations promulgated thereunder.

(2) Any person who is refused a permit or whose permit is revoked may appeal from the decision of such Commissioner to the State Board of Agriculture and Industries by a written demand for such appeal, which appeal must be heard at the next meeting of said State Board of Agriculture and Industries. Said Board shall render such judgment as it deems proper from the facts.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.04      Requirements Of National Poultry Improvement Plan For Chicks And Eggs.** All baby chicks or turkey poults and hatching eggs handled or produced by public hatcheries, dealers, and jobbers as a regular part of their business shall originate in flocks that meet the requirements and all amended requirements of the National Poultry Improvement Plan as administered by the Alabama Department of Agriculture and Industries, and the regulations issued for the control of Pullorum-Typhoid disease, provided that nothing herein shall require any hatchery to adopt the National Poultry Improvement Plan.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.05      Certificate Required.** All baby chicks, turkey poults, and hatching eggs shipped or otherwise brought into this state shall originate in flocks that contain no reactors on the last test, and shall be accompanied by a certificate approved by

the official state agency or the livestock sanitation officials of the state of origin, certifying same.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.06**      **Sanitary Conditions Required.** All public hatcheries, all incubator equipment, chick holding rooms, and chick brooders shall be kept in strictly sanitary condition.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.07**      **Hatching Egg Requirements.** All eggs used for hatching purposes shall be reasonably uniform in size and shape and sound in shell. In case of white eggs they shall be reasonably free from tint.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.08**      **Record-Keeping Requirements.** The management of a public hatchery, chick dealer and jobber shall maintain the identity of hatching eggs, baby chicks and turkey poults, including those eggs which are being custom hatched, and shall keep accurate records concerning the name and address of each flock owner, the number of eggs received from each flock owner, and the number of chicks received in each shipment, the name and address of each purchaser, the number, hatchery grade, if any, breed and variety, and date of shipment of all chicks and eggs.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.09**      **Reactors Prohibited.** To meet the minimum requirements of this Act, beginning with the 1948-1949 hatching season, all flocks must contain no reactors on the last test preceding the sale or incubation of eggs.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.10**     **Chick Requirements.** All chicks shall be normal and representative of the breed and variety and at hatching time shall weigh at least 8 pounds net per 100 chicks.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.11**     **National Poultry Improvement Plan.**

(1)           Nothing in this Act shall require any hatchery to adopt the National Poultry Improvement Plan.

(2)           Nothing in this Act shall give any hatchery, dealer, or jobber the right to use the terminology of the National Poultry Improvement Plan.

(3)           The use of the word **Accredited**, to indicate breed improvement or disease eradication or control, or the use of it in any other way is prohibited.

(4)           With the approval of the Department of Agriculture and Industries, public hatcheries, may participate in the National Poultry Improvement Plan, and enjoy all the rights and privileges, provided all the applicable requirements for participants are fully and completely complied with.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.12**     **Shipment Of Chicks.** Delivery of chicks shall be made in approved types of chick boxes properly ventilated and securely tied, and chicks shall be shipped to reach the ultimate purchaser within the time limit prescribed by the United States Postal Regulations.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.13**     **Rules For Advertising.** All advertising must be in accord with the rules and regulations of this Act, and the Fair Trade Practice rules of the Federal Trade Commission for the baby chick industry. Copies of proposed folders, catalogs, circulars, or other printed literature shall be submitted to and approved by the Department of Agriculture and Industries before being printed and distributed. Copies of such literature after being printed, shall be filed with the Department of Agriculture and Industries.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.14**     **Confiscation Or Return Of Product.** To prevent the introduction and spread of and to otherwise control and eradicate the pullorum disease within the State of Alabama, the Commissioner and Inspectors for the Department of Agriculture and Industries shall confiscate all chicks, poults, hatching eggs and breeding stock which are not in compliance with this Act and shall either destroy said chicks, poults, hatching eggs, or breeding stock, or return same to the shipper at the shipper's expense.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.15**     **Reporting Duties.** It shall be the duty of every public hatchery, chick dealer, or jobber to report promptly to the Department of Agriculture and Industries the outbreak of any contagious or infectious disease affecting baby chicks or turkey poults in their possession, or in any flock supplying eggs to said hatchery, and the Department of Agriculture and Industries shall take such action as may be necessary to control the disease.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.16**     **Certificates To Be Posted, Permit Fees.**

(a) No person, firm or corporation shall operate a public hatchery, and no chick dealer or jobber shall operate within this state without first obtaining an annual permit from the state Commissioner of Agriculture and Industries to so

operate. The fee to be paid for such annual permit shall be \$10.00 for independent hatcheries and chick dealers and \$50.00 for commercial hatcheries, which shall be due and payable on January 1 of each year; and, unless such permit fee is paid within 30 days, a 15 percent delinquent penalty shall be added. All permit fees, including delinquent penalty fees, shall be paid into the Agricultural Fund of the State Treasury. Said permit may be revoked for a violation of this article or the regulations promulgated under this article.

(b) All hatcheries, chick dealers or jobbers offering chicks for sale to the public shall post in a conspicuous manner in their place of business a certificate furnished by the Department of Agriculture and Industries.

**Authors:** Charles H. Barnes, John P. Hagood

**Statutory Authority:** Code of Ala. 1975, §2-16-2, 2-16-3.

**History:** Filed April 19, 1982. **Amended:** Filed August 16, 2004; effective September 20, 2004. **Amended:** Filed November 14, 2011; effective December 19, 2011 (**ED. NOTE: See Rule 80-3-17-.02, filed November 14, 2011.**).

**80-3-17-.17** **Hatcheries And Slaughtering Establishments To Be Separated.** Public hatcheries, including establishments operating incubator equipment, chick brooders and chick holding rooms, shall not be maintained or operated in the same building, or within close proximity thereto, with any poultry dressing, killing, processing or slaughtering establishments.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.18** **Slaughter Personnel Prohibited From Entering Hatcheries without Precautions Taken.** Personnel employed by poultry slaughtering, killing, processing, or dressing establishments, shall not enter public hatcheries without first making a complete change of all outer clothing, including hat and shoes, nor shall personnel employed by public hatcheries, enter or go upon the premises of slaughtering, killing, processing, or dressing establishments, unless they make a complete change of outer clothing, including shoes and hats, before they return to public hatcheries. It is the intent and purpose hereof to isolate public hatcheries from poultry processing establishments in order to prevent the spread of contagious and infectious poultry diseases.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.19**      **Selling Of Baby Chicks By Itinerant Salesman.**

(1)            The sale of baby chicks and poults by an itinerant salesman when such chicks or poults are delivered to the buyer by the salesman at the time of the sale is hereby prohibited, unless the itinerant salesman represents an established and licensed place of business in Alabama for the sale of baby chicks and poults.

(2)            Any itinerant salesman who sells, or offers for sale, baby chicks or poults in the State of Alabama is hereby required to attach to each container in which baby chicks or poults are sold a label showing the name and address of the firm which he represents, the name and address of the hatchery where such baby chicks or poults were hatched, together with the breed and sex of the baby chicks or poults.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.20**      **Requirements For Poultry Including Exhibition**

**Poultry.** All poultry including exhibition, exotic and game birds but excluding water fowl for exhibit purposes shall originate in U.S. Pullorum-Typhoid Clean or equivalent flocks or have a negative Pullorum-Typhoid official test by one of the recognized methods used in testing poultry for Pullorum-Typhoid within ninety (90) days prior to time of exhibit.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.21**      **Quarantine Required If Pullorum Or Typhoid Exists.**

All flocks of poultry found to be infected with Pullorum or Typhoid shall be quarantined until marketed for slaughter or destroyed under the supervision of the Official State Agency for the National Poultry Improvement Plan or until subsequently officially blood tested by one of the recognized methods used in testing poultry for Pullorum-Typhoid and all birds in the flock are found to be negative to the test.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.22**     Reporting Requirements When Poultry Disease Found.

All persons performing poultry disease diagnostic services within the state are required to report to the Official State Agency for the National Poultry Improvement Plan within forty-eight (48) hours the source of all poultry specimens from which Salmonella Pullorum or Salmonella Gallinarum is isolated. All such reports are to be promptly followed by an investigation by the Official State Agency for the National Poultry Improvement Plan to determine the origin of the infection. The reports as herein required shall be made to the Poultry Division, Alabama Department of Agriculture and Industries.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.

**80-3-17-.23**     Rules To Be Considered Supplemental To Existing Rules.

The foregoing rules are supplemental or in addition to regulations heretofore adopted and approved by the State Board of Agriculture and Industries relating to the control of diseases of poultry through regulation of public hatcheries, chick dealers, jobbers and other means, and shall repeal or supersede any regulations heretofore adopted to the extent only that such regulations are in conflict therewith.

**Author:** Charles H. Barnes

**Statutory Authority:** Code of Ala. 1975, §2-16-2.

**History:** Filed April 19, 1982.