

FILED  
54

February 6, 1967

OPINION NO. 54  
(416-1966)  
Answered by letter-Downey

Mr. James L. Paul  
Prosecuting Attorney for  
McDonald County  
Pineville, Missouri

Dear Mr. Paul:

Reference is made to your request for a formal opinion from this office as follows:

" \* \* \* What is the obligation of a turkey grower in disposing of diseased birds that have died from a contagious disease, so that it may not be transmitted to adjoining healthy flocks."

This question arises by reason of the following situation as set forth in your letter:

"We have had a serious situation develop in this county because of the increase in the turkey raising production as to disposal of turkeys who apparently die from cholera, blackhead, typhoid or synitis.

The problem that has presented itself to this office, is I cannot find whether there is any statute regarding the disposal of these diseased birds and I am having several complaints to the effect that people who have healthy flocks are being affected by dogs or other related varmints carrying these diseased birds into their growing area, with the ultimate result of infecting healthy birds."

Mr. James L. Paul  
Page 2

Statutes in regard to the disposal of dead animals are set forth in Chapter 269 (All references herein are to the Revised Statutes of Missouri, 1959, unless otherwise specified). However, the bodies of dead fowls and birds are specifically excepted from these statutory provisions pursuant to Section 269.200 (3).

The Livestock Disease Control and Eradication Law is set forth in Sections 267.560 through 267.660. Section 267.565 (4), defines bird as being of the avian species. Section 267.590 provides that the State Veterinarian may quarantine a flock of birds found by him to be suffering from any highly contagious, communicable or infectious disease. Section 267.595 provides that an entire area may be placed under quarantine. Section 267.645 authorizes the Department of Agriculture to issue rules and regulations that may be necessary for the enforcement of the Livestock Disease Control and Eradication Law.

Upon inquiry of the State Veterinarian we are informed that no area in McDonald County and no turkey flocks therein are subject to quarantine imposed by the Department of Agriculture. Furthermore, no rules and regulations applicable to flocks of turkeys have been promulgated by the Department of Agriculture in regard to the enforcement of the Livestock Disease Control and Eradication Law. Therefore, the provisions of Sections 267.590 through 267.660 do not apply to the question which you have raised at this time.

Your attention is directed to Section 526.030. It may be that injunctive proceedings are available to relieve the situation described in your letter.

I hope that these suggestions will be helpful to you.

Yours very truly,

NORMAN H. ANDERSON  
Attorney General