

Great Lakes VHS Regulation

The University of Minnesota VHS Risk Assessment Team (UM VHS RAT) is developing science-based assessments of the risk of moving susceptible fish species from apparently uninfected facilities to natural waters or other premises during a viral hemorrhagic septicemia (VHS) outbreak in the Great Lakes region. As part of the project, UM VHS RAT contacted the National Sea Grant Law Center (NSGLC) for assistance in identifying existing regulations regarding VHS in Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.¹

First, an NSGLC legal intern compiled the laws and regulations for each of the identified states, and NSGLC reached out to the appropriate contacts in each state for review. The NSGLC updated the compilations as necessary to incorporate state feedback. Next, in collaboration with the UM VHS RAT Team, the NSGLC identified categories of laws and regulations to be summarized and compared among the states. The categories include: 1) relevant definitions; 2) VHS import requirements; 3) testing/certification; 4) geographic distinctions; 5) movement restrictions.

In comparing the categories, NSGLC found a wide range of regulatory approaches among the states. Most of the states have specific VHS Import permits or certification requirements for VHS susceptible species. Many states have a definition of VHS susceptible species in their regulations. Some of the definitions incorporate fish identified in the USDA-Animal and Plant Health Inspection Service (APHIS) VHS federal order, while others identify species on a list developed by a state veterinarian or a state agency. Many of these import permits have exceptions for the fish imported for diagnostic or educational reasons, for consumption, or shipments in transit through the state if the fish will not be released. Testing practices are also variable among the states, although many perform testing in accordance with the Fish Health Blue Book adopted by the American Fisheries Society or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE). For geographic considerations, many of the states identify Great Lakes States as states that require VHS testing/permits. Others have also identified zones either within their states or in their watersheds. Many of the states include movement restrictions or requirements related to the movement of fish, especially when stocking public waters. The state summaries of these categories are below.

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Illinois

- *Definitions*
 - “VHS” or “VHSV” - Viral hemorrhagic septicemia or the VHS virus. VHSV and VHS are considered synonymous. Ill. Admin. Code tit. 17, § 875.10.
 - Susceptible Species - species designated by USDA-APHIS in the Federal Order update of September 9, 2008; Additional species known to be carriers of VHS virus that present significant risk to the aquatic resources of Illinois; hybrids (offspring) of listed species for which both parent species are listed; and all species that originate from affected regions. Ill. Admin. Code tit. 17, § 875.20. The official list of VHS-susceptible species as identified by the Department will be available from the Department and posted on the Department’s website (<http://dnr.state.il.us>)
 - Affected Regions - those areas designated by USDA-APHIS as Affected or At-Risk Regions. Currently, these are the U.S. states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin and the Canadian Provinces of Ontario and Quebec. Ill. Admin. Code tit. 17, § 875.10.

- *VHS Import Requirements*
 - Permits to import live VHS-susceptible species may be issued by the Department of Natural Resources if criteria/permit conditions are met. Ill. Admin Code Title 4 875.30.
 - DNR considers 1) whether the request is for persons or businesses holding an Aquaculture Permit, Aquatic Life Dealer’s License or Minnow Dealer’s License, or research or educational institutions for scientific purposes; 2) whether the supplier of the fish stocks has an acceptable Fish Health Inspection Report on file with the Department; 3) for importation of minnows and species commonly used as bait, whether the supplier/importer has submitted an officially recognized management plan (Hazard Analysis and Critical Control Points (HACCP)/Best Management Practices (BMP)) to minimize transfer of exotic species and potential pathogens; and 4) whether the Department approves of the live market stocking locations based upon the potential risk to the fishery resource of the State.
 - Permit exceptions: professionals providing diagnostic services; a person moving fish to a slaughterhouse, given certain conditions are met; Persons involved in catch and release fishing activities in which VHS-susceptible fish will be released into the same water body where caught, except VHS-susceptible species used or intended to be used as bait; shipments in transit through the state, if fish will not be released from their original containers; those with Salmonid Import Permit; licensed commercial fisherman moving fish to a live market subject to certain conditions; commercial roe harvester with Commercial Roe Harvest Permit.

- Additional permits that may be required for import but do not specifically mention VHS
 - Any species not on the “Approved List” may not be imported or possessed alive without a letter of authorization to import/possess those species. Ill. Admin. Code tit. 17, § 870.10
 - Aquaculture permit required to import/possess aquatic life for sale for food or stocking purposes. Ill. Admin. Code tit. 17, § 870.20
 - A restricted species transportation permit is required to import live grass carp/white amur, black carp, bighead carp, silver carp, tilapia or any hybrid of these species, or any other species not on the Approved List. Ill. Admin. Code tit. 17, § 870.50
 - A salmonid import permit is required to import live trout, salmon or char and will only be issued to hatcheries inspected and found to be disease free (VHS and others) within the past 12 months.
 - Exemptions for aquarists; aquariums; universities unless injurious species, VHS susceptible species or any wild caught aquatic life coming from affected regions without Fish Health Certificates (FHC) and Department approval. Ill. Admin. Code tit. 17, § 870.80
 - *Not included in spreadsheet: resident/nonresident Dealer licenses to sell wholesale/live fish*
- *Testing*
 - Official Fish Health Inspection Reports must be issued by and received directly from one of the following: 1) the state competent authority for fish health in the issuing state; 2) a department approved veterinarian offering diagnostic services for aquatic animals; or 3) a department approved laboratory for certifying lots of fish as VHS-free. FHIR and supporting documentation must state that fishes were sampled and tested negative for VHS virus in accordance with procedures set forth in either: 1) Standard Procedures for Aquatic Animal Health Inspections section of the BlueBook; or 2) the World Organization for Animal Health (OIE) Manual of Diagnostic Tests for Aquatic Animals, Fifth Edition (2006), Chapter 2.1.5, OIE, Paris, France. Ill. Admin. Code tit. 17, § 875.40
- *Geographic Distinctions*
 - Affected Regions - those areas designated by USDA-APHIS as Affected or At-Risk Regions. Currently, these are the U.S. states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin and the Canadian Provinces of Ontario and Quebec. Ill. Admin. Code tit. 17, § 875.10. Species originating from affected regions are susceptible species and require VHS import permit.
- *Movement Restrictions*

- All specimens approved under the VHS permit must be imported only to the facilities, and at the location approved on the permit. Ill. Admin Code Title 4 875.30(c)
 - For VHS permit, species entering from outside the State of Illinois, the fish must be accompanied by a valid Form VS 1-27 (Permit for Movement of Restricted Animals) issued by an APHIS area office
 - Exceptions for VHS permit requirements when moving fish: licensed commercial fisherman moving fish to a live market subject to all of the following conditions: 1) the fish are for human consumption; 2) the facility is located on the same body of water where the fish are captured; 3) the fish are being transported to a State-inspected live market that: must discharge waste water to a municipal sewage system that includes waste water disinfection; or may discharge to either a non-discharging settling pond or a settling pond that disinfects according to all applicable EPA and State regulatory criteria; or may discharge maintenance water into the same water body where the aquatic life originated according to all applicable EPA and State regulatory criteria; 4) offal, including carcasses, from the slaughter facility must be rendered or composted.
- Unlawful to stock VHS-susceptible species into waters of the State without securing permission from Department fish health authorities, or unless an FHIR is on file with the Department; remove live VHS-susceptible species from the waters where legally taken without first securing permission from Department fish health authorities, unless an FHIR is on file with the Department, or as provided in Section 875.30(d)(2), (6) and (7); remove natural water from waters of the State via bait bucket, live well, baitwell, bilge, etc., or any other method without first securing permission from Department fish health authorities, unless an Fish Health Inspection Report is on file with the Department, or as provided in Section 875.30(d)(2), (6) and (7); remove any watercraft, boat, boat trailer or other equipment from waters of the State without emptying and draining any bait bucket, live well, baitwell, bilge, etc., or any other compartment capable of holding natural waters; and use wild-trapped fishes as bait within the State of Illinois, other than in the waters where they were legally taken. Ill. Admin Code Title 7 875.50
- Aquaculture permit provisions have exemptions for aquarists; aquariums; and colleges or universities unless species are injurious species, VHS susceptible species or any wild caught aquatic life coming from affected regions without Fish Health Certificates (FHC) and Department approval. Ill. Admin. Code tit. 17, § 870.80

Indiana

- *Definitions*
 - “VHS-affected or at-risk region” means a state, province, or other region designated by the state veterinarian as affected or at-risk for VHS based upon current data related to the prevalence of the pathogen in the region. 345 Ind. Admin. Code 1-3-1.5 (49).
 - “VHS-susceptible species of live fish” means those species designated by the state veterinarian that are known to be carriers of the VHS pathogen and that present a significant risk to the aquatic resources of the state. 345 Ind. Admin. Code 1-3-1.5.
 - Species list: <https://www.in.gov/boah/species-information/aquaculture/viral-hemorrhagic-septicemia/>
- *Import requirements*
 - Pre-entry permit required for VHS susceptible species of live fish imported into the state. 345 Ind. Admin. Code 1-3-31.5(a). Testing is required for VHS-susceptible species of fish originating from a VHS-affected or at-risk region (see below). The Indiana State Board of Animal Health (BOAH) issues entry permits and updates the species list.
 - Exceptions:
 - If being transferred to a slaughter facility for processing or to a research or diagnostic laboratory 345 Ind. Admin. Code 1-3-31.5(b).
 - If the fish are the subject of catch and release fishing activities; the fish are being transported directly through the state on the way to another state; or the state veterinarian has approved the movement to occur without a permit or VHS testing in order to facilitate disease control. 345 Ind. Admin. Code 1-3-31.5(c).
 - Additional permits that may be required for import but do not specifically mention VHS
 - Fish hauler permit
 - Fish import permit
 - Aquaculture permit
- *Testing*
 - VHS testing is performed in accordance with: USFWS/AFS-FHS or OIE standards. 345 Ind. Admin. Code 1-3-31.5(a)(3)(A)-(B).
- *Geographic distinctions*
 - If the VHS-susceptible species of fish originate from a VHS-affected or at-risk region (Great Lakes state or province: Indiana, Illinois, Minnesota, Wisconsin, Michigan, Ohio, Pennsylvania, New York, Ontario, and Quebec), they must have

negative VHS tests collected by a veterinarian or regulatory official. 345 Ind. Admin. Code 1-3-31.5(a)(3).

- *Movement restrictions/requirements*

- If the VHS-susceptible species of fish originate from a VHS-affected or at-risk region (Great Lakes state or province), they must have negative VHS tests collected by a veterinarian or regulatory official. 345 Ind. Admin. Code 1-3-31.5(a)(3).

- Exemptions:

- If being transferred to a slaughter facility for processing or to a research or diagnostic laboratory 345 Ind. Admin. Code 1-3-31.5(b).
- If the fish are the subject of catch and release fishing activities; the fish are being transported directly through the state on the way to another state; or the state veterinarian has approved the movement to occur without a permit or VHS testing in order to facilitate disease control. 345 Ind. Admin. Code 1-3-31.5(c).

Michigan

- *Definitions*
 - Pathogen: viruses, bacteria, fungi, and parasites that cause disease in living organisms. Fisheries Order 245.21.
 - Approved aquaculture species list established at Mich. Comp. Laws Ann. § 286.875. [Fisheries Disease Control Order 245.21](#) defines “Approved Fish Species List” as fish species that are approved for stocking, importation, or use as baitfish in Michigan Public Waters (as listed in the [Fisheries Health Guidance Document](#))
 - Michigan prohibited species list. Mich. Comp. Laws Ann. § 324.41301
 - Fish disease inspection report: a document prepared by a fish health laboratory approved by the director, a veterinarian, or a fish health official giving evidence of inspections and diagnostic work performed. Mich. Comp. Laws Ann. § 287.703 (ff).

- *Import requirements*
 - A Prior Entry Permit from the Michigan Department of Agriculture & Rural Development is required for imported aquaculture species. The permit requires a Fish Health Certificate or Certificate of Veterinary Inspection; VHS test results; and an invoice or shipping statement with the certain information. The Fish Health Certificate or Certificate of Veterinary Inspection should be in accordance with the MDNR’s [Fisheries Health Guidance Document](#), which are guidelines developed under [Fisheries Disease Control Order 245.21](#) for importing baitfish and gamefish species, stocking fish in public waters, and baitfish certification.
 - No prior entry permit is needed for aquaculture going to private waters for non-commercial purposes, food markets, public aquariums, zoos, and retail ornamental fish facilities.
 - Import for stocking in public waters or for use as baitfish requires approval from MDNR. Mich. Comp. Laws Ann. § 324.48735.
 - Imported baitfish must be tested in accordance with [Fisheries Health Guidance Document](#).
 - Imported baitfish must have an approved Fish Health Certificate. This includes live, dead, preserved, frozen, and cut baitfish.
 - All imported frozen baitfish must be labeled with their scientific and common name using the official American Fisheries Society publication and their location of capture. The testing status must be documented as one of the following: 1) VHSv-free as determined by testing; or 2) VHSv testing not required in accordance with DNR Fish Health Guidance Document and status approved by DNR.

- *Testing*
 - Aquaculture must have an official interstate Certificate of Veterinary Inspection (CVI) filled out by a USDA-accredited veterinarian in the state of origin.

Exception: A Fish Disease Inspection Report or a Fish Health Certificate (FHC) can be used in place of a CVI and can be filled out by a certified Fish Health Official.

- Tilapia, Lake Sturgeon, Common Shiners and aquaculture going to food markets, and retail ornamental fish facilities do not require VHS testing.
- Additional testing required for importing baitfish and gamefish species, stocking fish in public waters, and baitfish certification. MI DNR Fisheries Division has developed [Fish Health Testing Guidelines](#) F.O. 245.21. MDNR accepts testing done in compliance with American Fisheries Society – Fish Health Section (AFS-FHS) Blue Book or OIE Manual of Diagnostic Tests. Any other testing methodology will require consultation with staff. F.O. 245.21
 - Minimum numbers of fish sampled for testing are listed in Table 1 of the Fish Health Guidance. A higher sample size is required for minnows harvested in Great Lakes waters and their tributaries to the first upstream barrier along with all inland VHS positive waters.
 - From October 1 – May 31 of each year those holding a minnow catcher’s license, including an owner of an aquaculture facility regulated and permitted by the MDARD, who harvest and wish to offer for sale or sell baitfish listed in the [Fish Health Testing Guidelines](#) must have the fish tested in accordance with the [Fish Health Testing Guidelines](#) and submit the results to MDNR.
- *Movement restrictions/requirements*
 - Stocking Permit from MDNR to stock fish in public waters is required unless fish are reared within a facility registered under the Aquaculture Development Act or otherwise allowed under Fisheries Order 245.21. [Stocking permit](#) requires fish to be from a facility with valid pathogen free certification for certain fish diseases and be on the list of species approved for public stocking.
- *Geographic distinctions*
 - For baitfish/gamefish: Minimum numbers of fish sampled for testing are dependent on geographic source and health history. See Table 1 of the Fish Health Testing Guidelines. A higher sample size is required for minnows harvested in Great Lakes waters and their tributaries to the first upstream barrier along with all inland VHS positive waters. Bait fish may not be used or possessed in certain areas as outlined in F.O. 245.21.

Minnesota

- *Definitions*
 - “VHS-susceptible species” are aquatic species that are natural hosts for viral hemorrhagic septicemia according to the Fish Health Blue Book or the book’s successor. Minn. Stat. Ann. § 17.4982.
 - “VHS-susceptible-species list” is the VHS-susceptible species listed in the Fish Health Blue Book that are found in or that can survive in the Great Lakes region. Minn. Stat. Ann. § 17.4982.
 - VHS susceptible species means all species on the official list of viral hemorrhagic septicemia (VHS) susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services. Minn. R. 6262.0576.
 - Restricted bait means fresh, live, dead, frozen, or preserved cisco, smelt, or VHS susceptible species. Minn. R. 6262.0576.

- *Import Requirements*
 - A licensee may not import aquatic life into the state, transport aquatic life within the state, or stock waters of the state with aquatic life without first obtaining a bill of lading or transport permit from the commissioner, with disease certification, if applicable. Minn. Stat. Ann. § 17.4985
 - Bill of Lading required for aquatic life EXCEPT for salmonids, catfish, or species on the VHS-susceptible-species list between licensed private fish hatcheries, aquatic farms, or aquarium facilities licensed for the species being transported if the aquatic life is being transported into a watershed where it is not currently present, if walleyes whose original source is south of marked State Highway 210 are being transported to a facility north of marked State Highway 210, or if the original source of the aquatic life is outside Minnesota and contiguous states; and stocking waters other than public waters with aquatic life other than salmonids, catfish, or species on the VHS-susceptible-species list.
 - Exemptions: A state-issued bill of lading or transportation permit is not required by an aquatic farm licensee for importing animals not on the VHS-susceptible-species list, transporting animals not on the VHS-susceptible-species list, or exporting the following:
 - minnows taken under an aquatic farm license in MN and transported intrastate;
 - aquarium or ornamental fish including goldfish and tropical, subtropical, and saltwater species that cannot survive in the waters of the state, which may be imported or transported if accompanied by shipping documents;
 - fish or fish eggs that have been processed for use as food, bait, or other purposes unrelated to fish propagation;

- live fish from a licensed aquatic farm, which may be transported directly to an outlet for processing or for other food purposes if accompanied by shipping documents;
 - fish being exported if accompanied by shipping documents;
 - sucker eggs, sucker fry, or fathead minnows transported intrastate for bait propagation or feeding of cultural aquatic life, except that if either species becomes listed on the VHS-susceptible-species list, then a transportation permit is required;
 - species of fish that are found within the state used in connection with public shows, exhibits, demonstrations, or fishing pools for periods not exceeding 14 days;
 - fish being transported through the state if accompanied by shipping documents; or
 - intrastate transportation of aquatic life between or within licensed private fish hatcheries, aquatic farms, or aquarium facilities licensed for the species being transported, except where required in subdivision 2 and except that salmonids, catfish, or species on the VHS-susceptible-species list may only be transferred or transported intrastate without a transportation permit if they had no record of bacterial kidney disease or viral hemorrhagic septicemia at the time they were imported into the state and if they have had a fish health inspection within the preceding year that has shown no certifiable diseases to be present. Aquatic life being transferred between licensed private fish hatcheries, aquatic farms, or aquarium facilities must be accompanied by shipping documents and salmonids, catfish, or species on the VHS-susceptible-species list being transferred or transported intrastate without a transportation permit must be accompanied by a copy of their most recent fish health inspection. Minn. Stat. Ann. § 17.4985
- Transportation permit required for fish not covered by bill of lading and not otherwise exempt.
- An application for a transport permit for salmonids, catfish, or species on the VHS-susceptible-species list; their eggs; or their sperm must be accompanied by certification that the source of the eggs or sperm are free of certifiable diseases, except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported, transported, or stocked following treatment approved by the commissioner, and fish with bacterial kidney disease or viral hemorrhagic septicemia may be imported, transported, or stocked into areas where the disease has been identified as being present. Minn. Stat. Ann. § 17.4985 subd. 5
 - The commissioner must issue transportation permits to import:
 - indigenous and naturalized species except trout, salmon, catfish, or species on the VHS-susceptible-species list and sperm from any source to a standard facility;

- trout, salmon, catfish, or species on the VHS-susceptible-species list from a nonemergency enzootic disease area to a containment facility if the fish are certified within the previous year to be free of certifiable diseases, except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported following treatment approved by the commissioner, and fish with bacterial kidney disease or viral hemorrhagic septicemia may be imported into areas where the disease has been identified as being present; and
 - trout, salmon, catfish, or species on the VHS-susceptible-species list from a facility in a nonemergency enzootic disease area with a disease-free history of three years or more to a standard facility, except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported following treatment approved by the commissioner, and fish with bacterial kidney disease or viral hemorrhagic septicemia may be imported into areas where the disease has been identified as being present.
- If a source facility in a nonemergency enzootic disease area cannot demonstrate a history free from disease, aquatic life may only be imported into a quarantine facility.
- Emergency enzootic disease area. Except as otherwise provided and except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported following treatment approved by the commissioner, and fish with bacterial kidney disease may be imported into areas where the disease has been previously introduced, fish may be imported from emergency enzootic disease areas only as fertilized eggs under the following conditions:
 - to be imported into a standard facility, fertilized eggs must have a disease-free history for at least five years;
 - to be imported into a containment facility, fertilized eggs must have a disease-free history for at least three years; or
 - to be imported into a quarantine facility, fertilized eggs may have a disease-free history of less than three years. Minn. Stat. Ann. § 17.4986.
- Disease-free histories required under Minn. Stat. Ann. § 17.4986 must include the results of a fish health inspection. When disease-free histories of more than one year are required for importing salmonids, catfish, or species on the VHS-susceptible-species list, the disease history must be of consecutive years that include the year previous to, or the year of, the transportation request.
- State law prohibits the import of live, frozen, or processed bait from known waters where VHS has been identified as being present unless the bait has been processed to inactivate VHS. Minn. Stat. Ann. § 97C.341.

- *Testing*
 - “Fish health inspection” means an on-site, statistically based sampling, collection, and testing of fish in accordance with processes in the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE) to test for causative pathogens. The samples for inspection must be collected by a fish health inspector or a fish collector in cooperation with the producer. Testing of samples must be done by an approved laboratory. Minn. Stat. Ann. § 17.4982
 - The inspection for viral hemorrhagic septicemia (VHS), infectious pancreatic necrosis (IPN), and infectious hematopoietic necrosis (IHN) in salmonids and for VHS in nonsalmonids must include at a minimum viral testing of ovarian fluids at the 95 percent confidence level of detecting two percent incidence of disease.
 - The inspection for certifiable diseases and pathogens for wild fish must follow the guidelines of the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases. Minn. Stat. Ann. § 17.4982 subd. 12.

- *Geographic Distinctions*
 - The DNR has implemented VHSV surveillance zones to help regulate the movement of fish within Minnesota based on an annual surveillance program.
 - Fish originating from Minnesota waterbodies located outside of the Lake Superior basin will be considered VHSV-free, subject to annual VHSV surveys conducted by the DNR.
 - For fish originating within the Lake Superior basin (i.e., the St. Louis River, Nemadji River, Cloquet River, Lake Superior South, and Lake Superior North watersheds) or outside of Minnesota, VHSV-testing is required for each individual lot of fish to be transported.
https://www.dnr.state.mn.us/fish_diseases/vhs-free.html
 - Walleyes from outside of the area of the state north of marked State Highway 210 may not be stocked in waters of the state north of marked State Highway 210 without approval by the commissioner. Minn. Stat. Ann. § 17.499 subd. 6

- *Movement Restrictions*
 - Exempt: A state-issued bill of lading or transportation permit is not required by an aquatic farm licensee for importing animals not on the VHS-susceptible-species list, transporting animals not on the VHS-susceptible-species list, or exporting the following:
 - minnows taken under an aquatic farm license in this state and transported intrastate;
 - aquarium or ornamental fish including goldfish and tropical, subtropical, and saltwater species that cannot survive in the waters of the state, which may be imported or transported if accompanied by shipping documents;

- fish or fish eggs that have been processed for use as food, bait, or other purposes unrelated to fish propagation;
 - live fish from a licensed aquatic farm, which may be transported directly to an outlet for processing or for other food purposes if accompanied by shipping documents;
 - fish being exported if accompanied by shipping documents;
 - sucker eggs, sucker fry, or fathead minnows transported intrastate for bait propagation or feeding of cultural aquatic life, except that if either species becomes listed on the VHS-susceptible-species list, then a transportation permit is required;
 - species of fish that are found within the state used in connection with public shows, exhibits, demonstrations, or fishing pools for periods not exceeding 14 days;
 - fish being transported through the state if accompanied by shipping documents; or
 - intrastate transportation of aquatic life between or within licensed private fish hatcheries, aquatic farms, or aquarium facilities licensed for the species being transported, except where required in subdivision 2 and except that salmonids, catfish, or species on the VHS-susceptible-species list may only be transferred or transported intrastate without a transportation permit if they had no record of bacterial kidney disease or viral hemorrhagic septicemia at the time they were imported into the state and if they have had a fish health inspection within the preceding year that has shown no certifiable diseases to be present. Aquatic life being transferred between licensed private fish hatcheries, aquatic farms, or aquarium facilities must be accompanied by shipping documents and salmonids, catfish, or species on the VHS-susceptible-species list being transferred or transported intrastate without a transportation permit must be accompanied by a copy of their most recent fish health inspection. Minn. Stat. Ann. § 17.4985
- Game Fish: Restriction on the sale of fish.
 - With limited exceptions, species on the VHS-susceptible-species list must be free of viral hemorrhagic septicemia and species of the family salmonidae or ictaluridae, except bullheads, must be free of certifiable diseases if sold for stocking or transfer to another aquatic farm.
 - Exception to the restrictions discussed above include:
 - eggs with enteric redmouth, whirling disease, or furunculosis may be transferred between licensed facilities or stocked following treatment approved by the commissioner;
 - fish with bacterial kidney disease or viral hemorrhagic septicemia may be transferred between licensed facilities or stocked in areas where the disease has been identified as being present; and

- the commissioner may allow transfer between licensed facilities or stocking of fish with enteric redmouth or furunculosis when the commissioner determines that doing so would pose no threat to the state's aquatic resources. Minn. Stat. Ann. § 17.4992 subd. 2.
- Bait restrictions
 - State law prohibits the import of live, frozen, or processed bait from known waters where VHS has been identified as being present unless the bait has been processed to inactivate VHS. Minn. Stat. Ann. § 97C.341.
 - State law prohibits the use of live minnows imported from outside of the state, game fish, goldfish, or carp for bait. Minn. Stat. Ann. § 97C.341.
 - Cisco and rainbow smelt may be used as fresh or frozen bait only on Lake Superior or as bait that has been processed to inactivate VHS and must be properly labeled. Minn. Stat. Ann. § 97C.341
 - Frozen or dead fish on the VHS-susceptible-species list; cisco; and smelt being used as bait in waters of the state must originate from water bodies certified disease-free.
 - A water body is certified as disease-free if: (1) the water body has been tested for viral hemorrhagic septicemia and the testing indicates the disease is not present; or (2) the water body is located within a viral hemorrhagic septicemia-free zone posted on the Department of Natural Resources website. Minn. Stat. Ann. § 97C.342.
 - A person may not take, possess, or use restricted bait in water bodies other than Lake Superior or its tributaries below the posted boundaries unless: (1) the restricted bait is being used on the same body of water where caught and while still on that water body. The restricted bait must not be transported off the water body, alive or dead, for any purpose; (2) the water body where the restricted bait originated is listed on the department's website as having no presence of VHS in all species in the last year or the person has in the person's immediate possession: a valid fish health certification for the source water body showing no presence of VHS in the last year; or labeling as specified in subpart 3, item B, for frozen restricted bait; (3) the restricted bait is preserved and labeled according to 6262.0577 or as further prescribed by the commissioner in a permit; (4) the restricted bait was purchased from a licensed minnow dealer or minnow retailer; or (5) cisco or smelt are being transported dead or on ice for personal consumption only. Minn. R. 6262.0576.

New York

- *Definitions*- no relevant definitions found.
- *Import Requirements*
 - No person may place live fish into the water bodies of the State, or possess, sell, offer for sale, barter, import or transport fish for purposes of placing them into water bodies of the State, unless such fish are accompanied by a fish health certification report issued within the previous 12 months, except: (1) in the marine and coastal district, as defined in Environmental Conservation Law, section 13-0103; or (2) pursuant to permit issued by the department in its discretion; or (3) where a water body is contiguous with waters of another state or Province, live fish, except bait fish, taken from those waters outside of New York State, may be transported on the contiguous water across the state or Province boundary and may be released in the New York water body. N.Y. Comp. Codes R. & Regs. tit. 6, § 188.1.
 - A fish health certification report must certify that the fish being placed into the waters of the State are free of VHS. N.Y. Comp. Codes R. & Regs. tit. 6, § 188.2
- *Testing*
 - A fish health certification report must certify that the fish being placed into the waters of the State are free of VHS. N.Y. Comp. Codes R. & Regs. tit. 6, § 188.2
 - Fish health certification reports conform with testing methods and procedures recognized by the American Fisheries Society or the World Organization of Animal Health. N.Y. Comp. Codes R. & Regs. tit. 6, § 188.2. Certification must be done by:
 - American Fisheries Society certified fish pathologists;
 - American Fisheries Society certified fish health inspectors;
 - licensed veterinarians with demonstrated capability to perform sample collection and fish health inspections;
 - government employees with demonstrated capability to perform sample collection and fish health inspections;
 - university or college personnel with demonstrated capability to perform sample collection and fish health inspections; or
 - private laboratory personnel with demonstrated capability to perform sample collection and fish health inspections. N.Y. Comp. Codes R. & Regs. tit. 6, § 188.2
 - No certification for fish placed in an aquarium. N.Y. Comp. Codes R. & Regs. tit. 6, § 188.2
- *Geographic Distinctions*
 - Exceptions for fish health certificate in the marine and coastal district, as defined in Environmental Conservation Law, section 13-0103; or where a water body is contiguous with waters of another state or Province, live fish, except bait fish,

taken from those waters outside of New York State, may be transported on the contiguous water across the state or Province boundary and may be released in the New York water body. N.Y. Comp. Codes R. & Regs. tit. 6, § 188.1.

- *Movement Restrictions*

- No person may place live fish into the water bodies of the State, or possess, sell, offer for sale, barter, import or transport fish for purposes of placing them into water bodies of the State, unless such fish are accompanied by a fish health certification report issued within the previous 12 months, except: (1) in the marine and coastal district, as defined in Environmental Conservation Law, section 13-0103; or (2) pursuant to permit issued by the department in its discretion; or (3) where a water body is contiguous with waters of another state or Province, live fish, except bait fish, taken from those waters outside of New York State, may be transported on the contiguous water across the state or Province boundary and may be released in the New York water body. N.Y. Comp. Codes R. & Regs. tit. 6, § 188.1.

Ohio

- *Definitions*
 - VHS listed as “dangerously contagious or infectious disease” Ohio Admin. Code 901:1-17-13. (Designation of dangerously contagious or infectious and reportable diseases, Ohio Admin. Code 901:1-21-02)

- *Import Requirements*
 - For fish, viable eggs, or sperm of the family Salmonidae or Salmonidae hybrids or the species or hybrids of the species listed in appendix A of 901:1-17-13 (list of fish susceptible to VHS) [https://codes.ohio.gov/assets/laws/administrative-code/pdfs/901/1/17/901\\$1-17-13 PH FF A APP1 20201029 0832.pdf](https://codes.ohio.gov/assets/laws/administrative-code/pdfs/901/1/17/901$1-17-13 PH FF A APP1 20201029 0832.pdf)
 - Fish Importation Permit issued by OH Department of Agriculture Ohio Admin. Code 901:1-17-13
 - Fish health inspection and testing report signed by a certified fish health inspector or veterinarian, showing disease free status (901:1-17-13 and 901:1-17-14 Administrative Code)
 - Transportation Permit issued by ODNR

- *Testing*
 - The fish, viable eggs, or sperm of the family salmonidae or salmonidae hybrids or the species or hybrids of the species listed in appendix A of 901:1-17-13 (list of fish susceptible to VHS) must be accompanied by a fish health inspection and testing report signed by a certified fish health inspector or veterinarian. Ohio Admin. Code 901:1-17-13
 - Fish Testing and Inspection Requirements:
 - Testing and inspection done at a facility for issuance of a fish health inspection report must be done in the following manner:
 - All lots at a facility must be inspected and tested using either a polymerase chain reaction test, cell culture test, or another method approved by the department.
 - Collection of samples from each lot must be based upon an assumed prevalence level of five per cent and a ninety-five per cent confidence of detecting at least one infected fish in the lot for causative agents of the diseases listed in paragraphs (A)(1)(a) to (A)(1)(g) of rule 901:1-17-13 of the Administrative Code.
 - If samples cannot be collected for diagnostic testing from all lots of fish at a facility in one day; all lots not sampled must have samples collected from them within thirty days of the date the first sample was collected at the facility.
 - Inspection and diagnostic testing for whirling disease must be done using one sample of sixty fish. The sample must be made up

of fish at an age when whirling disease is most likely to be detected, and from species most susceptible to the disease.

- If all lots not sampled in one day at a facility are not sampled within thirty days of the date the first sample was collected; all testing and inspection at the facility must be done over.

- *Geographic Distinctions*
 - Restrictions for movement within VHS proclamation map in Department of Agriculture [Order](#).

- *Movement Restrictions*
 - Intrastate movement of live fish requires a Transportation Permit from ODNR.
 - Current restrictions exist for movement within the state of VHS susceptible species. This [VHS Proclamation](#) made by the Department of Agriculture prohibits the intra-state transportation, sale, or distribution of 28 fish species susceptible to VHS in the affected region of Northern Ohio.

Pennsylvania

- Definitions
 - Species of fish that are susceptible to viral hemorrhagic septicemia (VHS) are those species that the Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS) designates by order or the Commission defines by notice in the Pennsylvania Bulletin.
 - The term “VHS-susceptible species” includes fish that are dead or alive, preserved or unpreserved, and the parts thereof.
 - The term “VHS-susceptible species” does not include the eggs of these species. 58 Pa. Code § 63.51; 58 Pa. Code § 71.8; 58 Pa. Code § 73.3
 - The Pennsylvania Department of Agriculture Quarantine Order defines “VHS-susceptible species” to include live animals of the following fish species, as well as any other species designated “VHS-susceptible species” by order of the FBC or USDA-APHIS after the effective date of this order: Bluegill (*Lepomis macrochirus*), Bluntnose Minnow (*Pimephales notatus*), “Bullhead catfishes” (*Ictalurus spp.*), Brown Trout (*Salmo trutta*), Burbot (*Lota lota*), Channel Catfish (*Ictalurus punctatus*), Chinook Salmon (*Oncorhynchus tshawytscha*), Common Carp (*Cyprinus carpio*), “Crappies” (*Pomoxis spp.*), Emerald Shiner (*Notropis atherinoides*), Freshwater Drum (*Aplodinotus grunniens*), Gizzard Shad (*Dorosoma cepedianum*), Largemouth Bass (*Micropterus salmoides*), Lake Trout (*Salvelinus namaycush*), “Whitefishes” (*Coregonus spp.*), Muskellunge (*Esox masquinongy*), Northern Pike (*Esox lucius*), Pumpkinseed (*Lepomis gibbosus*), Rainbow Trout/Steelhead (*Oncorhynchus mykiss*), Rock Bass (*Ambloplites rupestris*), Round Goby (*Appolonia melanostomus*), “Redhorse Suckers” (*Moxostoma spp.*), Smallmouth Bass (*Micropterus dolomieu*), Spottail shiner (*Notropis hudsonius*), Trout-perch (*Percopsis omiscomaycus*), Walleye (*Sander vitreus*), White Bass (*Morone chrysops*), White Perch (*Morone Americana*), White Sucker (*Catostomus commersonii*) and Yellow Perch (*Perca flavescens*). The term “VHS-susceptible species” does not include dead animals, dead animal parts or the eggs of these species. [VHS Quarantine Order](#), 38 Pa.B. 4787.
- Import Requirements
 - Pennsylvania regulations state that it is unlawful to transport or cause the transportation of VHS-susceptible species of fish into Pennsylvania from a VHS-affected or VHS-at risk state, except when one of the following conditions is met:
 - The fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the Pennsylvania Department of Agriculture (Department) and approved by the Commission. Persons transporting these fish must have a copy of the fish health certification reports for all VHS-susceptible fish being transported or a copy of the fish health certification report for the artificial propagation facility if the fish are from a facility that has been certified as having tested negative for VHS.

- The fish being transported through Pennsylvania and the shipping container (tank, trailer, holding vessel or other container) remains biosecure in transit and the fish are accompanied in transit by documentation stating the point of origin of the fish and the location outside of this State to which they are to be delivered.
 - The fish being transported to facilities located within the state for testing and scientific purposes and the persons transporting the fish have taken adequate measures to prevent escape and to disinfect discharged water and equipment used in the transportation of the fish and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for testing or scientific purposes.
 - The fish are being transported to a slaughter facility, processing plant or restaurant within the state and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for slaughter, processing or consumption.
 - The fish are dead, recreationally caught fish that are being transported solely for the purpose of human consumption. 58 Pa. Code § 73.3
 - The VHS quarantine order establishes a quarantine for VHS susceptible species for the following states, which have been designated by USDA-APHIS as being either affected by VHS or as being at risk of being affected by VHS (Quarantined VHS-Affected or VHS At-Risk States): Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin. This Interstate Quarantine will also extend to any State that is subsequently designated a VHS-Affected or VHS At-Risk State by USDA-APHIS. The species may not be imported into Pennsylvania without VHS testing and certification.
- *Testing*
 - Testing and Documentation Requirements from the VHS Quarantine Order. VHS-susceptible species must meet the following testing and documentation requirements:
 - Within 12 months preceding movement from a Quarantined County or a Quarantined VHS-Affected or VHS At-Risk State, the VHS-susceptible species lot must be tested in accordance with either the testing protocols described in the current edition of the Fish Health Section Bluebook adopted by the American Fisheries Society or the testing protocols of the Office of International Epizootiologies, and the lot must be test-negative for VHS.
 - If fish are added to a lot of VHS-susceptible species after the testing described above, is completed, the lot must be retested and found VHS test-negative prior to movement.
 - Documentation of VHS status must accompany VHS-susceptible species that are required to be tested, at all times the VHS-susceptible species

remain within the State and must, upon request, be produced for inspection by any employee or representative of the Department.

- *Geographic Distinctions*

- A VHS-affected or VHS-at risk state includes Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin or other state that APHIS later designates by order or the Commission later defines by notice in the Pennsylvania Bulletin as being VHS-affected or VHS-at risk. 58 Pa. Code § 63.51
- A VHS-affected or VHS-at risk region includes the Canadian provinces of Ontario and Quebec or other region that APHIS later designates by order or the Commission later defines by notice in the Pennsylvania Bulletin as being VHS-affected or VHS-at risk. 58 Pa. Code § 63.51
- VHS-susceptible species of fish from the portion of the Lake Erie watershed have additional requirements for: sale in other state watersheds (must meet the requirements of 30 Pa. Code § 2507 relating to sale of certain fish, reptiles and amphibians prohibited, fish certified as VHS negative or from VHS negative facility) ; transportation out of the watershed, unless certain exceptions are met; introduction, possession, and use VHS-susceptible species of fish from the Lake Erie watershed as bait in other watersheds unless VHS negative. 58 Pa. Code § 63.51 (b); 69.3(b); also 58 Pa. Code § 73.3
- The VHS quarantine order establishes a General Quarantine for the following counties, which are--in whole or in part--within the Lake Erie or Lake Ontario Watersheds: Crawford, Erie and Potter Counties. It also extends to: a Pennsylvania county, any portion of which is located within a watershed designated "VHS-Affected" or "VHS At-Risk" by FBC through publication of notice in the *Pennsylvania Bulletin* or a Pennsylvania county, any portion of which is located within a watershed designated "VHS-Affected" or "VHS At-Risk" by order of USDA-APHIS. [VHS Quarantine Order](#), 38 Pa.B. 4787.

- *Movement Restrictions*

- VHS-susceptible species of fish from the portion of the Lake Erie watershed have additional requirements for: sale in other state watersheds (must meet the requirements of 30 Pa. Code § 2507 relating to sale of certain fish, reptiles and amphibians prohibited, fish certified as VHS negative or from VHS negative facility); transportation out of the watershed, unless certain exceptions are met; introduction, possession, and use VHS-susceptible species of fish from the Lake Erie watershed as bait in other watersheds unless VHS negative. 58 Pa. Code § 63.51 (b); 69.3(b); also 58 Pa. Code § 73.3.
- The VHS quarantine order establishes a General Quarantine for the following counties, which are--in whole or in part--within the Lake Erie or Lake Ontario Watersheds: Crawford, Erie and Potter Counties. It also extends to: a Pennsylvania county, any portion of which is located within a watershed designated "VHS-Affected" or "VHS At-Risk" by FBC through publication of notice in the *Pennsylvania Bulletin* or a Pennsylvania county, any portion of

which is located within a watershed designated “VHS-Affected” or “VHS At-Risk” by order of USDA-APHIS. Commercial fish dealers and propagators in these quarantined areas must do a representative testing of the fish population annually for VHS, for movement of fish outside of the quarantined area into other areas in Pennsylvania. Also, a completed aquaculture inspection certificate is needed for movement of fish out of the quarantine areas. [VHS Quarantine Order](#), 38 Pa.B. 4787.

Wisconsin

- Definitions
 - “Waters of the state” includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction. Wis. Stat. Ann. 281.01
 - “Nonnative fish species in the aquaculture industry” means arctic char (*Salvelinus alpinus*), Atlantic salmon (*Salmo salar*), brown trout (*Salmo trutta*), chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus kisutch*), rainbow trout (*Oncorhynchus mykiss*), pink salmon (*Oncorhynchus gorbuscha*), redear sunfish (*Lepomis microlophus*), tiger trout (a hybrid of *Salvelinus fontinalis* and *Salmo trutta*) and tilapia (*Tilapia spp.*). Wis. Admin. Code NR § 40.02

- Import Requirements
 - An import permit is required: if the fish or fish eggs originate from the wild and are to be delivered to a registered fish farm; if the fish or fish eggs originate from any source out of state and are to be released into a body of water that is not registered as a fish farm (e.g., private pond or waters of the state). Wis. Stat. Ann. § 95.60.
 - No permit required if: live fish from out of state fish farm to WI fish farm with health certificate ornamental fish; live fish held in enclosed buildings for educational purpose; fish for processing/retail food/consumption; imported by DNR from out of state fish farm to instate fish farm; non-VHS susceptible fish for bait. Wis. Admin. Code § 10.62.
 - Importation of non-native fish species requires a permit from the Wisconsin Department of Natural Resources; see administrative rules regarding importation of non-native species of fish. Wis. Stat. Ann. § 29.735; Wis. Admin. Code NR § 19.05; Wis. Admin. Code NR § 40.

- *Testing*
 - A qualified fish health inspector will issue a fish health certificate based on his or her personal inspection, using appropriate inspection, sampling, and diagnostic methods specified in the certificate form. Wis. Admin. Code ATCP § 10.65
 - Certification [form](#) states that required laboratory tests have been sampled and inspected by lot or facility according to the current version of the Inspection Section of the AFS-FHS Blue Book or the OIE Manual and Code. Also requires a visual inspection of a minimum of 60 fish per species (or 100% of the population for populations of 60 fish or less) and certification that the fish have no gross clinical signs of contagious or infectious diseases except as noted on the form.

- *Geographic Distinctions*

- Importation of non-native fish species requires a permit from the Wisconsin Department of Natural Resources; see administrative rules regarding importation of non-native species of fish. Wis. Stat. Ann. § 29.735; Wis. Admin. Code NR § 19.05
- *Movement Restrictions*
 - No person may move any live fish or fish eggs of a species that the department has identified as being susceptible to VHS from a type 3 fish farm to any other location in this state, unless those fish or fish eggs are covered by a valid health certificate under s. Wis. Admin. Code ATCP § 10.64-65.
 - Exemptions: Live fish or fish eggs moved between type 3 fish farms registered under s. ATCP 10.61, if the operator keeps a complete record of the movement; Fish or fish eggs moved to a food processing plant, retail food establishment, or restaurant, for processing or direct sale to consumers, provided that the receiving entity refrains from certain actions; live fish or fish eggs shipped to a specific location for direct sale to consumers as food, provided requirements are met.