

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 865 Session of
2005

INTRODUCED BY MADIGAN, WAUGH, STOUT, PICCOLA, LEMMOND, PILEGGI,
PIPPY, EARLL, MUSTO, O'PAKE, RAFFERTY AND WOZNIAK,
SEPTEMBER 21, 2005

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, SEPTEMBER 21, 2005

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, further providing for definitions; and providing
3 for registration of premises upon which domestic animals are
4 kept.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 2303 of Title 3 of the Pennsylvania
8 Consolidated Statutes is amended by adding a definition to read:
9 § 2303. Definitions.

10 The following words and phrases when used in this chapter
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 * * *

14 "USDA-APHIS." The United States Department of Agriculture,
15 Animal Plant Health Inspection Service.

16 * * *

17 Section 2. Chapter 23 of Title 3 is amended by adding a
18 subchapter to read:

1 SUBCHAPTER B.1.

2 REGISTRATION OF CERTAIN DOMESTIC ANIMAL PREMISES

3 Sec.

4 2320.1. Responsibilities of department.

5 2320.2. Domestic animal premises registration.

6 2320.3. Confidentiality.

7 2320.4. Regulations.

8 § 2320.1 Responsibilities of department.

9 (a) General responsibility.--The department shall establish,
10 administer and enforce the domestic animal premises registration
11 program described in this subchapter.

12 (b) Identification code.--The department shall assign a
13 unique identification code to each domestic animal premises
14 registered under this subchapter. The department shall use a
15 coding system that complies with any applicable standards
16 established by USDA-APHIS and shall use such identification
17 codes as are federally allocated for premises in this
18 Commonwealth. The department shall, to the extent consistent
19 with the other requirements of this subchapter, employ a system
20 that is reasonably designed to do the following:

21 (1) Facilitate animal health and dangerous transmissible
22 disease control.

23 (2) Promote consistency with the domestic animal
24 premises registration programs of other states and with
25 applicable Federal requirements.

26 (3) Facilitate interstate commerce.

27 (c) Database.--The department shall establish and maintain a
28 database related to domestic animal premises registered under
29 this subchapter. The department shall include the following
30 information in the database:

1 (1) The identification code assigned to each premises
2 under this subchapter.

3 (2) The registration information required under section
4 2320.2(b) (relating to domestic animal premises
5 registration).

6 (3) Information independently obtained by the department
7 through public or private agencies which will facilitate the
8 department's ability to identify the location of registered
9 premises in a timely manner, including global positioning
10 system coordinates of registered premises.

11 (d) Temporary orders.--

12 (1) The department may issue a temporary order adding
13 domestic animal species to the list of animals in section
14 2320.2(a) or establishing exemptions from the registration
15 requirements of this subchapter under section 2320.2(c)(1).

16 (2) The provisions of a temporary order shall be
17 applicable as of the date of actual or constructive notice of
18 the order or any later date specified in that order.

19 (3) Within 20 days of issuing a temporary order, the
20 department shall transmit notice of the order to the
21 Legislative Reference Bureau for publication in the
22 Pennsylvania Bulletin. Publication shall continue
23 constructive notice of the order.

24 (4) A temporary order shall remain in effect until the
25 later of:

26 (i) incorporation of the subject matter of the order
27 into a regulation; or

28 (ii) the expiration of one year after issuance of
29 the order.

30 (5) A temporary order may be reissued prior to

1 expiration under paragraph (4).

2 § 2320.2 Domestic animal premises registration.

3 (a) Registration required.--Except as provided in subsection
4 (c), a person may not keep or enter into commerce, trade or
5 exhibition any of the following at a premises in this
6 Commonwealth unless the person registers the premises at which
7 the animals are kept with the department:

8 (1) Cattle.

9 (2) Bison.

10 (3) Equine animals.

11 (4) Goats.

12 (5) Poultry, including chickens, turkeys, waterfowl,
13 ratites, game fowl and pigeons.

14 (6) Sheep.

15 (7) Swine.

16 (8) Camelidae.

17 (9) Cervids.

18 (10) Any other domestic animal designated by the
19 department through regulation, or through temporary order
20 issued under section 2320.1(d) (relating to responsibilities
21 of department).

22 (11) Any domestic animal designated by USDA-APHIS.

23 (12) The carcass of any animal described in paragraphs
24 (1) through (11).

25 (b) Procedure.--

26 (1) A person required to register under subsection (a)
27 shall register the premises with the department and shall
28 provide all of the following information:

29 (i) The registrant's name and any trade names under
30 which the registrant keeps an animal described in

subsection (a) within this Commonwealth.

(ii) The registrant's business address.

(iii) The address of each premises at which the registrant keeps an animal described in subsection (a) within this Commonwealth. If no address for the premises exists, a description of the premises including the name of the location, the county and local municipality satisfies this subparagraph.

(iv) With respect to every premises described in subparagraph (iii), a breakdown of the species of domestic animal or carcasses kept at each location.

(v) Any other information as may be reasonably required by the department in order to carry out this subchapter.

(2) The department shall develop a registration form and make it available upon request. The department may allow alternative means of registration, including electronic registration, registration through the use of third-party forms containing the information required in this subsection, and any other method approved by the department.

(c) Exemptions.--

(1) The department may by regulation, or by temporary order issued under section 2320.1(d), exempt premises from the registration otherwise required under subsection (a).

(2) Any vehicle or vessel used in transporting by land, air or water a domestic animal or domestic animal product is exempt from registration under subsection (a).

(d) Failure to register.--A person subject to subsection (a) that fails to register shall not be eligible for any indemnity payment, depopulation incentive payment, cleanup cost payment or

1 disposal cost payment under section 2331 (relating to
2 indemnification) for any livestock for which the indemnity would
3 be paid.

4 § 2320.3. Confidentiality.

5 (a) General rule.--Except as provided in subsection (b), all
6 information published by the department utilizing information
7 collected under this subchapter shall be classified so as to
8 prevent the identification of information received from an
9 individual registrant. All information received under this
10 subchapter shall be held confidential by the department and its
11 employees.

12 (b) Exception.--The department may disclose information
13 provided by a registrant provided under section 2320.2(b)
14 (relating to domestic animal premises registration) to the
15 following:

16 (1) Any person or entity to whom or which the registrant
17 authorizes disclosure.

18 (2) Any person or agency if the department believes that
19 the release is necessary to prevent or control disease or to
20 protect public or animal health, safety or welfare. The
21 department may disclose information under this paragraph
22 subject to any confidentiality requirements which the
23 department determines are appropriate under the
24 circumstances.

25 (3) The United States Department of Agriculture-National
26 Agricultural Statistics Service.

27 (c) Penalty for unauthorized disclosure.--A person that
28 violates this section commits a misdemeanor of the third degree.

29 (d) Right-to-Know Law inapplicable.--All information
30 received and records made or kept by the department that are

1 related to the administration or enforcement of the program
2 established under this subchapter are exempt from the act of
3 June 21, 1957 (P.L.390, No.212), referred to as the Right-to-
4 Know Law.

5 § 2320.4. Regulations.

6 (a) General rule.--The department shall promulgate
7 regulations to administer this subchapter.

8 (b) Interim regulations.--

9 (1) The department may promulgate interim regulations to
10 administer this subchapter.

11 (2) Interim regulations under this subsection shall not
12 be subject to any of the following:

13 (i) Section 205 of the act of July 31, 1968
14 (P.L.769, No.240), referred to as the Commonwealth
15 Documents Law.

16 (ii) Section 204(b) of the act of October 15, 1980
17 (P.L.950, No.164), known as the Commonwealth Attorneys
18 Act.

19 (iii) The act of June 25, 1982 (P.L.633, No.181),
20 known as the Regulatory Review Act.

21 (3) Interim regulations under this subsection shall
22 expire upon the earlier of:

23 (i) the effective date of the regulations
24 promulgated under subsection (a); or

25 (ii) the passage of two years from the effective
26 date of the interim regulations under this subsection.

27 Section 3. This act shall take effect in 180 days.