

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2402 Session of
1980

INTRODUCED BY LETTERMAN, BENNETT, BRANDT AND W. W. FOSTER,
MARCH 18, 1980

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MARCH 18, 1980

AN ACT

1 Amending the act of June 3, 1937 (P.L.1225, No.316), entitled
2 "An act concerning game and other wild birds and wild
3 animals; and amending, revising, consolidating, and changing
4 the law relating thereto," providing for the sale of inedible
5 parts of game.

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

8 Section 1. Section 716, act of June 3, 1937 (P.L.1225,
9 No.316), known as "The Game Law," amended April 14, 1976
10 (P.L.109, No.47), is amended to read:

11 Section 716. Buying and Selling Game and Certain Parts.--
12 Except as otherwise provided by this act, it is unlawful for any
13 person, at any time, to buy, sell, or barter, or offer for sale
14 or barter, or have in possession for sale or barter, any game[,
15 or parts thereof, no matter where such game has been killed,
16 excepting deer or rabbits killed in another state or nation, or
17 the skins of raccoons and the skins of bears, no matter where
18 killed, and other game legally killed and imported from another
19 state or nation when tagged as herein required.

1 Except as otherwise provided by this act, it is unlawful for
2 any person, at any time, to sell or barter, or offer for sale or
3 barter, any species of game, or parts thereof, protected by this
4 act or similar thereto, imported either dead or alive from
5 another state or nation, except deer or rabbits, unless the
6 carton containing such birds or animals, or the individual
7 carcasses, shall have attached a tag identifying the birds or
8 animals in plain English, and giving the state or nation from
9 which originally shipped. Before any such game may be offered
10 for sale, there shall first have been attached to each bird or
11 animal, by a representative of the commission, a metal seal, the
12 cost of which is hereby fixed at five cents, which seal shall
13 remain attached until the carcass is prepared, or finally cut
14 up, for consumption.

15 Nothing in this section shall be construed to prevent the
16 purchase or sale of game raised under authority of a propagating
17 permit in this Commonwealth and properly tagged; or the sale of
18 live raccoons by the trapper who legally caught the same within
19 this Commonwealth who shall be known as the first party, to any
20 person within the Commonwealth who shall be known as the second
21 party and who shall be required to possess a current resident
22 hunter's license legally issued to him, for the sole purpose of
23 the second party to release such purchased raccoons into a wild
24 state within this Commonwealth for restocking purposes only. The
25 second party shall be required to release all such purchased
26 raccoons into the wild within a period of not more than ten days
27 from the date of purchase from the first party. It shall be
28 unlawful for the second party to sell or barter, or have in
29 possession for sale or barter, any raccoon purchased from the
30 first party under any circumstances, or for any person to sell,

1 or offer for sale, any raccoon, living or dead, which was taken
2 in this Commonwealth for any other purpose other than as
3 provided herein; or the purchase or sale, or introduction into
4 this State, at any time, of live birds or animals for
5 propagation, liberation, or for any other purpose that has been
6 inspected and legally passed in accordance with the conditions
7 hereinafter stipulated; or to prevent, at any time, the sale
8 within the State, or the shipment out of the State, without a
9 license of any kind, of any animal raised in captivity and not
10 found in a wild state in this Commonwealth; or the purchase or
11 sale of the tanned, cured, or mounted heads or skins, or parts
12 thereof, of any game not killed in a wild state in this
13 Commonwealth, or the sale or purchase of deer hides or any part
14 thereof from animals lawfully killed, if such hides are disposed
15 of by the original owner within ninety days after the close of
16 the previous open season, but this provision shall not be
17 construed to permit any individual or agency other than the
18 commission to sell the skins of deer killed as a protection to
19 crops.] taken from a wild state within the Commonwealth or the
20 progeny or the edible flesh of any such game. The edible flesh
21 of game shall mean that portion which is normally eaten by
22 humans as food. Dead raccoons lawfully taken during the open
23 season may be sold unskinned to any person lawfully authorized
24 to purchase raw furs in the Commonwealth for the sole purpose of
25 skinning such animals to obtain the pelts therefrom. It shall be
26 unlawful to sell or barter, or offer for sale or barter, the
27 skinned carcasses or flesh of such raccoons under any
28 circumstances.

29 Parts of game lawfully taken during the open hunting season,
30 other than the edible flesh of game and parts of migratory game

1 birds, may be sold by the person who legally killed such game
2 providing that such edible flesh is totally removed from such
3 part or parts and such part or parts are sold within ninety days
4 following the close of the hunting season in which such species
5 was taken. Parts of migratory game birds may be sold only in
6 accordance with provisions of Federal law.

7 It shall be unlawful for any person other than the
8 commission, to sell any part of any game bird or game animal
9 killed as a protection to crops.

10 Any person who barter or sells any part or parts of game of
11 which the edible flesh has not been totally removed, or barter
12 or sells any part or parts of game contrary to the provisions of
13 this section, shall be construed as selling game and subject
14 such person to the penalties provided in this act for bartering
15 or selling game.

16 Nothing in this section shall be construed to prohibit any
17 person at any time from possessing or buying or selling game or
18 parts thereof legally taken or obtained from another state or
19 nation: Provided, however, such person shall immediately, upon
20 inquiry from any officer authorized to enforce this act, inform
21 the officer to his satisfaction where such game or parts thereof
22 were taken or acquired. Any person who shall fail or refuse to
23 immediately inform such officer to his satisfaction, where such
24 game or parts thereof were taken or acquired, shall be construed
25 as game taken in this Commonwealth and shall subject such person
26 to the penalties provided for in this act for the illegal
27 possession, buying, bartering or selling as the case may be.

28 Section 2. This act shall take effect immediately.