

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 824

Session of
1987

INTRODUCED BY MORRIS, SIRIANNI, GODSHALL, SHOWERS, SEMMEL, BUSH,
TRELLO, WASS, HAYES, BATTISTO, BOWSER, DURHAM, FOX, RUDY,
MANMILLER, LaGROTTA, GLADECK, HASAY, BOWLEY, COY, ACOSTA,
BRANDT, BALDWIN, BROUJOS, FARGO, PICCOLA, SAURMAN, MAINE,
FOSTER, HONAMAN, STABACK, E. Z. TAYLOR, JOHNSON, MAYERNIK,
SCHULER, TIGUE, HERSHEY, COLAFELLA, BARLEY, CHADWICK,
CARLSON, HALUSKA, YANDRISEVITS, LLOYD AND LEH, MARCH 11, 1987

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 24, 1987

AN ACT

1 Providing for the control of transportation of poultry and for
2 the disinfection of conveyances carrying poultry; requiring a
3 license for transportation of live poultry or for dealing in
4 poultry or poultry products; setting fees; authorizing
5 certain powers of enforcement to the Department of
6 Agriculture; and prescribing penalties.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Poultry
11 Transportation and Dealer Licensing Act.

12 Section 2. Legislative intent.

13 The General Assembly intends to prevent the introduction and
14 spread of Avian Influenza H5N2 Virus into this Commonwealth and
15 to halt the subsequent spread of this devastating disease into
16 poultry flocks and markets of surrounding states and Canada.

17 Since the flu virus is spread by human contact and

1 transportation equipment, the General Assembly maintains that
2 strict standards of sanitation are crucial to the prevention of
3 Avian Influenza epidemics. Additionally, the General Assembly
4 finds the licensing of poultry haulers and dealers to be a
5 method of determining the source and extent of infection.

6 Section 3. Definitions.

7 The following words and phrases when used in this act shall
8 have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Conveyance." Any automobile, truck, tractor trailer, wagon
11 or other vehicle used in the transportation of ~~persons or~~ <—
12 ~~animate or inanimate items of personal property~~ LIVE POULTRY on <—
13 public highways of this Commonwealth. The term shall not include
14 any vehicle used by a producer exclusively on a farm or on ~~or~~ <—
15 ~~between~~ CONTIGUOUS farms operated as part of a single <—
16 agricultural operation.

17 ~~"Dealer" or "poultry dealer." Any person engaged in the~~ <—
18 ~~business of buying or selling poultry or poultry products as~~
19 ~~principal or agent.~~

20 " DEALER" OR "POULTRY DEALER." ANY PERSON ENGAGED IN THE <—
21 BUSINESS OF BUYING, RECEIVING, SELLING, EXCHANGING, NEGOTIATING
22 OR SOLICITING THE SALE, RESALE, EXCHANGE OR TRANSFER OF LIVE
23 POULTRY. THE TERM DOES NOT INCLUDE ANY POULTRY PRODUCER OR ANY
24 BUTCHER OR PROCESSOR WHO RECEIVES LIVE POULTRY FOR IMMEDIATE
25 SLAUGHTER.

26 "Department." The Department of Agriculture of the
27 Commonwealth.

28 "Operator." The licensed driver of a vehicle.

29 "Person." A natural person, corporation, partnership or
30 association.

1 ~~"Poultry." Any live or undressed domesticated or game bird~~ <—
2 ~~kept or grown for the commercial use of its meat, its eggs or~~
3 ~~any poultry product.~~

4 "POULTRY." ANY CHICKENS, DUCKS, GEESE, TURKEYS, PIGEONS, <—
5 CHUKARS, GUINEAS, EXOTIC FOWL AND GAME BIRDS RAISED IN
6 CAPTIVITY.

7 "Producer" or "poultry producer." Any person engaged in the
8 business of growing or keeping poultry for market. This term
9 shall not include a person who, by contract, employs another
10 person to exclusively perform the actual breeding, growing or
11 raising activities relating to the poultry, regardless of
12 whether or not such employer has title in the poultry.

13 "Secretary." The Secretary of Agriculture of the
14 Commonwealth.

15 Section 4. Standards of sanitation required.

16 The department shall:

17 (1) Within six months of the effective date of this act,
18 promulgate and publish regulations for standards of
19 RECORDKEEPING, cleanliness and operation for all conveyances <—
20 used in the transportation of poultry and for all crates,
21 coops, cages or other accessories, whether or not constructed
22 of permeable material, used on conveyances for poultry
23 transportation.

24 ~~(2) Require that a record of all sanitation measures~~ <—
25 ~~taken by the owner or operator of any conveyance hauling~~
26 ~~poultry be kept and maintained for a period of two years.~~

27 ~~(3)~~ (2) Conduct periodic inspections of conveyances and
28 accessories used in hauling poultry and ascertain that
29 ~~records are maintained.~~ SANITATION REQUIREMENTS ARE BEING <—
30 FULFILLED.

1 Section 5. License required.

2 (a) Transportation of poultry.--On and after March 31, 1988,
3 it shall be unlawful for any ~~owner or operator of any conveyance~~ <—
4 PERSON, whether or not contracted by another party, to engage in <—
5 the business of transportation of poultry ~~within~~ INTO, WITHIN OR <—
6 FROM this Commonwealth, unless he shall hold a license issued by
7 the department as provided in this act.

8 (b) Poultry business.--It shall be unlawful, on or after
9 March 31, 1988, for any poultry dealer to engage in business
10 transactions within this Commonwealth, unless he shall hold a
11 license issued by the department as provided in this act.

12 Section 6. Filing procedures.

13 Every poultry dealer and every owner or operator of a
14 conveyance desiring to transport poultry within this
15 Commonwealth shall annually, on or before December 31, file an
16 application for a license with the department. The application
17 shall be on a form furnished by the department and shall contain
18 any information as the department may require.

19 Section 7. Payment of fees.

20 Unless the department refuses the application on one or more
21 grounds as provided in this act, it shall issue to an applicant,
22 upon the payment of proper fees, a license entitling the
23 applicant to conduct transportation of poultry or to act as a
24 dealer in poultry until December 31 of the year next following.
25 The fee for this license shall be \$25 for each dealer's license
26 issued and \$25 for each vehicle used for purposes of
27 transporting poultry.

28 Section 8. Keeping of records.

29 (a) Poultry transportation.--Every owner or operator of a
30 conveyance used to haul poultry shall keep a record for at least

1 ~~two years~~ ONE YEAR of all premises where receipt or delivery of <—
2 poultry was made; the quantity, ~~condition~~, type and species of <—
3 poultry received or delivered; the date received or delivered;
4 and any other information which the department by regulation
5 shall require.

6 (b) Poultry dealers.--Every dealer of poultry shall keep a
7 record for at least ~~two years~~ ONE YEAR of all transactions <—
8 conducted, including name and address of each buyer and seller;
9 the quantity and description of goods purchased or sold; the
10 date of each transaction; the nature or condition of goods
11 transacted; ~~the date and nature of payment~~; and any other <—
12 information which the department by regulation shall require.

13 Section 9. Revocation or suspension of license.

14 The department may refuse to grant a license or may suspend
15 or revoke a license already granted under this act if it is
16 satisfied that the applicant or licensee has:

17 (1) Failed to maintain adequate records of poultry
18 haulage or transactions or other information required under
19 this act or regulations issued pursuant thereto.

20 (2) Failed to meet the minimum standards of sanitation
21 for conveyances and accessories used for transporting poultry
22 in accordance with regulations adopted by the department.

23 (3) Made any false statement or statements or kept any
24 false records relative to the destination, dates of visit,
25 quantity and condition of birds received or delivered, or any
26 other information required under this act or regulations of
27 the department.

28 (4) Made any false statement in the application for or
29 attempt to procure any license permitted to be issued under
30 this act.

1 Section 10. Hearings and appeals.

2 (a) Hearings.--Before the department shall refuse, suspend
3 or revoke any license, it shall conduct a hearing on the matter. <—
4 ~~If the department shall find the applicant or licensee in~~
5 ~~violation of section 8, the department may refuse, suspend or~~
6 ~~revoke such license~~ and shall notify the applicant or licensee,
7 in writing, within five days of its determination.

8 (b) Procedure.--Hearings under this act and appeals from
9 decisions of the department shall be conducted in the manner
10 provided in Title 2 of the Pennsylvania Consolidated Statutes
11 (relating to administrative law and procedure) and by the Rules
12 of Appellate Procedure.

13 Section 11. Penalties.

14 Any owner or operator of a vehicle or any poultry dealer who
15 violates the provisions of section 5 or interferes with an agent
16 of the department in the enforcement of this act:

17 (1) For a first offense, commits a summary offense and
18 shall, upon conviction, be sentenced to pay a fine of not
19 less than \$100 nor more than \$300 and costs of prosecution,
20 and, in default of payment of such fine and costs, be
21 sentenced to imprisonment for a period not exceeding 60 days.

22 (2) For a subsequent offense, commits a misdemeanor of
23 the third degree and shall, upon conviction, be sentenced to
24 pay a fine of not less than \$500 nor more than \$2,500 or to
25 imprisonment not exceeding one year or both.

26 Section 12. Injunctions.

27 The Attorney General, at the request of the department, may,
28 in the name of the Commonwealth, institute proceedings in equity
29 in the Commonwealth Court for the purpose of enjoining the
30 conduct of business in this Commonwealth contrary to the

1 provisions of this act.

2 Section 13. Rules and regulations.

3 The department shall, in the manner provided by law,
4 promulgate and enforce the rules and regulations deemed
5 necessary to carry out this act.

6 Section 14. Poultry Inspection Account.

7 All moneys received from license fees and fines collected
8 under this act shall be immediately paid by the department into
9 the State Treasury and credited to a restricted receipts
10 account, to be known as the Poultry Inspection Account, to be
11 used for payment of costs to issue licenses and provide for
12 inspections pursuant to section 4. All moneys in this account
13 are hereby appropriated to the department on a continuing basis
14 for this purpose.

15 Section 15. Effective date.

16 This act shall take effect in 60 days.