
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1170

Session of
1987

INTRODUCED BY McHALE, FREEMAN, RYBAK, PRESSMANN, MURPHY, GRUPPO,
RITTER, PISTELLA, KOSINSKI, GODSHALL, VROON, SAURMAN, ITKIN,
MICHLOVIC, JACKSON, PICCOLA, PIEVSKY, NAHILL AND SEMMEL,
APRIL 27, 1987

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
APRIL 27, 1987

AN ACT

1 Providing for a ban on the importation, ownership, possession,
2 barter, trade and sale of live wild birds for use as pets or
3 other uses; permitting regulated captive breeding of
4 specified live wild birds and ownership and sale of the
5 captive offspring; requiring a bird breeder's permit;
6 providing for administration and enforcement by the
7 Department of Agriculture; and providing penalties.

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

10 Section 1. Short title.

11 This act shall be known and may be cited as the Wild Bird
12 Importation and Sale Control Act.

13 Section 2. Definitions.

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

17 "Bird breeder." A person holding a valid permit to sell live
18 wild birds and their eggs and to apply butt-end leg bands.

19 "Butt-end leg band." An open ring leg band applied to the

1 leg of a live wild bird of any age using pliers or a similar
2 tool.

3 "Captive raised." Live wild birds hatched from eggs produced
4 by captive parents and raised in captivity.

5 "Department." The Department of Agriculture of the
6 Commonwealth.

7 "Game and Wildlife Code." Title 34 of the Pennsylvania
8 Consolidated Statutes (relating to game).

9 "Live wild bird." All birds not native to the United States
10 and not protected by its treaties, laws and regulations, except
11 domesticated birds such as chickens, turkeys, guinea fowl,
12 geese, ducks, pigeons and peafowl.

13 "Person." Natural persons as well as corporations,
14 partnerships, business units and associations.

15 "Sale." Any delivery or transfer of title to or possession
16 of a live wild bird for a consideration, including offering or
17 exposing for sale, and soliciting for sale by catalogs,
18 newspapers, magazines or other advertising matter.

19 "Seamless leg band." A solid ring leg band applied to the
20 leg of a newly hatched live wild bird, incapable of being
21 removed when the bird has reached adult size without destroying
22 the band.

23 Section 3. Prohibition.

24 Except as permitted by this act, no person may import, own or
25 sell live wild birds or their eggs within this Commonwealth.

26 Section 4. Permitted sales.

27 (a) Species.--The following captive raised species may be
28 sold:

29 Species Common Name:	Species Scientific Name:
30 Diamond Dove	Geopelia cuneata

1	Cockatiel (including	Nymphicus hollandicus
2	mutations)	
3	Crimson Rosella	Platycercus elegans
4	Eastern Rosella	Platycercus eximius
5	Pale-headed (Blue)	Platycercus adscitus
6	Rosella	
7	Red-rumped Parrot	Psephotus haematonotus
8	(including all mutations)	
9	Bourke's Parrot	Neophema bourkii
10	Budgerigar	Melopsittacus undulatus
11	(including all mutations)	
12	Blue-masked Lovebird	Agapornis personata Var.
13	Zebra Finch	Poephila guttata
14	(Lady) Gouldian Finch	Chloebia gouldinae
15	Society (Bengalese)	Lonchura striata
16	Finch	
17	Java Sparrow	Padda (Lonchura) oryzivora
18	Common Canary (including	Serinus canaria
19	all varieties)	

20 (b) Additions and deletions.--The department may, at any
 21 time, consider petitions from persons regarding additions to or
 22 deletions from the list of species of live wild birds whose sale
 23 is permitted pursuant to subsection (a). Each such petition
 24 shall contain information sufficient to enable the department to
 25 determine whether such species is predominantly captive raised
 26 and that their inclusion on such list will not cause additional
 27 birds to be captured in the wild. If the department determines
 28 that a species of live wild birds should be added to or deleted
 29 from the list set forth in subsection (a) it may, by regulation
 30 duly adopted according to law, so revise the list set forth in

1 subsection (a).

2 (c) Temporary exception.--Until November 1, 1988, live wild
3 birds or their eggs which were possessed prior to January 1,
4 1988, may be sold provided that the seller furnishes proof
5 acceptable to the department that such live wild bird was
6 possessed prior to January 1, 1988. The department shall accept
7 as proof a written instrument stating that the wild bird or egg
8 was in the seller's possession prior to January 1, 1988, and
9 bearing a form notice that a false statement made therein is
10 punishable pursuant to 18 Pa.C.S. § 4904 (relating to unsworn
11 falsification to authorities). Effective November 1, 1988, each
12 such live wild bird possessed prior to January 1, 1988, may be
13 sold only pursuant to a permit issued by the department. The fee
14 for such permit shall be \$10.

15 (d) Permitted sale of live wild birds.--Live wild birds
16 bearing the identification required by this act may be sold
17 provided they are on the list of species raised in captivity and
18 approved for sale.

19 (e) Sales to breeders.--Live wild birds or their eggs may be
20 sold to bird breeders holding a valid permit as defined and
21 required in this act.

22 (f) Sales by governmental agencies.--Federal, State and
23 local governmental agencies may sell live wild birds.

24 (g) Sales to certain institutions.--Scientific, zoological
25 or educational institutions having a permit issued by the
26 department pursuant to the provisions of this act and the Game
27 and Wildlife Code may sell live wild birds.

28 (h) Sales of domestic game birds.--Domestic game birds or
29 their eggs may be sold by a domestic game bird breeder holding a
30 valid permit, and conforming to any other provisions contained

1 in the Game and Wildlife Code, provided that after November 1,
2 1991, all birds sold shall be captive raised.

3 (i) Department authorization.--The department may authorize
4 the sale of live wild birds by permit issued pursuant to
5 provisions of this act.

6 (j) Additional authorization.--The department may authorize
7 other sales which will accomplish the purposes of this act and
8 the Game and Wildlife Code.

9 Section 5. Bird breeder's permit.

10 (a) General rule.--A bird breeder's permit issued by the
11 department entitles the holder to take the actions specified in
12 this section.

13 (b) Prior to November 1, 1991.--Until November 1, 1991, a
14 permittee may sell live wild birds or their eggs of any species
15 whether or not captive raised, except endangered species listed
16 in the Game and Wildlife Code, or Federal treaties, laws or
17 regulations, to other bird breeders with valid permits issued
18 pursuant to this act, and to scientific, zoological or
19 educational institutions holding permits issued pursuant to the
20 provisions of the Game and Wildlife Code. Such live wild birds
21 need not be marked as required by provisions of this act.

22 (c) On and after November 1, 1991.--On and after November 1,
23 1991, a permittee may sell live wild birds that are captive
24 raised or acquired before November 1, 1991, to other bird
25 breeders with valid permits issued pursuant to this act, and to
26 scientific, zoological or educational institutions with permits
27 issued pursuant to this act. The seller must provide proof
28 acceptable to the department that such live wild birds were in
29 his possession prior to such date. Such live wild bird need not
30 be marked as required by the provisions of this act.

(d) Application of butt-end bands.--A person with a valid permit may apply butt-end bands to captive raised birds produced by the permittee. Such bands must be obtained from suppliers designated or approved by the department and must be of a type and style required by the department.

Section 6. Application for bird breeder's permit.

A person who wishes to be a permitted bird breeder shall submit, on forms provided by the department, an application containing the following information:

(1) A statement generally describing the applicant's purpose for applying for the permit.

(2) The number and species of live wild birds, by common and scientific name, for breeding purposes.

(3) The address of the facility where live wild birds will be possessed and bred with a description of the area and facilities to be used for breeding purposes.

(4) A summary of the experience and technical expertise the applicant has had in the raising and breeding of live wild birds and the species and numbers bred.

(5) Any other information which the department may deem pertinent or necessary.

Section 7. Issuance of bird breeder's permit by department.

In determining whether or not to issue a bird breeder's permit, the department shall give consideration to the following factors:

(1) Whether the live wild birds will be used for bona fide breeding purposes.

(2) Whether the facilities described in the application are sufficient and adequate for the purpose of humanely and successfully breeding and raising captive live wild birds of

1 the species described.

2 (3) Whether the applicant, by virtue of his background,
3 experience and knowledge can reasonably be expected to
4 humanely and successfully breed and raise captive wild birds
5 of the species described.

6 (4) The applicant's prior record of compliance with the
7 provisions of the Game and Wildlife Code, with regulations
8 adopted pursuant to the Game and Wildlife Code, and with the
9 conditions of permits issued pursuant to laws and regulations
10 of the department and the Pennsylvania Game Commission.

11 Section 8. Conditions of bird breeder's permit.

12 Each bird breeder's permit shall:

13 (1) Be valid for one year and expire on the date stamped
14 on the front of the permit.

15 (2) Require that the permittee keep and maintain
16 complete records of the purchase and sale, application of
17 butt-end leg bands, transfers, breeding loans and births and
18 deaths of live wild birds held pursuant to the permit.

19 (3) Require that all live wild birds possessed pursuant
20 to the permit be confined in the facility and premises
21 described on the permit or be on breeding loan to a permitted
22 resident bird breeder or bona fide nonresident bird breeder.

23 (4) Contain such other conditions as the department
24 deems necessary and proper.

25 Section 9. Fee for bird breeder's permit.

26 The fee for a bird breeder's permit shall be \$100 for the
27 initial license and \$25 annually thereafter.

28 Section 10. Identification of live wild birds.

29 (a) Band markings.--All live wild birds subject to the
30 provisions of this act shall be marked with either a seamless

1 leg band or a butt-end leg band applied by a bird breeder with a
2 valid permit issued pursuant to this act when the bird is
3 offered for sale or sold, except as otherwise permitted pursuant
4 to the provisions of this act.

5 (b) Removal and replacement of bands.--In the event that a
6 band is removed for medical reasons, a veterinarian licensed by
7 the Commonwealth shall either apply his or her own band with his
8 identifying number or apply the band of a permitted wild bird
9 breeder. The veterinarian must notify the department within ten
10 days of replacement of the band. The department shall provide
11 necessary forms for this purpose.

12 Section 11. Penalties.

13 (a) Offense.--A person who violates any provision of this
14 act commits a misdemeanor of the third degree.

15 (b) Civil penalty.--In addition to any other penalty
16 prescribed by law, a person who violates any provision of this
17 act shall pay to the Commonwealth a civil penalty of \$100 and an
18 additional civil penalty of \$50 for each live wild bird involved
19 in the violation.

20 (c) Revocation of permit.--In addition to the sanctions
21 provided in subsections (a) and (b), the department may revoke
22 any permit issued pursuant to this act for any violation of this
23 act.

24 Section 12. Disposition of fees and civil penalties.

25 All fees and civil penalties collected pursuant to this act
26 shall be payable to and retained by the department and applied
27 to the cost of the department of administering this act.

28 Section 13. Administration and enforcement.

29 The Department of Agriculture is charged with the
30 administration and enforcement of this act.

1 Section 14. Effective date.

2 This act shall take effect in 60 days.