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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2423 Session of 1993

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INTRODUCED BY KASUNIC, MIHALICH, TRELLO, DALEY, FAIRCHILD,  
FARGO, SAYLOR, BARLEY, STAIRS, GORDNER, WAUGH, ROBERTS,  
HERSHEY, SCHEETZ, COLAIZZO, ARMSTRONG, LAUGHLIN, SURRA,  
DeWEESE, GODSHALL, DeLUCA AND MERRY, DECEMBER 15, 1993

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
DECEMBER 15, 1993

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AN ACT

1 Providing for enforcement of the cruelty to animals law on  
2 farms; and conferring powers and imposing duties on the  
3 Department of Agriculture.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Cruelty to  
8 Farm Animals Enforcement Act.

9 Section 2. Definitions.

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

13 "Cruelty to animals law." The provisions of 18 Pa.C.S. §  
14 5511 (relating to cruelty to animals).

15 "Department." The Department of Agriculture of the  
16 Commonwealth.

17 "Domestic animal." Any equine animal or bovine animal,

1 sheep, goat, pig, dog, cat, poultry, bird, fowl or any wild or  
2 semiwild animal held on a farm and used in the course of a  
3 normal agricultural operation.

4 "Normal agricultural operation." The customary and generally  
5 accepted activities, practices and procedures which farmers  
6 adopt, use or engage in year after year in the production and  
7 preparation for market of domestic animals and their products  
8 and in the production and harvesting of agricultural, agronomic,  
9 horticultural, silvicultural and aquacultural crops and  
10 commodities.

11 Section 3. Enforcement of cruelty to animals law.

12 (a) Jurisdiction of department.--Notwithstanding any other  
13 provisions of law to the contrary, the department shall have  
14 exclusive jurisdiction for the enforcement of the cruelty to  
15 animals law as it pertains to domestic animals used in the  
16 course of normal agricultural operation.

17 (b) Powers of the department.--When enforcing the cruelty to  
18 animals law, the department shall have the same powers to  
19 initiate criminal proceedings provided police officers under the  
20 laws of this Commonwealth. Where a violation of the cruelty to  
21 animals law is alleged in the course of a normal agricultural  
22 operation, such police powers shall extend to the power of  
23 search and seizure in accordance with the applicable provisions  
24 of the Pennsylvania Rules of Criminal Procedure.

25 (c) Rules and regulations.--The department shall adopt and  
26 promulgate rules and regulations for the enforcement of the  
27 cruelty to animals law in accordance with the provisions of this  
28 act.

29 Section 4. Effective date.

30 This act shall take effect in 60 days.