
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2730 Session of
1986

INTRODUCED BY SIRIANNI, MORRIS, NOYE, JOHNSON, CARLSON, FARGO,
TRELLO, COY, HERMAN AND LASHINGER, JULY 1, 1986

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JULY 1, 1986

AN ACT

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

8 The General Assembly of this Commonwealth intends to prevent
9 the introduction and spread of Avian Influenza H5N2 Virus into
10 this Commonwealth and to halt the subsequent spread of this
11 devastating disease into poultry flocks and markets of
12 surrounding states and Canada. Since the flu virus is spread by
13 human contact and transportation equipment, the General Assembly
14 maintains that strict standards of disinfection and sanitation
15 are crucial to the prevention of Avian Influenza epidemics.
16 Additionally, the General Assembly finds the licensing of
17 poultry haulers and dealers to be a method of determining the
18 source and extent of infection.

19 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Short title.

3 This act shall be known and may be cited as the Poultry
4 License and Transportation Control Act.

5 Section 2. Definitions.

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

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

16 "Department." The Department of Agriculture of this
17 Commonwealth.

18 "Dealer" or "poultry dealer." Any person engaged in the
19 business of buying and/or selling poultry or poultry products as
20 principal or agent.

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

22 "Person." A natural person, corporation, partnership or
23 association.

24 "Poultry." Any live or undressed domesticated or game bird
25 kept or grown for the commercial use of its meat, its eggs or
26 any poultry product.

27 "Poultry product." The meat, eggs, manure, organs or any
28 other portion of a bird having commercial value.

29 "Producer" or "poultry producer." Any person engaged in the
30 business of growing or keeping poultry for market. This term

1 shall not include a person who, by contract, employs another
2 person to exclusively perform the actual breeding, growing or
3 raising activities on the poultry, regardless of whether or not
4 such employer has title in the poultry.

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

7 Section 3. Standards of sanitation required.

8 The department shall:

9 (1) Within six months of the effective date of this act,
10 promulgate and publish regulations for standards of
11 sanitation, cleanliness, disinfection and operation for all
12 conveyances used in the transportation of poultry and for all
13 flats, crates, coops, cages or other accessories, whether or
14 not constructed of permeable material, used on conveyances
15 for poultry transportation; for the nature of attire and
16 sanitation of all persons hauling or employed in the hauling
17 or other handling of poultry; and for annual sanitation and
18 disinfection of poultry houses.

19 (2) Require that a daily record of all sanitation
20 measures taken be kept by the owner or operator of any
21 conveyance hauling poultry.

22 (3) Conduct periodic inspections of conveyances and
23 accessories used in hauling poultry and ascertain that
24 records are maintained.

25 Section 4. License required.

26 (a) Transportation of poultry.--On and after March 31, 1987,
27 it shall be unlawful for any owner or operator of any
28 conveyance, whether or not contracted by another party, to
29 engage in the business of transportation of poultry within this
30 Commonwealth, unless he shall hold a license issued by the

1 department as provided in this act.

2 (b) Poultry business.--It shall be unlawful, on or after
3 March 31, 1987, for any poultry dealer to engage in business
4 transactions within this Commonwealth, unless he shall hold a
5 license issued by the department.

6 Section 5. Filing procedures.

7 Every poultry dealer and every owner or operator of a
8 conveyance desiring to transport poultry within this
9 Commonwealth shall annually, on or before December 31, file an
10 application for a license with the department. The application
11 shall be on a form furnished by the department and shall contain
12 any information as the department may require.

13 Section 6. Payment of fees.

14 Unless the department refuses the application on one or more
15 grounds as provided in this act, it shall issue to an applicant,
16 upon the payment of proper fees, a license entitling the
17 applicant to conduct transportation of poultry or to act as a
18 dealer in poultry until December 31 of the year next following.
19 The fee for this license shall be \$25 for each vehicle used for
20 these purposes.

21 Section 7. Keeping of records.

22 (a) Poultry transportation.--Every owner or operator of a
23 conveyance used to haul poultry shall keep a record for at least
24 two years of all premises where receipt or delivery of poultry
25 was made; the quantity, condition, type and species of poultry
26 received or delivered; the date received or delivered; and any
27 other information which the department by regulation shall
28 require.

29 (b) Poultry dealers.--Every dealer of poultry shall keep a
30 record for at least two years of all transactions conducted,

1 including name and address of each buyer and seller; the
2 quantity and description of goods purchased or sold; the date of
3 each transaction; the nature or condition of goods transacted;
4 the date and nature of payment; and any other information which
5 the department by regulation shall require.

6 Section 8. Revocation of suspension of license.

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

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

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

16 (3) Made any false statement or statements or kept any
17 false records relative to the destination, dates of visit,
18 quantity and condition of birds received or delivered, or any
19 other information required under this act or regulations of
20 the department.

21 (4) Made any false statement in the application for or
22 attempt to procure any license permitted to be issued under
23 this act.

24 Section 9. Hearings and appeals.

25 (a) Hearings.--Before the department shall refuse, suspend
26 or revoke any license, it shall conduct a hearing on the matter.
27 If the department shall find the applicant or licensee in
28 violation of section 8, the department may refuse, suspend or
29 revoke such license and shall notify the applicant or licensee,
30 in writing, within five days of its determination.

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

6 Section 10. Penalties.

7 Any owner or operator of a vehicle or any poultry dealer who
8 violates the provisions of section 4 or interferes with an agent
9 of the department in the enforcement of this act:

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

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

19 Section 11. Injunctions.

20 The Attorney General, at the request of the department, may,
21 in the name of the Commonwealth, institute proceedings in equity
22 in the Commonwealth Court for the purpose of enjoining the
23 conduct of business in this Commonwealth contrary to the
24 provisions of this act.

25 Section 12. Rules and regulations.

26 The department shall, in the manner provided by law,
27 promulgate and enforce the rules and regulations deemed
28 necessary to carry out the provisions of this act.

29 Section 13. Poultry Inspection Account.

30 All moneys received from license fees and fines collected

1 under this act shall be immediately paid by the department into
2 the State Treasury and credited to a restricted receipts
3 account, to be known as the Poultry Inspection Account, to be
4 used for payment of costs to issue licenses and provide for
5 inspections pursuant to section 3(3). All moneys in this account
6 are hereby appropriated to the department on a continuing basis
7 for this purpose.

8 Section 14. Effective date.

9 This act shall take effect immediately.