
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2227

Session of
1988

INTRODUCED BY McHALE, FREEMAN, PRESSMANN, KOSINSKI, RYBAK,
PISTELLA, CORNELL, MURPHY, CARN, JOSEPHS, RITTER, ITKIN,
MICHLOVIC AND SEMMEL, FEBRUARY 24, 1988

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
FEBRUARY 24, 1988

AN ACT

1 Providing for a ban on the sale and importation for sale of live
2 wild birds for use as pets or other uses; permitting
3 regulated captive breeding of live wild birds and sale of the
4 captive offspring; requiring a bird breeder's permit;
5 providing for administration and enforcement by the
6 Department of Agriculture; and providing 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 Wild Bird
11 Importation and Sale Control Act.

12 Section 2. Definitions.

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

16 "Bird breeder." A person holding a valid permit to sell live
17 wild birds and their eggs and to apply butt-end or seamless leg
18 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 "Import" or "importation." To land on, bring into,
10 introduce into, or attempt to land on, bring into, or introduce
11 into any place subject to the jurisdiction of this Commonwealth,
12 for commercial purposes.

13 "Live wild bird." All birds not native to the United States
14 and not protected by its treaties, laws and regulations, except
15 game birds and domesticated birds such as chickens, turkeys,
16 guinea fowl, geese, ducks, pigeons, peafowl and pheasants.

17 "Person." Natural persons as well as corporations,
18 partnerships, business units and associations.

19 "Sale." Any delivery of or transfer of title to a live wild
20 bird for a consideration, including offering or exposing for
21 sale or display in a commercial establishment, and soliciting
22 for sale by catalogs, newspapers, magazines or other advertising
23 matter.

24 "Seamless leg band." A solid ring leg band applied to the
25 leg of a newly hatched live wild bird, incapable of being
26 removed when the bird has reached adult size without destroying
27 the band.

28 Section 3. Prohibition.

29 Except as permitted by this act, no person may sell or import
30 for sale live wild birds or their eggs within this Commonwealth.

1 Section 4. Permitted sales.

2 (a) Species.--Captive-raised birds may be sold according to
3 the regulations contained in this act. The following captive-
4 raised birds, however, are exempt from this act and may be sold
5 at anytime without regulation:

6 Species Common Name:	Species Scientific Name:
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7 Diamond Dove	Geopelia cuneata
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8 Cockatiel (including 9 mutations)	Nymphicus hollandicus
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10 Crimson Rosella	Platycercus elegans
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11 Eastern Rosella	Platycercus eximius
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12 Pale-headed (Blue)	Platycercus adscitus
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13 Rosella	
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14 Red-rumped Parrot	Psephotus haematonotus
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15 (including all mutations)	
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16 Bourke's Parrot	Neophema bourkii
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17 Budgerigar	Melopsittacus undulatus
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18 (including all mutations)	
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19 Blue-masked Lovebird	Agapornis personata Var.
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20 Zebra Finch	Poephila guttata
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21 (Lady) Gouldian Finch	Chloebia gouldinae
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22 Society (Bengalese)	Lonchura striata
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23 Finch	
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24 Java Sparrow	Padra (Lonchura) oryzivora
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25 Common Canary (including	Serinus canaria
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26 all varieties)	
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27 (b) Additions and deletions.--The department may, at any
28 time, consider petitions from persons regarding additions to or
29 deletions from the exempt list of species of live wild birds
30 whose sale is permitted pursuant to subsection (a). Each such

1 petition shall contain information sufficient to enable the
2 department to determine whether such species is exclusively
3 captive raised and that their inclusion on such list will not
4 cause additional birds to be captured in the wild. If the
5 department determines that a species of live wild birds should
6 be added to or deleted from the list set forth in subsection
7 (a), it may, by regulation duly adopted according to law after a
8 period of public comment or input, so revise the list set forth
9 in subsection (a).

10 (c) Temporary exception.--Until November 1, 1989, live wild
11 birds or their eggs which were possessed prior to January 1,
12 1989, may be sold provided that the seller furnishes proof
13 acceptable to the department that such live wild bird was
14 possessed prior to January 1, 1989. The department shall accept
15 as proof a written instrument stating that the wild bird or egg
16 was in the seller's possession prior to January 1, 1989, and
17 bearing a form notice that a false statement made therein is
18 punishable pursuant to 18 Pa.C.S. § 4904 (relating to unsworn
19 falsification to authorities). Effective November 1, 1989, each
20 such live wild bird possessed prior to January 1, 1989, may be
21 sold only pursuant to a permit issued by the department. The fee
22 for such permit shall be \$10 per bird.

23 (d) Permitted sale of captive-raised live wild birds.--
24 Captive-raised live wild birds bearing the identification
25 required by section 10 may be sold.

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

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

1 (g) Sales to certain institutions.--Bona fide scientific,
2 zoological or educational institutions having a permit issued by
3 the department pursuant to the provisions of this act may sell
4 live wild birds.

5 (h) Sales of domestic game birds.--Domestic game birds or
6 their eggs may be sold and are exempt from the provisions of
7 this act.

8 (i) Department authorization.--The department may authorize
9 the sale or importation of live wild birds by permit which is
10 issued pursuant to provisions of this act and which will
11 accomplish the purposes of this act.

12 Section 5. Bird breeder's permit.

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

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

24 (c) On and after November 1, 1991.--On and after November 1,
25 1991, a permittee may sell live wild birds that are captive
26 raised or acquired before November 1, 1991, to other bird
27 breeders with valid permits issued pursuant to this act, and to
28 bona fide scientific, zoological or educational institutions
29 with permits issued pursuant to this act. The seller must
30 provide proof acceptable to the department that such live wild

1 birds were in his possession prior to such date.

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

7 Section 6. Application for bird breeder's permit.

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

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

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

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

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

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

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

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

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

29 (2) Whether the facilities described in the application
30 are sufficient and adequate for the purpose of humanely and

1 successfully breeding and raising captive live wild birds of
2 the species described. These facilities shall be available
3 for inspection.

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

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

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

14 Each bird breeder's permit shall:

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

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

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

25 (4) Contain such other conditions and/or provisions for
26 inspection as the department deems necessary and proper.

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

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

30 Section 10. Identification of live wild birds.

1 (a) Band markings.--All live wild birds subject to the
2 provisions of this act shall be marked with either a seamless
3 leg band or a butt-end leg band applied by a bird breeder with a
4 valid permit issued pursuant to this act when the bird is
5 offered for sale or sold, except as otherwise permitted pursuant
6 to the provisions of this act.

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

14 Section 11. Penalties.

15 (a) Offense.--A person who violates any provision of this
16 act commits a misdemeanor of the third degree. Each individual
17 wild bird sold or imported in violation of this act shall
18 constitute a separate offense.

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

24 (c) Revocation of permit.--In addition to the sanctions
25 provided in subsections (a) and (b), the department shall revoke
26 any permit issued pursuant to this act for any violation of this
27 act.

28 Section 12. Disposition of fees and civil penalties.

29 All fees and civil penalties collected pursuant to this act
30 shall be payable to and retained by the department and applied

1 to the cost of the department of administering this act.

2 Section 13. Administration and enforcement.

3 The Department of Agriculture is charged with the
4 administration and enforcement of this act.

5 Section 14. Effective date.

6 This act shall take effect in 60 days.