

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 600 Session of
1995

INTRODUCED BY ZIMMERMAN, LLOYD, BUNT, HERSHEY, MILLER, MAITLAND,
KREBS, SEMMEL, B. SMITH, ARMSTRONG, ARGALL, FARGO, GODSHALL,
FAIRCHILD, HENNESSEY, TRUE, HERMAN, SAYLOR, GEIST, TRELLO,
RAYMOND, KENNEY, BARLEY, E. Z. TAYLOR, CLYMER, WAUGH, EGOLF,
BAKER, STERN AND RUBLEY, FEBRUARY 7, 1995

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 15, 1995

AN ACT

1 Providing for the protection and assurance of animal health;
2 providing for the safety and quality of foods of animal
3 origin; providing for the prevention and control of animal
4 diseases that may threaten human health; providing for
5 research, diagnostic and epidemiologic investigation of
6 animal diseases; providing for indemnification of industry
7 losses stemming from Department of Agriculture regulatory
8 action; providing for the promotion of desirable management
9 practices for production, keeping and use of domestic
10 animals; imposing penalties; providing for remedies; imposing
11 powers and duties on the Department of Agriculture; and
12 making repeals.

TABLE OF CONTENTS

13
14 Chapter 1. General Provisions
15 Section 101. Short title.
16 Section 102. Legislative intent.
17 Section 103. Definitions.
18 Section 104. Diagnostic services and research.
19 Chapter 2. Identification of Domestic Animals
20 Section 201. General authority.
21 Section 202. Adoption of form of identification.

1 Section 203. Certified copies.

2 Section 204. Brand, tattoo or other form of identification as
3 proof of ownership.

4 Section 205. Disputes in custody or ownership.

5 Section 206. Sale or assignment of form of identification.

6 Section 207. Violations and penalty.

7 Section 208. Fees and forfeiture.

8 Chapter 3. Detection, Containment or Eradication of Certain
9 Diseases

10 Section 301. Dangerous transmissible diseases.

11 Section 302. Neoplastic diseases, metabolic diseases and
12 heritable diseases.

13 Section 303. Health requirements.

14 Section 304. Safety of domestic and pet animal feed.

15 Section 305. Use of biologicals, antibiotics, genetic material,
16 chemicals, diagnostic agents and other
17 substances.

18 Section 306. Sanitation.

19 Section 307. Disease surveillance and detection.

20 Section 308. Entry on premises.

21 Section 309. Quarantine.

22 Section 310. Condemnation.

23 Section 311. Indemnification.

24 Section 312. Depopulation incentive.

25 Section 313. Report on insurance or cost-sharing program.

26 Section 314. Indemnification and depopulation incentive
27 payments to contract growers; report required.

28 Section 315. Restriction on payment of indemnification and
29 depopulation incentives.

30 Chapter 4. Dealers, Agents and Haulers of Domestic

1 Animals or Dead Domestic Animals

2 Section 401. General authority.

3 Section 402. Application for dealer's or hauler's

4 license.

5 Section 403. Licensure of agents.

6 Section 404. Verification of application.

7 Section 405. License fees.

8 Section 406. Term of license.

9 Section 407. Posting and display of license.

10 Section 408. Denial, suspension or revocation of license.

11 Section 409. Records and inspections.

12 Chapter 5. Disposal of Dead Domestic Animals and Animal

13 Waste

14 Section 501. General authority.

15 Section 502. Disposal of dead domestic animals.

16 Section 503. Disposal of animal waste.

17 Section 504. Licensure requirement of dead domestic animal

18 disposal businesses.

19 Section 505. Licensing procedure.

20 Section 506. Conditions of licensure.

21 Section 507. Denial, suspension or revocation of license.

22 Chapter 6. Slaughter and Processing of Domestic Animals

23 Section 601. General authority.

24 Section 602. Humane methods of slaughtering domestic animals.

25 Chapter 7. Garbage Feeding Business

26 Section 701. Licensure requirement.

27 Section 702. Application and fee.

28 Section 703. Issuance of license.

29 Section 704. Term of license and renewal.

30 Section 705. Posting of license.

1 Section 706. Heating certain garbage before feeding.
2 Section 707. Prohibitions and conditions.
3 Section 708. Inspections.
4 Section 709. Notice to remedy and denial, suspension or
5 revocation of license.
6 Chapter 51. Administrative Provisions
7 Section 5101. Cooperation.
8 Section 5102. Conflicts with Dog Law.
9 Section 5103. Rabies Prevention and control.
10 Section 5104. Application of act.
11 Section 5105. Regulations.
12 Section 5106. Enforcement and penalties.
13 Section 5107. Disposition of fees, fines and civil penalties.
14 Section 5108. Interference with officer or employee of
15 department.
16 Section 5109. Civil remedy.
17 Section 5110. Saving clause.
18 Section 5111. Inapplicability of penal cruelty to animals
19 statutes.
20 Section 5112. Exemption for governmental entities.
21 Section 5113. Preemption of local laws and regulations.
22 Section 5114. Repeals.
23 Section 5115. Effective date.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 CHAPTER 1
27 GENERAL PROVISIONS

28 Section 101. Short title.

29 This act shall be known and may be cited as the Domestic and
30 Pet Animal Act.

1 Section 102. Legislative intent.

2 It is the declared policy of the Commonwealth to assure the
3 health of domestic and pet animals maintained in captivity and
4 to prevent and control diseases for the safety of both the
5 animal and human populations. It is the purpose of this act to
6 give the Department of Agriculture the regulatory authority to
7 detect, exclude, contain and eliminate the causes of animal
8 disease. Animal health is of major economic interest in this
9 Commonwealth. However, the intent of the General Assembly is to
10 give the Department of Agriculture regulatory authority over pet
11 animals only to the extent as is necessary to address disease
12 issues. This act shall only be deemed to apply to pet animals
13 for purposes relating to health and disease.

14 Section 103. Definitions.

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

18 "Agent." Any person, firm, association, partnership or
19 corporation buying or receiving or soliciting or negotiating the
20 sale of domestic animals for or on behalf of any dealer.

21 "Animal." A living nonhuman organism having sensation and
22 the power of voluntary movement and requiring for its existence
23 oxygen and organic food.

24 "Animal waste." Superfluous material emanating from domestic
25 and pet animal production or keeping. The term includes
26 excrement, offal, eggs, milk, placenta, fetuses, feathers, hair,
27 wool, blood and animal parts which are not intended or suitable
28 for inclusion in the food chain without special processing.

29 "Appraised value ~~of a domestic animal.~~" The current value OF <—
30 A DOMESTIC ANIMAL at the time of appraisal, determined by

1 current market value, age of animal, physical condition,
2 condition as to disease, nature and extent of disease, breeding
3 value, milk production value, salvage value and any other
4 factors which might affect value.

5 "Area or locality." A geographical district or portion or
6 group thereof.

7 "Article or property." Any goods, products, containers or
8 materials which are found on the premises where domestic or pet
9 animals are kept or which are used to hold, contain or transport
10 a domestic OR PET animal. <—

11 "Brand." A permanent identification mark made on the hide of
12 a live domestic animal by dehydrating the superficial and deep
13 layers of skin by heat, cold, electric current or another method
14 approved by the department.

15 "Compost." The biological digestion of dead domestic
16 animals, animal waste or other biodegradable materials.

17 "Condemned." The status of a domestic animal, domestic
18 animal product, conveyance or other article that:

19 (1) has been determined by the Department of Agriculture
20 as having been exposed to a dangerous transmissible disease
21 or a hazardous substance such that destruction of the
22 domestic animal, domestic animal product, conveyance or other
23 article is necessary to prevent the spread of such disease or
24 contamination; and

25 (2) is subject to a quarantine order issued under this
26 act.

27 "Conveyance." An automobile, truck, trailer, wagon or other
28 vehicle used in the transportation of live or dead domestic OR <—
29 PET animals, animal waste or domestic OR PET animal products or <—
30 by-products upon the highways of this Commonwealth.

1 "Dangerous transmissible disease." A transmissible disease
2 of domestic or pet animals that has been designated by this act
3 or by order of the Department of Agriculture as presenting a
4 danger to public health, to domestic or pet animal health, to
5 the safety or quality of the food supply or to the economic
6 well-being of the domestic or pet animal industry.

7 "Dealer." A person that buys, receives, sells, exchanges,
8 negotiates, or solicits the sale, resale, exchange or transfer
9 of, domestic animals or dead domestic animals for the purpose of
10 transfer of ownership or possession to a third party. The term
11 may be further restricted through regulations.

12 "Department." The Department of Agriculture of the
13 Commonwealth. The term includes an employee of the department.

14 "Depopulation incentive." Payment to the owner for a portion
15 of the appraised value of any domestic animal or other property
16 which:

17 (1) is voluntarily slaughtered or destroyed with the
18 prior agreement of the Department of Agriculture and in
19 accordance with this act, upon the department's determination
20 that such action serves to protect public health, the safety
21 or quality of the food supply or the economic well-being of
22 the domestic animal industry; and

23 (2) has not been condemned.

24 "Disease." Any deviation from or interruption of the normal
25 structure of any part, organ or system of the body of a living
26 domestic or pet animal.

27 "Disposal plant." A facility where the body of a dead
28 domestic animal is disposed of or rendered for the purpose of
29 obtaining the hide, skin or grease from such animal.

30 "Domestic animal." Any bird or fowl or any equine animal or

1 bovine animal, sheep, goat, pig or poultry or any wild or
2 semiwild animal maintained in captivity. The term includes the
3 germ plasm, embryos and fertile ova of such an animal. A
4 domestic animal shall not include any pet animal.

5 "Domestic animal feed." Any substance or mixture which is
6 intended for use as food for domestic animals and which is
7 intended for use as a substantial source of nutrients in the
8 diet of domestic animals and is not limited to a substance or
9 mixture intended to be the sole ration of the domestic animal.

10 "Domestic animal product." A part of a domestic animal or
11 any food, material or article containing any part of a domestic
12 animal.

13 "Exotic disease." A disease which is not or is no longer
14 native or indigenous to the United States. The term includes
15 those diseases so designated by the United States Department of
16 Agriculture.

17 "Garbage." All waste material resulting from the handling,
18 preparation, cooking or consumption of food. The term does not
19 include waste from ordinary household operations which is fed
20 directly to domestic animals on the same premises where the
21 household is located.

22 "General quarantine." Any order of quarantine not included
23 under the terms "interstate or international quarantine" or
24 "special quarantine."

25 "Group of domestic animals." Any of the following:

26 (1) Domestic animals that are maintained on common
27 ground for any purpose.

28 (2) Two or more geographically separated concentrations
29 of domestic animals which have an interchange or movement of
30 animals or articles that may carry dangerous transmissible

disease or contamination without regard to health status.

"Hauler." A person responsible for the transportation of domestic animals or dead domestic animals into, within or from this Commonwealth. The term does not include any of the following:

(1) A person who transports a domestic animal which the person owns or raises under contract on behalf of a third party between farms which the person owns or operates.

(2) A person who transports a domestic animal from a farm which the person owns or operates to a location where ownership or possession is to be transferred to another.

(3) A person who transports a domestic animal which the person has purchased or taken possession of at another location from the point of purchase or possession to a farm which that person owns or operates.

(4) A person who transports a domestic animal which the person owns or raises under contract on behalf of a third party to and from places of exhibition.

(5) A person who transports a domestic animal which the person owns or raises under contract on behalf of a third party to a slaughter or processing facility.

"Hazardous substance." Any element, compound or material which threatens the health of domestic or pet animals or humans.

"Heritable disease." A domestic or pet animal disease resulting from an inherited flaw in tissue, organ or other body structure.

"Humane method of slaughter." Either:

(1) a method of rendering a domestic animal insensible to pain by mechanical, electrical, chemical or other means that is rapid and effective before being handled for

1 slaughter; or

2 (2) a method of ritual slaughter.

3 "Incineration." The reduction of domestic animals or
4 articles to ashes by burning at temperatures and for durations
5 sufficient to render the material noninfectious.

6 "Indemnity." Payment to the owner for a portion of the
7 appraised value of condemned domestic animals, domestic animal
8 products and other condemned articles that are slaughtered or
9 destroyed by order of the Department of Agriculture to eradicate
10 or prevent the spread of dangerous transmissible disease or the
11 spread of contamination by a hazardous substance.

12 "Interstate or international quarantine." An order of
13 quarantine issued by the Department of Agriculture which may
14 cover any domestic or pet animal or class of domestic or pet
15 animals, or conveyances, goods, products, materials or ~~article~~ <—
16 ARTICLES, regulating or forbidding their entry into this <—
17 Commonwealth from another state, territory of the United States
18 or foreign country.

19 "Market value." The current worth of a domestic animal,
20 domestic animal product or other article in markets where such
21 animals, products and other articles are commonly bought and
22 sold.

23 "Metabolic disease." A domestic or pet animal disease
24 resulting from a physiological dysfunction of an animal tissue
25 or organ.

26 "Neoplastic disease." A domestic or pet animal disease
27 resulting from an uncontrolled and progressive abnormal growth
28 of tissue.

29 "Owner." A person owning, possessing or harboring a domestic
30 or pet animal. The term includes a person who allows a domestic

1 or pet animal habitually to remain about the premises managed or
2 owned by such person.

3 "Packer." A person engaged in the business of slaughtering,
4 manufacturing or preparing meat, meat products or domestic
5 animal products for sale, whether by such person or others.

6 "Person." A natural person, firm, association, partnership
7 or corporation.

8 "Pet animal." Any dog or cat or any other animal maintained
9 in captivity, other than a domestic animal, whose primary
10 purpose is for companionship, recreation or pleasure.

11 "Pet animal food." Any substance or mixture which is
12 intended for use as food for pet animals and which is intended
13 for use as a substantial source of nutrients in the diet of pet
14 animals and is not limited to a substance or mixture intended to
15 be the sole ration of the pet animal.

16 "PET ANIMAL PRODUCT." A PART OF A PET ANIMAL OR ANY FOOD, <—
17 MATERIAL OR ARTICLE CONTAINING ANY PART OF A PET ANIMAL.

18 "Premises." A definite portion of real estate; land with its
19 appurtenances, including any structure erected thereon; and any
20 vehicle or vessel used in transporting passengers, goods,
21 domestic or pet animals or domestic or pet animal products by
22 land, air or water. The term shall be construed in its widest
23 sense.

24 "Quarantine." Restrictions upon the use, movement or other
25 disposition of domestic or pet animals, domestic or pet animal
26 products, equipment, facilities, vehicles, buildings and other
27 articles required to eradicate, contain or otherwise control a
28 dangerous transmissible disease or to control or prevent
29 contamination by hazardous substances.

30 "Rendering." The heating or cooking of dead domestic animals

1 or parts of such dead animals until all such heated or cooked
2 material is incapable of transmitting dangerous transmissible
3 disease.

4 "Ritual slaughter." A humane method of slaughter which is in
5 accordance with the ritual requirements of the Jewish faith or
6 any other religious faith whereby the domestic animal suffers a
7 loss of consciousness by anoxia or hypoxia of the brain caused
8 by the simultaneous and instantaneous severance of the carotid
9 arteries with a sharp instrument.

10 "Salvage." The net proceeds an owner of a domestic animal
11 realizes from the sale of the live domestic animal or the
12 carcass, hide and offal.

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

15 "Slaughter." The butchering of domestic animals for food or
16 commercial purposes.

17 "Slaughterer." A person regularly engaged in the commercial
18 slaughter of domestic animals.

19 "Special quarantine." An order of quarantine issued by the
20 Department of Agriculture covering a single premises, or a
21 single domestic or pet animal, or any number of domestic or pet
22 animals when confined or contained in or on the same premises,
23 and any conveyances, goods, products, materials, containers or
24 articles which may carry disease or contamination by a hazardous
25 substance.

26 "Stockyard." A place, establishment or facility owned and/or
27 operated by a domestic animal dealer, consisting of pens or
28 other enclosures and their appurtenances for the handling,
29 keeping or holding of domestic animals for the purpose of sale
30 or shipment.

1 "Tattoo." A permanent identification mark made on a live
2 domestic animal by inserting pigment into the deep layers of the
3 skin and which is visible on the surface of the skin.

4 "Transmissible disease." A disease of a domestic or pet
5 animal which can be transferred, reproduced or established in a
6 domestic or pet animal or human by direct or indirect means.

7 "USDA-APHIS-VS." The United States Department of
8 Agriculture, Animal Plant Health Inspection Service, Veterinary
9 Services.

10 "Wild or semiwild animal." A domestic animal which is now or
11 historically has been found in the wild, including, but not
12 limited to, bison, deer, elk, llamas or any species of foreign
13 or domestic cattle, such as ankole, gayal and yak.

14 Section 104. Diagnostic services and research.

15 The department may establish, maintain or fund, to the extent
16 that funding is available, such domestic and pet animal disease
17 diagnostic services and research activities as are required to
18 prevent, suppress, control and eradicate transmissible diseases
19 of domestic and pet animals, to protect the safety, quality and
20 sufficiency of the human food supply and to provide domestic and
21 pet animal producers information necessary for efficient
22 production and maintenance of healthy domestic and pet animals.

23 CHAPTER 2

24 IDENTIFICATION OF DOMESTIC ANIMALS

25 Section 201. General authority.

26 The department has the power to impose requirements and
27 methods for the identification of domestic animals owned, kept,
28 possessed or transported within this Commonwealth. The
29 department may authorize and record the adoption and exclusive
30 use of unique identification marks, numbers or devices,

1 including distinctive branding marks, tattoos, microchips and
2 other forms of identification that are affixed upon domestic
3 animals, and may maintain a registry of such forms of
4 identification. The department may establish through regulations
5 fees for the assignment, registry and exclusive use of forms of
6 identification registered under this chapter. Any regulations
7 developed under this section shall conform to any existing
8 Federal regulation regarding the identification of domestic
9 animals.

10 Section 202. Adoption of form of identification.

11 (a) General authority.--A domestic animal owner may adopt a
12 brand, tattoo or other form of identification with which to
13 identify domestic animals owned by such person through the
14 procedure set forth in this chapter. A form of identification
15 recorded in compliance with this chapter shall be the personal
16 property of the person who records it. Such person shall have
17 the exclusive right to use this form of identification within
18 this Commonwealth.

19 (b) Application, facsimile and fee.--A person desiring to
20 adopt a form of identification shall submit an application form,
21 a facsimile of the form of identification and a recording fee of
22 \$25 to the department. The department shall provide the
23 application form upon request. This fee may be changed by the
24 department through regulations.

25 (c) Provisional filing.--The department shall file all forms
26 of identification offered for recording, keeping account of the
27 date and chronological order of receipt, pending the review and
28 examination provided for in subsection (d). If the form of
29 identification is subsequently accepted for recording, ownership
30 of the form of identification shall vest from the date of

1 filing.

2 (d) Review.--The department has the power to examine,
3 approve, accept or reject an application to record a brand,
4 tattoo or other form of identification. Following receipt of the
5 required application, facsimile and fee, the department shall,
6 as promptly as possible, determine whether the form of
7 identification is of record as that of some other person and
8 whether the form of identification conflicts with or closely
9 resembles that of another person. If neither of these conditions
10 exist, the department shall record the form of identification.
11 If either or both of these conditions exist, the department
12 shall not record the form of identification but shall instead
13 return the recording fee and facsimile to the applicant.

14 Section 203. Certified copies.

15 (a) Issuance.--If a form of identification is recorded, the
16 department shall furnish its owner with two certified copies of
17 the record of the form of identification. Upon receipt of
18 written evidence of the sale, assignment or transfer of a form
19 of identification, the department shall furnish the new owner
20 with two certified copies of the record of the form of
21 identification. Additional copies may be obtained by the payment
22 of \$15 for each copy. This fee may be changed by the department
23 through regulations.

24 (b) Filing.--Within ten days of receiving the two certified
25 copies of the record of the form of identification, the owner of
26 the recorded form of identification shall file one of the
27 certified copies in the office of the county recorder of the
28 county where the owner's principal place of business is located
29 and one copy in each county where domestic animals bearing the
30 recorded form of identification are to be kept. If the form of

1 identification had a prior owner and the prior owner filed a
2 certified copy in any other county, the subsequent owner shall
3 file a certified copy in each county in which the previous owner
4 had filed.

5 Section 204. Brand, tattoo or other form of identification as
6 proof of ownership.

7 In a civil or criminal action in which the title to domestic
8 animals is an issue, the certified copies recorded under section
9 203 shall be prima facie evidence of the ownership of the
10 domestic animals by the person in whose name the brand, tattoo
11 or other form of identification is recorded.

12 Section 205. Disputes in custody or ownership.

13 Disputes in custody or ownership of domestic animals that
14 bear brands, tattoos or other forms of identification shall be
15 investigated on request by the sheriff of the county where the
16 domestic animals are located. The sheriff may call upon the
17 services of a licensed veterinarian in reading the brands,
18 tattoos or other forms of identification on domestic animals.
19 The cost of the veterinarian's services shall be borne by the
20 person requesting the investigation. The results of the
21 sheriff's investigation shall be a public record and shall be
22 admissible in evidence.

23 Section 206. Sale or assignment of form of identification.

24 Any form of identification recorded under this chapter shall
25 be the property of the person causing such record to be made and
26 shall be subject to sale, assignment, transfer, bequest and
27 descent as personal property. Instruments of writing evidencing
28 the sale, assignment or transfer of such form of identification
29 shall be recorded by the department. The fee for recording such
30 sale, assignment or transfer shall be \$5. This fee may be

1 changed by the department through regulations.

2 Section 207. Violations and penalty.

3 (a) Unauthorized brands.--It is unlawful for a person to use
4 any brand for the branding of domestic animals unless the brand
5 has been recorded under this chapter or unless the use of a
6 brand or the branding procedure is authorized under any other
7 provision of this act.

8 (b) Affixing forms of identification by nonowners.--It is
9 unlawful for a person to affix, attempt to affix or cause to be
10 affixed a form of identification upon the domestic animal of
11 another without the owner's consent.

12 (c) Tampering.--It is unlawful for a person to efface,
13 deface or obliterate or attempt to efface, deface or obliterate
14 any brand, tattoo or other form of identification upon any
15 domestic animal belonging to another person. It shall be
16 unlawful for a person to efface, deface, obliterate, conceal,
17 remove or attempt to remove any official domestic animal
18 identification of the department, the United States Department
19 of Agriculture or any other state department of agriculture.

20 (d) Form of identification of another.--It is unlawful for a
21 person to affix, attempt to affix or cause to be affixed upon
22 any domestic animal the form of identification of another.

23 (e) Other false identification.--It is unlawful for any
24 person to place, attach or use on a domestic animal, or to cause
25 to be placed, attached or used on a domestic animal, or to
26 attempt to place, attach or use on a domestic animal, any form
27 of identification such as a brand, tattoo, tag, emblem, marking,
28 microchip or other identifying mark, number or device that the
29 person knows misrepresents the identity or health of the
30 domestic animal, with intent to interfere or deceive in the

1 identification, testing, vaccination, sale, transfer or
2 slaughter of the domestic animal.

3 (f) Penalty.--A person who violates a provision of this
4 chapter commits a misdemeanor of the second degree and shall,
5 upon conviction, be sentenced to pay a fine of not more than
6 \$5,000 or to imprisonment for not more than two years.

7 Section 208. Fees and forfeiture.

8 An owner of a form of identification of record shall pay the
9 department a fee of \$5 on January 1 of every fifth year from the
10 year in which the form of identification was recorded with the
11 department as that owner's property. This fee may be changed by
12 the department through regulations. The department shall give a
13 receipt for all such payments made. If an owner of a form of
14 identification of record does not pay the fee by July 1 of the
15 year in which it is due, such form of identification shall be
16 forfeited and no longer carried in the record. A forfeited form
17 of identification shall not be issued to any other person within
18 a period of at least ten years following date of forfeiture.

19 CHAPTER 3

20 DETECTION, CONTAINMENT OR ERADICATION

21 OF CERTAIN DISEASES

22 Section 301. Dangerous transmissible diseases.

23 (a) Specific dangerous transmissible diseases.--The
24 following transmissible diseases are dangerous transmissible
25 diseases within the meaning of this act:

26 (1) Actinomycosis, an infectious disease of cattle and
27 man caused by Actinomyces bovis.

28 (2) African horse sickness, an infectious disease of
29 horses caused by a reovirus (AHSV).

30 (3) African swine fever, an infectious disease of swine

1 caused by a virus (ASFV).

2 (4) Anaplasmosis, an infectious disease of cattle, deer
3 and camelids caused by *Anaplasma marginale*.

4 (5) Anthrax, an infectious disease of animals and man
5 caused by *Bacillus anthracis*.

6 (6) Avian influenza, an infectious disease of poultry
7 caused by Type A. influenza virus.

8 (7) Babesiosis (piroplasmosis), an infectious disease of
9 cattle, equidae, deer and bison caused by *Babesia bigemina*,
10 *Babesia bovis*, *Babesia equi* or *Babesia caballi*.

11 (8) Blackleg, an infectious disease of ruminants caused
12 by *Clostridium chauvoei*.

13 (9) Bluetongue, an infectious disease of cattle, sheep,
14 goats and cervidae caused by an orbivirus (BTV).

15 (10) Bovine spongiform encephalopathy (BSE), an
16 infectious disease of cattle caused by a virus-like agent.

17 (11) Bovine Virus Diarrhea-Type 2, an infectious disease
18 of cattle caused by a virus (BVD).

19 (12) Brucellosis, an infectious disease of animals and
20 man caused by *Brucella abortus*, *Brucella suis*, *Brucella*
21 *melitensis* or *Brucella ovis*.

22 (13) Caprine arthritis-encephalitis (CAE), an infectious
23 disease of goats caused by a virus.

24 (14) Chlamydiosis (psittacosis), an infectious disease
25 of birds and man caused by *Chlamydia psittaci*.

26 (15) Contagious agalactiae, an infectious disease of
27 cattle caused by *Mycoplasma agalactiae bovis*.

28 (16) Contagious erythema (Orf), an infectious disease of
29 sheep and goats caused by a virus.

30 (17) Contagious equine metritis (CEM), an infectious

disease of equine caused by *Hemophilus equigenitalis*.

(18) Contagious pleuropneumonia (CBPP), an infectious disease of cattle caused by *Mycoplasma mycoides*.

(19) Dourine, an infectious disease of equines caused by *Trypanosoma equiperdum*.

(20) Duck viral enteritis (DVE, duck plague), an infectious disease of ducks caused by a herpes virus (DVEV).

(21) Epizootic hemorrhagic disease (EHD), an infectious disease of cattle and deer caused by a virus (EHDV).

(22) Equine encephalitis, an infectious disease of equines and man caused by an alphavirus: Venezuelan (VEE), Western (WEE) or Eastern (EEE).

(23) Equine infectious anemia (EIA, swamp fever), an infectious disease of equine caused by a virus (EIAV).

(24) Erysipelas, an infectious disease of swine, turkeys and man caused by *Erysipelothrix rhusiopathiae*.

(25) Foot and mouth disease (FMD), an infectious disease of cattle, sheep, goats, swine and deer caused by an aphthovirus (FMDV).

(26) Fowl pox, an infectious disease of poultry caused by a virus.

(27) Glanders, an infectious disease of horses caused by *Pseudomonas mallei*.

(28) Heartwater disease, an infectious disease of cattle caused by a rickettsia, *Cowdria ruminatum*.

(29) Hog cholera, an infectious disease of swine caused by a pestivirus (HCV).

(30) Listeriosis, an infectious disease of cattle, sheep and man caused by *Listeria monocytogenes*.

(31) Malignant catarrhal fever (MCF), an infectious

disease of cattle caused by a virus (MCFV).

(32) Mycoplasmosis, an infectious disease of poultry caused by *Mycoplasma synoviae* or *Mycoplasma gallisepticum* or *mycoplasma meleagridis*.

(33) New castle disease, an infectious disease of poultry caused by a virus.

(34) Ovine progressive pneumonia (OPP, Maedi/Visna), an infectious disease of sheep caused by a retrovirus (OPPV).

(35) Paratuberculosis (Johnes disease), an infectious disease of cattle, sheep, goats and deer, caused by *Mycobacterium paratuberculosis*.

(36) Potomac horse fever, an infectious disease of equine caused by *Erhlichia risticii*.

(37) Pseudorabies, an infectious disease of swine, cattle, sheep, goats, dogs and cats caused by *Herpesvirus suis*.

(38) Psoroptic mange, an infectious disease of cattle and sheep caused by *psoroptes* mites.

(39) Rabies, an infectious disease of cattle, dogs, cats, sheep, horses and man, caused by a virus.

(40) Rift Valley fever, an infectious disease of sheep caused by a virus (RVFV).

(41) Rinderpest, an infectious disease of ruminants and swine caused by a *mobillivirus* (RDV).

(42) Ringworm, an infectious mycotic disease of cattle, sheep, swine, horses and man, caused by a fungus, *Trichophyton* sp. or *Microsporum* sp.

(43) Salmonellosis, an infection of animals and man by various *Salmonella* species: *S. pullorum* (poultry), *S. typhimurium* (cattle, equine and man), *S. dublin* (cattle and

man), *S. gallinarum* (poultry) and *S. choleraesuis* (swine).

(44) Scrapie, an infectious disease of sheep and goats caused by a virus-like agent.

(45) Screwworm (miasis), a wound infection of animals and man caused by *Cochliomyia hominivorax*.

(46) Transmissible gastroenteritis (TGE), an infectious disease of swine caused by a virus (TGEV).

(47) Tuberculosis, an infectious disease of cattle, bison, sheep, goats, swine, horses, cervidae, camelids and man, caused by *Mycobacterium bovis*, *M. avium* or *M. tuberculosis*.

(48) Vesicular exanthema, an infectious disease of swine, certain aquatic animals and man caused by a calicivirus (VEV).

(49) Vesicular stomatitis, an infectious disease of cattle, sheep and swine, caused by a virus.

(b) Designation of additional dangerous transmissible diseases through regulation.--The department has the power to promulgate regulations that designate other transmissible diseases to be dangerous transmissible diseases under this act if such other transmissible diseases present a danger to public health, to domestic or pet animal health, to the safety or quality of the food supply or to the economic well-being of the domestic or pet animal industry. The department has the power to withdraw the designation of a particular transmissible disease as a dangerous transmissible disease under this act if the transmissible disease no longer presents a danger to domestic or pet public health, to domestic OR PET animal health, to the safety or quality of the food supply or to the economic well-being of the domestic or pet animal industry INDUSTRIES.

1 (c) Department of Health; notification and consultation.--

2 The department shall inform the Department of Health of the
3 outbreak of an animal disease which may threaten human health
4 and shall, in consultation with the Department of Health,
5 determine the public health risk associated with the animal
6 disease outbreak and the appropriate action to manage such risk.
7 Additions or deletions of animal diseases of public health
8 significance to the list of dangerous transmissible diseases
9 shall be jointly determined by the department and the Department
10 of Health.

11 (d) Designation of additional dangerous transmissible
12 diseases through temporary order.--Upon the determination that a
13 transmissible disease not listed in subsection (a), and not
14 designated a dangerous transmissible disease through regulation
15 under subsection (b), presents a danger to public health, to
16 domestic or pet animal health, to the safety or quality of the
17 food supply or to the economic well-being of the domestic or pet
18 animal industry, the department shall issue a temporary order
19 proclaiming that transmissible disease to be a dangerous
20 transmissible disease within the meaning of this act. This act
21 shall be applicable to that dangerous transmissible disease as
22 of the date of actual or constructive notice of the order or any
23 later date specified in that order. The department shall submit
24 such an order for publication in the Pennsylvania Bulletin
25 within 20 days of its issuance. Publication in the Pennsylvania
26 Bulletin shall effect constructive notice. The temporary order
27 shall remain in effect for a period not to exceed one year or
28 until the transmissible disease is designated to be a dangerous
29 transmissible disease through regulation under subsection (b),
30 whichever occurs first.

1 (e) Regulations.--The department may establish regulations
2 addressing the specific discovery, prevention, reporting,
3 testing, control and eradication measures which it determines
4 are necessary with respect to any dangerous transmissible
5 disease.

6 Section 302. Neoplastic diseases, metabolic diseases and
7 heritable diseases.

8 If a neoplastic disease, metabolic disease or heritable
9 disease is determined by the department to pose a threat to
10 domestic or pet animal health or to the economic well-being of
11 the domestic or pet animal industry, then the department may
12 establish regulations addressing discovery, prevention,
13 reporting, testing, control, eradication or other measures as
14 necessary to lessen or eliminate the threat.

15 Section 303. Health requirements.

16 (a) Interstate and intrastate movement of domestic or pet
17 animals.--The department may establish identification and
18 minimum health standards for the importation or the movement of
19 domestic or pet animals in this Commonwealth and may establish
20 procedures for certification of the health status of domestic or
21 pet animals imported into or transported within this
22 Commonwealth. If the department suspects the genuineness of any
23 health certificate or official disease test report relating to
24 domestic or pet animals or questions the competency of the
25 person who has issued the report or certificate, the department
26 may decline to accept it and may refuse to permit the
27 importation or intrastate movement of the domestic or pet
28 animals concerned unless a certificate or report is furnished
29 from the proper inspector of the state or country of origin or
30 USDA-APHIS-VS or unless the department otherwise determines.

1 (b) Violations.--

2 (1) It is unlawful for a person to knowingly, recklessly
3 or negligently import or bring into this Commonwealth without
4 the written permission of the department any domestic or pet
5 animal which is contaminated with a hazardous substance or
6 which is infected with or which has been exposed to any
7 transmissible disease.

8 (2) It is unlawful for a person to knowingly, recklessly
9 or negligently import or bring into this Commonwealth any
10 domestic or pet animal in violation of a provision of this
11 act, an order entered under authority of this act or an
12 attendant regulation to prevent the introduction of a
13 transmissible disease.

14 (3) It is unlawful for a person to knowingly, recklessly
15 or negligently receive or keep or possess a domestic or pet
16 animal imported, brought into or transported within this
17 Commonwealth in violation of a provision of this act or to
18 allow any such domestic or pet animal to come into contact
19 with any other domestic or pet animal.

20 (c) Authority to remove or slaughter.--If a domestic or pet
21 animal is imported into this Commonwealth or transported within
22 this Commonwealth in violation of this act, the department has
23 the power to cause the domestic or pet animal to be removed from
24 this Commonwealth or the domestic animal removed directly to
25 slaughter or destroyed without indemnity.

26 Section 304. Safety of domestic and pet animal feed.

27 (a) General authority.--The department has the power and
28 duty to protect the food supply of domestic ~~or~~ AND pet animals
29 in order to prevent the transmission of diseases and substances
30 hazardous to human or domestic or pet animal health.

<—

1 (b) Carcasses used for animal feed.--No domestic animal
2 carcass or part of a domestic animal carcass may be sold for
3 domestic or pet animal feeding purposes if the meat or meat part
4 may be hazardous to the health of domestic or pet animals to
5 which the meat or meat part may be fed.

6 (c) Garbage used for domestic animal feed.--No garbage may
7 be fed to domestic animals except in accordance with the
8 provisions of Chapter 7.

9 (d) Regulations.--The department shall establish regulations
10 and standards to assure the safety of materials which are used
11 in feed for domestic and pet animals.

12 (e) Licensure.--The department shall provide for the
13 licensure of persons owning or operating facilities, equipment
14 or conveyances utilized in the collection, treatment,
15 preparation and transportation of plant or domestic animal by-
16 products which are used in feed for domestic or pet animals.

17 (f) Content.--The department may establish standards for the
18 composition of feed for domestic or pet animals, including
19 antibiotics and chemical additives for the purpose of preventing
20 tissue residues and contamination of plant or domestic animal
21 products by substances hazardous to human or domestic or pet
22 animal health.

23 Section 305. Use of biologicals, antibiotics, genetic material,
24 chemicals, diagnostic agents and other
25 substances.

26 (a) Authority.--The department has the power to regulate the
27 manufacture, sale or administration of any biological product
28 intended for diagnostic, preventive or therapeutic purposes with
29 domestic or pet animals. The department may establish
30 regulations to control the production, sale, distribution or use

1 of biologicals, antibiotics, genetic material, chemicals and
2 other substances administered to domestic or pet animals.

3 (b) Testing.--The department may prescribe methods of making
4 official tests and may restrict the use of such tests to
5 authorized accredited veterinarians and agents of the department
6 and USDA-APHIS-VS for diagnosis of diseases of domestic and pet
7 animals. It is the duty of each person using such a test to
8 report the results of that test to the department, in writing.
9 Each report shall be signed by the person who conducted the test
10 and shall give the date of the test, the name and address of the
11 owner of the domestic or pet animal tested, the location where
12 the test was conducted, a description and definitive permanent
13 identification of the domestic or pet animal or domestic or pet
14 animals tested and a complete statement of the actual test
15 result. It is unlawful for a person whose duty it is to make a
16 report to fail to do so.

17 (c) Vaccines.--The department may, in order to prevent or
18 control the introduction or spread of dangerous transmissible
19 diseases, restrict the use of vaccines in domestic or pet
20 animals or cause domestic or pet animals in this Commonwealth to
21 be vaccinated with biologicals according to regulations
22 promulgated under this act.

23 Section 306. Sanitation.

24 The department has the authority to establish standards of
25 sanitation for the operation and maintenance of any facility,
26 conveyance, equipment, building or other means of housing,
27 containing or transporting domestic or pet animals. Sanitation
28 standards shall be established to minimize the possible
29 transmission of dangerous transmissible diseases.

30 Section 307. Disease surveillance and detection.

1 (a) General authority.--The department has the authority to
2 regularly monitor the domestic and pet animal population of this
3 Commonwealth to determine the prevalence, incidence and location
4 of diseases or contamination by hazardous substances.

5 (b) Duty to report.--It is the duty of a practitioner of
6 veterinary medicine and a diagnostic laboratory in this
7 Commonwealth, immediately upon receiving information thereof, to
8 report to the department each case of any dangerous
9 transmissible disease and each case of potential contamination
10 by hazardous substances. Such report shall be made in writing,
11 or in any other manner as the department may by regulation
12 prescribe, and shall include an identification of the disease or
13 the hazardous substance; a description of the domestic or pet
14 animal affected; the name and address of the owner or person in
15 charge of the domestic or pet animal, if known; the location of
16 the domestic or pet animal; and the number of susceptible
17 domestic or pet animals which have been exposed to the disease
18 or hazardous substance, if known.

19 (c) Violations.--

20 (1) It is unlawful for a person to impede, hinder or
21 interfere with testing of a domestic OR PET animal; to refuse <—
22 to confine a domestic or pet animal so as to allow testing
23 without undue burden on the official conducting the test; or
24 to fail to present the person's domestic or pet animals for
25 testing by the department under authority of this act after
26 reasonable notice of the proposed testing has been given.

27 (2) It is unlawful for a person, who has knowledge that
28 a domestic or pet animal is infected with a dangerous
29 transmissible disease, has been exposed to a dangerous
30 transmissible disease or has been contaminated by a hazardous

1 substance, to conceal or attempt to conceal such domestic or
2 pet animal or knowledge of such a domestic or pet animal from
3 the department.

4 (d) Wild animals.--The department has the authority to
5 solicit assistance from and provide assistance to Federal
6 agencies and other State agencies, local governments and private
7 entities in monitoring wild animals in this Commonwealth to
8 determine the presence of dangerous transmissible disease. This
9 monitoring may be done in cooperation with the Pennsylvania Game
10 Commission, the Pennsylvania Fish and Boat Commission, the
11 United States Fish and Wildlife Service or any other private or
12 governmental entity.

13 Section 308. Entry on premises.

14 In the performance of the duties required by this act, the
15 department may at any time enter any premises or stop and detain
16 any vehicle or conveyance. If permission to enter is refused or
17 delayed by a person, the department's employee or agent may,
18 upon oath or affirmation, declare before a court of competent
19 jurisdiction that the employee or agent has reason to believe
20 that domestic or pet animals or articles that are or have been
21 confined or kept in or on such premises carry a dangerous
22 transmissible disease, have been exposed to a dangerous
23 transmissible disease or have been contaminated by a hazardous
24 substance and shall further declare that permission for the
25 department to enter and to investigate has been refused or
26 delayed. Upon review of such declaration, the court of
27 jurisdiction may issue a search warrant for such premises,
28 directed to the proper employee or agent. The search warrant
29 shall describe the premises which may be searched under
30 authority of the search warrant, but need not describe the

1 domestic or pet animal, domestic or pet animal products or other
2 articles, which are alleged to carry a dangerous transmissible
3 disease, to have been exposed to a dangerous transmissible
4 disease or to have been contaminated by a hazardous substance,
5 which are or have been confined or kept on such premises. An
6 officer, agent or employee of the department armed with such a
7 search warrant shall have all the authority of a constable or
8 other peace officer in the execution of the warrant. It is
9 unlawful for a person to refuse or delay admission to any
10 premises to any employee or agent of the department provided
11 with a search warrant issued under this section. The department
12 shall take appropriate biosecurity and safety measures to ensure
13 that it does not allow dangerous transmissible diseases or
14 contamination from hazardous substances to spread as the result
15 of its entry upon any premises or conveyance.

16 Section 309. Quarantine.

17 (a) Power to establish and enforce.--If a dangerous
18 transmissible disease or contamination by hazardous substances
19 exists anywhere within or outside of this Commonwealth, if it is
20 deemed advisable to test or treat a domestic or pet animal upon
21 the reasonable suspicion that it has contracted or been exposed
22 to a dangerous transmissible disease or is contaminated with a
23 hazardous substance or if the testing or treatment of a domestic
24 or pet animal indicates that the domestic or pet animal has been
25 exposed to a dangerous transmissible disease or contaminated
26 with a hazardous substance so as to render future accurate
27 testing for recent exposure of that domestic or pet animal to
28 that dangerous transmissible disease OR HAZARDOUS SUBSTANCE
29 impractical or impossible, the department has the power to
30 establish and enforce quarantines of the infected, exposed,

<—

1 contaminated, suspected or susceptible domestic or pet animal.
2 In addition to the domestic or pet animals described in this
3 subsection, a quarantine may apply to any goods, products,
4 facilities, CONTAINERS, vehicles or materials that may carry <—
5 dangerous transmissible disease OR THAT MAY BE CONTAMINATED WITH <—
6 A HAZARDOUS SUBSTANCE and may be applied against any premises or
7 area.

8 (b) Type and duration.--Quarantines shall be of three kinds:

9 (1) interstate or international;

10 (2) general; and

11 (3) special;

12 and shall continue in effect for such lengths of time as the
13 department deems necessary or advisable.

14 (c) Interstate and international quarantines.--

15 (1) An interstate or international quarantine may be
16 established and enforced by order of the department against
17 any place or places outside this Commonwealth for any of the
18 reasons set forth in subsection (a) or if dangerous
19 transmissible diseases or hazardous substances are reported
20 to exist. An interstate or international quarantine order may
21 prohibit the bringing of any domestic or pet animals,
22 conveyances, containers, goods, products or materials into
23 this Commonwealth except in accordance with the requirements
24 set forth in the quarantine order. The order may require the
25 quarantine, testing, treatment, killing or other disposition
26 of any domestic or pet animal brought into this Commonwealth
27 in violation of the order and may require the quarantine,
28 disinfection or destruction of goods, products, conveyances,
29 materials or containers brought into this Commonwealth in
30 violation of the order. The order may also require that a

1 person importing domestic OR PET animals in violation of the <—
2 order bear the expenses of postentry requirements of this
3 act.

4 (2) An interstate or international quarantine shall be
5 established by order of the department and shall be effective
6 as of the date of actual or constructive notice of the order
7 or any later date specified in that order.

8 (3) Within 20 days of the date of the order, copies of
9 the order establishing an interstate or international
10 quarantine shall be submitted for publication in the
11 Pennsylvania Bulletin, in at least one newspaper of general
12 circulation within this Commonwealth and in at least one
13 newspaper of general circulation in the state or nation
14 against which the quarantine is directed. Publication in the
15 Pennsylvania Bulletin shall effect constructive notice. The
16 department shall, if practicable, mail or deliver notice and
17 a copy of the quarantine order to the governmental agency or
18 agencies overseeing agricultural affairs in the state or
19 nation against which the quarantine is directed. The
20 quarantine order may be enforced prior to such publication or
21 distribution.

22 (d) General quarantines.--

23 (1) A general quarantine may be established and enforced
24 by order of the department against any area or locality
25 within this Commonwealth for any of the reasons set forth in
26 subsection (a) to prevent a dangerous transmissible disease
27 or a domestic or pet animal contaminated by a hazardous
28 substance from being carried into, within, from or out of the
29 area that is subject to the quarantine. A general quarantine
30 order may include domestic or pet animals, conveyances,

1 containers, goods, products or materials that may carry
2 dangerous transmissible disease or domestic or pet animals
3 which are contaminated with a hazardous substance and may
4 include any area, including all buildings, structures,
5 premises and equipment located in the area.

6 (2) A general quarantine shall be established by order
7 of the department and shall be effective as of the date of
8 actual or constructive notice of the order or any later date
9 specified in that order.

10 (3) Within 20 days of the date of the order, copies of
11 the order establishing a general quarantine shall be
12 advertised in the Pennsylvania Bulletin and in at least one
13 newspaper of general circulation within the area or locality
14 subject to the quarantine. Publication in the Pennsylvania
15 Bulletin shall effect constructive notice. The quarantine
16 order may be enforced prior to such publication.

17 (e) Special quarantines.--

18 (1) A special quarantine may be established and enforced
19 by order of the department against any premises, domestic or
20 pet animals, conveyances, containers, goods, products or
21 materials situated within this Commonwealth for any of the
22 reasons set forth in subsection (a) or if it is deemed
23 necessary or advisable by the department, for the purpose of
24 preventing or controlling the spread of a dangerous
25 transmissible disease or controlling a domestic or pet animal
26 contaminated by a hazardous substance, to control any
27 domestic or pet animal; to examine or disinfect or regulate
28 the use of any premises, materials, conveyances, goods,
29 containers or products; or to destroy or dispose of the
30 carcass of any dead domestic or pet animal.

1 (2) A special quarantine shall be established by the
2 posting of a quarantine order describing the domestic or pet
3 animal or domestic or pet animals, conveyances, containers,
4 goods, materials, products or premises covered by the special
5 quarantine. The quarantine notice shall be conspicuously
6 posted so as to alert any visitor to the quarantined premises
7 of the probable presence of a dangerous transmissible disease
8 or domestic or pet animals contaminated by hazardous
9 substances.

10 (3) If practicable, the department shall serve a copy of
11 the special quarantine order upon the owner or caretaker of
12 the domestic or pet animals, premises or other property
13 subject to the order. The department shall have authority to
14 make available to interested persons the names and locations
15 of premises subject to special quarantine.

16 (f) Violations of quarantine.--

17 (1) It is unlawful for a person to sell, offer for sale,
18 lease, lend, exchange, give away, transfer, remove or allow
19 to be removed any domestic or pet animals or domestic or pet
20 animal products, goods, conveyances, materials, containers or
21 other articles that are the subject of general or special
22 quarantine order under this chapter without first obtaining
23 the written permission of the department to do so.

24 (2) It is unlawful for a person to allow a domestic or
25 pet animal that is the subject of a general or special
26 quarantine order under this section to stray beyond the
27 quarantined premises or area.

28 (3) It is unlawful for a person to transfer ownership of
29 any domestic or pet ~~animals~~ ANIMAL or domestic or pet animal <—
30 product that is the subject of a general or special

1 quarantine order under this section without first notifying
2 the prospective or actual transferee of the quarantine order
3 and the reasons for the imposition of quarantine.

4 (4) It is unlawful for a person to use or prepare as
5 food for humans or domestic or pet animals, any domestic or
6 pet animal or domestic or pet animal product that is the
7 subject of a general or special quarantine order under this
8 section without first obtaining the written permission of the
9 department to do so. Such permission shall be granted in
10 accordance with applicable guidelines established by the
11 department.

12 (5) It is unlawful for a person to tear, deface,
13 destroy, remove, conceal or alter in any way a notice of
14 quarantine posted by the department or to remove or destroy,
15 partially or wholly, any portion of a building, tree, fence
16 or other object to which a notice of quarantine has been
17 posted by the department.

18 (6) It is unlawful for a person to bring into this
19 Commonwealth any domestic or pet animals, containers, goods,
20 products, conveyances or materials which are the subject of
21 an interstate or international quarantine order under this
22 section.

23 (7) It is unlawful for a person to impede, hinder or
24 interfere with the department entering upon premises or
25 elsewhere in the performance of duties imposed by this act.

26 (8) It is unlawful for a person to violate a provision
27 of a quarantine order issued under this chapter.

28 Section 310. Condemnation.

29 The department has the power to condemn and seize or cause to
30 be destroyed any quarantined domestic animal, domestic animal

1 product, conveyance or other quarantined article which has been
2 determined by the department as having been exposed to a
3 dangerous transmissible disease or a hazardous substance such
4 that destruction of the domestic animal, domestic animal
5 product, conveyance or other article is necessary to prevent the
6 spread of such disease or contamination.

7 Section 311. Indemnification.

8 (a) In general.--If a condemned domestic animal, domestic
9 animal product or other condemned property is slaughtered or
10 destroyed by order of the department to eradicate or prevent the
11 spread of dangerous transmissible disease or contamination by a
12 hazardous substance, the owner of such domestic animal, domestic
13 animal product or other condemned property shall be compensated
14 for a portion of the appraised value of the domestic animal or
15 property. Compensation shall be made in accordance with this
16 section. Notwithstanding the definition of "owner" set forth in
17 section 103, indemnification payments made under this section
18 shall be made only to those persons who have an actual ownership
19 interest in the domestic animal or other property which is the
20 subject of the indemnification payment.

21 (b) Indemnification limits.--

22 (1) The amount of indemnity paid by the department shall
23 not exceed \$2,000 with respect to any individual domestic
24 animal.

25 (2) The amount of indemnity paid by the department with
26 respect to domestic animals condemned under authority of this
27 act shall not exceed the sum of \$200,000 for any group of
28 domestic animals, regardless of the number of owners having
29 domestic animals within the group of condemned domestic
30 animals.

1 (3) The maximum amount of indemnity paid by the
2 department shall not exceed 67% of the appraised value of the
3 condemned domestic animal, domestic animal product or other
4 condemned property for which indemnification is sought.

5 (4) The amount of indemnity paid by the department to
6 the owner of domestic animals condemned under authority of
7 this act plus the salvage value and the value of indemnity
8 payments received from any other source shall not exceed 90%
9 of the appraised value of the domestic animals.

10 (5) The amount of indemnity which the department may pay
11 under this section shall be limited by the availability of
12 funds for this purpose.

13 (c) Forfeiture.--A person shall not be eligible for any
14 indemnity payment or depopulation incentive payment under this
15 act for any domestic animal, group of domestic animals, domestic
16 animal product or other article if such person has been
17 determined by the department to have committed a violation of
18 any provision of this act or any order, rule or regulation
19 adopted by authority of this act. A person shall not be eligible
20 for any indemnity payment or depopulation incentive payment with
21 respect to any domestic animal or group of domestic animals
22 having a condition of disease or contamination which the
23 department has determined to have been directly caused by the
24 person's misuse of a pesticide or a hazardous substance.

25 (d) Appraisal.--If the department condemns domestic animals,
26 domestic animal products or other articles, the value of the
27 animals, products and articles shall be appraised. No domestic
28 animal that is dead shall be appraised, and no indemnity shall
29 be payable for such domestic animal; however, a domestic animal
30 that dies after condemnation by the department may be appraised

1 on the basis of its condition at the time of condemnation, and
2 indemnity may be paid with respect to such a domestic animal.
3 The department shall determine the appraised value of the
4 condemned domestic animal, products or articles, taking into
5 consideration current market values, age of the animal, physical
6 condition of the animal, animal's condition as to disease,
7 nature and extent of disease, breeding value, milk production
8 value, salvage value of the domestic animal and any other
9 factors which might influence value. If the department and the
10 owner of the condemned domestic animals, domestic animal
11 products or other articles are unable to agree on the appraised
12 value of the domestic animals, products or articles, then the
13 department and the owner may appoint a mutually agreeable
14 appraiser to determine the appraised value. Costs of such an
15 appraisal shall be borne by the owner. In the absence of a
16 mutually agreeable appraiser, the department's determination of
17 the appraised value shall control.

18 (e) Disposal of condemned ~~animals.~~ ~~An~~ DOMESTIC ANIMALS.--A <—
19 DOMESTIC animal that has been condemned by the department and is
20 eligible for indemnity under this act shall be disposed of by
21 the owner, under the supervision of the department, in
22 accordance with the laws of this Commonwealth and the
23 regulations adopted by the department. If condemned domestic
24 animals are approved by the department for salvage, the salvage
25 value shall be paid directly to the owner by the buyer of the
26 live domestic animal or the buyer of the carcass, hide, offal or
27 other by-product. The buyer shall promptly present an itemized
28 statement of the salvage value to the department to determine
29 the amount, if any, due from the department to the owner.

30 (f) Annual report.--On or before March 1 of each year, the

1 department shall submit to the Agriculture and Rural Affairs
2 Committee of the Senate and the Agriculture and Rural Affairs
3 Committee of the House of Representatives a report on the
4 indemnifications paid to owners of domestic animals which were
5 condemned and destroyed during the preceding calendar year. The
6 report shall include, at a minimum, the following:

7 (1) The number of indemnification payments made by the
8 department.

9 (2) The amount of each indemnification payment.

10 (3) The appraised value of each domestic animal or group
11 of domestic animals for which indemnification was paid.

12 (4) The salvage value of each domestic animal or group
13 of domestic animals for which indemnification was paid.

14 (5) The total amount received by the owner for the
15 domestic animal or group of domestic animals for which
16 indemnification was paid.

17 (6) The type and number of each type of domestic animal
18 for which indemnification was paid.

19 (7) The disease or contamination which required
20 condemnation and indemnification.

21 (8) Any other information which the department may
22 determine to be necessary.

23 Section 312. Depopulation incentive.

24 (a) Generally.--If a domestic animal, domestic animal
25 product or other property has not been condemned under authority
26 of this act, the department shall have the discretion to pay to
27 the owner of any domestic animal or other property a sum which
28 does not exceed 33% of the appraised value of that domestic
29 animal or other property in consideration of that owner
30 voluntarily slaughtering or destroying that domestic animal or

1 other property in accordance with this act and with the prior
2 agreement of the department. This discretion may be exercised
3 upon the department's determination that the destruction and
4 disposal of the domestic animal or other property serves to
5 protect public health, the safety or quality of the food supply
6 or the economic well-being of the domestic animal industry.
7 Payment of a depopulation incentive under this section is
8 limited by the availability of funds for this purpose.

9 (b) Limits.--A depopulation incentive payment shall not
10 exceed \$2,000 with respect to any individual domestic animal. A
11 depopulation incentive payment plus the salvage value and any
12 other compensation received from other sources shall not exceed
13 90% of the appraised value of the domestic animal or other
14 property that is the subject of the depopulation incentive
15 payment. Notwithstanding the definition of "owner" in section
16 ~~102~~ 103, depopulation incentive payments made under this section <—
17 shall be made only to those persons who have an actual ownership
18 interest in the domestic animal or other property that is the
19 subject of the depopulation incentive payment.

20 (c) Annual report.--On or before March 1 of each year, the
21 department shall submit to the Agriculture and Rural Affairs
22 Committee of the Senate and the Agriculture and Rural Affairs
23 Committee of the House of Representatives a report on the
24 depopulation incentives paid to owners of domestic animals
25 during the preceding calendar year. The report shall include, at
26 a minimum, the following:

27 (1) The total number of depopulation requests made by
28 the department to owners of domestic animals and the actual
29 number of depopulation incentive payments made by the
30 department.

1 (2) The total monetary amount of depopulation incentive
2 payments made by the department.

3 (3) The amount of each individual depopulation incentive
4 paid by the department.

5 (4) The appraised value of each domestic animal or group
6 of domestic animals for which depopulation incentive payments
7 were made.

8 (5) The salvage value of each domestic animal or group
9 of domestic animals for which depopulation incentive payments
10 were made.

11 (6) The total amount received by the owner of the
12 domestic animal or group of domestic animals for which
13 depopulation incentive payments were made.

14 (7) The type and number of each type of domestic animal
15 for which depopulation incentive payments were made.

16 (8) The disease or contamination which resulted in the
17 payment of depopulation incentives.

18 (9) Any other information the department may determine
19 to be necessary.

20 Section 313. Report on insurance or cost-sharing program.

21 On or before June 30, 1996, the department shall submit to
22 the Agriculture and Rural Affairs Committee of the Senate and
23 the Agriculture and Rural Affairs Committee of the House of
24 Representatives a report on the feasibility of establishing an
25 insurance or other cost-sharing program in lieu of
26 indemnification under section 311 to compensate owners of
27 domestic animals which are condemned by the department to
28 prevent the spread of disease or contamination.

29 Section 314. Indemnification and depopulation incentive
30 payments to contract growers; report required.

1 On or before June 30, 1996, the department shall submit to
2 the Agriculture and Rural Affairs Committee of the Senate and
3 the Agriculture and Rural Affairs Committee of the House of
4 Representatives a report regarding the feasibility of paying a
5 portion of the indemnification or depopulation incentive to a
6 person who raises domestic animals under contract for the owner
7 of such animals and a portion to the owner when the domestic
8 animals are condemned and destroyed to prevent the spread of a
9 transmissible disease or hazardous substance. In preparing the
10 report, the department shall consider ways in which the owner
11 and the person under contract to the owner would share the
12 indemnification or the depopulation incentive in proportion to
13 the loss which each incurred.

14 Section 315. Restriction on payment of indemnification and
15 depopulation incentives.

16 Notwithstanding any other provision of law, indemnification
17 under section 311 and depopulation incentives under section 312
18 shall be paid only for an equine animal or a bovine animal,
19 sheep, goat, pig, poultry, bird, fowl, wild or semiwild animal
20 held in captivity or any group of such domestic animals.

21 CHAPTER 4

22 DEALERS, AGENTS AND HAULERS OF

23 DOMESTIC ANIMALS OR DEAD DOMESTIC ANIMALS

24 Section 401. General authority.

25 The department has the power to regulate the activities,
26 facilities and equipment of dealers and haulers of domestic
27 animals, including agents, for the purpose of assuring the
28 sanitary handling of dead domestic animals and the sanitary
29 handling, marketing and exchange of domestic animals. No person
30 shall engage in or carry on the business of a dealer or hauler

1 of domestic animals or of dead domestic animals or act as an
2 agent for a dealer or hauler, unless such person is duly
3 licensed by the department.

4 Section 402. Application for dealer's or hauler's license.

5 Application for a dealer's or hauler's license shall be made
6 on a form furnished by the department. The form shall contain
7 such information as the department may reasonably require to
8 determine the applicant's identity, competency and eligibility.

9 Section 403. Licensure of agents.

10 A dealer or hauler who applies for or holds a dealer's or
11 hauler's license may designate any person to act as an agent on
12 behalf of that dealer or hauler. The designation shall be made
13 either on the dealer's or hauler's license application form or
14 by a written notice to the department requesting the issuance of
15 an agent's license. The department may require such additional
16 information as necessary to determine the identity, competency
17 and eligibility of an applicant for an agent's license. A dealer
18 or hauler shall be accountable and responsible for contracts
19 made by any of its licensed agents.

20 Section 404. Verification of application.

21 An applicant for a license under this chapter shall sign the
22 license application and such signature shall serve to affirm
23 that the information contained in the application is true and
24 correct. An application, and the information contained therein,
25 for licensure under this chapter shall be subject to the
26 provisions of 18 Pa.C.S. § 4904 (relating to unsworn
27 falsification to authorities).

28 Section 405. License fees.

29 The fee for a dealer's or hauler's license is \$50. The fee
30 for an agent's license is \$25. These fees shall be paid prior to

1 the issuance of a license by the department. The department may
2 change these license fees through regulations.

3 Section 406. Term of license.

4 A license issued under this chapter shall expire at the end
5 of the calendar year for which it was issued; however, licensure
6 shall be continued, pending renewal or denial by the department
7 if the renewal application is received by the department by
8 December 1 of the preceding calendar year.

9 Section 407. Posting and display of license.

10 Any person licensed under this chapter and conducting
11 business under the license shall post a copy of the license
12 furnished by the department in or at the place of business of
13 the licensee. This document shall be posted and exposed for
14 viewing by those persons conducting the business which is the
15 subject of the license and for inspection by the department. The
16 licensee and any agents of the licensee shall carry a license
17 verification card issued by the department at all times when
18 acting as a dealer, hauler or agent. This license verification
19 card shall be exhibited to persons when negotiating with or
20 soliciting business from them and to the department upon
21 request.

22 Section 408. Denial, suspension or revocation of license.

23 The department may, after notice and opportunity for a
24 hearing, deny, suspend, revoke or modify a license issued under
25 this chapter if the department finds that the applicant or
26 licensee has violated any provision of this act or its related
27 regulations or finds the existence of any of the following:

28 (1) The applicant or licensee has violated the laws of
29 the United States or this Commonwealth or official
30 regulations governing the interstate or intrastate movement,

shipment or transportation of animals.

(2) The applicant or licensee has made false or misleading statements or has fraudulently misrepresented the health or physical condition of domestic animals with regard to official tests or quantity of domestic animals or in the buying or receiving of domestic animals or in the receiving, selling, exchanging or shipping, including soliciting or negotiating sale, resale, exchange or shipment of domestic animals.

(3) The applicant or licensee has engaged in a continued course of dealings of such a nature as to satisfy the department of the inability or unwillingness of the applicant or licensee to properly conduct the business of a dealer, hauler or agent in accordance with the requirements of this act.

(4) The applicant or licensee has failed to practice measures of sanitation prescribed by the department for premises or conveyances used for the confining, stabling, yarding, housing, holding or transporting of domestic animals.

(5) The applicant or licensee has failed to keep records required by the department or by law or has refused to allow inspections or to produce books, accounts or records of transactions in the carrying on of the business subject to licensure.

Section 409. Records and inspections.

A dealer, agent and hauler shall keep accounts, records and memoranda sufficient to identify all living or dead domestic animals handled and their origin and disposition and to fully and clearly disclose all transactions involved in his business,

1 including the true ownership of the business by stockholders or
2 otherwise. A dealer, agent and hauler shall also keep records of
3 health certifications and sanitary measures required under this
4 act or its regulations. The department may investigate the
5 records of any applicant or licensee under this chapter. The
6 applicant or licensee shall provide its records upon the
7 department's request. Information unrelated to the purpose of
8 the investigation and relating to the general business of the
9 applicant or licensee shall be deemed to be of confidential
10 nature by the department. The department shall conduct
11 inspections necessary to assure the sanitary ~~and humane~~ handling <—
12 of domestic animals.

13 CHAPTER 5

14 DISPOSAL OF DEAD DOMESTIC ANIMALS

15 AND ANIMAL WASTE

16 Section 501. General authority.

17 The department has the power and duty to cause the sanitary
18 and safe disposal of dead domestic animals, domestic animal
19 products and domestic animal parts, tissues, excrement and other
20 wastes to prevent the spread of transmissible diseases or
21 dangerous transmissible diseases or the spread of contamination
22 by hazardous substances. This chapter shall not apply to the
23 disposal of carcasses of domestic animals slaughtered for human
24 food nor to the premises or the rendering operations on the
25 premises of a licensed slaughter establishment subject to
26 official Federal or State inspection if such inspection includes
27 inspection of the rendering operations.

28 Section 502. Disposal of dead domestic animals.

29 (a) Requirements.--The following requirements shall be met
30 regarding the disposal of the bodies of dead domestic animals:

1 (1) A person owning or possessing domestic animals which
2 the person knows to have died of dangerous transmissible
3 disease shall report the occurrence of the disease to the
4 department and dispose of the domestic animals under the
5 supervision and instruction of the department.

6 (2) A person caring for or owning domestic animals which
7 have died shall prevent exposure of the carcasses of such
8 dead domestic animals to other living animals, domestic
9 animals and the public and shall dispose of the carcass
10 within 48 hours after the domestic animal dies. Disposal
11 shall be accomplished in accordance with the requirements of
12 this act.

13 (3) Dead domestic animals, parts of dead domestic
14 animals, offal and animal waste may not be transported on
15 public highways for any purpose unless such materials are
16 transported in a manner that precludes contamination of the
17 environment or danger to animal or public health and are
18 concealed from public view.

19 (4) Dead domestic animals, parts of dead domestic
20 animals, offal and animal waste shall be disposed of only in
21 accordance with one of the following methods or a method
22 approved by the department:

23 (i) Burial in a place and manner that does not
24 result in contamination of groundwater, surface water or
25 neighboring property by potentially hazardous substances.

26 (ii) Incineration in accordance with regulations
27 governing air quality.

28 (iii) Processing by rendering, fermenting,
29 composting or other method according to procedures and
30 product safety standards established by the department.

1 (iv) Transport to a dead domestic animal disposal
2 plant approved and licensed by the department.

3 (b) Feeding restricted.--No dead domestic animal or dead
4 domestic animal parts, including offal of any description, shall
5 be fed to domestic OR PET animals unless processed in accordance <—
6 with regulations adopted by the department.

7 (c) Importation restricted.--No dead domestic animal, offal
8 or parts of dead domestic animals may be transported into this
9 Commonwealth unless transported directly to a diagnostic
10 laboratory or consigned and delivered to a dead domestic animal
11 disposal plant licensed by the department.

12 Section 503. Disposal of animal waste.

13 Animal waste known or suspected to have been exposed to a
14 dangerous transmissible disease or hazardous substance shall be
15 disposed of in accordance with regulations attendant to this
16 act.

17 Section 504. Licensure requirement of dead domestic animal
18 disposal businesses.

19 Any person who purchases or receives for disposal a dead
20 domestic animal, domestic animal part or potentially infectious
21 animal waste shall be deemed to be in the business of dead
22 domestic animal disposal and shall be licensed by the department
23 to engage in and conduct such activity.

24 Section 505. Licensing procedure.

25 (a) Applications and fees.--A person intending to operate a
26 dead domestic animal disposal business within this Commonwealth
27 shall, prior to the commencement of business, file an
28 application with the department for the issuance of a dead
29 domestic animal disposal business license. The application shall
30 be made on a form provided by the department. A license fee of

1 \$100 shall be submitted to the department for each dead domestic
2 animal disposal plant to be operated by the applicant within
3 this Commonwealth. This license fee may be changed by the
4 department through regulations.

5 (b) Term of license and renewal.--A license issued under
6 this chapter shall expire as of the end of the calendar year for
7 which it was issued; however, licensure shall be continued
8 pending renewal or denial by the department if the renewal
9 application is received by the department by December 1
10 immediately preceding the calendar year for which license
11 renewal is sought.

12 Section 506. Conditions of licensure.

13 (a) Inspections.--As a precondition to the issuance of a
14 license under this chapter and as a continuing condition of such
15 licensure, the department shall inspect an applicant's or
16 licensee's dead domestic animal disposal plants, facilities,
17 equipment or vehicles for compliance with this act and its
18 attendant regulations.

19 (b) Acceptance of dead domestic animals.--Licensees under
20 this chapter shall accept for disposal any dead domestic animal
21 presented if the licensee is capable of properly disposing of
22 such animal and if the disposal would be within the scope of the
23 license.

24 (c) Disposal methods.--Carcasses, domestic animal parts,
25 offal or other animal waste received or generated by a licensee
26 under this chapter shall be processed in accordance with time
27 limits, sanitation standards, personnel requirements and
28 biosecurity standards as necessary to prevent the spread of
29 transmissible disease or dangerous transmissible disease. The
30 department may formalize these limits or standards through

1 regulations.

2 Section 507. Denial, suspension or revocation of license.

3 An application or license under this chapter may be denied,
4 suspended or revoked if the department determines that any of
5 the conditions of licensure set forth in section 506 have been
6 violated or that a deficiency or violation on the applicant's or
7 licensee's part had not been corrected within the time limit set
8 forth in a written notice of deficiency or violation issued to
9 the applicant or licensee by the department.

10 CHAPTER 6

11 SLAUGHTER AND PROCESSING OF DOMESTIC ANIMALS

12 Section 601. General authority.

13 The department has the power to regulate the euthanasia,
14 destruction, slaughter or processing of domestic animals in
15 order to assure the proper treatment of domestic animals and the
16 safety and quality of food of domestic animal origin. The
17 department may do all the following:

18 (1) Establish standards for the humane euthanasia or
19 killing of domestic animals.

20 (2) Regulate the slaughter and processing of domestic
21 animals for human or animal consumption and require the
22 licensure of slaughter and processing establishments.

23 (3) Establish minimum standards regarding the health and
24 quality of domestic animals permitted to be processed for
25 human consumption or animal feed.

26 Section 602. Humane methods of slaughtering domestic animals.

27 (a) Humane methods required.--Slaughterers, packers or
28 stockyard operators shall use humane methods in the handling of
29 domestic animals for slaughter and in the actual bleeding and
30 slaughter of domestic animals. The use of a manually operated

1 hammer, sledge or poleax during slaughtering operations is not a
2 humane method of slaughter.

3 (b) Ritual slaughter.--Subsection (a) shall not apply to the
4 operator of a commercial establishment with respect to the
5 positioning and ritual slaughter of cows, poultry and sheep
6 until one year after the department finds and publishes in the
7 Pennsylvania Bulletin that there is available at reasonable cost
8 a ritually acceptable, practicable and humane method of handling
9 or otherwise preparing conscious calves, poultry and sheep for
10 slaughter.

11 (c) Exception.--Subsection (a) shall not apply to a farmer
12 or other person slaughtering domestic animals owned by the
13 farmer or person.

14 (d) Construction of section.--This section shall not be
15 construed to prohibit, abridge or in any way hinder the
16 religious freedom of any person or group.

17 (e) Review.--Determinations made by the department under
18 authority of this section shall be subject to review in the
19 manner provided by 2 Pa.C.S. Ch. 7 Subch. A (relating to
20 judicial review of Commonwealth agency action).

21 (f) Applicability.--If the slaughtering operations of
22 slaughterers, packers or stockyard operators who would otherwise
23 be subject to the requirements of this section are subject to
24 inspection by the United States Department of Agriculture,
25 applicable Federal law shall control; and the determination of
26 whether slaughter is conducted by humane methods shall be made
27 by the United States Department of Agriculture in accordance
28 with Federal authority on the subject of humane methods of
29 slaughter.

1 GARBAGE FEEDING BUSINESS

2 Section 701. Licensure requirement.

3 A person who feeds garbage to domestic animals shall be
4 deemed to be engaged in the garbage feeding business. A person
5 shall obtain a license from the department as a precondition to
6 operating a garbage feeding business within this Commonwealth
7 and shall maintain a current license while such business is in
8 operation.

9 Section 702. Application and fee.

10 A person intending to operate a garbage feeding business or
11 plant within this Commonwealth shall, prior to the commencement
12 of operation, file an application with the department for the
13 issuance of a garbage feeding business license. The application
14 must be made on a form provided by the department. A license fee
15 of \$100 shall be submitted to the department for each garbage
16 feeding business to be operated by the applicant within this
17 Commonwealth. This license fee may be changed by the department
18 through regulations. The Commonwealth, political subdivisions
19 and charitable or religious institutions shall not be required
20 to pay this license fee.

21 Section 703. Issuance of license.

22 The department shall issue a license under this chapter upon
23 approval of the application; receipt of the appropriate license
24 fee, if any is required; inspection of the premises designated
25 on the application as the place of business; and approval of the
26 buildings, equipment, sanitary conditions and other requirements
27 the department deems necessary.

28 Section 704. Term of license and renewal.

29 A license issued under this chapter shall expire at the end
30 of the calendar year for which it is issued; however, licensure

1 shall be continued pending renewal or denial by the department
2 if the renewal application is received by the department by
3 December 1 immediately preceding the calendar year for which the
4 license renewal is sought.

5 Section 705. Posting of license.

6 A person licensed under this section and operating a garbage
7 feeding business shall post a copy of the license in a
8 conspicuous place in or at the place of business.

9 Section 706. Heating certain garbage before feeding.

10 All garbage that may contain domestic animals, domestic
11 animal parts or domestic animal products shall be heated
12 thoroughly to a temperature of at least 212 degrees Fahrenheit
13 for a period of at least 30 minutes before being fed to domestic
14 animals unless the garbage has been treated in some other manner
15 that has been approved by the department. Each lot, batch or
16 unit of garbage shall be heated in its entirety to the required
17 temperature and for the required length of time. An accurate
18 record of garbage so processed shall be kept and maintained by
19 the operator of a garbage feeding business or plant for a period
20 of not less than one year. This record shall be made available
21 to the department upon request.

22 Section 707. Prohibitions and conditions.

23 (a) Sanitation.--Garbage feeding businesses shall be
24 maintained in a reasonably sanitary condition. Approved methods
25 to exterminate flies, vermin and rodents shall be employed
26 regularly.

27 (b) Slaughter of certain domestic animals prohibited.--It is
28 unlawful to slaughter domestic animals for human consumption on
29 any premises used as a garbage feeding business or in any
30 building located on any such premises.

(c) Construction and management.--

(1) Feeding shall be done on water-tight floors, properly drained and constructed so as to be maintained in a sanitary condition.

(2) Any place where feeds are mixed and prepared and any building connected with garbage feeding operations shall be maintained in a sanitary condition and good repair.

(3) Manure and other refuse and rubbish may not be allowed to accumulate within the buildings or upon the premises of a garbage feeding business to create unsightly or unsanitary conditions.

(4) The facility shall be constructed so that domestic animals are unable to have access to untreated garbage or materials that have come into contact with untreated garbage.

Section 708. Inspections.

As a precondition to the issuance of a garbage feeding business license and as a continuing condition of such licensure, the department may inspect an applicant's or licensee's facilities for compliance with this act and its attendant regulations.

Section 709. Notice to remedy and denial, suspension or revocation of license.

The department shall provide an applicant or licensee under this chapter with written notice of any violation of this chapter or any regulation relating to garbage feeding businesses. The written notice shall set forth the time within which the applicant or licensee must correct the condition. If an applicant or licensee fails to correct or eliminate such a violation within the time set forth in the written notice, the secretary may deny, suspend or revoke the license and seek other

1 penalties as are authorized by this act.

2 ~~CHAPTER 51~~ CHAPTER 8 <—

3 ADMINISTRATIVE PROVISIONS

4 Section ~~5101~~ 801. Cooperation. <—

5 In order to extend the efficiency of the department with
6 regard to the administration and implementation of this act, the
7 department is authorized to cooperate with the appropriate
8 regulatory agencies of the Federal Government, any other state
9 or any foreign nation.

10 Section ~~5102~~ 802. Conflicts with Dog Law. <—

11 If any provision of this act or regulation promulgated under
12 authority of this act conflicts with or alters the rights,
13 duties or responsibilities of any person otherwise subject to
14 the act of December 7, 1982 (P.L.784, No.225), known as the Dog
15 Law, or its attendant regulations, the Dog Law or its
16 regulations shall control.

17 Section ~~5103~~ 803. Rabies prevention and control. <—

18 If a provision of this act or regulation promulgated under
19 this act conflicts with or alters the rights, duties or
20 responsibilities of a person who is otherwise subject to the act
21 of December 15, 1986 (P.L.1610, No.181), known as the Rabies
22 Prevention and Control in Domestic Animals and Wildlife Act,
23 that act shall control.

24 Section ~~5104~~ 804. Application of act. <—

25 Notwithstanding any other provision of law to the contrary,
26 Chapters 1, 3 and ~~51~~ 8 shall apply to both domestic animals and <—
27 pet animals. Chapters 2, 4, 5, 6 and 7 shall apply exclusively
28 to domestic animals. This act shall only be deemed to apply to
29 pet animals for purposes relating to health and disease. The
30 provisions of this act shall not apply to aquaculture or to

1 persons when they are engaged in the business of aquaculture.

2 Section ~~5105~~ 805. Regulations. <—

3 (a) General authority.--The department has authority to
4 promulgate regulations necessary for the administration and
5 implementation of the provisions of this act.

6 (b) Preexisting regulations.--Except to the extent that they
7 are inconsistent with any provision of this act, regulations in
8 effect on the effective date of this act shall continue in
9 effect unless subsequently modified by regulations promulgated
10 by the department.

11 (c) Fees.--The department may impose licensure and user fees
12 to recover costs of supplies, equipment, administration and
13 other fixed overhead costs to provide services and voluntary
14 programs to the domestic animal industry. Unless otherwise
15 specified in this act, such fees shall be established by the
16 department through regulations.

17 Section ~~5106~~ 806. Enforcement and penalties. <—

18 (a) Criminal penalties.--

19 (1) Except as provided in paragraph (2), unless
20 otherwise specified, a person who violates any provision of
21 this act or any regulation or order made under this act
22 commits a summary offense and shall, upon conviction, be
23 sentenced to pay a fine of not more than \$300 and costs of
24 prosecution or, in default of payment of such fine and costs,
25 to imprisonment for a period of not more than 90 days.

26 (2) Unless otherwise specified, a person who, within
27 three years of being sentenced under paragraph (1), violates
28 any provision of this act or any regulation or order made
29 under this act commits a misdemeanor of the second degree and
30 shall, upon conviction, be sentenced to pay a fine of not

1 less than \$1,000 nor more than \$5,000 or to imprisonment for
2 not more than two years, or both.

3 (b) Civil penalties.--

4 (1) In addition to proceeding under any other remedy
5 available at law or in equity for a violation of a provision
6 of this act, a regulation promulgated under this act or an
7 order issued pursuant to this act, the department may assess
8 a civil penalty of not more than \$10,000 upon an individual
9 or business for each offense.

10 (2) This subsection is subject to 2 Pa.C.S. Ch. 5 Subch.
11 A (relating to practice and procedure of Commonwealth
12 agencies) and Ch. 7 Subch. A (relating to judicial review of
13 Commonwealth agency action).

14 (3) In determining the amount of the penalty, the
15 department shall consider the gravity of the violation. The
16 department may issue a warning in lieu of assessing a
17 penalty.

18 (4) In cases of inability to collect a civil penalty or
19 failure of any person to pay all or such portion of the
20 penalty as the department may determine, the department may
21 refer the matter to the Office of Attorney General, which
22 shall recover such amount by action in the appropriate court.

23 Section ~~5107~~ 807. Disposition of fees, fines and civil
24 penalties.

25 All moneys derived from fees, fines and civil penalties
26 collected or imposed under the provisions of this act shall be
27 paid into the State Treasury and shall be credited to the
28 general government operations appropriation of the Department of
29 Agriculture to administer the provisions of this act.

30 Section ~~5108~~ 808. Interference with officer or employee of

1 department.

2 A person who intentionally interferes with an employee or
3 officer of the department in the performance of duties or
4 activities authorized under this act commits a misdemeanor of
5 the third degree and shall, upon conviction, shall be sentenced
6 to a fine of not more than \$2,500 or to imprisonment for not
7 more than one year, or both.

8 Section ~~5109~~ 809. Civil remedy.

<—

9 In addition to any other remedies provided for in this act,
10 the Attorney General, at the request of the department, may
11 initiate in the Commonwealth Court or the court of common pleas
12 of the county in which the defendant resides or has a place of
13 business an action in equity for an injunction to restrain a
14 violation of this act, the regulations promulgated under this
15 act or an order issued under this act from which no timely
16 appeal has been taken or which has been sustained on appeal. In
17 any such proceeding, the court shall, upon motion of the
18 Commonwealth, issue a preliminary injunction if it finds that
19 the defendant is engaging in conduct which is unlawful under
20 this act or is engaging in conduct which is causing immediate or
21 irreparable harm to the public. The Commonwealth shall not be
22 required to furnish bond or other security in connection with
23 such proceedings. In addition to an injunction, the court, in
24 such equity proceedings may levy civil penalties under section
25 ~~5106~~ 806.

<—

26 Section ~~5110~~ 810. Saving clause.

<—

27 The provisions of this act shall not affect any act done,
28 liability incurred or right accrued or vested or affect any suit
29 or prosecution pending or to be instituted to enforce any right
30 or penalty or punish any offense under the authority of any act

1 or part thereof repealed by this act.

2 Section ~~5111~~ 811. Inapplicability of penal cruelty to animals <—
3 statutes.

4 No action taken by the department or decision not to act made
5 by the department or condition or action required of another by
6 the written instruction of the department shall be construed as
7 cruelty to animals under any penal statute of this Commonwealth
8 if such an action, decision or condition is taken, made or
9 required under the authority of this act or its attendant
10 regulations.

11 Section ~~5112~~ 812. Exemption for governmental entities. <—

12 All agencies or commissions of the Federal Government and the
13 Commonwealth shall be exempt from the licensure requirements of
14 Chapters 4, 5 and 7.

15 Section ~~5113~~ 813. Preemption of local laws and regulations. <—

16 This act and its provisions are of Statewide concern and
17 occupy, to the exclusion of any ordinances, resolutions and
18 regulations of political subdivisions which pertain to
19 transmissible diseases of domestic or pet animals as defined in
20 this act, the whole field of regulation regarding the
21 identification of domestic animals; the detection, containment
22 or eradication of dangerous transmissible diseases; the
23 licensure of dealers, haulers and agents; the procedure for
24 disposal of dead domestic animals and animal waste; the
25 procedure for the slaughter and processing of domestic animals;
26 ~~the disposition of injured, sick, homeless or unwanted domestic~~ <—
27 ~~animals;~~ and the licensure and conditions of garbage feeding

28 businesses. Except as otherwise specifically provided in this
29 act, no ordinance, resolution or regulation of any political
30 subdivision or home rule municipality may regulate these fields

1 if the ordinance, resolution or regulation is in conflict with
2 this act.

3 Section ~~5114~~ 814. Repeals.

←

4 The following acts and parts of acts are repealed:

5 Act of May 9, 1889 (P.L.151, No.167), entitled "An act to
6 prevent the spread of contagious diseases among domestic
7 animals."

8 Act of June 25, 1895 (P.L.286, No.200), entitled "An act
9 legalizing the dehorning of cattle."

10 Act of May 26, 1897 (P.L.99, No.82), entitled "An act to
11 protect the health of the domestic animals of the Commonwealth
12 of Pennsylvania."

13 Act of May 2, 1901 (P.L.121, No.88), entitled "An act to
14 provide for the prevention of the spread of disease from the
15 carcasses of animals that die of dangerous or virulent diseases,
16 or are killed while afflicted with such disease; to provide for
17 the safe disposal or destruction of such carcasses; to authorize
18 the State Live Stock Sanitary Board to make regulations for the
19 enforcement of this act; and to provide penalties for the
20 violations of this act and of the regulations that may be made
21 under it by the State Live Stock Sanitary Board."

22 Act of March 30, 1905 (P.L.78, No.56), entitled "An act to
23 further define the duties and powers of the State Live Stock
24 Sanitary Board; to prevent the spread of dangerous, contagious
25 or infectious diseases among domestic animals; to require
26 reports to be made of the existence of such diseases; to limit
27 appraisements and payments for animals that it may be necessary
28 to destroy to prevent the spread of disease; to protect milk
29 supplies from contamination; to authorize cooperation with local
30 boards of health; and to prescribe penalties for the violation

1 of the provisions hereof."

2 Act of July 22, 1913 (P.L.928, No.441), referred to as the
3 Domestic Animal Disease Suppression Law.

4 Act of March 28, 1929 (P.L.110, No.117), entitled "A
5 supplement to the act, approved the twenty-second day of July,
6 one thousand nine hundred and thirteen (Pamphlet Laws, nine
7 hundred and twenty-eight), entitled "An act relating to domestic
8 animals; defining domestic animals so as to include poultry;
9 providing methods of improving the quality thereof, and of
10 preventing, controlling, and eradicating diseases thereof;
11 imposing certain duties upon practitioners of veterinary
12 medicine in Pennsylvania; regulating the manufacture, use and
13 sale of tuberculin, mallein and other biological products for
14 use with domestic animals; defining the powers and duties of the
15 State Livestock Sanitary Board, and the officers and employes
16 thereof; fixing the compensation of the Deputy State
17 Veterinarian; and providing penalties for the violation of this
18 act," regulating the bringing and importation of cattle, sheep,
19 goats, swine, poultry and wild and semi-wild animals into the
20 Commonwealth."

21 Section 1713 of the act of April 9, 1929 (P.L.177, No.175),
22 known as The Administrative Code of 1929.

23 Act of April 17, 1929 (P.L.533, No.236), entitled "An act
24 regulating the quarantining of animals, poultry, premises,
25 localities, and areas in the Commonwealth; defining quarantines
26 and the powers and duties of the Department of Agriculture its
27 officers and agents in establishing and enforcing quarantines;
28 and providing penalties for the violation of this act."

29 Act of June 22, 1931 (P.L.650, No.225), entitled "An act
30 requiring persons, associations, partnerships and corporations,

1 and their agents, herein defined as dealers and brokers,
2 engaging in the business of buying, receiving, selling,
3 exchanging, negotiating, or soliciting the sale, resale,
4 exchange, or transfer of certain domestic animals, to be
5 licensed by the department; providing for the revocation of such
6 licenses, imposing certain duties on such dealers and brokers,
7 and their agents; conferring powers on said department; and
8 providing penalties."

9 Act of June 22, 1931 (P.L.682, No.249), entitled "An act
10 relating to domestic animals, and providing for their
11 appraisal when condemned to prevent the spread of disease;
12 and regulating payments by the Commonwealth in such cases, and
13 the payment of salvage by butchers."

14 Act of May 18, 1945 (P.L.796, No.317), entitled "An act
15 relating to and regulating the business of the use and
16 disposition of the bodies of dead animals; providing for the
17 licensing of such business and the cancellation of such
18 licenses, authorizing the department to promulgate rules and
19 regulations therefor; and imposing certain duties upon said
20 department; and providing penalties."

21 Act of April 20, 1949 (P.L.650, No.147), entitled "An act
22 relating to and regulating the slaughtering of equine animals
23 for animal feeding purposes and to protect the public health and
24 the health of domestic animals and wild animals held in
25 captivity; providing for the licensing of such establishments
26 and the cancellation of such licenses; defining the powers and
27 duties of the department; and providing penalties."

28 Act of June 19, 1953 (P.L.279, No.55), entitled "An act to
29 protect the public health as well as the livestock industry of
30 the Commonwealth of Pennsylvania by regulating the business of

1 collecting, transporting, cooking and feeding garbage to swine;
2 providing for renegotiating contracts or parts of such contracts
3 made with persons engaged in such business; providing for the
4 licensing of such business and cancellation of such licensing;
5 authorizing the Department of Agriculture to promulgate rules
6 and regulations therefor; imposing certain duties upon said
7 department; and providing penalties."

8 Act of September 14, 1965 (P.L.519, No.263), entitled "An act
9 providing certain requirements for the commercial slaughtering
10 of livestock; defining the humane methods that may be used;
11 imposing powers and duties upon the Secretary of Agriculture;
12 and providing penalties."

13 Act of March 28, 1974 (P.L.221, No.48), entitled "An act
14 providing for the marking and branding of livestock, recording
15 of brands, fees, uses and sales of brands and penalties."

16 Section ~~5115~~ 815. Effective date.

<—

17 This act shall take effect in 60 days.