

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1432 Session of  
1996

INTRODUCED BY MADIGAN, STAPLETON, WENGER, STOUT, HELFRICK,  
HECKLER, O'PAKE AND ROBBINS, MARCH 8, 1996

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, MARCH 8, 1996

AN ACT

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

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. Title 3 of the Pennsylvania Consolidated Statutes  
18 is amended by adding a chapter to read:

19 CHAPTER 23

20 DOMESTIC ANIMALS

21 Subchapter

22 A. General Provisions

23 B. Identification of Domestic Animals

- C. Detection, Containment or Eradication of Certain Diseases
- D. Dealers, Agents and Haulers of Domestic Animals or  
Dead Domestic Animals
- E. Disposal of Dead Domestic Animals and Animal Waste
- F. Slaughter and Processing of Domestic Animals
- G. Garbage Feeding Business
- H. Administrative Provisions

#### SUBCHAPTER A

#### GENERAL PROVISIONS

Sec.

2301. Short title.

2302. Finding, policy and purpose.

2303. Definitions.

2304. Diagnostic services and research.

2305. Keeping and handling of domestic animals.

§ 2301. Short title.

This chapter shall be known and may be cited as the Domestic  
Animal Law.

§ 2302. Finding, policy and purpose.

The General Assembly finds that animal health is of major  
economic interest in this Commonwealth. It is the declared  
policy of the Commonwealth to assure the health and welfare of  
animals kept in captivity, to prevent and control diseases and  
dangerous substances that may threaten the safety of animals and  
humans, and to provide for desirable management practices for  
the production, keeping and use of domestic animals. It is the  
purpose of this chapter to give the department authority to  
implement this policy.

§ 2303. Definitions.

The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Agent." A person, firm, association, partnership or  
4 corporation buying or receiving or soliciting or negotiating the  
5 sale of domestic animals for or on behalf of any dealer  
6 transporting domestic animals on behalf of any hauler.

7 "Animal." A living nonhuman organism having sensation and  
8 the power of voluntary movement and requiring for its existence  
9 oxygen and organic food.

10 "Animal waste." Superfluous material emanating from domestic  
11 animal production or keeping, including, but not limited to,  
12 excrement, offal, eggs, milk, placenta, fetuses, feathers, hair,  
13 wool, blood and animal parts which are not intended or suitable  
14 for inclusion in the food chain without special processing.

15 "Appraised value." The current value of a domestic animal at  
16 the time of appraisal, determined by current market values, age  
17 of animal, physical condition, condition as to disease, nature  
18 and extent of disease, breeding value, milk production value,  
19 salvage value and any other factors which might affect value.

20 "Area" or "locality." A geographical district or portion or  
21 group thereof.

22 "Article" or "property." Any goods, products, containers or  
23 materials which are found on the premises where a domestic  
24 animal is or has been kept or which are used to hold, contain or  
25 transport a domestic animal.

26 "Brand." A permanent identification mark made on the hide of  
27 a live animal by dehydrating the superficial and deep layers of  
28 skin by heat, cold, electric current or another method approved  
29 by the Department of Agriculture.

30 "Compost." The biological digestion of dead domestic

1 animals, animal waste or other biodegradable materials.

2 "Condemned." The status of a domestic animal, domestic  
3 animal product, conveyance or other article that has been  
4 determined by the Department of Agriculture as having been  
5 exposed to a dangerous transmissible disease or a hazardous  
6 substance such that destruction of the domestic animal, domestic  
7 animal product, conveyance or other article is necessary to  
8 prevent the spread of such disease or contamination, and that is  
9 subject to a quarantine order issued under this chapter.

10 "Conveyance." An automobile, truck, trailer, wagon or other  
11 vehicle used in the transportation of live or dead domestic  
12 animals, animal waste or domestic animal products or by-products  
13 upon the highways of this Commonwealth.

14 "Dangerous transmissible disease." A transmissible disease  
15 of domestic animals that has been designated by this chapter or  
16 by order of the Department of Agriculture as presenting a danger  
17 to public health, to domestic animal health, to the safety or  
18 quality of the food supply or to the economic well-being of the  
19 domestic animal industries. This term shall be construed to mean  
20 and include the disease agent.

21 "Dead domestic animal disposal plant." A facility where the  
22 body or parts of the body of a dead domestic animal is received  
23 and processed for the purpose of salvaging useful material,  
24 including, but not limited to, hides, bones, fat and proteins.

25 "Dealer." A person that buys, receives, sells, exchanges,  
26 negotiates or solicits the sale, resale, exchange or transfer of  
27 domestic animals or dead domestic animals for the purpose of  
28 transfer of ownership or possession to a third party.

29 "Depopulation incentive." Payment to the owner for a portion  
30 of the appraised value of any domestic animal or other property

1 which is voluntarily slaughtered or destroyed with the prior  
2 agreement of the Department of Agriculture and in accordance  
3 with this chapter, upon the Department of Agriculture's  
4 determination that such action serves to protect public health,  
5 the safety or quality of the food supply or the economic well-  
6 being of the domestic animal industry. A depopulation incentive  
7 may be paid only in situations where the domestic animal or  
8 other property has not been condemned.

9 "Disease." Any deviation from or interruption of the normal  
10 structure of any part, organ or system of the body of a living  
11 domestic animal.

12 "Domestic animal." An animal maintained in captivity. The  
13 term also includes the germ plasm, embryos and fertile ova of  
14 such animals.

15 "Domestic animal feed." Any substance or mixture which is  
16 intended for use as food for domestic animals and which is  
17 intended for use as a substantial source of nutrients in the  
18 diet of domestic animals and is not limited to a substance or  
19 mixture intended to be the sole ration of the domestic animal.

20 "Domestic animal product." A part of a domestic animal or  
21 any food, material or article containing any part of a domestic  
22 animal.

23 "Euthanasia." The termination of the life of a domestic  
24 animal by a method that minimizes pain and distress.

25 "Exotic disease." A disease which is not or is no longer  
26 native or indigenous to the United States, including those  
27 diseases so designated by the United States Department of  
28 Agriculture.

29 "Garbage." All waste material resulting from the handling,  
30 preparation, cooking or consumption of food, except that the

1 term shall not include waste from ordinary household operations  
2 which is fed directly to domestic animals on the same premises  
3 where the household is located. The term also does not include  
4 any waste or residuals from fruit or vegetable processing  
5 operations.

6 "General quarantine." A quarantine order published in at  
7 least one newspaper that restricts the movement of animals and  
8 materials, including conveyance into, within or from a  
9 designated area or locality.

10 "Group of domestic animals." Those domestic animals that are  
11 maintained on common ground for any purpose or two or more  
12 geographically separated concentrations of domestic animals  
13 which have an interchange or movement of animals or articles  
14 that may carry dangerous transmissible disease or contamination  
15 without regard to health status.

16 "Hauler." A person responsible for the transportation of  
17 domestic animals or dead domestic animals into, within or from  
18 this Commonwealth, but the term shall not be construed to mean  
19 any of the following:

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

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

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

30 (4) A person who transports a domestic animal which he

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 he 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 animals or humans.

"Heritable disease." A domestic 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 slaughter; or

(2) a method of ritual slaughter.

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

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

"Interstate" or "international quarantine." An order of quarantine issued by the Department of Agriculture which may cover any domestic animal or class of domestic animals, or conveyances, goods, products, materials or articles, regulating or forbidding their entry into this Commonwealth from another state, territory of the United States or foreign country.

1 "Market value." The current worth of a domestic animal,  
2 domestic animal product or other article in markets where such  
3 animals, products and other articles are commonly bought and  
4 sold.

5 "Metabolic disease." A domestic animal disease resulting  
6 from a physiological dysfunction of an animal tissue or organ.

7 "Neoplastic disease." A domestic animal disease resulting  
8 from an uncontrolled and progressive abnormal growth of tissue.

9 "Owner." A person owning, possessing or harboring any  
10 domestic animal. The term shall also include any person who  
11 allows a domestic animal habitually to remain about the premises  
12 inhabited by such person.

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

16 "Premises." A definite portion of real estate; land with its  
17 appurtenances, including any structure erected thereon; and any  
18 vehicle or vessel used in transporting passengers, goods,  
19 domestic animals or domestic animal products by land, air or by  
20 water. As used in this chapter, the term shall be taken in its  
21 widest sense.

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

28 "Rendering." The cooking or heating of dead domestic animals  
29 or parts of such dead animals until all such cooked or heated  
30 material is incapable of transmitting dangerous transmissible

1 disease.

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

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

11 "Slaughter." The euthanasia and processing of domestic  
12 animals for food production purposes.

13 "Slaughterer." A person regularly engaged in the commercial  
14 slaughter of domestic animals.

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

22 "Stockyard." A place, establishment or facility owned or  
23 operated by a domestic animal dealer, consisting of pens or  
24 other enclosures and their appurtenances for the handling,  
25 keeping or holding of domestic animals for the purpose of sale  
26 or shipment.

27 "Tattoo." A permanent identification mark made on the hide  
28 of a live domestic animal by inserting pigment into the deep  
29 layers of the skin.

30 "Transmissible disease." A disease of a domestic animal

1 which can be transferred, reproduced or established in a  
2 domestic animal or human by direct or indirect means.

3 "USDA-APHIS-VS." The United States Department of  
4 Agriculture, Animal Plant Health Inspection Service, Veterinary  
5 Services.

6 § 2304. Diagnostic services and research.

7 The department may establish, maintain or fund, to the extent  
8 that funding is available, such domestic animal disease  
9 diagnostic services and research activities as are required to  
10 prevent, suppress, control and eradicate transmissible diseases  
11 of domestic animals, to protect the safety, quality and  
12 sufficiency of the human food supply and to provide domestic  
13 animal producers information necessary for efficient production  
14 and maintenance of healthy domestic animals.

15 § 2305. Keeping and handling of domestic animals.

16 The department shall have authority to regulate the keeping  
17 and handling of domestic animals to exclude or contain dangerous  
18 transmissible diseases, and hazardous substances, to protect the  
19 environment and to assure humane husbandry practices.

20 SUBCHAPTER B

21 IDENTIFICATION OF DOMESTIC ANIMALS

22 Sec.

23 2311. General authority.

24 2312. Adoption of form of identification.

25 2313. Certified copies.

26 2314. Brand, tattoo or other form of identification as proof  
27 of ownership.

28 2315. Disputes in custody or ownership.

29 2316. Sale or assignment of form of identification.

30 2317. Violations and penalty.

1 2318. Fees and forfeiture.

2 § 2311. General authority.

3 The department shall have authority to impose requirements  
4 and methods for the identification of domestic animals owned,  
5 kept, possessed or transported within this Commonwealth. The  
6 department shall authorize and record the adoption and exclusive  
7 use of unique identification marks, numbers or devices,  
8 including distinctive branding marks, tattoos, microchips and  
9 other forms of identification that are affixed upon domestic  
10 animals, and shall maintain a registry of such forms of  
11 identification. The department may establish through regulations  
12 fees for the assignment, registry and exclusive use of forms of  
13 identification registered under this subchapter. Any regulations  
14 developed under this section shall not conflict with Federal  
15 regulations regarding the identification of domestic animals.

16 § 2312. Adoption of form of identification.

17 (a) General authority.--A domestic animal owner may adopt a  
18 brand, tattoo or other form of identification with which to  
19 identify domestic animals owned by such person through the  
20 procedure set forth in this subchapter. A form of identification  
21 recorded in compliance with this subchapter shall be considered  
22 the personal property of the person who records it. Such person  
23 shall have the exclusive right to use this form of  
24 identification within this Commonwealth.

25 (b) Application, facsimile and fee.--A person desiring to  
26 adopt a form of identification shall submit an application form,  
27 a facsimile of the form of identification and a recording fee of  
28 \$25 to the department. The department shall provide the  
29 application form upon request. This fee may be changed by the  
30 department through regulations.

1 (c) Provisional filing.--It shall be the duty of the  
2 department to file all forms of identification offered for  
3 recording, keeping account of the date and chronological order  
4 of receipt, pending the review and examination provided for in  
5 subsection (d). If the form of identification is subsequently  
6 accepted for recording, ownership of the form of identification  
7 shall vest from the date of filing.

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

20 § 2313. Certified copies.

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

30 (b) Filing.--Within ten days of receiving the two certified

1 copies of the record of the form of identification, the owner of  
2 the recorded form of identification shall file one of the  
3 certified copies in the office of the county recorder of the  
4 county where the owner's principal place of business is located  
5 and one copy in each county where domestic animals bearing the  
6 recorded form of identification are to be kept. If the form of  
7 identification had a prior owner and the prior owner filed a  
8 certified copy in any other county, the subsequent owner shall  
9 file a certified copy in each county in which the previous owner  
10 had filed.

11 § 2314. Brand, tattoo or other form of identification as proof  
12 of ownership.

13 In all suits at law or in equity or in any criminal  
14 proceedings in which the title to domestic animals is an issue,  
15 the certified copies recorded pursuant to section 2313 (relating  
16 to certified copies) shall be prima facie evidence of the  
17 ownership of the domestic animal by the person in whose name the  
18 brand, tattoo or other form of identification is recorded.

19 § 2315. Disputes in custody or ownership.

20 Disputes in custody or ownership of domestic animals that  
21 bear brands, tattoos or other forms of identification shall be  
22 investigated on request by the sheriff of the county where the  
23 domestic animals are located. The sheriff may call upon the  
24 services of a licensed veterinarian in reading the brands,  
25 tattoos or other forms of identification on domestic animals.  
26 The cost of the veterinarian's services shall be borne by the  
27 person requesting the investigation. The results of the  
28 sheriff's investigation shall be a public record and shall be  
29 admissible in evidence.

30 § 2316. Sale or assignment of form of identification.

1 Any form of identification recorded pursuant to this  
2 subchapter shall be the property of the person causing such  
3 record to be made and shall be subject to sale, assignment,  
4 transfer, devise and descent as personal property. Instruments  
5 of writing evidencing the sale, assignment or transfer of such  
6 form of identification shall be recorded by the department. The  
7 fee for recording such sale, assignment or transfer shall be \$5.  
8 This fee may be changed by the department through regulations.  
9 § 2317. Violations and penalty.

10 (a) Unauthorized brands.--It shall be unlawful for a person  
11 to use any brand for the branding of domestic animals unless the  
12 brand has been recorded pursuant to this subchapter or unless  
13 the use of a brand or the branding procedure is authorized under  
14 any other provision of this chapter.

15 (b) Affixing forms of identification by nonowners.--It shall  
16 be unlawful for a person to affix, attempt to affix or cause to  
17 be affixed a form of identification upon the domestic animal of  
18 another without the owner's consent.

19 (c) Tampering.--It shall be unlawful for a person to efface,  
20 deface or obliterate or attempt to efface, deface or obliterate  
21 any brand, tattoo or other form of identification upon any  
22 domestic animal belonging to another person. It shall be  
23 unlawful for a person to efface, deface, obliterate, conceal,  
24 remove or attempt to remove any official domestic animal  
25 identification of the department, the United States Department  
26 of Agriculture or any other state department of agriculture.

27 (d) Form of identification of another.--It shall be unlawful  
28 for a person to affix, attempt to affix or cause to be affixed  
29 upon any domestic animal the form of identification of another.

30 (e) Other false identification.--It shall be unlawful for

1 any person to place, attach or use on a domestic animal, or to  
2 cause to be placed, attached or used on a domestic animal, or to  
3 attempt to place, attach or use on a domestic animal, any form  
4 of identification such as a brand, tattoo, tag, emblem, marking,  
5 microchip or other identifying mark, number or device that such  
6 person knows misrepresents the identity or health of the  
7 domestic animal, with intent to interfere or deceive in the  
8 identification, testing, vaccinating, selling, transfer or  
9 slaughter of the domestic animal.

10 (f) Penalty.--Any person who is convicted of violating any  
11 provision of this subchapter shall be guilty of a misdemeanor of  
12 the second degree and may be imprisoned for not more than two  
13 years and be fined not more than \$5,000.

14 § 2318. Fees and forfeiture.

15 An owner of a form of identification of record shall pay the  
16 department a fee of \$5 on January 1 of every fifth year from the  
17 year in which the form of identification was recorded with the  
18 department as that owner's property. This fee may be changed by  
19 the department through regulations. The department shall give a  
20 receipt for all such payments made. If an owner of a form of  
21 identification of record should fail, refuse or neglect to pay  
22 such fee by July 1 of any year in which it is due, such form of  
23 identification shall become forfeited and no longer carried in  
24 the record. Any such forfeited form of identification shall not  
25 be issued to any other person within a period of less than ten  
26 years following date of forfeiture.

27 SUBCHAPTER C

28 DETECTION, CONTAINMENT OR ERADICATION OF CERTAIN DISEASES

29 Sec.

30 2321. Dangerous transmissible diseases.

1 2322. Neoplastic diseases, metabolic diseases and heritable  
2 diseases.

3 2323. Health requirements.

4 2324. Safety of domestic animal feed.

5 2325. Use of biologicals, antibiotics, genetic material,  
6 chemicals, diagnostic agents and other substances.

7 2326. Sanitation.

8 2327. Disease surveillance and detection.

9 2328. Entry on premises.

10 2329. Quarantine.

11 2330. Condemnation.

12 2331. Indemnification.

13 2332. Depopulation incentive.

14 2333. Restriction on payment of indemnification and  
15 depopulation incentive.

16 2334. Report on insurance or cost-sharing program.

17 2335. Contract growers.

18 § 2321. Dangerous transmissible diseases.

19 (a) Specific dangerous transmissible diseases.--The  
20 following transmissible diseases are dangerous transmissible  
21 diseases within the meaning of this chapter:

22 (1) Actinomycosis, an infectious disease of cattle and  
23 man caused by *Actinomyces bovis*.

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

26 (3) African swine fever, an infectious disease of swine  
27 caused by a virus (ASFV).

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

30 (5) Anthrax, an infectious disease of animals and man

1        caused by *Bacillus anthracis*.

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

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

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

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

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

13           (11) Brucellosis, an infectious disease of animals and  
14       man caused by *Brucella abortus*, *Brucella suis*, *Brucella*  
15       *melitensis* or *Brucella ovis*.

16           (12) Chlamydiosis (psittacosis), an infectious disease  
17       of birds and man caused by *Chlamydia psittaci*.

18           (13) Chronic respiratory disease of poultry (CRD), an  
19       infectious disease of poultry caused by *Mycoplasma synoviae*  
20       or *Mycoplasma gallisepticum*.

21           (14) Contagious equine metritis (CEM), an infectious  
22       disease of equine caused by *Hemophilus equigenitalis*.

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

25           (16) Dourine, an infectious disease of equines caused by  
26       *Trypanosoma equiperdum*.

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

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

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

4           (20) Equine infectious anemia (EIA, swamp fever), an  
5 infectious disease of equines caused by a virus (EIAV).

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

9           (22) Glanders, an infectious disease of horses caused by  
10 *Pseudomonas mallei*.

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

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

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

17           (26) Malignant catarrhal fever (MCF), an infectious  
18 disease of cattle caused by a virus (MCFV).

19           (27) Newcastle disease, an infectious disease of poultry  
20 caused by a virus.

21           (28) Paratuberculosis (Johne's disease), an infectious  
22 disease of cattle, sheep, goats and deer caused by  
23 *Mycobacterium paratuberculosis*.

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

27           (30) Psoroptic mange, an infectious disease of cattle  
28 and sheep caused by psoroptes mites.

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

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

3 (33) Rinderpest, an infectious disease of ruminants and  
4 swine caused by a morbillivirus (RDV).

5 (34) Salmonellosis, an infection of animals and man  
6 caused by various Salmonella species: *S. pullorum* (poultry),  
7 *S. typhimurium* (cattle, equine and man), *S. dublin* (cattle  
8 and man), *S. gallinarum* (poultry) and *S. choleraesuis* (swine).

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

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

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

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

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

22 (b) Designation of additional dangerous transmissible  
23 diseases through regulation.--The department shall have the  
24 authority to promulgate regulations that designate other  
25 transmissible diseases to be dangerous transmissible diseases  
26 under this chapter if such other transmissible diseases present  
27 a danger to public health, to domestic animal health, to the  
28 safety or quality of the food supply or to the economic well-  
29 being of the domestic animal industries. The department shall  
30 also have the authority to withdraw the designation of a

1 particular transmissible disease as a dangerous transmissible  
2 disease under this chapter if the transmissible disease no  
3 longer presents a danger to public health, to domestic animal  
4 health, to the safety or quality of the food supply or to the  
5 economic well-being of the domestic animal industries.

6 (c) Department of Health; notification and consultation.--  
7 The department shall inform the Department of Health of the  
8 outbreak of a domestic animal disease which may threaten human  
9 health and shall, in consultation with the Department of Health,  
10 determine the public health risk associated with the domestic  
11 animal disease outbreak and the appropriate action to manage  
12 such risk. Additions or deletions of domestic animal diseases of  
13 public health significance to or from the list of dangerous  
14 transmissible diseases shall be jointly determined by the  
15 department and the Department of Health.

16 (d) Designation of additional dangerous transmissible  
17 diseases through temporary order.--Upon the determination that a  
18 transmissible disease not listed in subsection (a), and not  
19 designated a dangerous transmissible disease through regulation  
20 under subsection (b), presents a danger to public health, to  
21 domestic animal health, to the safety or quality of the food  
22 supply or to the economic well-being of the domestic animal  
23 industries, the department shall issue a temporary order  
24 proclaiming that transmissible disease to be a dangerous  
25 transmissible disease within the meaning of this chapter. This  
26 chapter shall be applicable to that dangerous transmissible  
27 disease as of the date of actual or constructive notice of the  
28 order or any later date specified in that order. The department  
29 shall publish such an order in the Pennsylvania Bulletin within  
30 20 days of its issuance. Publication in the Pennsylvania

1 Bulletin shall effect constructive notice. The temporary order  
2 shall remain in effect for a period not to exceed one year,  
3 unless reissued, or until the transmissible disease is  
4 designated to be a dangerous transmissible disease through  
5 regulation under subsection (b), whichever occurs first.

6 (e) Regulations.--The department may establish regulations  
7 addressing the specific discovery, prevention, reporting,  
8 testing, control and eradication measures which it determines  
9 are necessary with respect to any dangerous transmissible  
10 disease.

11 § 2322. Neoplastic diseases, metabolic diseases and heritable  
12 diseases.

13 If a neoplastic disease, metabolic disease or heritable  
14 disease is determined by the department to pose a threat to  
15 domestic animal health or to the economic well-being of the  
16 domestic animal industries, then the department may establish  
17 regulations addressing any discovery, prevention, reporting,  
18 testing, control, eradication or other measures as are necessary  
19 to lessen or eliminate the threat.

20 § 2323. Health requirements.

21 (a) Interstate and intrastate movement of domestic  
22 animals.--The department may establish identification and  
23 minimum health standards for the importation or the intrastate  
24 movement of domestic animals in this Commonwealth and may  
25 establish procedures for certification of the health status of  
26 domestic animals imported into or transported within this  
27 Commonwealth. If the department shall suspect the genuineness of  
28 any health certificate or official disease test report relating  
29 to domestic animals or shall question the competency of the  
30 person who shall have issued such report or certificate, the

1 department may decline to accept the same and may refuse to  
2 permit the importation or intrastate movement of the domestic  
3 animals concerned, unless a certificate or report is furnished  
4 from the proper inspector of the state or country of origin or  
5 USDA-APHIS-VS or unless the department shall otherwise  
6 determine.

7 (b) Violations.--

8 (1) It shall be unlawful for any person to knowingly,  
9 recklessly or negligently import or bring into this  
10 Commonwealth without the written permission of the department  
11 any domestic animal that is contaminated with a hazardous  
12 substance or that is infected with or that has been exposed  
13 to any transmissible disease.

14 (2) It shall be unlawful for any person to knowingly,  
15 recklessly or negligently import or bring into this  
16 Commonwealth any domestic animal in violation of any of the  
17 provisions of this chapter, an order entered under authority  
18 of this chapter or any attendant regulation to prevent the  
19 introduction of any transmissible disease.

20 (3) It shall be unlawful for any person to knowingly,  
21 recklessly or negligently receive or keep or have in his  
22 keeping or possession any domestic animal imported, brought  
23 into or transported within this Commonwealth in violation of  
24 any of the provisions of this chapter or to allow any such  
25 domestic animal to come into contact with any other domestic  
26 animal.

27 (c) Authority to remove or slaughter.--Whenever any domestic  
28 animal is imported into this Commonwealth or transported within  
29 this Commonwealth in violation of this chapter, the department  
30 shall have authority to cause such domestic animal to be removed

1 from this Commonwealth or the domestic animal removed directly  
2 to slaughter or destroyed without indemnity.

3 § 2324. Safety of domestic animal feed.

4 (a) General authority.--The department shall have the  
5 authority and the duty to protect the food supply of domestic  
6 animals in order to prevent the transmission of diseases and  
7 substances hazardous to human health or domestic animal health.

8 (b) Carcasses used for animal feed.--No domestic animal  
9 carcass or parts of a domestic animal carcass shall be sold for  
10 domestic animal feeding purposes if the meat or meat parts may  
11 be hazardous to the health of domestic animals to which such  
12 meat or meat parts may be fed.

13 (c) Garbage used for domestic animal feed.--No garbage may  
14 be fed to domestic animals except in accordance with Subchapter  
15 G (relating to garbage feeding business).

16 (d) Regulations.--The department shall establish regulations  
17 and standards to assure the safety of materials that are feed to  
18 domestic animals.

19 (e) Licensure.--The department shall provide for the  
20 licensure of persons owning or operating facilities, equipment  
21 or conveyances utilized in the collection, treatment,  
22 preparation and transportation of domestic animal by-products  
23 that are used in feed for domestic animals.

24 (f) Content.--The department may establish standards for the  
25 composition of feed for domestic animals, including, but not  
26 limited to, antibiotics and chemical additives for the purpose  
27 of preventing tissue residues and contamination of domestic  
28 animal products by substances hazardous to human health or  
29 domestic animal health. Such standards shall be established by  
30 regulation.

1 § 2325. Use of biologicals, antibiotics, genetic material,  
2 chemicals, diagnostic agents and other substances.

3 (a) Authority.--The department shall have the authority to  
4 regulate the manufacture, sale or administration of any  
5 biological product intended for diagnostic, preventive or  
6 therapeutic purposes with domestic animals. The department may  
7 establish regulations to control the production, sale,  
8 distribution or use of biologicals, antibiotics, genetic  
9 material, chemicals and other substances administered to  
10 domestic animals.

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

25 (c) Vaccines.--The department may, in order to prevent or  
26 control the introduction or spread of dangerous transmissible  
27 diseases, restrict the use of vaccines in domestic animals or  
28 cause domestic animals in this Commonwealth to be vaccinated  
29 with biologicals according to regulations promulgated under this  
30 chapter.

1 § 2326. Sanitation.

2 The department shall have the authority to establish  
3 standards of sanitation for the operation and maintenance of any  
4 facility, conveyance, equipment, building or other means of  
5 housing, containing or transporting domestic animals. Sanitation  
6 standards shall be established to minimize the possible  
7 transmission of dangerous transmissible diseases.

8 § 2327. Disease surveillance and detection.

9 (a) General authority.--The department shall have the  
10 authority to regularly monitor the domestic animal population of  
11 this Commonwealth to determine the prevalence, incidence and  
12 location of transmissible diseases or contamination by hazardous  
13 substances.

14 (b) Duty to report.--It shall be the duty of every  
15 practitioner of veterinary medicine and every diagnostic  
16 laboratory in this Commonwealth, immediately upon receiving  
17 information thereof, to report to the department each case of  
18 any dangerous transmissible disease and each case of potential  
19 contamination by substances declared hazardous by the  
20 department.

21 (c) Violations.--

22 (1) It shall be unlawful for any person to impede,  
23 hinder or interfere with the testing of a domestic animal, or  
24 to refuse to confine a domestic animal so as to allow testing  
25 without undue burden on the official conducting the test, or  
26 to fail to present the person's domestic animals for testing  
27 by the department under authority of this chapter after  
28 reasonable notice of the proposed testing has been given.

29 (2) It shall be unlawful for any person who has  
30 knowledge that a domestic animal is infected with a dangerous

transmissible disease, or has been exposed to a dangerous transmissible disease, or has been contaminated by a hazardous substance, to conceal or attempt to conceal such domestic animal or knowledge of such a domestic animal from the department.

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

§ 2328. Entry on premises.

In the performance of the duties required by this chapter, the department may at any time enter any premises or stop and detain any vehicle or conveyance. If entry shall be refused or delayed by any person, the department's employee or agent may, upon oath, declare before a court of competent jurisdiction that the employee or agent has reason to believe that domestic animals or articles that are or have been confined or kept in or on such premises carry a dangerous transmissible disease, have been exposed to a dangerous transmissible disease or have been contaminated by a hazardous substance, and shall further declare that permission to enter and to investigate has been refused or delayed to the department. Upon review of such declaration, the court of jurisdiction may issue a search warrant for such premises, directed to the proper officer, agent or employee. The search warrant shall describe the premises which may be searched

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

17 § 2329. Quarantine.

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

1 to establish and enforce quarantines of any such infected,  
2 exposed, contaminated, suspected or susceptible domestic animal.  
3 In addition to the aforescribed domestic animals, a quarantine  
4 may apply to any goods, products, facilities, vehicles or  
5 materials that may carry dangerous transmissible disease or that  
6 may be contaminated with a hazardous substance and may be  
7 applied on or in or against any premises, area or locality as  
8 defined in this chapter.

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

10 (1) interstate and/or international;

11 (2) general; and

12 (3) special;

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

15 (c) Interstate and international quarantines.--

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

1 violation of the order. The order may also require that a  
2 person importing domestic animals in violation of the order  
3 bear the expenses of postentry requirements of this chapter.

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 order or any  
7 later date specified in that order.

8 (3) Notices and copies of the order establishing an  
9 interstate or international quarantine shall be advertised in  
10 the Pennsylvania Bulletin within 20 days of the date of the  
11 order, in at least one newspaper of general circulation  
12 within this Commonwealth and in at least one newspaper of  
13 general circulation in the state(s) or nation(s) against  
14 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(s) or  
19 nation(s) 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 animal contaminated by a hazardous substance  
28 from being carried into, within, from or out of the area or  
29 locality that is subject to the quarantine. A general  
30 quarantine order may include any domestic animals,

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

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) Notices and copies of the order establishing a  
11 general quarantine shall be advertised in the Pennsylvania  
12 Bulletin within 20 days of the date of the order and in at  
13 least one newspaper of general circulation within the area or  
14 locality subject to the quarantine. Publication in the  
15 Pennsylvania Bulletin shall effect constructive notice. The  
16 quarantine 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  
20 animals, conveyances, containers, goods, products or  
21 materials situated within this Commonwealth for any of the  
22 reasons set forth in subsection (a) or whenever it is deemed  
23 necessary or advisable by the department to prevent or  
24 control the spread of a dangerous transmissible disease;  
25 control a domestic animal contaminated by a hazardous  
26 substance; control any domestic animal; examine or disinfect  
27 or regulate the use of any premises, materials, conveyances,  
28 goods, containers or products; or destroy or dispose of the  
29 carcass of any dead domestic animal.

30 (2) A special quarantine shall be established by the

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

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

14 (f) Violations of quarantine.--

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

22 (2) It shall be unlawful for any person to allow a  
23 domestic animal that is the subject of a general or special  
24 quarantine order under this section to stray beyond the  
25 quarantined premises, area or locality.

26 (3) It shall be unlawful for any person to transfer  
27 ownership of any animal or animal product that is the subject  
28 of a general or special quarantine order under this section  
29 without first notifying the prospective or actual transferee  
30 of the quarantine order and the reasons for the imposition of

1 quarantine.

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

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

16 (6) It shall be unlawful for any person to bring into  
17 this Commonwealth any domestic animals, containers, goods,  
18 products, conveyances or materials that are the subject of an  
19 interstate or international quarantine order under this  
20 section.

21 (7) It shall be unlawful for any person to impede,  
22 hinder or interfere with the department entering upon  
23 premises or elsewhere in the performance of duties imposed by  
24 this subchapter.

25 (8) It shall be unlawful for any person to violate any  
26 provision of a quarantine order issued under this section.

27 § 2330. Condemnation.

28 The department shall have the authority to condemn and seize  
29 or cause to be destroyed any quarantined domestic animal,  
30 domestic animal product, conveyance or other quarantined article

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

6 § 2331. Indemnification.

7 (a) In general.--Whenever a condemned domestic animal,  
8 domestic animal product or other condemned property is  
9 slaughtered or destroyed by order of the department to eradicate  
10 or prevent the spread of dangerous transmissible disease or  
11 contamination by a hazardous substance, the department may  
12 compensate the owner of such domestic animal, domestic animal  
13 product or other condemned property for a portion of the  
14 appraised value of the domestic animal or property, provided  
15 that such compensation is made in accordance with this section.  
16 Notwithstanding the definition of "owner" set forth in section  
17 2303 (relating to definitions), indemnification payments made  
18 under this section shall be made only to those persons who have  
19 an actual ownership interest in the domestic animal or other  
20 property that is the 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 chapter 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 such 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 chapter plus the salvage value and the value of  
8       indemnity payments received from any other source shall not  
9       exceed 90% of the appraised value of such 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          (6) Funds for indemnification under this section may not  
14       be paid by the department to indemnify owners of condemned  
15       cats and dogs.

16          (7) The department may by regulation change the  
17       indemnification limits prescribed by this section.

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

30       (d) Appraisal.--Whenever the department condemns domestic

1 animals, domestic animal products or other articles, the value  
2 of such animals, products and articles shall be appraised. No  
3 domestic animal that is dead shall be appraised and no indemnity  
4 shall be payable for such domestic animal, except that a  
5 domestic animal that dies after condemnation by the department  
6 may be appraised on the basis of its condition at the time of  
7 condemnation, and indemnity may be paid with respect to such a  
8 domestic animal. The department shall determine the appraised  
9 value of the condemned domestic animal, products or articles  
10 taking into consideration the current market values, age of the  
11 animal, physical condition of the animal, its condition as to  
12 disease, nature and extent of disease, breeding value, milk  
13 production value, salvage value of the animal and any other  
14 factors which may influence value. If the department and the  
15 owner of the condemned domestic animals, domestic animal  
16 products or other articles are unable to agree on the appraised  
17 value of the domestic animals, products or articles, then the  
18 department and the owner may appoint a mutually agreeable  
19 appraiser to determine the appraised value. Costs of such an  
20 appraisal shall be borne by the owner. In the absence of such a  
21 mutually agreeable appraiser, the department's determination of  
22 the appraised value shall control.

23 (e) Disposal of condemned domestic animal.--A domestic  
24 animal that has been condemned by the department and is eligible  
25 for indemnity under this chapter shall be disposed of by the  
26 owner, under the supervision of the department, in accordance  
27 with the laws of this Commonwealth and regulations adopted by  
28 the department. When condemned domestic animals are approved by  
29 the department for salvage, the salvage value shall be paid  
30 directly to the owner by the buyer of the live domestic animal

1 or the buyer of the carcass, hide, offal or other by-product.  
2 The buyer shall promptly present an itemized statement of the  
3 salvage value to the department to determine the amount, if any,  
4 due from the department to the owner.

5 § 2332. Depopulation incentive.

6 (a) Generally.--If a domestic animal, domestic animal  
7 product or other property has not been condemned under authority  
8 of this chapter, the department shall have the discretion to pay  
9 to the owner of any domestic animal or other property a sum  
10 which shall not exceed 33% of the appraised value of that  
11 domestic animal or other property in consideration of that owner  
12 voluntarily slaughtering or destroying that domestic animal or  
13 other property in accordance with this chapter and with the  
14 prior agreement of the department. This discretion may be  
15 exercised only upon the department's determination that the  
16 destruction and disposal of the domestic animal or other  
17 property serves to protect public health, the safety or quality  
18 of the food supply or the economic well-being of the domestic  
19 animal industry. Payment of a depopulation incentive under this  
20 section is limited by the availability of funds for this  
21 purpose.

22 (b) Limits.--A depopulation incentive payment shall not  
23 exceed \$2,000 with respect to any individual domestic animal. A  
24 depopulation incentive payment plus the salvage value and any  
25 other compensation received from other sources shall not exceed  
26 90% of the appraised value of the domestic animal or other  
27 property that is the subject of the depopulation incentive  
28 payment. Notwithstanding the definition of "owner" in section  
29 2303 (relating to definitions), depopulation incentive payments  
30 made under this section shall be made only to those persons who

1 have an actual ownership interest in the domestic animal or  
2 other property that is the subject of the depopulation incentive  
3 payment.

4 (c) Cats and dogs.--The department may not make depopulation  
5 incentive payments for cats and dogs.

6 (d) Indemnification limits.--The department may by  
7 regulation change the indemnification limits prescribed by this  
8 section.

9 § 2333. Restriction on payment of indemnification and  
10 depopulation incentive.

11 Notwithstanding any other provision of law, indemnification  
12 under section 2331 (relating to indemnification) and  
13 depopulation incentive under section 2332 (relating to  
14 depopulation incentive) shall be paid only for domestic animals.

15 § 2334. Report on insurance or cost-sharing program.

16 On or before 12 months from the effective date of this  
17 chapter, the department shall submit to the Agriculture and  
18 Rural Affairs Committee of the Senate and the Agriculture and  
19 Rural Affairs Committee of the House of Representatives a report  
20 on the feasibility of establishing an insurance or other cost-  
21 sharing program in lieu of indemnification under section 2331  
22 (relating to indemnification) to compensate owners of domestic  
23 animals which are condemned and destroyed by the department to  
24 prevent the spread of disease or contamination.

25 § 2335. Contract growers.

26 On or before 12 months from the effective date of this  
27 chapter, the department shall submit to the Agriculture and  
28 Rural Affairs Committee of the Senate and the Agriculture and  
29 Rural Affairs Committee of the House of Representatives a report  
30 regarding the feasibility of paying a portion of the

1 indemnification or depopulation incentive to a person who raises  
2 domestic animals under contract for the owner of such animals  
3 and a portion to the owner when the domestic animals are  
4 condemned and destroyed to prevent the spread of a transmissible  
5 disease or hazardous substance. In preparing the report, the  
6 department shall consider ways in which the owner and the person  
7 under contract to the owner would share the indemnification or  
8 the depopulation incentive in proportion to the loss which each  
9 incurred.

10 SUBCHAPTER D

11 DEALERS, AGENTS AND HAULERS OF DOMESTIC ANIMALS OR

12 DEAD DOMESTIC ANIMALS

13 Sec.

14 2341. General authority.

15 2342. License of dealers and haulers.

16 2343. Licensure of agents.

17 2344. Verification of application.

18 2345. License fees.

19 2346. Term of license.

20 2347. Posting and display of license.

21 2348. Denial, suspension or revocation of license.

22 2349. Records and inspections.

23 § 2341. General authority.

24 The department shall have authority to regulate the  
25 activities, facilities and equipment of domestic animal or dead  
26 domestic animal dealers, agents and haulers for the purpose of  
27 assuring the sanitary handling of dead domestic animals and the  
28 sanitary handling, marketing and exchange of domestic animals.

29 § 2342. License of dealers and haulers.

30 (a) Requirement.--No person shall engage in or carry on the

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

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

9 § 2343. Licensure of agents.

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

22 § 2344. Verification of application.

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

30 § 2345. License fees.

1       The fee for a domestic animal or dead domestic animal  
2 dealer's or hauler's license is \$50. The fee for an agent's  
3 license is \$25. These fees shall be paid prior to the issuance  
4 of a license by the department. The department may change these  
5 license fees through regulations.

6   § 2346.   Term of license.

7       A license issued under this subchapter shall expire at the  
8 end of the calendar year for which it was issued, except that  
9 licensure shall be continued, pending renewal or denial by the  
10 department if the renewal application is received by the  
11 department no later than December 1 of the preceding calendar  
12 year.

13   § 2347.   Posting and display of license.

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

26   § 2348.   Denial, suspension or revocation of license.

27       The department may, after due notice and an opportunity for a  
28 hearing, deny, suspend, revoke or modify a license issued under  
29 this subchapter if the department finds that the applicant or  
30 licensee has violated any provision of this chapter or its

1 related regulations or finds the existence of any of the  
2 following:

3 (1) the applicant or licensee has violated the laws of  
4 the United States or this Commonwealth or official  
5 regulations governing the interstate or intrastate movement,  
6 shipment or transportation of animals;

7 (2) the applicant or licensee has made false or  
8 misleading statements or has fraudulently misrepresented the  
9 health or physical condition of domestic animals with regard  
10 to official tests or quantity of domestic animals or in the  
11 buying or receiving of domestic animals or in the receiving,  
12 selling, exchanging or shipping of domestic animals,  
13 including soliciting or negotiating the sale, resale,  
14 exchange or shipment of domestic animals;

15 (3) the applicant or licensee has engaged in a continued  
16 course of dealings of such a nature as to satisfy the  
17 department of the inability or unwillingness of the applicant  
18 or licensee to properly conduct the business of a dealer,  
19 hauler or agent in accordance with the requirements of this  
20 chapter;

21 (4) the applicant or licensee has failed to practice  
22 measures of sanitation prescribed by the department for  
23 premises or conveyances used for the confining, stabling,  
24 yarding, housing, holding or transporting of domestic  
25 animals; or

26 (5) the applicant or licensee has failed to keep records  
27 required by the department or by law, or has refused to allow  
28 inspections or to produce books, accounts or records of  
29 transactions in the carrying on of the business for which  
30 such license is requested or granted.

1 § 2349. Records and inspections.

2 Every dealer, agent and hauler shall keep such accounts,  
3 records and memoranda as are determined by the department to be  
4 sufficient to identify all living or dead domestic animals  
5 handled and their origin and disposition to fully and clearly  
6 disclose all transactions involved in his business, including  
7 the true ownership of such business by stockholders or  
8 otherwise. Every dealer, agent and hauler shall also keep  
9 records of such health certifications and sanitary measures as  
10 are required under the provisions of this chapter or its  
11 regulations. The department may investigate the records of any  
12 applicant or licensee under this subchapter. The applicant or  
13 licensee shall provide its records upon the department's  
14 request. Information unrelated to the purpose of the  
15 investigation and relating to the general business of the  
16 applicant or licensee shall be deemed to be of confidential  
17 nature by the department. The department shall conduct such  
18 inspections as are necessary to assure the sanitary and humane  
19 handling of domestic animals.

20 SUBCHAPTER E

21 DISPOSAL OF DEAD DOMESTIC ANIMALS AND ANIMAL WASTE

22 Sec.

23 2351. General authority.

24 2352. Disposal of dead domestic animals.

25 2353. Disposal of animal waste.

26 2354. Licensure requirement of dead domestic  
27 animal disposal businesses.

28 2355. Licensing procedure.

29 2356. Conditions of licensure.

30 2357. Denial, suspension or revocation of license.

1 § 2351. General authority.

2 The department shall have the authority and the duty to cause  
3 the sanitary and safe disposal of dead domestic animals,  
4 domestic animal products and domestic animal parts, tissues,  
5 excrement and other wastes to prevent the spread of  
6 transmissible diseases or dangerous transmissible diseases or  
7 the spread of contamination by hazardous substances. This  
8 subchapter shall not apply to the disposal of carcasses of  
9 domestic animals slaughtered for human food nor the premises or  
10 the rendering operations on the premises of a licensed slaughter  
11 establishment subject to official Federal or State inspection,  
12 provided that such inspection includes inspection of the  
13 rendering operations.

14 § 2352. Disposal of dead domestic animals.

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

17 (1) Persons owning or possessing domestic animals that  
18 they know to have died of dangerous transmissible disease  
19 shall report the occurrence of the disease to the department  
20 and dispose of the domestic animals under the supervision and  
21 instruction of the department.

22 (2) Persons caring for or owning domestic animals that  
23 have died shall prevent exposure of the carcasses of such  
24 dead domestic animals to other living animals, domestic  
25 animals and the public and shall dispose of the carcass  
26 within 48 hours after the domestic animal dies. Disposal  
27 shall be accomplished in accordance with the requirements of  
28 this chapter.

29 (3) Dead domestic animals, parts of dead domestic  
30 animals, offal and animal waste may not be transported on

1 public highways for any purpose unless such materials are  
2 transported in a manner that precludes contamination of the  
3 environment or danger to animal or public health and are  
4 concealed from public view.

5 (4) Dead domestic animals, parts of dead domestic  
6 animals, offal and animal waste shall be disposed of only in  
7 accordance with one of the following methods or a method  
8 hereafter approved by the department:

9 (i) Burial in accordance with regulations governing  
10 water quality.

11 (ii) Incineration in accordance with regulations  
12 governing air quality.

13 (iii) Processing by rendering, fermenting,  
14 composting or other method according to procedures and  
15 product safety standards established by the department.

16 (b) Feeding restricted.--No uncooked dead animal or uncooked  
17 dead domestic animal parts, including offal of any description,  
18 shall be fed to domestic animals unless processed in accordance  
19 with regulations adopted by the department.

20 (c) Importation restricted.--No dead domestic animal, offal  
21 or parts of dead domestic animals may be transported into this  
22 Commonwealth unless transported directly to a diagnostic  
23 laboratory or consigned and delivered to a dead domestic animal  
24 disposal plant licensed by the department.

25 § 2353. Disposal of animal waste.

26 Animal waste known or suspected to have been exposed to a  
27 dangerous transmissible disease or hazardous substance shall be  
28 disposed of in accordance with regulations attendant to this  
29 chapter.

30 § 2354. Licensure requirement of dead domestic animal disposal

1 businesses.

2 Any person who purchases or receives for disposal a dead  
3 domestic animal, domestic animal part or potentially infectious  
4 animal waste shall be deemed to be in the business of dead  
5 domestic animal disposal and shall be licensed by the department  
6 to engage in and conduct such activity.

7 § 2355. Licensing procedure.

8 (a) Applications and fees.--Any person intending to operate  
9 a dead domestic animal disposal business within this  
10 Commonwealth shall, prior to the commencement of business, file  
11 an application with the department for the issuance of a dead  
12 domestic animal disposal business license. The application shall  
13 be made on a form provided by the department. A license fee of  
14 \$100 shall be submitted to the department for each dead domestic  
15 animal disposal plant to be operated by the applicant within  
16 this Commonwealth. This license fee may be changed by the  
17 department through regulations.

18 (b) Term of license and renewal.--A license issued under  
19 this subchapter shall expire as of the end of the calendar year  
20 for which it was issued, except that licensure shall be  
21 continued pending renewal or denial by the department if the  
22 renewal application is received by the department no later than  
23 December 1 immediately preceding the calendar year for which  
24 license renewal is sought.

25 § 2356. Conditions of licensure.

26 (a) Inspections.--As a precondition to the issuance of a  
27 license under this subchapter and as a continuing condition of  
28 such licensure, the department shall inspect an applicant's or  
29 licensee's dead domestic animal disposal plants, facilities,  
30 equipment or vehicles for compliance with this chapter and its

1 attendant regulations.

2 (b) Disposal methods.--All carcasses, domestic animal parts,  
3 offal or other animal waste received or generated by a licensee  
4 under this subchapter shall be processed in accordance with such  
5 time limits, sanitation standards, personnel requirements and  
6 biosecurity standards as are necessary to prevent the spread of  
7 transmissible disease or dangerous transmissible disease. The  
8 department may formalize these limits or standards through  
9 regulation.

10 § 2357. Denial, suspension or revocation of license.

11 An application or license under this subchapter may be  
12 denied, suspended or revoked if the department determines that  
13 any of the conditions of licensure set forth in section 2356  
14 (relating to conditions of licensure) have been violated or if  
15 the department determines that a deficiency or violation on the  
16 applicant's or licensee's part had not been corrected within the  
17 time limit set forth in a written notice of deficiency or  
18 violation issued to the applicant or licensee by the department.

19 SUBCHAPTER F

20 SLAUGHTER AND PROCESSING OF DOMESTIC ANIMALS

21 Sec.

22 2361. General authority.

23 2362. Humane methods of slaughtering domestic animals.

24 § 2361. General authority.

25 The department shall have authority to regulate the  
26 euthanasia, destruction, slaughter or processing of domestic  
27 animals in order to assure the proper treatment of domestic  
28 animals and the safety and quality of food of domestic animal  
29 origin. The department may:

30 (1) Establish standards for the humane euthanasia or

1 killing of domestic animals.

2 (2) Regulate the slaughter and processing of domestic  
3 animals for human or animal consumption and may require the  
4 licensure of slaughter and processing establishments.

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

8 § 2362. Humane methods of slaughtering domestic animals.

9 (a) Humane methods required.--

10 (1) Humane methods shall be used in the handling of  
11 domestic animals for slaughter and in the actual bleeding and  
12 slaughter of domestic animals.

13 (2) The use of a manually operated hammer, sledge or  
14 poleax by slaughterers, packers or stockyard operators during  
15 slaughtering operations is not a humane method of slaughter.

16 (b) Ritual slaughter.--Subsection (a) shall not apply to the  
17 operator of a commercial establishment with respect to the  
18 positioning and ritual slaughter of cows, poultry and sheep  
19 until one year after the department finds and notifies the  
20 operator that there is available at reasonable cost a ritually  
21 acceptable, practicable and humane method of handling or  
22 otherwise preparing conscious calves, poultry and sheep for  
23 slaughter.

24 (c) Exception.--Subsection (a) shall not apply to a farmer  
25 or other person slaughtering domestic animals owned by the  
26 farmer or person.

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

30 (e) Review.--Determinations made by the department under

1 authority of this section shall be subject to review in the  
2 manner provided by 2 Pa.C.S. Ch. 7 Subch. A (relating to  
3 judicial review of Commonwealth agency action).

4 (f) Applicability.--Where the slaughtering operations of  
5 slaughterers, packers or stockyard operators who would otherwise  
6 be subject to the requirements of this section are subject to  
7 inspection by the United States Department of Agriculture,  
8 applicable Federal law shall control; and the determination of  
9 whether slaughter is conducted by humane methods shall be made  
10 by the United States Department of Agriculture in accordance  
11 with Federal authority on the subject of humane methods of  
12 slaughter.

#### 13 SUBCHAPTER G

#### 14 GARBAGE FEEDING BUSINESS

15 Sec.

16 2371. Licensure requirement.

17 2372. Application and fee.

18 2373. Issuance of license.

19 2374. Term of license and renewal.

20 2375. Posting of license.

21 2376. Heating certain garbage before feeding.

22 2377. Prohibitions and conditions.

23 2378. Inspections.

24 2379. Notice to remedy and denial, suspension or  
25 revocation of license.

26 § 2371. Licensure requirement.

27 Any person who feeds garbage to domestic animals shall be  
28 deemed to be engaged in the garbage feeding business. It shall  
29 be the duty of any person to obtain a license from the  
30 department as a precondition to operating a garbage feeding

1 business within this Commonwealth and to thereafter maintain a  
2 current license while such business is in operation.

3 § 2372. Application and fee.

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

15 § 2373. Issuance of license.

16 The department shall issue a license under this subchapter  
17 when all of the following are met:

18 (1) Approval of the application.

19 (2) Receipt of the appropriate license fee, if any is  
20 required.

21 (3) Inspection of the premises designated on the  
22 application as the place of business.

23 (4) Approval of the buildings, equipment and sanitary  
24 conditions.

25 (5) Such other requirements as the department may deem  
26 necessary.

27 § 2374. Term of license and renewal.

28 A license issued under this subchapter shall expire at the  
29 end of the calendar year for which it is issued, except that  
30 licensure shall be continued pending renewal or denial by the

1 department if the renewal application is received by the  
2 department no later than December 1 immediately preceding the  
3 calendar year for which the license renewal is sought.

4 § 2375. Posting of license.

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

8 § 2376. Heating certain garbage before feeding.

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

21 § 2377. Prohibitions and conditions.

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

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

30 (c) Construction and management.--

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

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

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

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

14 § 2378. Inspections.

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

20 § 2379. Notice to remedy and denial, suspension or revocation  
21 of license.

22 The department shall provide an applicant or licensee under  
23 this subchapter with written notice of any violation of this  
24 subchapter or any regulation relating to garbage feeding  
25 businesses. The written notice shall set forth the time within  
26 which the applicant or licensee must correct the condition. If  
27 an applicant or licensee fails to correct or eliminate such a  
28 violation within the time set forth in the written notice, the  
29 department may deny, suspend or revoke the license and seek  
30 other penalties as are authorized by this chapter.

SUBCHAPTER H

ADMINISTRATIVE PROVISIONS

Sec.

2381. Cooperation.

2382. Regulations.

2383. Enforcement and penalties.

2384. Disposition of fees, fines and civil penalties.

2385. Interference with officer or employee of department.

2386. Civil remedy.

2387. Inapplicability of penal cruelty to animals statutes.

2388. Exemption for governmental entities.

2389. Authority to define "normal agricultural operations."

2390. Preemption of local laws and regulations.

§ 2381. Cooperation.

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

§ 2382. Regulations.

(a) General authority.--The department shall promulgate and adopt rules and regulations necessary for the administration and implementation of this chapter.

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

(c) Fees.--The department may impose licensure and user fees to recover costs of supplies, equipment, administration and

1 other fixed overhead costs to provide services and voluntary  
2 programs to the domestic animal industry. Unless otherwise  
3 specified in this chapter, such fees shall be established by the  
4 department through regulations.

5 § 2383. Enforcement and penalties.

6 (a) Criminal penalties.--Unless otherwise specified, any  
7 person who violates any of the provisions of this chapter or any  
8 rule, regulation or order made under this chapter:

9 (1) For a first offense, commits a summary offense and  
10 shall, upon conviction, be sentenced for each offense to pay  
11 a fine of not less than \$300 nor more than \$600 and costs of  
12 prosecution and, in default of payment of such fine and  
13 costs, shall be sentenced to undergo imprisonment for a  
14 period of not more than 90 days.

15 (2) For a subsequent offense committed within three  
16 years of a prior conviction for any violation of this chapter  
17 or any rule, regulation or order made under this chapter,  
18 commits a misdemeanor of the second degree and shall, upon  
19 conviction, be sentenced to pay a fine of not less than  
20 \$1,000 nor more than \$5,000 or to imprisonment for not more  
21 than two years, or both, at the discretion of the court.

22 (b) Civil penalties.--

23 (1) In addition to proceeding under any other remedy  
24 available at law or in equity for a violation of a provision  
25 of this chapter or a rule or regulation adopted thereunder or  
26 any order issued pursuant thereto, the department may assess  
27 a civil penalty of not more than \$10,000 upon an individual  
28 or business for each offense.

29 (2) No civil penalty shall be assessed unless the person  
30 charged shall have been given notice and opportunity for a

1 hearing on such charge in accordance with law.

2 (3) In determining the amount of the penalty, the  
3 department shall consider the gravity of the violation. The  
4 department may issue a warning in lieu of assessing a  
5 penalty.

6 (4) In cases of inability to collect such civil penalty  
7 or failure of any person to pay all or such portion of the  
8 penalty as the department may determine, the department may  
9 refer the matter to the Office of Attorney General, which  
10 shall recover such amount by action in the appropriate court.

11 § 2384. Disposition of fees, fines and civil penalties.

12 All moneys derived from fees, fines and civil penalties  
13 collected or imposed under this chapter shall be paid into the  
14 State Treasury and shall be credited to the general government  
15 operations appropriation of the Department of Agriculture to  
16 administer the provisions of this chapter.

17 § 2385. Interference with officer or employee of department.

18 A person who willfully or intentionally interferes with an  
19 employee or officer of the department in the performance of  
20 duties or activities authorized under this chapter commits a  
21 misdemeanor of the third degree and shall, upon conviction, be  
22 subject to a term of imprisonment of not more than one year or a  
23 fine of not more than \$2,500, or both.

24 § 2386. Civil remedy.

25 In addition to any other remedies provided for in this  
26 chapter, the Attorney General, at the request of the department,  
27 may initiate in the Commonwealth Court or the court of common  
28 pleas of the county in which the defendant resides or has his  
29 place of business an action in equity for an injunction to  
30 restrain any and all violations of this chapter or the rules and

1 regulations promulgated under this chapter or any order issued  
2 pursuant to this chapter from which no timely appeal has been  
3 taken or which has been sustained on appeal. In any such  
4 proceeding, the court shall, upon motion of the Commonwealth,  
5 issue a preliminary injunction if it finds that the defendant is  
6 engaging in conduct that is unlawful under this chapter or is  
7 engaging in conduct which is causing immediate or irreparable  
8 harm to the public. The Commonwealth shall not be required to  
9 furnish bond or other security in connection with such  
10 proceedings. In addition to an injunction, the court in such  
11 equity proceedings may levy civil penalties under section 2383  
12 (relating to enforcement and penalties).

13 § 2387. Inapplicability of penal cruelty to animals statutes.

14 No action taken by the department or decision not to act made  
15 by the department or condition or action required of another by  
16 the written instruction of the department shall be construed as  
17 cruelty to animals under any penal statute of this Commonwealth  
18 provided that such an action, decision or condition is taken,  
19 made or required under the authority of this chapter and its  
20 attendant regulations.

21 § 2388. Exemption for governmental entities.

22 All agencies or commissions of the Federal Government and the  
23 Commonwealth shall be exempt from the licensure requirements of  
24 Subchapters D (relating to dealers, agents and haulers of  
25 domestic animals or dead domestic animals), E (relating to  
26 disposal of dead domestic animals and animal waste) and G  
27 (relating to garbage feeding business).

28 § 2389. Authority to define "normal agricultural operations."

29 The department may through regulation set forth humane  
30 husbandry activities, practices and procedures which shall

1 constitute "normal agricultural operations" for the purposes of  
2 this chapter.

3 § 2390. Preemption of local laws and regulations.

4 This chapter and its provisions are of Statewide concern and  
5 shall have eminence over any ordinances, resolutions and  
6 regulations of political subdivisions which pertain to  
7 transmissible diseases of domestic animals as defined in this  
8 chapter; the whole field of regulation regarding the  
9 identification of domestic animals; the detection, containment  
10 or eradication of dangerous transmissible diseases and hazardous  
11 substances; the licensure of domestic animal or dead domestic  
12 animal dealers, agents and haulers; the procedure for disposal  
13 of dead domestic animals and domestic animal waste; the  
14 procedure for the slaughter and processing of domestic animals;  
15 humane husbandry practices and the licensure and conditions of  
16 garbage feeding businesses.

17 Section 2. The following acts and parts of acts are  
18 repealed:

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

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

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

27 Act of May 2, 1901 (P.L.121, No.88), entitled "An act to  
28 provide for the prevention of the spread of disease from the  
29 carcasses of animals that die of dangerous or virulent diseases,  
30 or are killed while afflicted with such disease; to provide for

1 the safe disposal or destruction of such carcasses; to authorize  
2 the State Live Stock Sanitary Board to make regulations for the  
3 enforcement of this act; and to provide penalties for the  
4 violations of this act and of the regulations that may be made  
5 under it by the State Live Stock Sanitary Board."

6 Act of March 30, 1905 (P.L.78, No.56), entitled "An act to  
7 further define the duties and powers of the State Live Stock  
8 Sanitary Board; to prevent the spread of dangerous, contagious  
9 or infectious diseases among domestic animals; to require  
10 reports to be made of the existence of such diseases; to limit  
11 appraisements and payments for animals that it may be necessary  
12 to destroy to prevent the spread of disease; to protect milk  
13 supplies from contamination; to authorize cooperation with local  
14 boards of health; and to prescribe penalties for the violation  
15 of the provisions hereof."

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

18 Act of March 28, 1929 (P.L.110, No.117), referred to as the  
19 Diseased Animal Importation Law.

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

22 Act of April 17, 1929 (P.L.533, No.236), referred to as the  
23 Diseased Animal Quarantine Law.

24 Act of June 22, 1931 (P.L.650, No.225), referred to as the  
25 Farm Animal Dealer or Broker License Law.

26 Act of June 22, 1931 (P.L.682, No.249), referred to as the  
27 Diseased Animal Condemnation Law.

28 Act of May 18, 1945 (P.L.796, No.317), referred to as the  
29 Dead Animal Rendering or Disposal Plant Law.

30 Act of April 20, 1949 (P.L.650, No.147), referred to as the

1 Equine Animal Slaughtering Establishment Law.

2 Act of June 19, 1953 (P.L.279, No.55), referred to as the  
3 Garbage Feeding Plant Law.

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

9 Act of March 28, 1974 (P.L.221, No.48), referred to as the  
10 Livestock Brand Recording Law.

11 Section 3. This act shall take effect in 60 days.