

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1432 Session of
1996INTRODUCED BY MADIGAN, STAPLETON, WENGER, STOUT, HELFRICK,
HECKLER, O'PAKE AND ROBBINS, MARCH 8, 1996SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
MARCH 25, 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

1 C. Detection, Containment or Eradication of Certain Diseases

2 D. Dealers, Agents and Haulers of Domestic Animals or

3 Dead Domestic Animals

4 E. Disposal of Dead Domestic Animals and Animal Waste

5 F. Slaughter and Processing of Domestic Animals

6 G. Garbage Feeding Business

7 H. Administrative Provisions

8 SUBCHAPTER A

9 GENERAL PROVISIONS

10 Sec.

11 2301. Short title.

12 2302. Finding, policy and purpose.

13 2303. Definitions.

14 2304. Diagnostic services and research.

15 2305. Keeping and handling of domestic animals.

16 § 2301. Short title.

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

19 § 2302. Finding, policy and purpose.

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

29 § 2303. Definitions.

30 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 ~~cause~~ 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 <—
18 FED to 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 THAT HAS RESULTED IN THE <—
25 CONDEMNATION FOR WHICH INDEMNITY WOULD BE PAID. A person shall
26 not be eligible for any indemnity payment or depopulation
27 incentive payment with respect to any domestic animal or group
28 of domestic animals having a condition of disease or
29 contamination which the department has determined to have been
30 directly caused by the person's willful misuse of a pesticide or

1 a hazardous substance.

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

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

1 the department for salvage, the salvage value shall be paid
2 directly to the owner by the buyer of the live domestic animal
3 or the buyer of the carcass, hide, offal or other by-product.
4 The buyer shall promptly present an itemized statement of the
5 salvage value to the department to determine the amount, if any,
6 due from the department to the owner.

7 § 2332. Depopulation incentive.

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

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

1 2303 (relating to definitions), depopulation incentive payments
2 made under this section shall be made only to those persons who
3 have an actual ownership interest in the domestic animal or
4 other property that is the subject of the depopulation incentive
5 payment.

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

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

11 § 2333. Restriction on payment of indemnification and
12 depopulation incentive.

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

17 § 2334. Report on insurance or cost-sharing program.

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

28 § 2335. Contract growers.

29 On or before 12 months from the effective date of this
30 chapter, the department shall submit to the Agriculture and

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

13 SUBCHAPTER D

14 DEALERS, AGENTS AND HAULERS OF DOMESTIC ANIMALS OR

15 DEAD DOMESTIC ANIMALS

16 Sec.

17 2341. General authority.

18 2342. License of dealers and haulers.

19 2343. Licensure of agents.

20 2344. Verification of application.

21 2345. License fees.

22 2346. Term of license.

23 2347. Posting and display of license.

24 2348. Denial, suspension or revocation of license.

25 2349. Records and inspections.

26 § 2341. General authority.

27 The department shall have authority to regulate the
28 activities, facilities and equipment of domestic animal or dead
29 domestic animal dealers, agents and haulers for the purpose of
30 assuring the sanitary handling of dead domestic animals and the

1 sanitary handling, marketing and exchange of domestic animals.

2 § 2342. License of dealers and haulers.

3 (a) Requirement.--No person shall engage in or carry on the
4 business of a dealer or hauler of domestic animals or of dead
5 domestic animals or act as an agent for a dealer or hauler,
6 unless such person is duly licensed by the department.

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

12 § 2343. Licensure of agents.

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

25 § 2344. Verification of application.

26 An applicant for a license under this subchapter shall sign
27 the license application and such signature shall serve to affirm
28 that the information contained in the application is true and
29 correct. An application, and the information contained therein,
30 for licensure under this chapter shall be subject to the

1 provisions of 18 Pa.C.S. § 4904 (relating to unsworn
2 falsification to authorities).

3 § 2345. License fees.

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

9 § 2346. Term of license.

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

16 § 2347. Posting and display of license.

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

29 § 2348. Denial, suspension or revocation of license.

30 The department may, after due notice and an opportunity for a

1 hearing, deny, suspend, revoke or modify a license issued under
2 this subchapter if the department finds that the applicant or
3 licensee has violated any provision of this chapter or its
4 related regulations or finds the existence of any of the
5 following:

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

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

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

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

29 (5) the applicant or licensee has failed to keep records
30 required by the department or by law, or has refused to allow

1 inspections or to produce books, accounts or records of
2 transactions in the carrying on of the business for which
3 such license is requested or granted.

4 § 2349. Records and inspections.

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

23 SUBCHAPTER E

24 DISPOSAL OF DEAD DOMESTIC ANIMALS AND ANIMAL WASTE

25 Sec.

26 2351. General authority.

27 2352. Disposal of dead domestic animals.

28 2353. Disposal of animal waste.

29 2354. Licensure requirement of dead domestic
30 animal disposal businesses.

1 2355. Licensing procedure.

2 2356. Conditions of licensure.

3 2357. Denial, suspension or revocation of license.

4 § 2351. General authority.

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

17 § 2352. Disposal of dead domestic animals.

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

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

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

1 this chapter.

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

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

12 (i) Burial in accordance with regulations governing
13 water quality.

14 (ii) Incineration in accordance with regulations
15 governing air quality.

16 (iii) Processing by rendering, fermenting,
17 composting or other method according to procedures and
18 product safety standards established by the department.

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

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

28 § 2353. Disposal of animal waste.

29 Animal waste known or suspected to have been exposed to a
30 dangerous transmissible disease or hazardous substance shall be

1 disposed of in accordance with regulations attendant to this
2 chapter.

3 § 2354. Licensure requirement of dead domestic animal disposal
4 businesses.

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

10 § 2355. Licensing procedure.

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

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

28 § 2356. Conditions of licensure.

29 (a) Inspections.--As a precondition to the issuance of a
30 license under this subchapter and as a continuing condition of

1 such licensure, the department shall inspect an applicant's or
2 licensee's dead domestic animal disposal plants, facilities,
3 equipment or vehicles for compliance with this chapter and its
4 attendant regulations.

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

13 § 2357. Denial, suspension or revocation of license.

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

22 SUBCHAPTER F

23 SLAUGHTER AND PROCESSING OF DOMESTIC ANIMALS

24 Sec.

25 2361. General authority.

26 2362. Humane methods of slaughtering domestic animals.

27 § 2361. General authority.

28 The department shall have authority to regulate the
29 euthanasia, destruction, slaughter or processing of domestic
30 animals in order to assure the proper treatment of domestic

1 animals and the safety and quality of food of domestic animal
2 origin. The department may:

3 (1) Establish standards for the humane euthanasia or
4 killing of domestic animals.

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

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

11 § 2362. Humane methods of slaughtering domestic animals.

12 (a) Humane methods required.--

13 (1) Humane methods shall be used in the handling of
14 domestic animals for slaughter and in the actual bleeding and
15 slaughter of domestic animals.

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

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

27 (c) Exception.--Subsection (a) shall not apply to a farmer
28 or other person slaughtering domestic animals owned by the
29 farmer or person.

30 (d) Construction of section.--This section shall not be

1 construed to prohibit, abridge or in any way hinder the
2 religious freedom of any person or group.

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

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

16 SUBCHAPTER G

17 GARBAGE FEEDING BUSINESS

18 Sec.

19 2371. Licensure requirement.

20 2372. Application and fee.

21 2373. Issuance of license.

22 2374. Term of license and renewal.

23 2375. Posting of license.

24 2376. Heating certain garbage before feeding.

25 2377. Prohibitions and conditions.

26 2378. Inspections.

27 2379. Notice to remedy and denial, suspension or
28 revocation of license.

29 § 2371. Licensure requirement.

30 Any person who feeds garbage to domestic animals shall be

1 deemed to be engaged in the garbage feeding business. It shall
2 be the duty of any person to obtain a license from the
3 department as a precondition to operating a garbage feeding
4 business within this Commonwealth and to thereafter maintain a
5 current license while such business is in operation.

6 § 2372. Application and fee.

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

18 § 2373. Issuance of license.

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

21 (1) Approval of the application.

22 (2) Receipt of the appropriate license fee, if any is
23 required.

24 (3) Inspection of the premises designated on the
25 application as the place of business.

26 (4) Approval of the buildings, equipment and sanitary
27 conditions.

28 (5) Such other requirements as the department may deem
29 necessary.

30 § 2374. Term of license and renewal.

1 A license issued under this subchapter shall expire at the
2 end of the calendar year for which it is issued, except that
3 licensure shall be continued pending renewal or denial by the
4 department if the renewal application is received by the
5 department no later than December 1 immediately preceding the
6 calendar year for which the license renewal is sought.

7 § 2375. Posting of license.

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

11 § 2376. Heating certain garbage before feeding.

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

24 § 2377. Prohibitions and conditions.

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

29 (b) Slaughter of certain domestic animals prohibited.--It
30 shall be unlawful to slaughter domestic animals for human

consumption on any premises used as a garbage feeding business
or in any building located on any such premises.

(c) Construction and management.--

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

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

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

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

§ 2378. Inspections.

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

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

The department shall provide an applicant or licensee under
this subchapter with written notice of any violation of this
subchapter or any regulation relating to garbage feeding
businesses. The written notice shall set forth the time within
which the applicant or licensee must correct the condition. If
an applicant or licensee fails to correct or eliminate such a

1 violation within the time set forth in the written notice, the
2 department may deny, suspend or revoke the license and seek
3 other penalties as are authorized by this chapter.

4 SUBCHAPTER H

5 ADMINISTRATIVE PROVISIONS

6 Sec.

7 2381. Cooperation.

8 2382. Regulations.

9 2383. Enforcement and penalties.

10 2384. Disposition of fees, fines and civil penalties.

11 2385. Interference with officer or employee of department.

12 2386. Civil remedy.

13 2387. Inapplicability of penal cruelty to animals statutes.

14 2388. Exemption for governmental entities.

15 2389. Authority to define "normal agricultural operations."

16 2390. Preemption of local laws and regulations.

17 § 2381. Cooperation.

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

23 § 2382. Regulations.

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

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

1 promulgated by the department.

2 (c) Fees.--The department may impose licensure and user fees
3 to recover costs of supplies, equipment, administration and
4 other fixed overhead costs to provide services and voluntary
5 programs to the domestic animal industry. Unless otherwise
6 specified in this chapter, such fees shall be established by the
7 department through regulations.

8 § 2383. Enforcement and penalties.

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

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

18 (2) For a subsequent offense committed within three
19 years of a prior conviction for any violation of this chapter
20 or any rule, regulation or order made under this chapter,
21 commits a misdemeanor of the second degree and shall, upon
22 conviction, be sentenced to pay a fine of not less than
23 \$1,000 nor more than \$5,000 or to imprisonment for not more
24 than two years, or both, at the discretion of the court.

25 (b) Civil penalties.--

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

1 or business for each offense.

2 (2) No civil penalty shall be assessed unless the person
3 charged shall have been given notice and opportunity for a
4 hearing on such charge in accordance with law.

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

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

14 § 2384. Disposition of fees, fines and civil penalties.

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

20 § 2385. Interference with officer or employee of department.

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

27 § 2386. Civil remedy.

28 In addition to any other remedies provided for in this
29 chapter, the Attorney General, at the request of the department,
30 may initiate in the Commonwealth Court or the court of common

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

16 § 2387. Inapplicability of penal cruelty to animals statutes.

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

24 § 2388. Exemption for governmental entities.

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

1 § 2389. Authority to define "normal agricultural operations."

2 The department may through regulation set forth humane
3 husbandry activities, practices and procedures which shall
4 constitute "normal agricultural operations" for the purposes of
5 this chapter.

6 § 2390. Preemption of local laws and regulations.

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

20 Section 2. The following acts and parts of acts are
21 repealed:

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

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

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

30 Act of May 2, 1901 (P.L.121, No.88), entitled "An act to

1 provide for the prevention of the spread of disease from the
2 carcasses of animals that die of dangerous or virulent diseases,
3 or are killed while afflicted with such disease; to provide for
4 the safe disposal or destruction of such carcasses; to authorize
5 the State Live Stock Sanitary Board to make regulations for the
6 enforcement of this act; and to provide penalties for the
7 violations of this act and of the regulations that may be made
8 under it by the State Live Stock Sanitary Board."

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

19 ACT OF JUNE 3, 1911 (P.L.631, NO.242), ENTITLED "AN ACT TO <—
20 ENCOURAGE THE BREEDING OF HORSES; TO REGULATE THE PUBLIC SERVICE
21 OF STALLIONS AND JACKS; TO PREVENT MISREPRESENTATION OF SAME; TO
22 REQUIRE THE LICENSING OF STALLIONS AND JACKS; AND TO PROVIDE FOR
23 THE ENFORCEMENT THEREOF."

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

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

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

30 Act of April 17, 1929 (P.L.533, No.236), referred to as the

1 Diseased Animal Quarantine Law.

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

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

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

8 Act of April 20, 1949 (P.L.650, No.147), referred to as the
9 Equine Animal Slaughtering Establishment Law.

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

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

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

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