

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1432 Session of
1996

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

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 24, 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

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

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

2301. Short title.

2302. Finding, policy and purpose.

2303. Definitions.

2304. Diagnostic services and research.

2305. Keeping and handling of domestic animals.

§ 2301. Short title.

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

§ 2302. Finding, policy and purpose.

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

§ 2303. Definitions.

1 The following words and phrases when used in this chapter
2 shall have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

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

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

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

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

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

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

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

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

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

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

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

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

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

30 "Depopulation incentive." Payment to the owner for a portion

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

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

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

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

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

24 ~~"Euthanasia." The termination of the life of a domestic~~ <—
25 ~~animal by a method that minimizes pain and distress.~~

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

30 "Garbage." All waste material resulting from the handling,

1 preparation, cooking or consumption of food, except that the
2 term shall not include waste from ordinary household operations
3 which is fed directly to domestic animals on the same premises
4 where the household is located. The term also does not include
5 any waste or residuals from ~~fruit or vegetable~~ FOOD processing <—
6 operations.

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

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

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

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

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

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

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

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

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

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

11 "Humane method of slaughter." Either:

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

16 (2) a method of ritual slaughter.

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

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

26 "Interstate" or "international quarantine." An order of
27 quarantine issued by the Department of Agriculture which may
28 cover any domestic animal or class of domestic animals, or
29 conveyances, goods, products, materials or articles, regulating
30 or forbidding their entry into this Commonwealth from another

1 state, territory of the United States or foreign country.

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

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

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

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

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

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

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

29 "Rendering." The cooking or heating of dead domestic animals
30 or parts of such dead animals until all such cooked or heated

1 material is incapable of transmitting dangerous transmissible
2 disease.

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

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

12 "Slaughter." The ~~euthanasia~~ KILLING and processing of
13 domestic animals for food production purposes.

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

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

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

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

1 "Transmissible disease." A disease of a domestic animal
2 which can be transferred, reproduced or established in a
3 domestic animal or human by direct or indirect means.

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

7 § 2304. Diagnostic services and research.

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

16 § 2305. Keeping and handling of domestic animals.

17 The department shall have authority to regulate the keeping
18 and handling of domestic animals to exclude or contain dangerous
19 transmissible diseases, and hazardous substances, to protect the
20 environment ~~and to assure humane husbandry practices.~~ NOTHING IN <—

21 THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE THE DEPARTMENT TO
22 REQUIRE VACCINATION OF ANY ANIMAL TO PREVENT OR CONTROL RABIES
23 WHENEVER THAT ANIMAL IS EXEMPT FROM VACCINATION UNDER THE ACT OF
24 DECEMBER 15, 1986 (P.L.1610, NO.181), KNOWN AS THE RABIES
25 PREVENTION AND CONTROL IN DOMESTIC ANIMALS AND WILDLIFE ACT.

26 SUBCHAPTER B

27 IDENTIFICATION OF DOMESTIC ANIMALS

28 Sec.

29 2311. General authority.

30 2312. Adoption of form of identification.

1 2313. Certified copies.

2 2314. Brand, tattoo or other form of identification as proof
3 of ownership.

4 2315. Disputes in custody or ownership.

5 2316. Sale or assignment of form of identification.

6 2317. Violations and penalty.

7 2318. Fees and forfeiture.

8 § 2311. General authority.

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

22 § 2312. Adoption of form of identification.

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

1 (b) Application, facsimile and fee.--A person desiring to
2 adopt a form of identification shall submit an application form,
3 a facsimile of the form of identification and a recording fee of
4 \$25 to the department. The department shall provide the
5 application form upon request. This fee may be changed by the
6 department through regulations.

7 (c) Provisional filing.--It shall be the duty of the
8 department to file all forms of identification offered for
9 recording, keeping account of the date and chronological order
10 of receipt, pending the review and examination provided for in
11 subsection (d). If the form of identification is subsequently
12 accepted for recording, ownership of the form of identification
13 shall vest from the date of filing.

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

26 § 2313. Certified copies.

27 (a) Issuance.--If a form of identification is recorded, the
28 department shall furnish its owner with two certified copies of
29 the record of the form of identification. Upon receipt of
30 written evidence of the sale, assignment or transfer of a form

1 of identification, the department shall furnish the new owner
2 with two certified copies of the record of the form of
3 identification. Additional copies may be obtained by the payment
4 of \$15 for each copy. This fee may be changed by the department
5 through regulations.

6 (b) Filing.--Within ten days of receiving the two certified
7 copies of the record of the form of identification, the owner of
8 the recorded form of identification shall file one of the
9 certified copies in the office of the county recorder of the
10 county where the owner's principal place of business is located
11 and one copy in each county where domestic animals bearing the
12 recorded form of identification are to be kept. If the form of
13 identification had a prior owner and the prior owner filed a
14 certified copy in any other county, the subsequent owner shall
15 file a certified copy in each county in which the previous owner
16 had filed.

17 § 2314. Brand, tattoo or other form of identification as proof
18 of ownership.

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

25 § 2315. Disputes in custody or ownership.

26 Disputes in custody or ownership of domestic animals that
27 bear brands, tattoos or other forms of identification shall be
28 investigated on request by the sheriff of the county where the
29 domestic animals are located. The sheriff may call upon the
30 services of a licensed veterinarian in reading the brands,

1 tattoos or other forms of identification on domestic animals.
2 The cost of the veterinarian's services shall be borne by the
3 person requesting the investigation. The results of the
4 sheriff's investigation shall be a public record and shall be
5 admissible in evidence.

6 § 2316. Sale or assignment of form of identification.

7 Any form of identification recorded pursuant to this
8 subchapter shall be the property of the person causing such
9 record to be made and shall be subject to sale, assignment,
10 transfer, devise and descent as personal property. Instruments
11 of writing evidencing the sale, assignment or transfer of such
12 form of identification shall be recorded by the department. The
13 fee for recording such sale, assignment or transfer shall be \$5.
14 This fee may be changed by the department through regulations.

15 § 2317. Violations and penalty.

16 (a) Unauthorized brands.--It shall be unlawful for a person
17 to use any brand for the branding of domestic animals unless the
18 brand has been recorded pursuant to this subchapter or unless
19 the use of a brand or the branding procedure is authorized under
20 any other provision of this chapter.

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

25 (c) Tampering.--It shall be unlawful for a person to efface,
26 deface or obliterate or attempt to efface, deface or obliterate
27 any brand, tattoo or other form of identification upon any
28 domestic animal belonging to another person. It shall be
29 unlawful for a person to efface, deface, obliterate, conceal,
30 remove or attempt to remove any official domestic animal

1 identification of the department, the United States Department
2 of Agriculture or any other state department of agriculture.

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

6 (e) Other false identification.--It shall be unlawful for
7 any person to place, attach or use on a domestic animal, or to
8 cause to be placed, attached or used on a domestic animal, or to
9 attempt to place, attach or use on a domestic animal, any form
10 of identification such as a brand, tattoo, tag, emblem, marking,
11 microchip or other identifying mark, number or device that such
12 person knows misrepresents the identity or health of the
13 domestic animal, with intent to interfere or deceive in the
14 identification, testing, vaccinating, selling, transfer or
15 slaughter of the domestic animal.

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

20 § 2318. Fees and forfeiture.

21 An owner of a form of identification of record shall pay the
22 department a fee of \$5 on January 1 of every fifth year from the
23 year in which the form of identification was recorded with the
24 department as that owner's property. This fee may be changed by
25 the department through regulations. The department shall give a
26 receipt for all such payments made. If an owner of a form of
27 identification of record should fail, refuse or neglect to pay
28 such fee by July 1 of any year in which it is due, such form of
29 identification shall become forfeited and no longer carried in
30 the record. Any such forfeited form of identification shall not

1 be issued to any other person within a period of less than ten
2 years following date of forfeiture.

3 SUBCHAPTER C

4 DETECTION, CONTAINMENT OR ERADICATION OF CERTAIN DISEASES
5 Sec.

6 2321. Dangerous transmissible diseases.

7 2322. Neoplastic diseases, metabolic diseases and heritable
8 diseases.

9 2323. Health requirements.

10 2324. Safety of domestic animal feed.

11 2325. Use of biologicals, antibiotics, genetic material,
12 chemicals, diagnostic agents and other substances.

13 2326. Sanitation.

14 2327. Disease surveillance and detection.

15 2328. Entry on premises.

16 2329. Quarantine.

17 2330. Condemnation.

18 2331. Indemnification.

19 2332. Depopulation incentive.

20 2333. Restriction on payment of indemnification and
21 depopulation incentive.

22 2334. Report on insurance or cost-sharing program.

23 2335. Contract growers.

24 § 2321. Dangerous transmissible diseases.

25 (a) Specific dangerous transmissible diseases.--The
26 following transmissible diseases are dangerous transmissible
27 diseases within the meaning of this chapter:

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

30 (2) African horse sickness, an infectious disease of

1 horses caused by a reovirus (AHSV).

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

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

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

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

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

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

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

17 (10) Bovine spongiform encephalopathy (BSE), an
18 infectious disease of cattle caused by a ~~virus-like~~ PROTEIN- <—
19 LIKE agent.

20 (11) BOVINE VIRUS DIARRHEA - TYPE 2, AN INFECTIOUS <—
21 DISEASE OF CATTLE CAUSED BY A VIRUS (BVD).

22 ~~(11)~~ (12) Brucellosis, an infectious disease of animals <—
23 and man caused by *Brucella abortus*, *Brucella suis*, *Brucella*
24 *melitensis* or *Brucella ovis*.

25 ~~(12)~~ (13) Chlamydiosis (psittacosis), an infectious <—
26 disease of birds and man caused by *Chlamydia psittaci*.

27 ~~(13)~~ (14) Chronic respiratory disease of poultry (CRD), <—
28 an infectious disease of poultry caused by *Mycoplasma*
29 *synoviae* or *Mycoplasma gallisepticum*.

30 ~~(14)~~ (15) Contagious equine metritis (CEM), an <—

1 infectious disease of equine caused by Hemophilus
2 equigenitalis.

3 ~~(15)~~ (16) Contagious pleuropneumonia (CBPP), an <—
4 infectious disease of cattle caused by Mycoplasma mycoides.

5 ~~(16)~~ (17) Dourine, an infectious disease of equines <—
6 caused by Trypanosoma equiperdum.

7 ~~(17)~~ (18) Duck viral enteritis (DVE, duck plague), an <—
8 infectious disease of ducks caused by a herpes virus (DVEV).

9 ~~(18)~~ (19) Epizootic hemorrhagic disease (EHD), an <—
10 infectious disease of cattle and deer caused by a virus
11 (EHDV).

12 ~~(19)~~ (20) Equine encephalitis, an infectious disease of <—
13 equines and man caused by an alphavirus: Venezuelan (VEE),
14 Western (WEE) or Eastern (EEE).

15 ~~(20)~~ (21) Equine infectious anemia (EIA, swamp fever), <—
16 an infectious disease of equines caused by a virus (EIAV).

17 ~~(21)~~ (22) Foot and mouth disease (FMD), an infectious <—
18 disease of cattle, sheep, goats, swine and deer caused by an
19 aphthovirus (FMDV).

20 ~~(22)~~ (23) Glanders, an infectious disease of horses <—
21 caused by Pseudomonas mallei.

22 ~~(23)~~ (24) Heartwater disease, an infectious disease of <—
23 cattle caused by a rickettsia, Cowdria ruminatum.

24 ~~(24)~~ (25) Hog cholera, an infectious disease of swine <—
25 caused by a pestivirus (HCV).

26 ~~(25)~~ (26) Listeriosis, an infectious disease of cattle, <—
27 sheep and man caused by Listeria monocytogenes.

28 ~~(26)~~ (27) Malignant catarrhal fever (MCF), an infectious <—
29 disease of cattle caused by a virus (MCFV).

30 ~~(27)~~ (28) Newcastle disease, an infectious disease of <—

1 poultry caused by a virus.

2 ~~(28)~~ (29) Paratuberculosis (Johnes disease), an <—
3 infectious disease of cattle, sheep, goats and deer caused by
4 Mycobacterium paratuberculosis.

5 ~~(29)~~ (30) Pseudorabies, an infectious disease of swine, <—
6 cattle, sheep, goats, dogs and cats caused by Herpesvirus
7 suis.

8 ~~(30)~~ (31) Psoroptic mange, an infectious disease of <—
9 cattle and sheep caused by psoroptes mites.

10 ~~(31)~~ (32) Rabies, an infectious disease of cattle, dogs, <—
11 cats, sheep, horses and man caused by a virus.

12 ~~(32)~~ (33) Rift Valley fever, an infectious disease of <—
13 sheep caused by a virus (RVFV).

14 ~~(33)~~ (34) Rinderpest, an infectious disease of ruminants <—
15 and swine caused by a morbillivirus (RDV).

16 ~~(34)~~ (35) Salmonellosis, an infection of animals and man <—
17 caused by various Salmonella species: S. pullorum (poultry),
18 S. typhimurium (cattle, equine and man), S. dublin (cattle
19 and man), S. gallinarum (poultry) and S. choleraesuis (swine).

20 ~~(35)~~ (36) Scrapie, an infectious disease of sheep and <—
21 goats caused by a virus-like agent.

22 ~~(36)~~ (37) Screwworm (miasis), a wound infection of <—
23 animals and man caused by Cochliomyia hominivorax.

24 ~~(37)~~ (38) Tuberculosis, an infectious disease of cattle, <—
25 bison, sheep, goats, swine, horses, cervidae, camelids and
26 man caused by Mycobacterium bovis, M. avium or M.
27 tuberculosis.

28 ~~(38)~~ (39) Vesicular exanthema, an infectious disease of <—
29 swine, certain aquatic animals and man caused by a
30 calicivirus (VEV).

1 ~~(39)~~ (40) Vesicular stomatitis, an infectious disease of <—
2 cattle, sheep and swine caused by a virus.

3 (b) Designation of additional dangerous transmissible
4 diseases through regulation.--The department shall have the
5 authority to promulgate regulations that designate other
6 transmissible diseases to be dangerous transmissible diseases
7 under this chapter if such other transmissible diseases present
8 a danger to public health, to domestic animal health, to the
9 safety or quality of the food supply or to the economic well-
10 being of the domestic animal industries. The department shall
11 also have the authority to withdraw the designation of a
12 particular transmissible disease as a dangerous transmissible
13 disease under this chapter if the transmissible disease no
14 longer presents a danger to public health, to domestic animal
15 health, to the safety or quality of the food supply or to the
16 economic well-being of the domestic animal industries.

17 (c) Department of Health; notification and consultation.--
18 The department shall inform the Department of Health of the
19 outbreak of a domestic animal disease which may threaten human
20 health and shall, in consultation with the Department of Health,
21 determine the public health risk associated with the domestic
22 animal disease outbreak and the appropriate action to manage
23 such risk. Additions or deletions of domestic animal diseases of
24 public health significance to or from the list of dangerous
25 transmissible diseases shall be jointly determined by the
26 department and the Department of Health.

27 (d) Designation of additional dangerous transmissible
28 diseases through temporary order.--Upon the determination that a
29 transmissible disease not listed in subsection (a), and not
30 designated a dangerous transmissible disease through regulation

1 under subsection (b), presents a danger to public health, to
2 domestic animal health, to the safety or quality of the food
3 supply or to the economic well-being of the domestic animal
4 industries, the department shall issue a temporary order
5 proclaiming that transmissible disease to be a dangerous
6 transmissible disease within the meaning of this chapter. This
7 chapter shall be applicable to that dangerous transmissible
8 disease as of the date of actual or constructive notice of the
9 order or any later date specified in that order. The department
10 shall publish such an order in the Pennsylvania Bulletin within
11 20 days of its issuance. Publication in the Pennsylvania
12 Bulletin shall effect constructive notice. The temporary order
13 shall remain in effect for a period not to exceed one year,
14 unless reissued, or until the transmissible disease is
15 designated to be a dangerous transmissible disease through
16 regulation under subsection (b), whichever occurs first.

17 (e) Regulations.--The department may establish regulations
18 addressing the specific discovery, prevention, reporting,
19 testing, control and eradication measures which it determines
20 are necessary with respect to any dangerous transmissible
21 disease.

22 § 2322. Neoplastic diseases, metabolic diseases and heritable
23 diseases.

24 If a neoplastic disease, metabolic disease or heritable
25 disease is determined by the department to pose a threat to
26 domestic animal health or to the economic well-being of the
27 domestic animal industries, then the department may establish
28 regulations addressing any discovery, prevention, reporting,
29 testing, control, eradication or other measures as are necessary
30 to lessen or eliminate the threat.

1 § 2323. Health requirements.

2 (a) Interstate and intrastate movement of domestic
3 animals.--The department may establish identification and
4 minimum health standards for the importation or the intrastate
5 movement of domestic animals in this Commonwealth and may
6 establish procedures for certification of the health status of
7 domestic animals imported into or transported within this
8 Commonwealth. If the department shall suspect the genuineness of
9 any health certificate or official disease test report relating
10 to domestic animals or shall question the competency of the
11 person who shall have issued such report or certificate, the
12 department may decline to accept the same and may refuse to
13 permit the importation or intrastate movement of the domestic
14 animals concerned, unless a certificate or report is furnished
15 from the proper inspector of the state or country of origin or
16 USDA-APHIS-VS or unless the department shall otherwise
17 determine.

18 (b) Violations.--

19 (1) It shall be unlawful for any person to knowingly,
20 recklessly or negligently import or bring into this
21 Commonwealth without the written permission of the department
22 any domestic animal that is contaminated with a hazardous
23 substance or that is infected with or that has been exposed
24 to any transmissible disease.

25 (2) It shall be unlawful for any person to knowingly,
26 recklessly or negligently import or bring into this
27 Commonwealth any domestic animal in violation of any of the
28 provisions of this chapter, an order entered under authority
29 of this chapter or any attendant regulation to prevent the
30 introduction of any transmissible disease.

1 (3) It shall be unlawful for any person to knowingly,
2 recklessly or negligently receive or keep or have in his
3 keeping or possession any domestic animal imported, brought
4 into or transported within this Commonwealth in violation of
5 any of the provisions of this chapter or to allow any such
6 domestic animal to come into contact with any other domestic
7 animal.

8 (c) Authority to remove or slaughter.--Whenever any domestic
9 animal is imported into this Commonwealth or transported within
10 this Commonwealth in violation of this chapter, the department
11 shall have authority to cause such domestic animal to be removed
12 from this Commonwealth or the domestic animal removed directly
13 to slaughter or destroyed without indemnity.

14 § 2324. Safety of domestic animal feed.

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

19 (b) Carcasses used for animal feed.--No domestic animal
20 carcass or parts of a domestic animal carcass shall be sold for
21 domestic animal feeding purposes if the meat or meat parts may
22 be hazardous to the health of domestic animals to which such
23 meat or meat parts may be fed.

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

27 (d) Regulations.--The department shall establish regulations
28 and standards to assure the safety of materials that are fed to
29 domestic animals.

30 (e) Licensure.--The department shall provide for the

1 licensure of persons owning or operating facilities, equipment
2 or conveyances utilized in the collection, treatment,
3 preparation and transportation of domestic animal by-products
4 that are used in feed for domestic animals.

5 (f) Content.--The department may establish standards for the
6 composition of feed for domestic animals, including, but not
7 limited to, antibiotics and chemical additives for the purpose
8 of preventing tissue residues and contamination of domestic
9 animal products by substances hazardous to human health or
10 domestic animal health. Such standards shall be established by
11 regulation.

12 (G) PROHIBITION.--NOTWITHSTANDING ANY PROVISION OF THIS <—
13 CHAPTER TO THE CONTRARY, A DOMESTIC ANIMAL OR PART OF A DOMESTIC
14 ANIMAL WHICH IS SUSPECTED OF CARRYING A TRANSMISSIBLE SPONGIFORM
15 ENCEPHALOPATHY SHALL NOT BE MOVED WITHOUT WRITTEN PERMISSION OF
16 THE DEPARTMENT OR USED IN THE MANUFACTURE OR PRODUCTION OF
17 DOMESTIC ANIMAL FEED.

18 § 2325. Use of biologicals, antibiotics, genetic material,
19 chemicals, diagnostic agents and other substances.

20 (a) Authority.--The department shall have the authority to
21 regulate the manufacture, sale or administration of any
22 biological product intended for diagnostic, preventive or
23 therapeutic purposes with domestic animals. The department may
24 establish regulations to control the production, sale,
25 distribution or use of biologicals, antibiotics, genetic
26 material, chemicals and other substances administered to
27 domestic animals.

28 (b) Testing.--The department may prescribe methods of making
29 official tests and may restrict the use of such tests to
30 authorized accredited veterinarians and agents of the department

1 and USDA-APHIS-VS for diagnosis of diseases of domestic animals.
2 It shall be the duty of each person using restricted tests to
3 report in writing the results of restricted tests to the
4 department. Each report shall be signed by the person who
5 conducted the test and shall give the date of the test, the name
6 and address of the owner of the domestic animal tested, the
7 location where such test was conducted, a description and
8 definitive permanent identification of the domestic animal or
9 domestic animals tested and a complete statement of the actual
10 result of such test. It shall be unlawful for any person whose
11 duty it is to make a report to fail or refuse to do so.

12 (c) Vaccines.--The department may, in order to prevent or
13 control the introduction or spread of dangerous transmissible
14 diseases, restrict the use of vaccines in domestic animals or
15 cause domestic animals in this Commonwealth to be vaccinated
16 with biologicals according to regulations promulgated under this
17 chapter.

18 § 2326. Sanitation.

19 The department shall have the authority to establish
20 standards of sanitation for the operation and maintenance of any
21 facility, conveyance, equipment, building or other means of
22 housing, containing or transporting domestic animals. Sanitation
23 standards shall be established to minimize the possible
24 transmission of dangerous transmissible diseases.

25 § 2327. Disease surveillance and detection.

26 (a) General authority.--The department shall have the
27 authority to regularly monitor the domestic animal population of
28 this Commonwealth to determine the prevalence, incidence and
29 location of transmissible diseases or contamination by hazardous
30 substances.

1 (b) Duty to report.--It shall be the duty of every
2 practitioner of veterinary medicine and every diagnostic
3 laboratory in this Commonwealth, immediately upon receiving
4 information thereof, to report to the department each case of
5 any dangerous transmissible disease and each case of potential
6 contamination by substances declared hazardous by the
7 department.

8 (c) Violations.--

9 (1) It shall be unlawful for any person to impede,
10 hinder or interfere with the testing of a domestic animal, or
11 to refuse to confine a domestic animal so as to allow testing
12 without undue burden on the official conducting the test, or
13 to fail to present the person's domestic animals for testing
14 by the department under authority of this chapter after
15 reasonable notice of the proposed testing has been given.

16 (2) It shall be unlawful for any person who has
17 knowledge that a domestic animal is infected with a dangerous
18 transmissible disease, or has been exposed to a dangerous
19 transmissible disease, or has been contaminated by a
20 hazardous substance, to conceal or attempt to conceal such
21 domestic animal or knowledge of such a domestic animal from
22 the department.

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

1 entity.

2 § 2328. Entry on premises.

3 In the performance of the duties required by this chapter,
4 the department may at any time enter any premises or stop and
5 detain any vehicle or conveyance. If entry shall be refused or
6 delayed by any person, the department's employee or agent may,
7 upon oath OR AFFIRMATION, declare before a court of competent <—
8 jurisdiction that the employee or agent has reason to believe
9 that domestic animals or articles that are or have been confined
10 or kept in or on such premises carry a dangerous transmissible
11 disease, have been exposed to a dangerous transmissible disease
12 or have been contaminated by a hazardous substance, and shall
13 further declare that permission to enter and to investigate has
14 been refused or delayed to the department. Upon review of such
15 declaration, the court of jurisdiction may issue a search
16 warrant for such premises, directed to the proper officer, agent
17 or employee. The search warrant shall describe the premises
18 which may be searched under authority of the search warrant, but
19 need not describe the domestic animal, domestic animal products
20 or other articles which are alleged to carry a dangerous
21 transmissible disease, to have been exposed to a dangerous
22 transmissible disease or to have been contaminated by a
23 hazardous substance, which are or have been confined or kept on
24 such premises. An officer, agent or employee of the department
25 armed with such a search warrant shall have all the authority of
26 a constable or other peace officer in the execution of the
27 warrant. It shall be unlawful for any person to refuse or delay
28 admission to any premises to any officer, agent or employee of
29 the department provided with a search warrant issued pursuant to
30 this section. The department shall take appropriate biosecurity

1 and safety measures to ensure that it does not allow dangerous
2 transmissible disease or contamination from hazardous substances
3 to spread as the result of its entry upon any premises or
4 conveyance.

5 § 2329. Quarantine.

6 (a) Power to establish and enforce.--Whenever a dangerous
7 transmissible disease or contamination by hazardous substances
8 exists anywhere within or outside of this Commonwealth, or
9 whenever it is deemed advisable to test or treat any domestic
10 animal upon the reasonable suspicion that it has contracted or
11 been exposed to a dangerous transmissible disease or is
12 contaminated with a hazardous substance, or whenever the testing
13 or treatment of a domestic animal indicates that the domestic
14 animal has been exposed to a dangerous transmissible disease or
15 contaminated with a hazardous substance so as to render future
16 accurate testing for recent exposure of that domestic animal to
17 that dangerous transmissible disease or hazardous substance
18 impractical or impossible, the department shall have the power
19 to establish and enforce quarantines of any such infected,
20 exposed, contaminated, suspected or susceptible domestic animal.
21 In addition to the aforescribed domestic animals, a quarantine
22 may apply to any goods, products, facilities, CONTAINERS, <—
23 vehicles or materials that may carry dangerous transmissible
24 disease or that may be contaminated with a hazardous substance
25 and may be applied on or in or against any premises, area or
26 locality as defined in this chapter.

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

28 (1) interstate and/or international;

29 (2) general; and

30 (3) special;

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

3 (c) Interstate and international quarantines.--

4 (1) An interstate or international quarantine may be
5 established and enforced by order of the department against
6 any place or places outside this Commonwealth for any of the
7 reasons set forth in subsection (a) or where dangerous
8 transmissible diseases or hazardous substances are reported
9 to exist. An interstate or international quarantine order may
10 prohibit the bringing of any domestic animals, conveyances,
11 containers, goods, products or materials into this
12 Commonwealth except in accordance with the requirements set
13 forth in the quarantine order. The order may require the
14 quarantine, testing, treatment, killing or other disposition
15 of any domestic animal brought into this Commonwealth in
16 violation of the order and may require the quarantine,
17 disinfection or destruction of goods, products, conveyances,
18 materials or containers brought into this Commonwealth in
19 violation of the order. The order may also require that a
20 person importing domestic animals in violation of the order
21 bear the expenses of postentry requirements of this chapter.

22 (2) An interstate or international quarantine shall be
23 established by order of the department and shall be effective
24 as of the date of actual or constructive notice OF THE order <—
25 or any later date specified in that order.

26 (3) Notices and copies of the order establishing an
27 interstate or international quarantine shall be advertised in
28 the Pennsylvania Bulletin within 20 days of the date of the
29 order, in at least one newspaper of general circulation
30 within this Commonwealth and in at least one newspaper of

1 general circulation in the state(s) or nation(s) against
2 which the quarantine is directed. Publication in the
3 Pennsylvania Bulletin shall effect constructive notice. The
4 department shall, if practicable, mail or deliver notice and
5 a copy of the quarantine order to the governmental agency or
6 agencies overseeing agricultural affairs in the state(s) or
7 nation(s) against which the quarantine is directed. The
8 quarantine order may be enforced prior to such publication or
9 distribution.

10 (d) General quarantines.--

11 (1) A general quarantine may be established and enforced
12 by order of the department against any area or locality
13 within this Commonwealth for any of the reasons set forth in
14 subsection (a) to prevent a dangerous transmissible disease
15 or a domestic animal contaminated by a hazardous substance
16 from being carried into, within, from or out of the area or
17 locality that is subject to the quarantine. A general
18 quarantine order may include any domestic animals,
19 conveyances, containers, goods, products or materials that
20 may carry dangerous transmissible disease or domestic animals
21 that are contaminated with a hazardous substance and may
22 include any area or locality, including all buildings,
23 structures, premises and equipment located therein.

24 (2) A general quarantine shall be established by order
25 of the department and shall be effective as of the date of
26 actual or constructive notice of the order or any later date
27 specified in that order.

28 (3) Notices and copies of the order establishing a
29 general quarantine shall be advertised in the Pennsylvania
30 Bulletin within 20 days of the date of the order and in at

1 least one newspaper of general circulation within the area or
2 locality subject to the quarantine. Publication in the
3 Pennsylvania Bulletin shall effect constructive notice. The
4 quarantine order may be enforced prior to such publication.

5 (e) Special quarantines.--

6 (1) A special quarantine may be established and enforced
7 by order of the department against any premises, domestic
8 animals, conveyances, containers, goods, products or
9 materials situated within this Commonwealth for any of the
10 reasons set forth in subsection (a) or whenever it is deemed
11 necessary or advisable by the department to prevent or
12 control the spread of a dangerous transmissible disease;
13 control a domestic animal contaminated by a hazardous
14 substance; control any domestic animal; examine or disinfect
15 or regulate the use of any premises, materials, conveyances,
16 goods, containers or products; or destroy or dispose of the
17 carcass of any dead domestic animal.

18 (2) A special quarantine shall be established by the
19 posting of a quarantine order describing the domestic animal
20 or domestic animals and any conveyances, containers, goods,
21 materials, products or premises covered by the special
22 quarantine. The quarantine notice shall be conspicuously
23 posted so as to alert any visitor to the quarantined premises
24 of the probable presence of a dangerous transmissible disease
25 or domestic animals contaminated by hazardous substances.

26 (3) If practicable, the department shall serve a copy of
27 the special quarantine order upon the owner or caretaker of
28 the domestic animals, premises or other property subject to
29 the order. The department shall have authority to make
30 available to interested persons the names and locations of

1 premises subject to special quarantine.

2 (f) Violations of quarantine.--

3 (1) It shall be unlawful for any person to sell, offer
4 for sale, lease, lend, exchange, give away, transfer, remove
5 or allow to be removed any animals or animal products, goods,
6 materials, containers, conveyances or other articles that are
7 the subject of A general or special quarantine order under <—
8 this section without first obtaining the written permission
9 of the department to do so.

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

14 (3) It shall be unlawful for any person to transfer
15 ownership of any animal or animal product that is the subject
16 of a general or special quarantine order under this section
17 without first notifying the prospective or actual transferee
18 of the quarantine order and the reasons for the imposition of
19 quarantine.

20 (4) It shall be unlawful for any person to use or
21 prepare as food for humans or domestic animals any domestic
22 animal or domestic animal product that is the subject of a
23 general or special quarantine order under this section
24 without first obtaining the written permission of the
25 department to do so. Such permission shall be granted in
26 accordance with any applicable guidelines established by the
27 department.

28 (5) It shall be unlawful for any person to tear, deface,
29 destroy, remove, conceal or alter in any way any notice of
30 quarantine posted by the department or to remove or destroy,

1 partially or wholly, any portion of a building, tree, fence
2 or other object to which a notice of quarantine has been
3 posted by the department.

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

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

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

15 § 2330. Condemnation.

16 The department shall have the authority to condemn and seize
17 or cause to be destroyed any quarantined domestic animal,
18 domestic animal product, conveyance or other quarantined article
19 that has been determined by the department as having been
20 exposed to a dangerous transmissible disease or a hazardous
21 substance such that destruction of the domestic animal, domestic
22 animal product, conveyance or other article is necessary to
23 prevent the spread of such disease or contamination.

24 § 2331. Indemnification.

25 (a) In general.--Whenever a condemned domestic animal,
26 domestic animal product or other condemned property is
27 slaughtered or destroyed by order of the department to eradicate
28 or prevent the spread of dangerous transmissible disease or
29 contamination by a hazardous substance, the department may
30 compensate the owner of such domestic animal, domestic animal

1 product or other condemned property for a portion of the
2 appraised value of the domestic animal or property, provided
3 that such compensation is made in accordance with this section.
4 Notwithstanding the definition of "owner" set forth in section
5 2303 (relating to definitions), indemnification payments made
6 under this section shall be made only to those persons who have
7 an actual ownership interest in the domestic animal or other
8 property that is the subject of the indemnification payment.

9 (b) Indemnification limits.--

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

13 (2) The amount of indemnity paid by the department with
14 respect to domestic animals condemned under authority of this
15 chapter shall not exceed the sum of \$200,000 for any group of
16 domestic animals, regardless of the number of owners having
17 domestic animals within such group of condemned domestic
18 animals.

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

23 (4) The amount of indemnity paid by the department to
24 the owner of domestic animals condemned under authority of
25 this chapter plus the salvage value and the value of
26 indemnity payments received from any other source shall not
27 exceed 90% of the appraised value of such domestic animals.

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

1 (6) Funds for indemnification under this section may not
2 be paid by the department to indemnify owners of condemned
3 cats and dogs.

4 ~~(7) The department may by regulation change the~~ <—
5 ~~indemnification limits prescribed by this section.~~

6 (c) Forfeiture.--A person shall not be eligible for any
7 indemnity payment or depopulation incentive payment under this
8 chapter for any domestic animal, group of domestic animals,
9 domestic animal product or other article if such person has been
10 determined by the department to have committed a violation of
11 any provision of this chapter or order, rule or regulation
12 adopted under authority of this chapter that has resulted in the
13 condemnation for which indemnity would be paid. A person shall
14 not be eligible for any indemnity payment or depopulation
15 incentive payment with respect to any domestic animal or group
16 of domestic animals having a condition of disease or
17 contamination which the department has determined to have been
18 directly caused by the person's willful misuse of a pesticide or
19 a hazardous substance.

20 (d) Appraisal.--Whenever the department condemns domestic
21 animals, domestic animal products or other articles, the value
22 of such animals, products and articles shall be appraised. No
23 domestic animal that is dead shall be appraised and no indemnity
24 shall be payable for such domestic animal, except that a
25 domestic animal that dies after condemnation by the department
26 may be appraised on the basis of its condition at the time of
27 condemnation, and indemnity may be paid with respect to such a
28 domestic animal. The department shall determine the appraised
29 value of the condemned domestic animal, products or articles
30 taking into consideration the current market values, age of the

1 animal, physical condition of the animal, its condition as to
2 disease, nature and extent of disease, breeding value, milk
3 production value, salvage value of the animal and any other
4 factors which may influence value. If the department and the
5 owner of the condemned domestic animals, domestic animal
6 products or other articles are unable to agree on the appraised
7 value of the domestic animals, products or articles, then the
8 department and the owner may appoint a mutually agreeable
9 appraiser to determine the appraised value. Costs of such an
10 appraisal shall be borne by the owner. In the absence of such a
11 mutually agreeable appraiser, the department's determination of
12 the appraised value shall control.

13 (e) Disposal of condemned domestic animal.--A domestic
14 animal that has been condemned by the department and is eligible
15 for indemnity under this chapter shall be disposed of by the
16 owner, under the supervision of the department, in accordance
17 with the laws of this Commonwealth and regulations adopted by
18 the department. When condemned domestic animals are approved by
19 the department for salvage, the salvage value shall be paid
20 directly to the owner by the buyer of the live domestic animal
21 or the buyer of the carcass, hide, offal or other by-product.
22 The buyer shall promptly present an itemized statement of the
23 salvage value to the department to determine the amount, if any,
24 due from the department to the owner.

25 § 2332. Depopulation incentive.

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

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

12 (b) Limits.--A depopulation incentive payment shall not
13 exceed \$2,000 with respect to any individual domestic animal. A
14 depopulation incentive payment plus the salvage value and any
15 other compensation received from other sources shall not exceed
16 90% of the appraised value of the domestic animal or other
17 property that is the subject of the depopulation incentive
18 payment. Notwithstanding the definition of "owner" in section
19 2303 (relating to definitions), depopulation incentive payments
20 made under this section shall be made only to those persons who
21 have an actual ownership interest in the domestic animal or
22 other property that is the subject of the depopulation incentive
23 payment.

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

26 ~~(d) Indemnification limits.--The department may by~~ <—
27 ~~regulation change the indemnification limits prescribed by this~~
28 ~~section.~~

29 § 2333. Restriction on payment of indemnification and
30 depopulation incentive.

1 Notwithstanding any other provision of law, indemnification
2 under section 2331 (relating to indemnification) and
3 depopulation incentive under section 2332 (relating to
4 depopulation incentive) shall be paid only for domestic animals.

5 § 2334. Report on insurance or cost-sharing program.

6 On or before 12 months from the effective date of this
7 chapter, the department shall submit to the Agriculture and
8 Rural Affairs Committee of the Senate and the Agriculture and
9 Rural Affairs Committee of the House of Representatives a report
10 on the feasibility of establishing an insurance or other cost-
11 sharing program in lieu of indemnification under section 2331
12 (relating to indemnification) to compensate owners of domestic
13 animals which are condemned and destroyed by the department to
14 prevent the spread of disease or contamination.

15 § 2335. Contract growers.

16 On or before 12 months from the effective date of this
17 chapter, the department shall submit to the Agriculture and
18 Rural Affairs Committee of the Senate and the Agriculture and
19 Rural Affairs Committee of the House of Representatives a report
20 regarding the feasibility of paying a portion of the
21 indemnification or depopulation incentive to a person who raises
22 domestic animals under contract for the owner of such animals
23 and a portion to the owner when the domestic animals are
24 condemned and destroyed to prevent the spread of a transmissible
25 disease or hazardous substance. In preparing the report, the
26 department shall consider ways in which the owner and the person
27 under contract to the owner would share the indemnification or
28 the depopulation incentive in proportion to the loss which each
29 incurred.

30

SUBCHAPTER D

DEALERS, AGENTS AND HAULERS OF DOMESTIC ANIMALS OR
DEAD DOMESTIC ANIMALS

Sec.

2341. General authority.

2342. License of dealers and haulers.

2343. Licensure of agents.

2344. Verification of application.

2345. License fees.

2346. Term of license.

2347. Posting and display of license.

2348. Denial, suspension or revocation of license.

2349. Records and inspections.

§ 2341. General authority.

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

§ 2342. License of dealers and haulers.

(a) Requirement.--No person shall engage in or carry on the business of a dealer or hauler of domestic animals or of dead domestic animals or act as an agent for a dealer or hauler, unless such person is duly licensed by the department. WITH RESPECT TO DEALERS OF DOGS, THE REQUIREMENTS OF THIS SUBCHAPTER ARE IN ADDITION TO THE REQUIREMENTS UNDER THE ACT OF DECEMBER 7, 1982 (P.L.784, NO.225), KNOWN AS THE DOG LAW.

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

1 competency and eligibility.

2 § 2343. Licensure of agents.

3 A (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), A <—
4 domestic animal or dead domestic animal dealer or hauler who
5 applies for or holds a dealer's or hauler's license may
6 designate any person to act as an agent on behalf of that dealer
7 or hauler. The designation shall be made either on the domestic
8 animal or dead domestic animal dealer's or hauler's license
9 application form or by a written notice to the department
10 requesting the issuance of an agent's license. The department
11 may require such additional information as is necessary to
12 determine the identity, competency and eligibility of an
13 applicant for an agent's license. A dealer or hauler shall be
14 accountable and responsible for contracts made by any of its
15 licensed agents.

16 (B) EXCEPTION.--NOTWITHSTANDING SUBSECTION (A), A DEALER OF <—
17 DOGS MAY NOT DESIGNATE A PERSON TO ACT AS AN AGENT ON BEHALF OF
18 THE DEALER.

19 § 2344. Verification of application.

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

27 § 2345. License fees.

28 The fee for a domestic animal or dead domestic animal
29 dealer's or hauler's license is \$50. IF A PERSON IS A DEALER OF <—
30 DOGS AND IS LICENSED UNDER THE ACT OF DECEMBER 7, 1982 (P.L.784,

1 NO.225), KNOWN AS THE DOG LAW, THERE SHALL BE NO FEE FOR
2 LICENSURE UNDER THIS SECTION. The fee for an agent's license is
3 \$25. These fees shall be paid prior to the issuance of a license
4 by the department. The department may change these license fees
5 through regulations.

6 § 2346. Term of license.

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

13 § 2347. Posting and display of license.

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

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

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

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

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

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

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

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

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

1 § 2349. Records and inspections.

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

20 SUBCHAPTER E

21 DISPOSAL OF DEAD DOMESTIC ANIMALS AND ANIMAL WASTE

22 Sec.

23 2351. General authority.

24 2352. Disposal of dead domestic animals.

25 2353. Disposal of animal waste.

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

28 2355. Licensing procedure.

29 2356. Conditions of licensure.

30 2357. Denial, suspension or revocation of license.

1 § 2351. General authority.

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

14 § 2352. Disposal of dead domestic animals.

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

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

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

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

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

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

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

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

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

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

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

25 § 2353. Disposal of animal waste.

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

30 § 2354. Licensure requirement of dead domestic animal disposal

1 businesses.

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

7 § 2355. Licensing procedure.

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

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

25 § 2356. Conditions of licensure.

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

1 attendant regulations.

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

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

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

19 SUBCHAPTER F

20 SLAUGHTER AND PROCESSING OF DOMESTIC ANIMALS

21 Sec.

22 2361. General authority.

23 2362. Humane methods of slaughtering domestic animals.

24 § 2361. General authority.

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

30 (1) Establish standards for the humane ~~euthanasia~~ or <—

1 ~~killing~~ SLAUGHTER of domestic animals.

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

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

8 § 2362. Humane methods of slaughtering domestic animals.

9 (a) Humane methods required.--

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

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

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

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

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

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

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

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

13 SUBCHAPTER G

14 GARBAGE FEEDING BUSINESS

15 Sec.

16 2371. Licensure requirement.

17 2372. Application and fee.

18 2373. Issuance of license.

19 2374. Term of license and renewal.

20 2375. Posting of license.

21 2376. Heating certain garbage before feeding.

22 2377. Prohibitions and conditions.

23 2378. Inspections.

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

26 § 2371. Licensure requirement.

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

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

3 § 2372. Application and fee.

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

15 § 2373. Issuance of license.

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

18 (1) Approval of the application.

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

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

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

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

27 § 2374. Term of license and renewal.

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

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

4 § 2375. Posting of license.

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

8 § 2376. Heating certain garbage before feeding.

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

21 § 2377. Prohibitions and conditions.

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

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

30 (c) Construction and management.--

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

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

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

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

14 § 2378. Inspections.

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

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

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

SUBCHAPTER H

ADMINISTRATIVE PROVISIONS

Sec.

2381. Cooperation.

2382. Regulations.

2383. Enforcement and penalties.

2384. Disposition of fees, fines and civil penalties.

2385. Interference with officer or employee of department.

2386. Civil remedy.

2387. Inapplicability of penal cruelty to animals statutes.

2388. Exemption for governmental entities.

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

<—

~~HUMANE HUSBANDRY PRACTICES."~~

<—

~~2390~~ 2389. Preemption of local laws and regulations.

<—

§ 2381. Cooperation.

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

§ 2382. Regulations.

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

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

(c) Fees.--The department may impose licensure and user fees

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

6 § 2383. Enforcement and penalties.

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

10 (1) For a first offense, commits a summary offense and
11 shall, upon conviction, be sentenced for each offense to pay
12 a fine of not less than ~~\$300 nor more than \$600~~ \$100 NOR MORE <—
13 THAN \$300 and costs of prosecution and, in default of payment
14 of such fine and costs, shall be sentenced to undergo
15 imprisonment for a period of not more than 90 days.

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

23 (b) Civil penalties.--

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

30 (2) No civil penalty shall be assessed unless the person

1 charged shall have been given notice and opportunity for a
2 hearing on such charge in accordance with law.

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

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

12 § 2384. Disposition of fees, fines and civil penalties.

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

18 § 2385. Interference with officer or employee of department.

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

25 § 2386. Civil remedy.

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

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

14 § 2387. Inapplicability of penal cruelty to animals statutes.

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

22 § 2388. Exemption for governmental entities.

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

29 ~~§ 2389. Authority to define "normal agricultural operations~~ <—

30 ~~HUMANE HUSBANDRY PRACTICES."~~ <—

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

5 § ~~2390~~ 2389. Preemption of local laws and regulations. <—

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

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

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

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

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

29 Act of May 2, 1901 (P.L.121, No.88), entitled "An act to
30 provide for the prevention of the spread of disease from the

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

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

18 Act of June 3, 1911 (P.L.631, No.242), entitled "An act to
19 encourage the breeding of horses; to regulate the public service
20 of stallions and jacks; to prevent misrepresentation of same; to
21 require the licensing of stallions and jacks; and to provide for
22 the enforcement thereof."

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

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

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

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

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

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

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

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

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

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

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

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