
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1580

Session of
2005

INTRODUCED BY PHILLIPS, B. SMITH, STABACK, BAKER, BELARDI,
BIRMELIN, BOYD, CALTAGIRONE, CAPPELLI, CAUSER, CREIGHTON,
DALEY, FLEAGLE, GEIST, GEORGE, GERGELY, GILLESPIE, GODSHALL,
HANNA, HARRIS, HERSHEY, HESS, HUTCHINSON, M. KELLER, MAJOR,
McILHATTAN, R. MILLER, PICKETT, REICHLEY, SATHER, SCAVELLO,
STERN, E. Z. TAYLOR, YOUNGBLOOD, SOLOBAY, McNAUGHTON,
S. MILLER, DENLINGER AND GOODMAN, MAY 12, 2005

SENATOR WAUGH, AGRICULTURE AND RURAL AFFAIRS, IN SENATE, AS
AMENDED, MARCH 29, 2006

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, further providing for the regulation of Cervidae
3 livestock operations.

4 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

<—

5 A CERVIDAE LIVESTOCK OPERATION IS A NORMAL AGRICULTURAL
6 OPERATION OF THIS COMMONWEALTH. CERVIDAE LIVESTOCK FACILITIES
7 AND THEIR EQUIPMENT ARE CONSIDERED TO BE AGRICULTURAL
8 FACILITIES AND EQUIPMENT. USES RELATED TO THE FARMING AND
9 HARVESTING OF CERVIDS ARE TO BE CONSIDERED AGRICULTURAL USES
10 REGULATED BY THE DEPARTMENT.

11 THE SECRETARY OF AGRICULTURE SHALL ASSURE THAT CERVIDAE
12 LIVESTOCK OPERATIONS ARE AFFORDED ALL RIGHTS, PRIVILEGES,
13 OPPORTUNITIES AND RESPONSIBILITIES OF NORMAL AGRICULTURAL
14 OPERATIONS.

15 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The definition of "Cervidae livestock operation"
3 in section 2303 of Title 3 of the Pennsylvania Consolidated
4 Statutes is amended to read:

5 § 2303. Definitions.

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

9 * * *

10 ["Cervidae livestock operation." A farm operation which:

11 (1) contains behind fences privately owned members of
12 the genus and species cervus elaphus involved in the
13 production, growing, breeding, using, harvesting,
14 transporting, exporting, importing or marketing of Cervidae
15 species or Cervidae products; and

16 (2) does not allow captive bred or captive held Cervidae
17 species to be harvested through hunting anywhere on the farm
18 operation.]

19 * * *

20 Section 2. The definition of "license" in section 2380.1 of
21 Title 3 is amended and the section is amended by adding
22 definitions to read:

23 § 2380.1. Definitions.

24 The following words and phrases when used in this subchapter
25 shall have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 * * *

28 "Cervid." Any member of the Cervidae family and any hybrid.

29 "Cervidae livestock family." Members of the Cervidae family
30 including deer, elk, moose, reindeer, caribou and hybrids of

1 these animals owned and maintained by a licensee under this
2 subchapter. The term also includes the germ plasm, embryos and
3 fertile ova of these animals.

4 "Cervidae livestock operation." A normal agricultural
5 operation which contains behind fences privately owned members
6 of the Cervidae livestock family involved in the production,
7 growing, breeding, using, harvesting, transporting, exporting,
8 importing or marketing of Cervidae species or Cervidae products.
9 The term does not include an animal slaughter facility regulated
10 under Subchapter F (relating to slaughter and processing of
11 domestic animals) or a menagerie permitted under 34 Pa.C.S. §
12 2964 (relating to menagerie permits).

13 "Harvesting." Any lethal or nonlethal means of collecting
14 cervids or products from cervids on Cervidae livestock
15 operations.

16 "License." A license issued by the Department of Agriculture
17 to operate a Cervidae livestock operation.

18 * * *

19 "Normal agricultural operation." As defined under section 2
20 of the act of June 10, 1982 (P.L.454, No.133), entitled "An Act
21 protecting agricultural operations from nuisance suits and
22 ordinances under certain circumstances."

23 ~~Section 3. Title 3 is amended by adding a section to read:~~ <—
24 ~~§ 2380.1a. Cervidae livestock operations.~~

25 ~~(a) General rule. A Cervidae livestock operation is a~~
26 ~~normal agricultural operation of this Commonwealth. Cervidae~~
27 ~~livestock facilities and their equipment are considered to be~~
28 ~~agricultural facilities and equipment. Uses related to the~~
29 ~~farming and harvesting of cervids are to be considered~~
30 ~~agricultural uses regulated by the department.~~

~~(b) Duty of secretary. The secretary shall assure that Cervidae livestock operations are afforded all rights, privileges, opportunities and responsibilities of normal agricultural operations.~~

Section 4 3. Sections 2380.2, 2380.4, 2380.5, 2380.6(a), (C) and (d) and 2380.9 of Title 3 are amended to read:

~~§ 2380.2. License required.~~

~~(a) Requirement. A person may not operate a Cervidae livestock operation within this Commonwealth unless the person has a license. A separate license is required for each Cervidae livestock operation.~~

~~(b) Classes of licenses. The department shall establish three classes of licenses for applicants:~~

~~(1) Class I (Hobby). A Cervidae livestock operation in which members of the Cervidae livestock family may be brought onto the premises through interstate or intrastate commerce. The animals, either alive or dead, may not be removed from the premises except for noncommercial, personal use.~~

~~(2) Class II (Breeding). A Cervidae livestock operation in which members of the Cervidae livestock family may be brought onto the premises through interstate or intrastate commerce. Live animals or animal products may be sold or transported, either permanently or temporarily, from the premises through interstate or intrastate commerce, including the movement of the animals temporarily for the purpose of exhibition.~~

~~(3) Class III (Ranch). A Cervidae livestock operation in which members of the Cervidae livestock family may be harvested through the act of taking or killing of the animals, including chasing, tracking, calling, pursuing,~~

~~lying in wait, shooting at or using any personal property in furtherance of any of these purposes. Cervids may be brought onto the premises through interstate or intrastate commerce. Cervids and animal products may be removed from the premises after being harvested. Live cervids may be removed from the premises and relocated to another premise after the animal has met the conditions of interstate or intrastate transport in a manner consistent with regulations promulgated by the department.~~

~~(c) Removal of animals.~~

~~(1) In addition to the provisions of subsection (b), cervids may be removed from the licensed premises for any of the following purposes:~~

~~(i) Prevention of the spread of disease.~~

~~(ii) Furtherance of the health and welfare of the cervids.~~

~~(iii) Discontinuance of the operation.~~

~~(2) Removal of any cervid under this subsection shall be done with the approval of the department or in a manner consistent with regulations promulgated by the department.~~

§ 2380.4. Issuance.

[The] (a) Inspection.--The department shall inspect the premises of and investigate each applicant. An inspection under this subsection may be made by the department or an agent of the department, including a licensed doctor of veterinary medicine accredited by the department.

(b) Issuance.--Subject to subsection (c)(3), the department shall issue a license if it determines, after inspection of the premises and investigation of the applicant, all of the following:

(1) The premises, including fences, buildings, equipment and sanitary conditions, comply with this subchapter and regulations of the department under this subchapter.

(2) The applicant [can] is able to conduct a Cervidae livestock operation in compliance with this subchapter and regulations of the department under this subchapter.

(c) Provisional license.--

(1) A Cervidae livestock operation which is in operation on the effective date of this subsection but which was not, prior to the effective date of this subsection, subject to licensure shall be granted a provisional license in the appropriate classification.

(2) Within one year of the effective date of this subsection, the department shall, for each provisional licensee:

(i) perform the investigation and inspection under this section; and

(ii) either issue a license or deny the application.

(3) If the department does not comply with the time requirement under paragraph (2) for a provisional license, a license shall be deemed to be issued.

§ 2380.5. Renewal.

(a) Term.--A license is valid for a period of [one year] two years from the date of:

(1) issuance under section 2380.4(b) (relating to issuance); or

(2) deemed issuance under section 2380.4(c)(3).

(b) Determination.--A license [may] shall be renewed upon application if the department determines all of the following:

(1) The licensee has not been cited for a violation of

1 this subchapter or a regulation of the department under this
2 subchapter.

3 (2) There is no reason to believe that the licensee
4 [cannot] is unable to conduct a Cervidae livestock operation
5 in compliance with this subchapter and regulations of the
6 department under this subchapter.

7 § 2380.6. Keeping and handling of cervids.

8 (a) Pens[, shelters] and enclosures.--The department shall
9 adopt regulations concerning the type [and size] of pens[,
10 shelters] and enclosures used for Cervidae livestock operations.

11 ~~Regulations shall ensure [that pens, shelters or enclosures] all~~ <—
12 ~~of the following:~~

13 ~~(1) The fenced enclosure used to hold cervids [are no~~
14 ~~less than] is at a height not exceeding ten feet from the~~
15 ~~ground to the top, surrounding the outside perimeter of the~~
16 ~~operation, and is designed to protect the public and confine~~
17 ~~the privately owned cervids.~~ REGULATIONS SHALL ENSURE [THAT <—

18 PENS, SHELTERS OR ENCLOSURES USED TO HOLD CERVIDS ARE NO
19 LESS] ALL OF THE FOLLOWING APPLY:

20 (1) THE FENCED ENCLOSURE SURROUNDS THE OUTSIDE PERIMETER
21 OF THE OPERATION AND IS DESIGNED TO PROTECT THE PUBLIC AND
22 CONFINE THE PRIVATELY OWNED CERVIDS. REGULATIONS UNDER THIS
23 PARAGRAPH MAY REQUIRE A FENCE HEIGHT OF NOT GREATER THAN TEN
24 FEET FROM THE GROUND TO THE TOP[,].

25 (2) The premises is adequate to provide for the health
26 and comfort of the cervids [and be designed to protect the
27 public, confine the cervids and exclude the entity of wild
28 cervids].

29 * * *

30 (C) LIVE CERVIDAE.--CERVIDS MAY BE BROUGHT ONTO THE PREMISES <—

1 THROUGH INTERSTATE OR INTRASTATE COMMERCE AND MAY BE REMOVED
2 FROM THE PREMISES OR RELOCATED TO ANOTHER PREMISES IN A MANNER
3 CONSISTENT WITH THIS CHAPTER AND REGULATIONS PROMULGATED BY THE
4 DEPARTMENT. ON DELIVERY OF A LIVE CERVID, THE CERVIDAE LIVESTOCK
5 OPERATION SHALL PREPARE AND DELIVER TO THE SHIPPER, PURCHASER OR
6 CONSIGNEE A RECEIPT, DETAILED INVOICE OR CONSIGNMENT DOCUMENT
7 INCLUDING THE DATE, NAME AND ADDRESS OF PURCHASER OR PERSON TO
8 WHOM SOLD OR CONSIGNED, THE QUANTITY, SEX AND SPECIES OF THE
9 CERVID AND THE NAME AND ADDRESS OF THE CERVIDAE LIVESTOCK
10 OPERATION.

11 (d) Dead Cervidae.--CERVIDS AND CERVID PRODUCTS MAY BE <—
12 REMOVED FROM THE PREMISES OR RELOCATED TO ANOTHER PREMISES IN A
13 MANNER CONSISTENT WITH THIS CHAPTER AND REGULATIONS PROMULGATED
14 BY THE DEPARTMENT. Prior to delivery and removal from the
15 Cervidae livestock operation premises, the Cervidae livestock
16 operation shall place the dead cervid or part of a cervid in a
17 package or container or shall attach a label to it. The package,
18 container or label shall have printed upon it the name, address
19 and telephone number of the Cervidae livestock operation who
20 produced the cervid. The Cervidae livestock operation shall also
21 issue a receipt, detailed invoice or consignment document
22 including the date of shipment or sale, the name of the shipper,
23 purchaser or consignee, the quantity and sex and species of the
24 cervid so shipped or sold and the name and address and [permit]
25 license number of the Cervidae livestock operation shipping,
26 consigning or selling cervids. A dead cervid produced under the
27 authority of the Cervidae livestock operation may not be removed
28 from its package or container or have removed from it the label
29 provided for in this subsection until final consumption or
30 disposal.

1 * * *

2 § 2380.9. Game and Wildlife Code and regulations.

3 [This subchapter supersedes any contrary provision in 34
4 Pa.C.S. (relating to game).] (a) Code.--The provisions of 34
5 Pa.C.S. (relating to game) are repealed insofar as they are
6 inconsistent with this subchapter.

7 (b) Regulations.--

8 (1) The provisions of 58 Pa. Code Pt. III (relating to
9 Game Commission) are abrogated insofar as they are
10 inconsistent with this subchapter.

11 (2) Notwithstanding any other provision of law, the
12 Pennsylvania Game Commission has no authority to promulgate
13 regulations on Cervidae livestock operations.

14 ~~Section 5. This act shall take effect as follows:~~ <—

15 ~~(1) The amendment of 3 Pa.C.S. § 2380.2 shall take~~
16 ~~effect in 120 days.~~

17 ~~(2) The remainder of this act shall take effect~~
18 ~~immediately.~~

19 SECTION 4. THIS ACT SHALL TAKE EFFECT IN 60 DAYS. <—