

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1051 Session of
2011

INTRODUCED BY STABACK, CALTAGIRONE, CARROLL, COHEN, J. EVANS,
HARKINS, HORNAMAN, JOSEPHS, KAVULICH, W. KELLER, KIRKLAND,
MURT, O'NEILL, K. SMITH AND J. TAYLOR, MARCH 14, 2011

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MARCH 14, 2011

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, in preliminary provisions, further providing for
3 definitions; in game or wildlife protection, further
4 providing for unlawful importation of game or wildlife; in
5 special licenses and permits, further providing for
6 definitions; providing for wildlife classification; further
7 providing for exotic wildlife dealer permit; providing for
8 wildlife possession prohibited; and further providing for
9 exotic wildlife possession permit, for menagerie permit and
10 for exclusions.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. The definitions of "bird," "furbearers," "game,"
14 "game animals," "small game," "wild animals," "wild birds" and
15 "wildlife" in section 102 of Title 34 of the Pennsylvania
16 Consolidated Statutes are amended and the section is amended by
17 adding definitions to read:

18 § 102. Definitions.

19 Subject to additional definitions contained in subsequent
20 provisions of this title which are applicable to specific
21 provisions of this title, the following words and phrases when

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

* * *

["Bird." A member of the class Aves, including any part, product, egg or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.]

* * *

"Exotic wildlife." Includes all nonindigenous wild birds and wild animals not otherwise defined as a game bird or game animal, including, but not limited to, bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves, nonhuman primates and any crossbreed of these animals which have similar characteristics in appearance or features. The definition is applicable whether or not the birds or animals are bred or reared in captivity or imported from another state or nation.

* * *

"Furbearers." Unless otherwise modified by regulation of the commission, the term includes the badger, the fisher, the mink, the muskrat, the opossum, the otter, the pine marten, the striped and spotted skunk, the beaver, the raccoon, all weasels, the red and gray fox, the coyote and the bobcat.

"Game." Includes ["game animals," "game birds"] all game animals, game birds and any facsimile thereof.

"Game animals." [Unless otherwise modified by regulation of the commission, the term includes the elk, the whitetail deer, the bear, the cottontail rabbit, the snowshoe hare, the red, gray and fox squirrel and the groundhog or woodchuck] Includes all wild birds and wild animals defined or listed as big game, small game and furbearers.

1 * * *

2 "Migratory birds." All migratory birds as defined in 50 CFR
3 (relating to wildlife and fisheries) by the United States Fish
4 and Wildlife Service of the Department of the Interior.

5 * * *

6 "Protected animals." All wild animals not included within
7 the term game animals.

8 * * *

9 "Small game." [All species of game birds and game animals
10 not classed as big game] Unless otherwise modified by regulation
11 of the commission, includes the cottontail rabbit, the snowshoe
12 hare, the red, gray and fox squirrel, the groundhog or woodchuck
13 and all game birds other than the wild turkey.

14 * * *

15 "Wild animals." All mammals other than domestic animals as
16 defined in 1 Pa.C.S. § 1991 (relating to definitions), including
17 all game animals and all protected animals.

18 "Wild birds." [All migratory birds as defined in 50 CFR by
19 the United States Fish and Wildlife Service of the Department of
20 the Interior, game birds and any other birds designated by the
21 commission, including, but not limited to, grouse, partridge,
22 pheasant, quail and wild turkey] Except as otherwise provided by
23 law, all members of the class Aves, including all game birds,
24 migratory birds and all protected birds.

25 "Wildlife." [Wild] All wild birds, wild [mammals] animals
26 and facsimiles thereof, regardless of classification, whether
27 protected or unprotected, including any part, product, egg or
28 offspring thereof, or the dead body or parts thereof (excluding
29 fossils), whether or not included.

30 Section 2. Section 2163(d) of Title 34 is amended and the

1 section is amended by adding subsections to read:

2 § 2163. Unlawful importation of game or wildlife.

3 * * *

4 (b.1) Class I and II wildlife.--It is unlawful to import any
5 wildlife classified as Class I or II wildlife under section
6 2961.1 (relating to wildlife classification) into this
7 Commonwealth for any purpose except as expressly authorized or
8 exempted in sections 2964 (relating to menagerie permits) and
9 2965 (relating to exclusions).

10 (b.2) Class III wildlife.--Except as otherwise provided by
11 law or by regulation of the commission, it is lawful to import
12 any wildlife classified as Class III under section 2961.1 into
13 this Commonwealth for any purpose with or without a permit
14 issued pursuant to this title.

15 * * *

16 (d) Contraband.--Any game or wildlife or egg possessed by
17 any person contrary to this section is contraband. In addition
18 to any other penalty otherwise provided by this title or law,
19 the director may order the disposal of any wildlife held for any
20 violation of this section.

21 Section 3. Section 2961 of Title 34 is repealed:

22 [§ 2961. Definitions.

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

26 "Educational purposes." Displays by or for public or private
27 schools, sportsmen's organizations, youth organizations, civic
28 associations, conservation camps and school or any other
29 organization deemed appropriate by the commission.

30 "Exotic wildlife." The phrase includes, but is not limited

1 to, all bears, coyotes, lions, tigers, leopards, jaguars,
2 cheetahs, cougars, wolves and any crossbreed of these animals
3 which have similar characteristics in appearance or features.
4 The definition is applicable whether or not the birds or animals
5 were bred or reared in captivity or imported from another state
6 or nation.

7 "Exotic wildlife dealer." Any person who imports into this
8 Commonwealth, possesses, buys, sells, locates or finds for a
9 fee, barter, donates, gives away or otherwise disposes of more
10 than one bird or one animal classified as exotic wildlife by
11 this subchapter.

12 "Menagerie." Any place where one or more wild birds or wild
13 animals, or one or more birds or animals which have similar
14 characteristics and appearance to birds or animals wild by
15 nature, are kept in captivity for the evident purpose of
16 exhibition with or without charge.]

17 Section 4. Title 34 is amended by adding a section to read:
18 § 2961.1. Wildlife classification.

19 (a) Class I.--Except as otherwise provided by law or by
20 regulation of the commission, the following species of wildlife
21 or any crossbreeds thereof shall be classified as Class I
22 wildlife:

23 (1) (i) Any member of the family *Felidae* (Cats).
24 (ii) Subparagraph (i) shall not be construed to
25 include domestic cats (*Felis catus*), including all breeds
26 of cat recognized by the American Cat Fanciers
27 Association or any crossbreeds of species recognized by
28 the American Cat Fanciers Association. This exclusion
29 shall not extend to any crossbreeds between domestic cats
30 and any other member of the family *Felidae*.

1 (2) (i) Any member of the family *Canidae* (Dogs).

2 (ii) Subparagraph (i) shall not be construed to
3 include domestic dogs (*Canis lupus familiaris*), including
4 all breeds of dog recognized by the American Kennel Club
5 or any crossbreeds of breeds recognized by the American
6 Kennel Club. This exclusion shall not extend to any
7 crossbreeds between domestic dogs and any other member of
8 the family *Canidae*.

9 (3) Any member of the family *Ursidae* (Bears).

10 (4) Any member of the family *Hyaenidae* (Hyenas).

11 (5) Any member of the family *Otariidae* (Eared seals).

12 (6) Any member of the family *Odobenidae* (Walruses).

13 (7) Any member of the family *Phocidea* (True Seals).

14 (8) Any member of the order *Cetacea* (Whales, Porpoises
15 and Dolphins).

16 (9) Any member of the order *Sirenia* (Manatees and
17 Dugongs).

18 (10) Any member of the order *Primates* (Lemurs, Monkeys
19 and Apes).

20 (11) Any member of the family *Elephantidae* (Elephants).

21 (12) Any member of the family *Rhinocerotidae*
22 (Rhinoceroses).

23 (13) (i) Any member of the family *Suidae* (Wild Pigs and
24 Boars).

25 (ii) Subparagraph (i) shall not be construed to include
26 domestic pigs (*Sus scrofa domestica*), including all breeds of
27 pig recognized by the National Swine Registry or any
28 crossbreeds of breeds recognized by the National Swine
29 Registry. This exclusion shall not extend to any crossbreeds
30 between domestic pigs and any other member of the family

Suidae.

(14) Any member of the family Tayassuidae (Peccaries).

(15) Any member of the family Hippopotamidae
(Hippopotamuses).

(16) Any member of the family Myocastoridae (Coypus or
Nutrias).

(17) Any member of the families Macropodidae and
Hypsiprymodontidae (Kangaroos and Wallabies).

(18) Any member of the species Myiopsitts monachus (Monk
Parakeets).

(19) Any other species designated by regulation of the
commission.

(b) Class II.--Except as otherwise provided by law or by
regulation of the commission, the following species of wildlife
or any crossbreeds thereof shall be classified as Class II
wildlife:

(1) Any member of the family Procyonidae (Raccoons,
Kinkajous and Red Pandas).

(2) (i) Any member of the family Mustelidae (Weasels).

(ii) Subparagraph (i) shall not be construed to
include any member of the species Mustela furo (Domestic
Ferrets).

(3) Any member of the family Mephitidae (Skunks).

(4) Any member of the family Viverridae (Civets and
Genets).

(5) Any member of the family Herpestidae (Mongooses).

(6) Any member of the family Tupaiidae (Tree Shrews).

(7) Any member of the family Cynocephalidae (Colugo).

(8) Any member of the family Procaviidae (Hyraxes).

(9) Any member of the family Orycteropodidae

1 (Aardvarks).

2 (10) Any member of the family *Tapiridae* (Tapirs).

3 (11) Any member of the family *Tragulidae* (Chevrotains).

4 (12) Any member of the family *Moschidae* (Musk deer).

5 (13) Any member of the family *Giraffidae* (Giraffe and
6 Okapi).

7 (14) Any member of the family *Antilocapridae*
8 (Pronghorn).

9 (15) Any member of the family *Castoridae* (Beavers).

10 (16) Any member of the family *Aplodontidae* (Mountain
11 Beaver).

12 (17) Any member of the family *Sciuridae* (Squirrels).

13 (18) Any member of the family *Pedetidae* (Springhare).

14 (19) Any member of the family *Myoxidae* (Dormice).

15 (20) Any member of the family *Dipodidae* (Jumping Mice,
16 Birchmice and Jerboas).

17 (21) Any member of the family *Geomyidae* (Pocket
18 Gophers).

19 (22) Any member of the family *Heteromyidae* (Pocket Mice
20 and Kangaroo Rats).

21 (23) Any member of the family *Erethizontidae* (New World
22 Porcupines).

23 (24) (i) Any member of the family *Caviidae* (Cavies).

24 (ii) Subparagraph (i) shall not be construed to
25 include any member of the species *Cavia porcellus*
26 (Domestic Guinea Pigs).

27 (25) Any member of the family *Hydrochaeridae* (Capybara).

28 (26) Any member of the family *Petromyidae* (Dassie Rats).

29 (27) Any member of the family *Thryonomyidae* (Cane Rats).

30 (28) Any member of the family *Dinomyidae* (Pacarana).

- 1 (29) Any member of the family *Dasyproctidae* (Agoutis and
2 *Acouchis*).
- 3 (30) Any member of the family *Agoutidae* (Pacas).
- 4 (31) Any member of the family *Ctenomyidae* (Tuco-tucos).
- 5 (32) Any member of the family *Octodontidae* (Degus or
6 *Octodonts*).
- 7 (33) Any member of the family *Abrocomidae* (Chinchilla
8 *Rats*).
- 9 (34) Any member of the family *Echimyidae* (Spiny Rats).
- 10 (35) Any member of the family *Capromyidae* (Hutias).
- 11 (36) Any member of the family *Hystriidae* (Old World
12 *Porcupines*).
- 13 (37) Any member of the family *Ctenodactylidae* (Gundis).
- 14 (38) Any member of the family *Bathyergidae* (African
15 *Mole-rats*).
- 16 (40) Any member of the family *Ochotonidae* (Pikas).
- 17 (41) Any member of the family *Macroscelididae* (Elephant
18 *Shrews or Sengis*).
- 19 (42) Any member of the family *Tenrecidae* (Tenrecs).
- 20 (43) Any member of the family *Solenodontidae*
21 *(Solenodons)*.
- 22 (44) Any member of the family *Soricidae* (Shrews).
- 23 (45) Any member of the family *Chrysochloridae* (Golden
24 *Moles*).
- 25 (46) Any member of the family *Talpidae* (Moles and
26 *Desmans*).
- 27 (47) Any member of the order *Chiroptera* (Bats).
- 28 (48) Any member of the family *Myrmecophagidae*
29 *(Anteaters)*.
- 30 (49) Any member of the families *Megalonychidae* and

1 Bradypodidae (Sloths).

2 (50) Any member of the family Dasypodidae (Armadillos).

3 (51) Any member of the family Manidae (Pangolins).

4 (52) Any member of the family Didelphidae (American
5 Opossums).

6 (53) Any member of the family Caenolestidae (Shrew or
7 Rat Opossums).

8 (54) Any member of the family Dasyuridae (Quolls,
9 Dunnarts and Marsupial Mice).

10 (55) Any member of the family Myrmecobiidae (Numbat).

11 (56) Any member of the family Notoryctidae (Marsupial
12 Moles).

13 (57) Any member of the families Peramelidae and
14 Peroryctidae (Bandicoots).

15 (58) Any member of the family Phalangeridae (Cuscuses
16 and Brushtails).

17 (59) Any member of the family Burramyidae (Pygmy
18 Possums).

19 (60) Any member of the family Acrobatidae (Feathertail
20 Possums and Gliders).

21 (61) Any member of the family Pseudocheiridae (Ringtail
22 Possums).

23 (62) Any member of the family Hypsiprymnodontidae (Musky
24 Rat Kangaroos).

25 (63) Any member of the family Phascolarctidae (Koalas).

26 (64) Any member of the family Vombatidae (Wombats).

27 (65) Any member of the family Tarsipedidae (Honey
28 Possums).

29 (66) Any member of the family Ornithorhynchidae
30 (Platypuses).

1 (67) Any member of the family *Tachyglossidae* (Echidnas).

2 (68) Any other species designated by regulation of the
3 commission or not otherwise listed or captured by the
4 classifications provided in subsections (a) and (c).

5 (c) Class III.--Except as otherwise provided by law or by
6 regulation of the commission, the following species of wildlife
7 or any crossbreeds thereof shall be classified as Class III
8 wildlife:

9 (1) Any member of the species *Mustela furo* (Domestic
10 Ferrets).

11 (2) Any member of the family *Equidae* (Horses, Asses and
12 Zebras).

13 (3) Any member of the family *Camelidae* (Camels, Alpacas
14 and Llamas).

15 (4) Any member of the family *Cervidae* (Deer, Moose and
16 Elk).

17 (5) Any member of the family *Bovidae* (Wild Cattle and
18 Spiral-horned Antelopes).

19 (6) Any member of the family *Muridae* (Rats and Mice).

20 (7) Any member of the species *Cavia porcellus* (Domestic
21 Guinea Pigs).

22 (8) Any member of the family *Chinchillidae* (Chinchillas
23 and Viscachas).

24 (9) Any member of the family *Leporidae* (Rabbits and
25 Hares).

26 (10) Any member of the family *Erinaceidae* (Hedgehogs and
27 Moonrats).

28 (11) Any member of the family *Petauridae* (Gliders and
29 Striped Possums).

30 (12) (i) Any member of the class *Aves* (Birds).

1 (ii) Subparagraph (i) shall not be construed to
2 include the species Myiopsitts monachus (Monk Parakeets).
3 (13) Any other species designated by regulation of the
4 commission.

5 Section 5. Section 2962 of Title 34 is repealed:

6 [§ 2962. Exotic wildlife dealer permits.

7 (a) Authorization.--The commission may issue a permit to a
8 person to act as an exotic wildlife dealer. The permit shall
9 authorize the holder to import into this Commonwealth, possess,
10 buy, sell, locate or find for a fee, barter, donate, give away
11 or otherwise dispose of exotic wildlife. A dealer or third
12 person who arranges any trades, sales or purchases set forth in
13 section 2965 (relating to exclusions) for any type of a fee,
14 reimbursement or commission shall be required to have an exotic
15 wildlife dealer's permit.

16 (b) Shelter, care and protection.--No permit shall be
17 granted by the commission until it is satisfied that the
18 provisions for housing and caring for the exotic wildlife and
19 protection for the public are proper and adequate and in
20 accordance with the standards which may be established by
21 regulations adopted by the commission.

22 (c) Unlawful acts.--It is unlawful for any person to:

23 (1) Import into this Commonwealth, possess, buy, sell,
24 locate or find for a fee, barter, donate, give away or
25 otherwise dispose of more than one bird or one animal
26 classified as exotic wildlife in any calendar year without
27 first securing a permit issued under this section.

28 (2) Release exotic wildlife into the wild.

29 (3) Fail to exercise due care in safeguarding the public
30 from attack by exotic wildlife.

1 (4) Recklessly engage in conduct which places or may
2 place another person in danger of attack by exotic wildlife.

3 (d) Penalty.--

4 (1) A violation of this section relating to permits or
5 regulations adopted thereunder is a summary offense of the
6 first degree.

7 (2) Any other violation of this section is a summary
8 offense of the sixth degree.

9 (3) Each day of violation shall constitute a separate
10 offense, but, under no circumstances, shall the accumulated
11 penalty for purposes of a field receipt exceed \$500. There
12 shall be no limit on any accumulated penalty a court may
13 assess.

14 (e) Discretion of director.--In addition to the penalties
15 provided, the director may, for any violation of this section or
16 the rules and regulations thereunder, revoke or suspend any
17 permit and order the disposal of any exotic wildlife held.]

18 Section 6. Title 34 is amended by adding a section to read:

19 § 2962.1. Wildlife possession prohibited.

20 (a) Class I and II.--It is unlawful to acquire, possess,
21 control or dispose of any wildlife classified as Class I or
22 Class II wildlife within this Commonwealth except as expressly
23 authorized or exempted in sections 2964 (relating to menagerie
24 permits) and 2965 (relating to exclusions).

25 (b) Class III.--Except as otherwise provided by law or by
26 regulation of the commission, it is lawful to acquire, possess,
27 control or dispose of any wildlife classified as Class III
28 wildlife within this Commonwealth with or without a permit
29 issued pursuant to this chapter.

30 (c) Penalty.--A violation of this section relating to Class

I wildlife is a summary offense of the first degree. Any other violation is a summary offense of the fifth degree. Each day and each bird, egg or animal shall constitute a separate offense.

(d) Discretion of director.--In addition to any other penalties provided, by this title or law, the director may order the disposal of any wildlife held for any violation of this section.

Section 7. Section 2963 of Title 34 is repealed:

[§ 2963. Exotic wildlife possession permits.

(a) Authorization.--The commission may issue permits to persons to possess exotic wildlife which shall authorize the holder to purchase, receive or possess exotic wildlife from any lawful source from within or without this Commonwealth.

(b) Shelter, care and protection.--No permit provided for in this section shall be granted until the commission is satisfied that the provisions for housing and caring for such exotic wildlife and for protecting the public are proper and adequate and in accordance with the standards established by the commission.

(c) Unlawful acts.--It is unlawful for any person to:

(1) Possess, purchase or receive exotic wildlife, without first securing a permit to possess exotic wildlife issued under this section or regulations pertaining to this section.

(2) Release exotic wildlife into the wild.

(3) Fail to exercise due care in safeguarding the public from attack by exotic wildlife.

(4) Recklessly engage in conduct which places or may place another person in danger of attack by exotic wildlife.

(d) Penalty.--

1 (1) A violation of this section relating to permits is a
2 summary offense of the third degree.

3 (2) Any other violation of this section is a summary
4 offense of the fifth degree.

5 (3) Each day of violation shall constitute a separate
6 offense, but under no circumstances shall the accumulated
7 penalty for purposes of a field receipt exceed \$300. There
8 shall be no limit on any accumulated penalty a court may
9 assess.

10 (e) Discretion of director.--In addition to the penalties
11 provided, the director may, for any violation of this section,
12 revoke or suspend any permit and order the disposal of any
13 exotic wildlife held.]

14 Section 8. Sections 2964 and 2965 of Title 34 are amended to
15 read:

16 § 2964. Menagerie permits.

17 (a) Authorization.--

18 (1) The commission may issue permits for the
19 establishment and operation of menageries within this
20 Commonwealth. The permit generally authorizes the holder to
21 possess both native and exotic wildlife for the explicit
22 purpose of public display or exhibition, with or without
23 charge.

24 (2) Class I. Except as otherwise authorized by
25 subsection (d), this permit does not authorize the holder to
26 possess, display, exhibit or dispose of Class I wildlife.

27 (3) Class II. This permit is required to possess,
28 display or exhibit, buy, sell, locate or find for a fee,
29 barter, donate, give away or otherwise dispose of Class II
30 wildlife.

1 (4) Class III. This permit is required only where Class
2 III wildlife is displayed or exhibited to the public.

3 (b) Shelter, care and protection.--[Prior to the issuance of
4 any permits, the commission shall adopt regulations for the
5 housing, care, treatment, feeding, sanitation, purchase and
6 disposal of wild birds and wild animals kept in menageries and
7 for the protection of the public from such birds or animals. The
8 commission after issuing the permit shall enforce such

9 regulations.] Native or exotic wildlife possessed pursuant to
10 the authorizations of this chapter shall be maintained in
11 accordance with regulations promulgated by the commission
12 establishing minimum standards of shelter, care and protection.
13 These standards shall include minimum standards designed to
14 protect the public from the native or exotic wildlife. All
15 conditions are subject to the initial and ongoing approval of
16 the commission. Any required modifications shall be completed
17 within 30 days of notice of deficiency.

18 (b.1) Training and experience.--Initial applicants and
19 current permittees must provide documentation evidencing a
20 minimum of two years of substantive and meaningful training and
21 experience working with each new species of native or exotic
22 wildlife they intend to acquire prior to actual attainment. The
23 training and experience must include familiarity with the care,
24 feeding, handling, training and husbandry of the designated
25 species.

26 (b.2) Wildlife sanctuaries.--The commission may, at its sole
27 discretion, designate a menagerie facility as a wildlife
28 sanctuary and authorize it to operate as a place of refuge and
29 provide temporary or lifetime shelter, care and protection for
30 abused, neglected, unwanted, impounded, abandoned, orphaned or

1 displaced Class I wildlife.

2 (b.3) Federal and local authorization required.--The initial
3 and continuing validity of any permit issued pursuant to this
4 section shall be conditioned upon the acquisition and
5 maintenance of any applicable Federal and local permits or
6 licenses governing any activity authorized by this section.

7 (c) Unlawful acts.--It is unlawful to:

8 [(1) Keep any wild bird or wild animal in captivity for
9 public exhibition, or to have any wild bird or wild animal in
10 custody or control for such purpose, without first securing a
11 permit issued by the commission.

12 (2) Violate any of the provisions of this section or to
13 release any bird or animal into the wild.

14 (3) Fail to exercise due care in safeguarding the public
15 from attack by exotic wildlife.

16 (4) Recklessly engage in conduct which places or may
17 place another person in danger of attack by exotic wildlife.]

18 (1) Release Class I, II or III wildlife from captivity
19 into the wild.

20 (2) Fail to exercise due care in safeguarding the public
21 from attack by Class I, II or III wildlife or to recklessly
22 engage in conduct which places or may place another person in
23 danger of attack by Class I, II or III wildlife.

24 (3) Violate any other provision of this section.

25 (d) Penalty.--

26 [(1) A violation of this section relating to permits or
27 regulations adopted thereunder is a summary offense of the
28 second degree.

29 (2) Any other violation of this section is a summary
30 offense of the seventh degree.

1 (3) Each day of violation shall constitute a separate
2 offense, but, under no circumstances, shall the accumulated
3 penalty for purposes of a field receipt exceed \$300. There
4 shall be no limit on any accumulated penalty a court may
5 assess.]

6 (1) A violation of subsection (c)(1) or (2) is a summary
7 offense of the first degree.

8 (2) Any other violation of this section is a summary
9 offense of the fifth degree.

10 (3) Each day and each bird, egg or animal shall
11 constitute a separate offense.

12 (e) Discretion of director.--In addition to the penalties
13 provided, the director may[, for any violation of this section]
14 deny, revoke or suspend any permit and order the disposal of any
15 wildlife held [in the menagerie] for any violation of this
16 section.

17 § 2965. Exclusions.

18 (a) General rule.--The provisions of sections 2163 (relating
19 to unlawful importation of game or wildlife), 2930 (relating to
20 propagating permits), [2962(a) (relating to exotic wildlife
21 dealer permits), 2963(a) (relating to exotic wildlife possession
22 permits)] 2962.1 (relating to wildlife possession prohibited)
23 and 2964(a) (relating to menagerie permits) shall not be
24 construed apply to any:

25 (1) Public zoological garden which receives government
26 grants or appropriations.

27 (2) Private zoological park or garden which is open to
28 the public and is accredited by the American Association of
29 Zoological Parks and Aquariums.

30 (3) Nationally recognized circus.

1 (4) Federal wildlife research facilities or wildlife
2 research facilities registered with the Federal Government
3 under the Animal Welfare Act (Public Law 89-544, 7 U.S.C. §
4 2131 et seq.).

5 (5) (i) Class I, II or III wildlife lawfully possessed
6 by a person prior to January 1, 2011.

7 (ii) Subparagraph (i) shall not be construed to
8 extend to any young born after January 1, 2012, from
9 otherwise excluded wildlife and shall only authorize the
10 continued possession of such wildlife.

11 (iii) Subparagraph (i) shall only authorize the
12 continued possession of such wildlife and shall not
13 authorize further acquisition, display, exhibition or
14 disposal of any wildlife, except as may be provided in
15 this title.

16 (6) Class I, II or III wildlife temporarily transported
17 through this Commonwealth if all of the following apply:

18 (i) The transit time through this Commonwealth is
19 less than 96 hours.

20 (ii) The wildlife is not displayed or exhibited in
21 this Commonwealth.

22 (iii) The wildlife is continuously confined in a
23 container that is of sufficient strength to prevent the
24 animal from escaping or coming into contact with the
25 public.

26 [(b) Specific exclusion for exotic wildlife dealer
27 permits.--The provisions of section 2962(a) shall not apply to
28 any individual, partnership, association or corporation which
29 holds a permit issued pursuant to section 2964, providing the
30 purchase or sale of exotic wildlife or other authorized

1 transaction is conducted for the sole purpose of maintaining
2 stock for the menagerie.]

3 Section 9. This act shall take effect in 60 days.