

No. 1981-132

AN ACT

HB 1419

Amending the act of June 3, 1937 (P.L.1225, No.316), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for the sale of inedible parts of game.

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

Section 1. Section 716, act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law," amended April 14, 1976 (P.L.109, No.47), is amended to read:

Section 716. *Buying and Selling Game and Certain Parts.*—
(a) Except as otherwise provided by this act, it is unlawful for any person, at any time, to buy, sell, or barter, or offer for sale or barter, or have in possession for sale or barter, any game[, or parts thereof, no matter where such game has been killed, excepting deer or rabbits killed in another state or nation, or the skins of raccoons and the skins of bears, no matter where killed, and other game legally killed and imported from another state or nation when tagged as herein required.

Except as otherwise provided by this act, it is unlawful for any person, at any time, to sell or barter, or offer for sale or barter, any species of game, or parts thereof, protected by this act or similar thereto, imported either dead or alive from another state or nation, except deer or rabbits, unless the carton containing such birds or animals, or the individual carcasses, shall have attached a tag identifying the birds or animals in plain English, and giving the state or nation from which originally shipped. Before any such game may be offered for sale, there shall first have been attached to each bird or animal, by a representative of the commission, a metal seal, the cost of which is hereby fixed at five cents, which seal shall remain attached until the carcass is prepared, or finally cut up, for consumption.

Nothing in this section shall be construed to prevent the purchase or sale of game raised under authority of a propagating permit in this Commonwealth and properly tagged; or the sale of live raccoons by the trapper who legally caught the same within this Commonwealth who shall be known as the first party, to any person within the Commonwealth who shall be known as the second party and who shall be required to possess a current resident hunter's license legally issued to him, for the sole purpose of the second party to release such purchased raccoons into a wild state within this Commonwealth for restocking purposes only. The second party shall be required to release all such purchased raccoons into the wild within a period of not more than ten days from the date of purchase from the first party. It shall be unlawful for the second party to

sell or barter, or have in possession for sale or barter, any raccoon purchased from the first party under any circumstances, or for any person to sell, or offer for sale, any raccoon, living or dead, which was taken in this Commonwealth for any other purpose other than as provided herein; or the purchase or sale, or introduction into this State, at any time, of live birds or animals for propagation, liberation, or for any other purpose that has been inspected and legally passed in accordance with the conditions hereinafter stipulated; or to prevent, at any time, the sale within the State, or the shipment out of the State, without a license of any kind, of any animal raised in captivity and not found in a wild state in this Commonwealth; or the purchase or sale of the tanned, cured, or mounted heads or skins, or parts thereof, of any game not killed in a wild state in this Commonwealth, or the sale or purchase of deer hides or any part thereof from animals lawfully killed, if such hides are disposed of by the original owner within ninety days after the close of the previous open season, but this provision shall not be construed to permit any individual or agency other than the commission to sell the skins of deer killed as a protection to crops.] *taken from a wild state within the Commonwealth or the progeny or the edible flesh of any such game. The edible flesh of game shall mean that portion which is normally eaten by humans as food. Dead raccoons lawfully taken during the open season may be sold unskinned to any person lawfully authorized to purchase raw furs in the Commonwealth for the sole purpose of skinning such animals to obtain the pelts therefrom. It shall be unlawful to sell or barter, or offer for sale or barter, the skinned carcasses or flesh of such raccoons under any circumstances.*

(b) Parts of game lawfully taken during the open hunting season, other than the edible flesh of game and parts of migratory game birds, may be sold by the person who legally killed such game providing that such edible flesh is totally removed from such part or parts and such part or parts are sold within ninety (90) days following the close of the hunting season in which such species was taken. Parts of migratory game birds may be sold only in accordance with provisions of Federal law.

(c) It shall be unlawful for any person other than the commission, to sell any part of any game bird or game animal killed as a protection to crops.

(d) Any person who barter or sells any part or parts of game of which the edible flesh has not been totally removed, or barter or sells any part or parts of game contrary to the provisions of this section, shall be construed as selling game and subject such person to the penalties provided in this act for bartering or selling game.

(e) Nothing in this section shall be construed to prohibit any person at any time from possessing or buying or selling game or parts thereof legally taken or obtained from another state or nation: Provided, however, such person shall immediately, upon inquiry from any officer authorized to enforce this act, inform the officer to his satisfaction where such game or parts thereof were taken or acquired. In case any person

shall fail or refuse to immediately inform such officer to his satisfaction, where such game or parts thereof were taken or acquired, such game shall be construed to have been taken in this Commonwealth and such person shall be subject to the penalties provided for in this act for the illegal possession, buying, bartering or selling as the case may be.

Section 2. This act shall take effect immediately.

APPROVED—The 25th day of November, A. D. 1981.

DICK THORNBURGH