

No. 1996-100

AN ACT

SB 1432

Amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to domestic animals; providing for the protection and assurance of animal health; providing for the safety and quality of foods of animal origin; providing for the prevention and control of animal diseases that may threaten human health; providing for research, diagnostic and epidemiologic investigation of animal diseases; providing for indemnification of industry losses stemming from Department of Agriculture regulatory action; providing for the promotion of desirable management practices for production, keeping and use of domestic animals; imposing penalties; providing for remedies; imposing powers and duties on the Department of Agriculture; and making repeals.

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

Section 1. Title 3 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 23
DOMESTIC ANIMALS

Subchapter

- 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 of chapter.
- 2302. Finding, policy and purpose.
- 2303. Definitions.
- 2304. Diagnostic services and research.
- 2305. Keeping and handling of domestic animals.

§ 2301. Short title of chapter.

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.

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

“Agent.” A person, firm, association, partnership or corporation buying or receiving or soliciting or negotiating the sale of domestic animals for or on behalf of any dealer or transporting domestic animals on behalf of any hauler.

“Animal.” A living nonhuman organism having sensation and the power of voluntary movement and requiring for its existence oxygen and organic food.

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

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

“Area” or “locality.” A geographical district or portion or group thereof.

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

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

“Compost.” The biological digestion of dead domestic animals, animal waste or other biodegradable materials.

“Condemned.” The status of a domestic animal, domestic animal product, conveyance or other article that has been determined by the Department of

Agriculture as having been exposed to a dangerous transmissible disease or a hazardous substance such that destruction of the domestic animal, domestic animal product, conveyance or other article is necessary to prevent the spread of such disease or contamination, and that is subject to a quarantine order issued under this chapter.

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

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

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

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

“Depopulation incentive.” Payment to the owner for a portion of the appraised value of any domestic animal or other property which is voluntarily slaughtered or destroyed with the prior agreement of the Department of Agriculture and in accordance with this chapter, upon the Department of Agriculture’s determination that such action serves to protect public health, the safety or quality of the food supply or the economic well-being of the domestic animal industry. A depopulation incentive may be paid only in situations where the domestic animal or other property has not been condemned.

“Disease.” Any deviation from or interruption of the normal structure of any part, organ or system of the body of a living domestic animal.

“Domestic animal.” An animal maintained in captivity. The term also includes the germ plasm, embryos and fertile ova of such animals.

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

“Domestic animal product.” A part of a domestic animal or any food, material or article containing any part of a domestic animal.

“Exotic disease.” A disease which is not or is no longer native or indigenous to the United States, including those diseases so designated by the United States Department of Agriculture.

“Garbage.” All waste material resulting from the handling, preparation, cooking or consumption of food, except that the term shall not include waste from ordinary household operations which is fed directly to domestic animals on the same premises where the household is located. The term also does not include any waste or residuals from food processing operations.

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

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

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

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

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

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

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

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

“Hazardous substance.” Any element, compound or material which threatens the health of domestic animals or humans.

“Heritable disease.” A domestic animal disease resulting from an inherited flaw in tissue, organ or other body structure.

“Humane method of slaughter.” Either:

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

(2) a method of ritual slaughter.

“Incineration.” The reduction of domestic animals or articles to ashes by burning at temperatures and for durations sufficient to render the material noninfectious.

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

“Interstate” or “international quarantine.” An order of quarantine issued by the Department of Agriculture which may cover any domestic animal or class of domestic animals, or conveyances, goods, products, materials or articles, regulating or forbidding their entry into this Commonwealth from another state, territory of the United States or foreign country.

“Market value.” The current worth of a domestic animal, domestic animal product or other article in markets where such animals, products and other articles are commonly bought and sold.

“Metabolic disease.” A domestic animal disease resulting from a physiological dysfunction of an animal tissue or organ.

“Neoplastic disease.” A domestic animal disease resulting from an uncontrolled and progressive abnormal growth of tissue.

“Owner.” A person owning, possessing or harboring any domestic animal. The term shall also include any person who allows a domestic animal habitually to remain about the premises inhabited, managed or owned by such person.

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

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

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

“Rendering.” The cooking or heating of dead domestic animals or parts of such dead animals until all such cooked or heated material is incapable of transmitting dangerous transmissible disease.

“Ritual slaughter.” A humane method of slaughter which is in accordance with the ritual requirements of the Jewish faith or any other religious faith whereby the domestic animal suffers a loss of consciousness by anoxia or

hypoxia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

“Salvage.” The net proceeds an owner of a domestic animal realizes from the sale of the live domestic animal or the carcass, hide and offal.

“Slaughter.” The killing and processing of domestic animals for food production purposes.

“Slaughterer.” A person regularly engaged in the commercial slaughter of domestic animals.

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

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

“Tattoo.” A permanent identification mark made on the hide of a live domestic animal by inserting pigment into the deep layers of the skin.

“Transmissible disease.” A disease of a domestic animal which can be transferred, reproduced or established in a domestic animal or human by direct or indirect means.

“USDA-APHIS-VS.” The United States Department of Agriculture, Animal Plant Health Inspection Service, Veterinary Services.

§ 2304. Diagnostic services and research.

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

§ 2305. Keeping and handling of domestic animals.

The department shall have authority to regulate the keeping and handling of domestic animals to exclude or contain dangerous transmissible diseases and hazardous substances and to protect the environment. Nothing in this section shall be construed to authorize the department to require vaccination of any animal to prevent or control rabies whenever that animal is exempt from vaccination under the act of December 15, 1986 (P.L.1610, No.181), known as the Rabies Prevention and Control in Domestic Animals and Wildlife Act.

SUBCHAPTER B IDENTIFICATION OF DOMESTIC ANIMALS

Sec.

- 2311. General authority.
- 2312. Adoption of form of identification.
- 2313. Certified copies.
- 2314. Brand, tattoo or other form of identification as proof of ownership.
- 2315. Disputes in custody or ownership.
- 2316. Sale or assignment of form of identification.
- 2317. Violations and penalty.
- 2318. Fees and forfeiture.

§ 2311. General authority.

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

§ 2312. Adoption of form of identification.

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

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

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

(d) Review.—The department shall have the power to examine, approve, accept or reject an application to record a brand, tattoo or other form of identification. Following receipt of the required application, facsimile and fee, the department shall, as promptly as possible, determine whether the form of

identification is of record as that of some other person and whether the form of identification conflicts with or closely resembles that of another person. If neither of these conditions exist, the department shall record the form of identification. If either or both of these conditions exist, the department shall not record the form of identification, but shall instead return the recording fee and facsimile to the applicant.

§ 2313. Certified copies.

(a) Issuance.—If a form of identification is recorded, the department shall furnish its owner with two certified copies of the record of the form of identification. Upon receipt of written evidence of the sale, assignment or transfer of a form of identification, the department shall furnish the new owner with two certified copies of the record of the form of identification. Additional copies may be obtained by the payment of \$15 for each copy. This fee may be changed by the department through regulations.

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

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

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

§ 2315. Disputes in custody or ownership.

Disputes in custody or ownership of domestic animals that bear brands, tattoos or other forms of identification shall be investigated on request by the sheriff of the county where the domestic animals are located. The sheriff may call upon the services of a licensed veterinarian in reading the brands, tattoos or other forms of identification on domestic animals. The cost of the veterinarian's services shall be borne by the person requesting the investigation. The results of the sheriff's investigation shall be a public record and shall be admissible in evidence.

§ 2316. Sale or assignment of form of identification.

Any form of identification recorded pursuant to this subchapter shall be the property of the person causing such record to be made and shall be subject to sale, assignment, transfer, devise and descent as personal property. Instruments of writing evidencing the sale, assignment or transfer of such form of identification shall be recorded by the department. The fee for

recording such sale, assignment or transfer shall be \$5. This fee may be changed by the department through regulations.

§ 2317. Violations and penalty.

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

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

(c) Tampering.—It shall be unlawful for a person to efface, deface or obliterate or attempt to efface, deface or obliterate any brand, tattoo or other form of identification upon any domestic animal belonging to another person. It shall be unlawful for a person to efface, deface, obliterate, conceal, remove or attempt to remove any official domestic animal identification of the department, the United States Department of Agriculture or any other state department of agriculture.

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

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

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

§ 2318. Fees and forfeiture.

An owner of a form of identification of record shall pay the department a fee of \$5 on January 1 of every fifth year from the year in which the form of identification was recorded with the department as that owner's property. This fee may be changed by the department through regulations. The department shall give a receipt for all such payments made. If an owner of a form of identification of record should fail, refuse or neglect to pay such fee by July 1 of any year in which it is due, such form of identification shall become forfeited and no longer carried in the record. Any such forfeited form of identification shall not be issued to any other person within a period of less than ten years following date of forfeiture.

SUBCHAPTER C
DETECTION, CONTAINMENT OR ERADICATION OF
CERTAIN DISEASES

Sec.

- 2321. Dangerous transmissible diseases.
- 2322. Neoplastic diseases, metabolic diseases and heritable diseases.
- 2323. Health requirements.
- 2324. Safety of domestic animal feed.
- 2325. Use of biologicals, antibiotics, genetic material, chemicals, diagnostic agents and other substances.
- 2326. Sanitation.
- 2327. Disease surveillance and detection.
- 2328. Entry on premises.
- 2329. Quarantine.
- 2330. Condemnation.
- 2331. Indemnification.
- 2332. Depopulation incentive.
- 2333. Restriction on payment of indemnification and depopulation incentive.
- 2334. Report on insurance or cost-sharing program.
- 2335. Contract growers.

§ 2321. Dangerous transmissible diseases.

(a) Specific dangerous transmissible diseases.—The following transmissible diseases are dangerous transmissible diseases within the meaning of this chapter:

- (1) Actinomycosis, an infectious disease of cattle and man caused by *Actinomyces bovis*.
- (2) African horse sickness, an infectious disease of horses caused by a reovirus (AHSV).
- (3) African swine fever, an infectious disease of swine caused by a virus (ASFV).
- (4) Anaplasmosis, an infectious disease of cattle, deer and camelids caused by *Anaplasma marginale*.
- (5) Anthrax, an infectious disease of animals and man caused by *Bacillus anthracis*.
- (6) Avian influenza, an infectious disease of poultry caused by Type A. influenza virus.
- (7) Babesiosis (piroplasmosis), an infectious disease of cattle, equidae, deer and bison caused by *Babesia bigemina*, *Babesia bovis*, *Babesia equi* or *Babesia coballi*.
- (8) Blackleg, an infectious disease of ruminants caused by *Clostridium chauvoei*.

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

(10) Bovine spongiform encephalopathy (BSE), an infectious disease of cattle caused by a protein-like agent.

(11) Bovine Virus Diarrhea - type 2, an infectious disease of cattle caused by a virus (BVD).

(12) Brucellosis, an infectious disease of animals and man caused by *Brucella abortus*, *Brucella suis*, *Brucella melitensis* or *Brucella ovis*.

(13) Chlamydiosis (psittacosis), an infectious disease of birds and man caused by *Chlamydia psittaci*.

(14) Chronic respiratory disease of poultry (CRD), an infectious disease of poultry caused by *Mycoplasma synoviae* or *Mycoplasma gallisepticum*.

(15) Contagious equine metritis (CEM), an infectious disease of equine caused by *Hemophilus equigenitalis*.

(16) Contagious pleuropneumonia (CBPP), an infectious disease of cattle caused by *Mycoplasma mycoides*.

(17) Dourine, an infectious disease of equines caused by *Trypanosoma equiperdum*.

(18) Duck viral enteritis (DVE, duck plague), an infectious disease of ducks caused by a herpes virus (DVEV).

(19) Epizootic hemorrhagic disease (EHD), an infectious disease of cattle and deer caused by a virus (EHDV).

(20) Equine encephalitis, an infectious disease of equines and man caused by an alphavirus: Venezuelan (VEE), Western (WEE) or Eastern (EEE).

(21) Equine infectious anemia (EIA, swamp fever), an infectious disease of equines caused by a virus (EIAV).

(22) Foot and mouth disease (FMD), an infectious disease of cattle, sheep, goats, swine and deer caused by an aphthovirus (FMDV).

(23) Glanders, an infectious disease of horses caused by *Pseudomonas mallei*.

(24) Heartwater disease, an infectious disease of cattle caused by a rickettsia, *Cowdria ruminatum*.

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

(26) Listeriosis, an infectious disease of cattle, sheep and man caused by *Listeria monocytogenes*.

(27) Malignant catarrhal fever (MCF), an infectious disease of cattle caused by a virus (MCFV).

(28) Newcastle disease, an infectious disease of poultry caused by a virus.

(29) Paratuberculosis (Johne's disease), an infectious disease of cattle, sheep, goats and deer caused by *Mycobacterium paratuberculosis*.

(30) Pseudorabies, an infectious disease of swine, cattle, sheep, goats, dogs and cats caused by *Herpesvirus suis*.

(31) Psoroptic mange, an infectious disease of cattle and sheep caused by psoroptes mites.

(32) Rabies, an infectious disease of cattle, dogs, cats, sheep, horses and man caused by a virus.

(33) Rift Valley fever, an infectious disease of sheep caused by a virus (RVFV).

(34) Rinderpest, an infectious disease of ruminants and swine caused by a morbillivirus (RDV).

(35) Salmonellosis, an infection of animals and man caused by various *Salmonella* species: *S. pullorum* (poultry), *S. typhimurium* (cattle, equine and man), *S. dublin* (cattle and man), *S. gallinarum* (poultry) and *S. choleraesuis* (swine).

(36) Scrapie, an infectious disease of sheep and goats caused by a virus-like agent.

(37) Screwworm (miasis), a wound infection of animals and man caused by *Cochliomyia hominivorax*.

(38) Tuberculosis, an infectious disease of cattle, bison, sheep, goats, swine, horses, cervidae, camelids and man caused by *Mycobacterium bovis*, *M. avium* or *M. tuberculosis*.

(39) Vesicular exanthema, an infectious disease of swine, certain aquatic animals and man caused by a calicivirus (VEV).

(40) Vesicular stomatitis, an infectious disease of cattle, sheep and swine caused by a virus.

(b) Designation of additional dangerous transmissible diseases through regulation.—The department shall have the authority to promulgate regulations that designate other transmissible diseases to be dangerous transmissible diseases under this chapter if such other transmissible diseases present a danger to public health, to domestic animal health, to the safety or quality of the food supply or to the economic well-being of the domestic animal industries. The department shall also have the authority to withdraw the designation of a particular transmissible disease as a dangerous transmissible disease under this chapter if the transmissible disease no longer presents a danger to public health, to domestic animal health, to the safety or quality of the food supply or to the economic well-being of the domestic animal industries.

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

(d) Designation of additional dangerous transmissible diseases through temporary order.—Upon the determination that a transmissible disease not listed in subsection (a) and not designated a dangerous transmissible disease through regulation under subsection (b) presents a danger to public health, to domestic animal health, to the safety or quality of the food supply or to the economic well-being of the domestic animal industries, the department shall issue a temporary order proclaiming that transmissible disease to be a dangerous transmissible disease within the meaning of this chapter. This chapter shall be applicable to that dangerous transmissible disease as of the date of actual or constructive notice of the order or any later date specified in that order. The department shall publish such an order in the Pennsylvania Bulletin within 20 days of its issuance. Publication in the Pennsylvania Bulletin shall effect constructive notice. The temporary order shall remain in effect for a period not to exceed one year, unless reissued, or until the transmissible disease is designated to be a dangerous transmissible disease through regulation under subsection (b), whichever occurs first.

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

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

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

§ 2323. Health requirements.

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

(b) Violations.—

(1) It shall be unlawful for any person to knowingly, recklessly or negligently import or bring into this Commonwealth without the written permission of the department any domestic animal that is contaminated

with a hazardous substance or that is infected with or that has been exposed to any transmissible disease.

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

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

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

§ 2324. Safety of domestic animal feed.

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

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

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

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

(e) Licensure.—The department shall provide for the licensure of persons owning or operating facilities, equipment or conveyances utilized in the collection, treatment, preparation and transportation of domestic animal by-products that are used in feed for domestic animals.

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

(g) Prohibition.—Notwithstanding any provision of this chapter to the contrary, a domestic animal or part of a domestic animal which is suspected of carrying a transmissible spongiform encephalopathy shall not be moved

without written permission of the department or used in the manufacture or production of domestic animal feed.

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

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

(b) Testing.—The department may prescribe methods of making official tests and may restrict the use of such tests to authorized accredited veterinarians and agents of the department and USDA-APHIS-VS for diagnosis of diseases of domestic animals. It shall be the duty of each person using restricted tests to report in writing the results of restricted tests to the department. Each report shall be signed by the person who conducted the test and shall give the date of the test, the name and address of the owner of the domestic animal tested, the location where such test was conducted, a description and definitive permanent identification of the domestic animal or domestic animals tested and a complete statement of the actual result of such test. It shall be unlawful for any person whose duty it is to make a report to fail or refuse to do so.

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

§ 2326. Sanitation.

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

§ 2327. Disease surveillance and detection.

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

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

(c) Violations.—

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

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

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

§ 2328. Entry on premises.

In the performance of the duties required by this chapter, the department may at any time enter any premises or stop and detain any vehicle or conveyance. If entry shall be refused or delayed by any person, the department's employee or agent may, upon oath or affirmation, declare before a court of competent jurisdiction that the employee or agent has reason to believe that domestic animals or articles that are or have been confined or kept in or on such premises carry a dangerous transmissible disease, have been exposed to a dangerous transmissible disease or have been contaminated by a hazardous substance and shall further declare that permission to enter and to investigate has been refused or delayed to the department. Upon review of such declaration, the court of jurisdiction may issue a search warrant for such premises, directed to the proper officer, agent or employee. The search warrant shall describe the premises which may be searched under authority of the search warrant, but need not describe the domestic animal, domestic animal products or other articles which are alleged to carry a dangerous transmissible disease, to have been exposed to a dangerous transmissible disease or to have been contaminated by a hazardous substance, which are or have been confined or kept on such premises. An officer, agent or employee of the department armed with such a search warrant shall have all the authority of a constable or other peace officer in the execution of the warrant. It shall be unlawful for any person to refuse or delay admission to any premises to any officer, agent or employee of the department provided with a search warrant issued pursuant to this section. The department shall take appropriate biosecurity and safety measures to ensure that it does not allow dangerous transmissible disease or contamination from hazardous

substances to spread as the result of its entry upon any premises or conveyance.

§ 2329. Quarantine.

(a) Power to establish and enforce.—Whenever a dangerous transmissible disease or contamination by hazardous substances exists anywhere within or outside of this Commonwealth, or whenever it is deemed advisable to test or treat any domestic animal upon the reasonable suspicion that it has contracted or been exposed to a dangerous transmissible disease or is contaminated with a hazardous substance, or whenever the testing or treatment of a domestic animal indicates that the domestic animal has been exposed to a dangerous transmissible disease or contaminated with a hazardous substance so as to render future accurate testing for recent exposure of that domestic animal to that dangerous transmissible disease or hazardous substance impractical or impossible, the department shall have the power to establish and enforce quarantines of any such infected, exposed, contaminated, suspected or susceptible domestic animal. In addition to the aforescribed domestic animals, a quarantine may apply to any goods, products, facilities, containers, vehicles or materials that may carry dangerous transmissible disease or that may be contaminated with a hazardous substance and may be applied on or in or against any premises, area or locality as defined in this chapter.

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

- (1) interstate and/or international;
- (2) general; and
- (3) special;

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

(c) Interstate and international quarantines.—

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

(2) An interstate or international quarantine shall be established by order of the department and shall be effective as of the date of actual or constructive notice of the order or any later date specified in that order.

(3) Notices and copies of the order establishing an interstate or international quarantine shall be advertised in the Pennsylvania Bulletin within 20 days of the date of the order, in at least one newspaper of general circulation within this Commonwealth and in at least one newspaper of general circulation in the state(s) or nation(s) against which the quarantine is directed. Publication in the Pennsylvania Bulletin shall effect constructive notice. The department shall, if practicable, mail or deliver notice and a copy of the quarantine order to the governmental agency or agencies overseeing agricultural affairs in the state(s) or nation(s) against which the quarantine is directed. The quarantine order may be enforced prior to such publication or distribution.

(d) General quarantines.—

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

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

(3) Notices and copies of the order establishing a general quarantine shall be advertised in the Pennsylvania Bulletin within 20 days of the date of the order and in at least one newspaper of general circulation within the area or locality subject to the quarantine. Publication in the Pennsylvania Bulletin shall effect constructive notice. The quarantine order may be enforced prior to such publication.

(e) Special quarantines.—

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

(2) A special quarantine shall be established by the posting of a quarantine order describing the domestic animal or domestic animals and

any conveyances, containers, goods, materials, products or premises covered by the special quarantine. The quarantine notice shall be conspicuously posted so as to alert any visitor to the quarantined premises of the probable presence of a dangerous transmissible disease or domestic animals contaminated by hazardous substances.

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

(f) Violations of quarantine.—

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

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

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

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

(5) It shall be unlawful for any person to tear, deface, destroy, remove, conceal or alter in any way any notice of quarantine posted by the department or to remove or destroy, partially or wholly, any portion of a building, tree, fence or other object to which a notice of quarantine has been posted by the department.

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

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

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

§ 2330. Condemnation.

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

§ 2331. Indemnification.

(a) In general.—Whenever a condemned domestic animal, domestic animal product or other condemned property is slaughtered or destroyed by order of the department to eradicate or prevent the spread of dangerous transmissible disease or contamination by a hazardous substance, the department may compensate the owner of such domestic animal, domestic animal product or other condemned property for a portion of the appraised value of the domestic animal or property, provided that such compensation is made in accordance with this section. Notwithstanding the definition of “owner” set forth in section 2303 (relating to definitions), indemnification payments made under this section shall be made only to those persons who have an actual ownership interest in the domestic animal or other property that is the subject of the indemnification payment.

(b) Indemnification limits.—

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

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

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

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

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

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

(c) Forfeiture.—A person shall not be eligible for any indemnity payment or depopulation incentive payment under this chapter for any domestic animal, group of domestic animals, domestic animal product or other article

if such person has been determined by the department to have committed a violation of any provision of this chapter or order, rule or regulation adopted under authority of this chapter that has resulted in the condemnation for which indemnity would be paid. A person shall not be eligible for any indemnity payment or depopulation incentive payment with respect to any domestic animal or group of domestic animals having a condition of disease or contamination which the department has determined to have been directly caused by the person's willful misuse of a pesticide or a hazardous substance.

(d) Appraisal.—Whenever the department condemns domestic animals, domestic animal products or other articles, the value of such animals, products and articles shall be appraised. No domestic animal that is dead shall be appraised, and no indemnity shall be payable for such domestic animal, except that a domestic animal that dies after condemnation by the department may be appraised on the basis of its condition at the time of condemnation and indemnity may be paid with respect to such a domestic animal. The department shall determine the appraised value of the condemned domestic animal, products or articles taking into consideration the current market values, age of the animal, physical condition of the animal, its condition as to disease, nature and extent of disease, breeding value, milk production value, salvage value of the animal and any other factors which may influence value. If the department and the owner of the condemned domestic animals, domestic animal products or other articles are unable to agree on the appraised value of the domestic animals, products or articles, then the department and the owner may appoint a mutually agreeable appraiser to determine the appraised value. Costs of such an appraisal shall be borne by the owner. In the absence of such a mutually agreeable appraiser, the department's determination of the appraised value shall control.

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

§ 2332. Depopulation incentive.

(a) Generally.—If a domestic animal, domestic animal product or other property has not been condemned under authority of this chapter, the department shall have the discretion to pay to the owner of any domestic animal or other property a sum which shall not exceed 33% of the appraised value of that domestic animal or other property in consideration of that owner voluntarily slaughtering or destroying that domestic animal or other property in accordance with this chapter and with the prior agreement of the

department. This discretion may be exercised only upon the department's determination that the destruction and disposal of the domestic animal or other property serves to protect public health, the safety or quality of the food supply or the economic well-being of domestic animal industries. Payment of a depopulation incentive under this section is limited by the availability of funds for this purpose.

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

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

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

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

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

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

§ 2335. Contract growers.

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

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, competency and eligibility.

§ 2343. Licensure of agents.

(a) General rule.—Except as provided in subsection (b), a domestic animal or dead domestic animal dealer or hauler who applies for or holds a dealer's or hauler's license may designate any person to act as an agent on behalf of that dealer or hauler. The designation shall be made either on the domestic animal or dead domestic animal dealer's or hauler's license application form or by a written notice to the department requesting the issuance of an agent's license. The department may require such additional information as is necessary to determine the identity, competency and eligibility of an applicant for an agent's license. A dealer or hauler shall be accountable and responsible for contracts made by any of its licensed agents.

(b) Exception.—Notwithstanding subsection (a), a dealer of dogs may not designate a person to act as an agent on behalf of the dealer.

§ 2344. Verification of application.

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

§ 2345. License fees.

The fee for a domestic animal or dead domestic animal dealer's or hauler's license is \$50. If a person is a dealer of dogs and is licensed under the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, there shall be no fee for licensure under this section. The fee for an agent's license is \$25. These fees shall be paid prior to the issuance of a license by the department. The department may change these license fees through regulations.

§ 2346. Term of license.

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

§ 2347. Posting and display of license.

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

§ 2348. Denial, suspension or revocation of license.

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

- (1) the applicant or licensee has violated the laws of the United States or this Commonwealth or official regulations governing the interstate or intrastate movement, shipment or transportation of animals;
- (2) the applicant or licensee has made false or misleading statements or has fraudulently misrepresented the health or physical condition of domestic animals with regard to official tests or quantity of domestic animals or in the buying or receiving of domestic animals or in the receiving, selling, exchanging or shipping of domestic animals, including

soliciting or negotiating the sale, resale, exchange or shipment of domestic animals;

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

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

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

§ 2349. Records and inspections.

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

SUBCHAPTER E

DISPOSAL OF DEAD DOMESTIC ANIMALS AND ANIMAL WASTE

Sec.

2351. General authority.

2352. Disposal of dead domestic animals.

2353. Disposal of animal waste.

2354. Licensure requirement of dead domestic animal disposal businesses.

2355. Licensing procedure.

2356. Conditions of licensure.

2357. Denial, suspension or revocation of license.

§ 2351. General authority.

The department shall have the authority and the duty to cause the sanitary and safe disposal of dead domestic animals, domestic animal products and

domestic animal parts, tissues, excrement and other wastes to prevent the spread of transmissible diseases or dangerous transmissible diseases or the spread of contamination by hazardous substances. This subchapter shall not apply to the disposal of carcasses of domestic animals slaughtered for human food nor to the premises or the rendering operations on the premises of a licensed slaughter establishment subject to official Federal or State inspection, provided that such inspection includes inspection of the rendering operations.

§ 2352. Disposal of dead domestic animals.

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

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

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

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

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

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

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

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

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

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

§ 2353. Disposal of animal waste.

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

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

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

§ 2355. Licensing procedure.

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

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

§ 2356. Conditions of licensure.

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

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

§ 2357. Denial, suspension or revocation of license.

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

SUBCHAPTER F

SLAUGHTER AND PROCESSING OF DOMESTIC ANIMALS

Sec.

2361. General authority.

2362. Humane methods of slaughtering domestic animals.

§ 2361. General authority.

The department shall have authority to regulate the destruction, slaughter or processing of domestic animals in order to assure the proper treatment of domestic animals and the safety and quality of food of domestic animal origin. The department may:

- (1) Establish standards for the humane slaughter of domestic animals.
- (2) Regulate the slaughter and processing of domestic animals for human or animal consumption and may require the licensure of slaughter and processing establishments.
- (3) Establish minimum standards regarding the health and quality of domestic animals permitted to be processed for human consumption or animal feed.

§ 2362. Humane methods of slaughtering domestic animals.

(a) Humane methods required.—

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

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

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

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

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

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

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

SUBCHAPTER G
GARBAGE FEEDING BUSINESS

Sec.

2371. Licensure requirement.

2372. Application and fee.

2373. Issuance of license.

2374. Term of license and renewal.

2375. Posting of license.

2376. Heating certain garbage before feeding.

2377. Prohibitions and conditions.

2378. Inspections.

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

§ 2371. Licensure requirement.

Any person who feeds garbage to domestic animals shall be deemed to be engaged in the garbage feeding business. It shall be the duty of any such person to obtain a license from the department as a precondition to operating a garbage feeding business within this Commonwealth and to thereafter maintain a current license while such business is in operation.

§ 2372. Application and fee.

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

§ 2373. Issuance of license.

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

(1) Approval of the application.

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

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

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

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

§ 2374. Term of license and renewal.

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

§ 2375. Posting of license.

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

§ 2376. Heating certain garbage before feeding.

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

§ 2377. Prohibitions and conditions.

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

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

(c) Construction and management.—

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

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

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

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

§ 2378. Inspections.

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

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

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

applicant or licensee fails to correct or eliminate such a violation within the time set forth in the written notice, the department may deny, suspend or revoke the license and seek other penalties as are authorized by this chapter.

SUBCHAPTER H ADMINISTRATIVE PROVISIONS

Sec.

2381. Cooperation.

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2383. Enforcement and penalties.

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2386. Civil remedy.

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

§ 2383. Enforcement and penalties.

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

(1) For a first offense, commits a summary offense and shall, upon conviction, be sentenced for each offense to pay a fine of not less than \$100 nor more than \$300 and costs of prosecution and, in default of payment of such fine and costs, shall be sentenced to undergo imprisonment for a period of not more than 90 days.

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

(b) Civil penalties.—

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

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

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

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

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

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

§ 2385. Interference with officer or employee of department.

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

§ 2386. Civil remedy.

In addition to any other remedies provided for in this chapter, the Attorney General, at the request of the department, may initiate in the Commonwealth Court or the court of common pleas of the county in which the defendant resides or has his place of business an action in equity for an injunction to restrain any and all violations of this chapter or the rules and regulations promulgated under this chapter or any order issued pursuant to this chapter from which no timely appeal has been taken or which has been sustained on appeal. In any such proceeding, the court shall, upon motion of the Commonwealth, issue a preliminary injunction if it finds that the defendant is engaging in conduct that is unlawful under this chapter or is engaging in

conduct which is causing immediate or irreparable harm to the public. The Commonwealth shall not be required to furnish bond or other security in connection with such proceedings. In addition to an injunction, the court in such equity proceedings may levy civil penalties under section 2383 (relating to enforcement and penalties).

§ 2387. Inapplicability of penal cruelty to animals statutes.

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

§ 2388. Exemption for governmental entities.

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

§ 2389. Preemption of local laws and regulations.

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

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

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

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

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

Act of May 2, 1901 (P.L.121, No.88), entitled "An act to provide for the prevention of the spread of disease from the carcasses of animals that die of dangerous or virulent diseases, or are killed while afflicted with such disease; to provide for the safe disposal or destruction of such carcasses; to authorize the State Live Stock Sanitary Board to make regulations for the enforcement of this act; and to provide penalties for the violations of this act and of the regulations that may be made under it by the State Live Stock Sanitary Board."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED—The 11th day of July, A.D. 1996.

THOMAS J. RIDGE