

**CHAPTER 19. POULTRY HAULERS AND DEALERS****GENERAL PROVISIONS**

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**Authority**

The provisions of this Chapter 19 issued under section 1713 of The Administrative Code of 1929 (71 P. S. § 453), unless otherwise noted.

**Source**

The provisions of this Chapter 19 adopted May 25, 1990, effective May 26, 1990, 20 Pa.B. 2744, unless otherwise noted.

**GENERAL PROVISIONS****§ 19.1. Scope.**

This chapter governs the licensing and operations of poultry haulers and dealers.

**§ 19.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Business of transporting poultry*—Transporting live poultry for compensation.

*Cleaned and disinfected*—Cleaned and disinfected under 9 CFR 71.7, 71.10 and 71.11 (relating to means of conveyance, facilities and premises; methods

of cleaning and disinfecting; substances or materials allowed as permitted disinfectants; and cresylic disinfectant as permitted disinfectant; specifications).

*Conveyance*—An automobile, truck, trailer, wagon or other vehicle used in the transportation of live poultry on the public highways of this Commonwealth. The term does not include a vehicle used by a producer exclusively on a farm or on contiguous farms operated as part of a single agricultural operation.

*Dealer or poultry dealer*—A person engaged in the business of buying, receiving, selling, exchanging, negotiating or soliciting the sale, resale, exchange or transfer of live poultry. The term does not include a poultry producer or butcher or processor who receives live poultry solely for immediate slaughter.

*Department*—The Department of Agriculture of the Commonwealth.

*Person*—A natural person, corporation, partnership or association.

*Poultry*—A chicken, duck, goose, turkey, pigeon, chukar, guinea, exotic fowl or game bird raised in captivity.

*Producer or poultry producer*—A person engaged in the business of growing or keeping poultry for market. The term does not include a person who, by contract, employs another person to exclusively perform the actual breeding, growing or raising activities relating to the poultry, regardless of whether or not the employer has title in the poultry.

*Secretary*—The Secretary of the Department.

## CONVEYANCES

### § 19.51. License requirements.

- (a) A conveyance used in the business of transporting live poultry shall be licensed by the Department.
- (b) A license will be issued on a calendar year basis and will expire on December 31.
- (c) A conveyance license will be issued upon application to the Department and submission of a fee of \$25.
- (d) A license issued under this subchapter may not be transferred.
- (e) The license decal shall be located in a clear and visible area on the rear of the conveyance on the driver's side.

### § 19.52. Recordkeeping.

- (a) An owner or lessee of a conveyance shall keep a record for each occasion it uses a licensed conveyance to transport live poultry. The record shall contain the following information:
  - (1) The name and address of the premises where receipt or delivery of the poultry was made.
  - (2) The quantity, type and species of poultry received or delivered.

- (3) The nature, condition or apparent health of the poultry received or delivered.
- (4) The date the poultry was received or delivered.
- (b) A record required to be kept under this section shall be maintained for at least 1 year and shall be made immediately available to the Department upon request.

#### Cross References

This section cited in 7 Pa. Code § 19.54 (relating to recordkeeping); and 7 Pa. Code § 19.84 (relating to inspections).

### § 19.53. Sanitation.

- (a) Unless never before used to transport or house poultry, a crate, coop, cage or other accessory used for the transportation of poultry shall be cleaned and disinfected prior to use and shall be free of visible accumulations of manure and feathers.
- (b) A conveyance used for the transportation of poultry shall be cleaned and disinfected prior to use and shall be free of visible accumulations of manure and feathers.

### § 19.54. Inspections.

- (a) Upon the request of an agent of the Department during regular and usual business hours, or at other times when a reasonable belief that a violation of this subchapter may exist, a licensee shall:
  - (1) Produce for inspection records maintained under § 19.52 (relating to recordkeeping).
  - (2) Permit the agent to examine a conveyance licensed under this subchapter including the crates located on the conveyance.
- (b) The Department's agent will advise the licensee that the inspection is being conducted under section 1713 of The Administrative Code of 1929 (71 P. S. § 453) and this chapter.
- (c) The Department reserves the right to make inspections at least annually and at other times upon complaint or reasonable belief that a violation of this chapter may exist. The Department reserves the right to enter and conduct a special inspection as a follow up to a previous inspection that revealed noncompliance with this chapter.
- (d) Failure of a licensee to produce records for inspection or to permit examination of its conveyance or the crates located on its conveyance may be grounds for suspension, revocation or denial of a license issued under this chapter. An action taken by the Department under this subsection is subject to section 1713(i) of The Administrative Code of 1929.

**POULTRY DEALERS****§ 19.81. Licensing requirements.**

(a) A poultry dealer buying or selling poultry within this Commonwealth shall be licensed by the Department.

(b) A dealer's license will be issued upon application to the Department and submission of a fee of \$25.

(c) A license will be issued on a calendar year basis and will expire on December 31.

**§ 19.82. Recordkeeping.**

(a) A poultry dealer shall keep a record for each sale or purchase of poultry. The record shall contain the following information:

- (1) The name and address of the buyer and seller.
- (2) The quantity, type and species of poultry bought or sold.
- (3) The nature, condition or apparent health of the poultry bought or sold.
- (4) The date of the transaction.

(b) A record required to be kept under this section shall be maintained for at least 1 year and shall be made immediately available to the Department upon request.

**§ 19.83. Sanitation.**

(a) Unless never before used to transport or house poultry, a crate, coop, cage or other accessory used for the housing or transportation of poultry shall be cleaned and disinfected prior to use, and shall be free of visible accumulations of manure and feathers.

(b) A conveyance used for the transportation of poultry shall be cleaned and disinfected prior to use and shall be free of visible accumulations of manure and feathers.

(c) A building or pen used to house poultry on the dealer's premises shall be kept in a sanitary condition and shall be cleaned and disinfected after removal of each group of poultry.

**§ 19.84. Inspections.**

(a) Upon the request of an agent of the Department during regular and usual business hours, or at other times when a reasonable belief that a violation of this chapter may exist, a licensee shall:

- (1) Produce for inspection records maintained under § 19.52 (relating to recordkeeping).
- (2) Permit the agent to examine the pens, conveyances and accessories used in the dealer's poultry operation licensed under this chapter.

(b) The Department's agent will advise the licensee that the inspection is being conducted under section 1713 of The Administrative Code of 1929 (71 P. S. § 453) and this chapter.

(c) The Department reserves the right to make inspections at least annually, and at other times upon complaint or reasonable belief that a violation of this chapter may exist. The Department reserves the right to enter and conduct a special inspection as a follow-up to a previous inspection that revealed noncompliance with this chapter.

(d) Failure of a licensee to produce records for inspection or to permit examination of its pens, conveyances or accessories may be grounds for suspension, revocation or denial of a license issued under this chapter. An action taken by the Department under this subsection is subject to section 1713(i) of The Administrative Code of 1929.

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(220264) No. 264 Nov. 96

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