

CHAPTER 5. ANIMAL MARKETS

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Authority

The provisions of this Chapter 5 issued under act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. §§ 331—334); and act of June 22, 1931 (P. L. 650, No. 225) (3 P. S. §§ 431—439), unless otherwise noted.

Cross References

This chapter cited in 7 Pa. Code § 3.151 (relating to general provisions).

Subchapter A. GENERAL PROVISIONS

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§ 5.1. Definitions.

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

Animal—A horse, mule, bull, steer, ox, cow, heifer, calf, swine, sheep or goat.

Animal market—A place approved by the Department other than the farm of origin where animals are offered for sale, barter or trade, on a public, private or commercial basis.

Breeding swine—Sexually intact domestic swine 6 months of age or over, sexually intact feral swine of all ages, and swine 5 months of age or younger selected for future production of offspring.

Department—The Department of Agriculture of the Commonwealth.

Feeder swine—Swine other than breeding swine or swine consigned or sold for slaughter and slaughtered within 3 days of date of sale.

Permit—A document issued by the Department or USDA-APHIS authorizing and establishing conditions under which a quarantined or diseased animal may be moved interstate or intrastate.

Poultry—Domestic or captive avian species which are subject to exposure to dangerous transmissible diseases, to include not only chickens and turkeys, but also waterfowl, game fowl, pigeons, parakeets, canaries, finches, parrots or other pet, wild or exotic birds and the hatching eggs of the avian species.

Pseudorabies—A contagious, infectious and communicable disease of animals caused by Herpesvirus suis, also known as Aujeszky's disease, mad itch or infectious bulbar paralysis, that has been declared by the Department to be a dangerous transmissible disease.

Pseudorabies epidemiologist—A veterinarian designated by the Department or USDA-APHIS to investigate and diagnose suspected pseudorabies in animals.

Pseudorabies exposed animal—An animal that has been in contact with a pseudorabies infected animal. The term does not include an animal, other than swine, that has not been in contact with another animal with symptoms of pseudorabies for 10 consecutive days.

Pseudorabies infected animal—An animal determined to be infected with pseudorabies by a pseudorabies epidemiologist.

Pseudorabies restricted animal market—A quarantined animal market designated by the Department to conduct sales of animals originating from premises under Pennsylvania pseudorabies quarantine.

Recognized slaughter establishment—A slaughter establishment operated under the Federal Meat Inspection Act (21 U.S.C.A. §§ 601—623, 641—645, 661, 671—680 and 691) or a State inspected slaughter establishment.

Slaughter market—An animal market approved by the Department for the sale of slaughter animals in accordance with this chapter and the act of June 22, 1931 (P. L. 650, No. 225) (3 P. S. §§ 431—439), known as the Farm Animal Dealer or Broker Law.

USDA-APHIS—The United States Department of Agriculture, Animal and Plant Health Inspection Service.

Authority

The provisions of this § 5.1 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); section 1702 of The Administrative Code of 1929 (71 P. S. § 442); and the Domestic Animal Law, 3 Pa.C.S. §§ 2321(a)(12) and (38), 2327, 2329 and 2382.

Source

The provisions of this § 5.1 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended July 15, 1977, effective July 16, 1977, 7 Pa.B. 1978; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688; amended April 11, 1997, effective April 12, 1997, 27 Pa.B. 1791. Immediately preceding text appears at serial pages (160913) to (160915).

§ 5.2. Purpose.

This chapter protects animals from dangerous transmissible disease.

Authority

The provisions of this § 5.2 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.2 amended August 6, 1976, effective August 7, 1976, 6 Pa.B. 1837; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144208).

§ 5.3. Statutory requirement for licensing.

An animal market shall be licensed in accordance with the act of June 22, 1931 (P. L. 650, No. 225) (3 P. S. §§ 431—439), known as the Farm Animal Dealer or Broker License Law.

Authority

The provisions of this § 5.3 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.3 amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144208).

§ 5.4. Licensing of animal market representatives.

Representatives of an animal market whose duties include buying animals, soliciting business or working to increase the business of an animal market shall procure an agent's license in accordance with the act of June 22, 1931 (P. L. 650, No. 225) (3 P. S. §§ 431—439), known as Farm Animal Dealer or Broker License Law.

Authority

The provisions of this § 5.4 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.4 amended August 6, 1976, effective August 7, 1976, 6 Pa.B. 1837; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144208).

§ 5.5. Posting of license.

The license for each animal market shall be posted in a conspicuous place on the premises.

Authority

The provisions of this § 5.5 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.5 amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144209).

§ 5.6. Management, ownership and sale date changes.

Changes in the date of sale, ownership or management of an animal market shall be reported promptly to the Department.

Authority

The provisions of this § 5.6 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.6 amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144209).

§ 5.7. Records.

The manager of each animal market shall:

(1) Keep on file for 2 years records covering name and address of consignor and purchaser, date of transaction, species, sex, breed, back tag number and sales tag number of every sale.

(2) Verify that each poultry consignor has an official flock registration number card or that the consignor has completed and signed an official flock registration application form before his shipment is offered for sale. The official flock registration application form can be obtained from Department agents prior to movement to auction premises or from auction managers.

Authority

The provisions of this § 5.7 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.7 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended July 15, 1977, effective July 16, 1977, 7 Pa.B. 1978; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144209).

§ 5.8. Pelts or hides.

Buying, selling or storing hides and pelts is not permitted at an animal market.

Authority

The provisions of this § 5.8 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.8 amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144209).

§ 5.9. Transactions from trucks.

Selling, bartering or trading of animals from trucks or other vehicles on animal markets property or along the public highways adjacent to an animal market is a violation of the act of April 17, 1929 (P. L. 533, No. 236) (3 P. S. §§ 341—351), known as the Diseased Animal Quarantine Law, and is not permitted.

Authority

The provisions of this § 5.9 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.9 amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144209).

§ 5.10. [Reserved].**Source**

The provisions of this § 5.10 reserved August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144209).

§ 5.11. [Reserved].**Source**

The provisions of this § 5.11 reserved August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144210).

Subchapter B. SUPERVISION

- Sec.
 5.21. Animal markets monitored by the Department.
 5.22. [Reserved].
 5.23. Report of sale volume.
 5.24. [Reserved].

§ 5.21. Animal markets monitored by the Department.

An animal market sale shall be monitored by the Department.

Authority

The provisions of this § 5.21 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.21 amended May 2, 1980, effective May 3, 1980, 10 Pa.B. 1775; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144210).

§ 5.22. [Reserved].**Source**

The provisions of this § 5.22 amended July 15, 1977, effective July 16, 1977, 7 Pa.B. 1978; reserved May 2, 1980, effective May 3, 1980, 10 Pa.B. 1775. Immediately preceding text appears at serial pages (32334) to (32335).

§ 5.23. Report of sale volume.

At the close of a sale, the animal market manager shall report, on appropriate Department forms, the volume of animals sold through the market including the number of animals quarantined and other information required by the Department.

Authority

The provisions of this § 5.23 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.23 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended July 15, 1977, effective July 16, 1977, 7 Pa.B. 1978; amended May 2, 1980, effective May 3, 1980, 10 Pa.B. 1775; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144210).

§ 5.24. [Reserved].**Source**

The provisions of this § 5.24 reserved May 2, 1980, effective May 3, 1980, 10 Pa.B. 1775. Immediately preceding text appears at serial page (32335).

Subchapter C. SANITATION

- Sec.
 5.31. Sanitation requirement.
 5.32. Cleaning and disinfecting.
 5.33. [Reserved].
 5.34. Vehicular sanitation.
 5.35. Dead animals.

5.36. Pen floors.

§ 5.31. Sanitation requirement.

Animal market premises, interior and exterior, shall be maintained in a clean, sanitary and orderly manner.

Authority

The provisions of this § 5.31 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.31 amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144211).

§ 5.32. Cleaning and disinfecting.

(a) Areas of the market premises used for loading, unloading and housing animals which will be returned to farms shall be thoroughly cleaned and disinfected with a pressure power sprayer after each sale.

(b) Areas housing animals for slaughter that are not quarantined are to be clean and free of trash.

(c) The disinfectant used shall be included on the list of permitted disinfectants issued by the Department or by USDA-APHIS.

(d) Areas in subsection (a) used by animals between sale dates, shall be thoroughly cleaned and disinfected before entrance of animals for the next sale.

Authority

The provisions of this § 5.32 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.32 amended August 6, 1976, effective August 7, 1976, 6 Pa.B. 1837; amended March 11, 1977, effective March 12, 1977, 7 Pa.B. 698; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144211).

§ 5.33. [Reserved].

Source

The provisions of this § 5.33 reserved November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098. Immediately preceding text appears at serial page (1401).

§ 5.34. Vehicular sanitation.

It is the responsibility of the owner and operator of a truck or other conveyance hauling animals to insure that conveyances are clean and sanitary.

Authority

The provisions of this § 5.34 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.34 amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144211).

§ 5.35. Dead animals.

Dead animals shall be removed from animal markets within 48 hours of death for rendering, burial or incineration.

Authority

The provisions of this § 5.35 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430), and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.35 amended July 15, 1977, effective July 16, 1977, 7 Pa.B. 1978; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144212).

§ 5.36. Pen floors.

The floors of all pens shall be finished with cement or an equally waterproof material.

Subchapter D. BREEDING ANIMALS

- | | |
|-------|---|
| Sec. | |
| 5.41. | Cattle entering this Commonwealth. |
| 5.42. | Animal markets approved to sell breeding animals. |
| 5.43. | Health certificate. |
| 5.44. | Vehicular sanitation. |
| 5.45. | Checking of health certificates. |
| 5.46. | Quarantine of sick or diseased animals. |
| 5.47. | Slaughter animals. |
| 5.48. | False marking. |
| 5.49. | Feeder cattle. |

§ 5.41. Cattle entering this Commonwealth.

Cattle brought into this Commonwealth shall enter in compliance with Chapter 3 (relating to health requirements for importation and intrastate transportation of animals).

Authority

The provisions of this § 5.41 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.41 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended March 23, 1990, effective March 24, 1990, 20 Pa.B. 1702; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144212).

§ 5.42. Animal markets approved to sell breeding animals.

Animal markets approved to sell breeding animals shall maintain a stable separate from the facilities, other than the sale ring, used in the sale of other livestock. When the stable is not in use, it shall be closed to other animals unless permission is granted by the Department for the use of these facilities for other purposes. Breeding animals shall be sold prior to slaughter and feeding animals if using a common sales ring. The breeding sale stable shall conform with the following requirements. The stable shall:

- (1) Have a floor constructed with cement or equally waterproof material and with adequate drainage.
- (2) Have walls and partitions constructed of a material that can be readily cleaned and disinfected.
- (3) Contain one or more isolation pens.
- (4) Have a separate unloading platform used exclusively for healthy breeding animals.

Authority

The provisions of this § 5.42 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.42 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended May 2, 1980, effective May 3, 1980, 10 Pa.B. 1775; amended March 23, 1990, effective March 24, 1990, 20 Pa.B. 1702; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial pages (144212) to (144213).

§ 5.43. Health certificate.

Cattle sold at livestock auctions shall meet the health certification requirements for transportation established by Chapter 3 (relating to health requirements for importation and intrastate transportation of animals) and 9 CFR Chapter 1 Subchapter C (relating to interstate transportation of animals (including poultry) and animal products).

Authority

The provisions of this § 5.43 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.43 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended May 2, 1980, effective May 3, 1980, 10 Pa.B. 1775; amended March 23, 1990, effective March 24, 1990, 20 Pa.B. 1702. Immediately preceding text appears at serial pages (50380) to (50381).

§ 5.44. Vehicular sanitation.

Breeding animals sold at animal markets shall be transported in cleaned and disinfected trucks and shall be maintained in transit so that their health status will be retained.

Authority

The provisions of this § 5.44 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.44 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended March 23, 1990, effective March 24, 1990, 20 Pa.B. 1702; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial pages (144213) to (144214).

§ 5.45. Checking of health certificates.

Checking of health certificates of animals presented at the animal market is the responsibility of the management of the market and Department personnel.

Authority

The provisions of this § 5.45 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); section 1702 of The Administrative Code of 1929 (71 P. S. § 442); and the Domestic Animal Law, 3 Pa.C.S. §§ 2321(a)(12) and (38), 2327, 2329 and 2382.

Source

The provisions of this § 5.45 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended May 2, 1980, effective May 3, 1980, 10 Pa.B. 1775; amended March 23, 1990, effective March 24, 1990, 20 Pa.B. 1702; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688; amended April 11, 1997, effective April 12, 1997, 27 Pa.B. 1791. Immediately preceding text appears at serial page (160923).

§ 5.46. Quarantine of sick or diseased animals.

(a) Animals showing evidence of being sick or diseased shall be subject to quarantine restrictions, and shall be moved only on written permit issued by the Department for slaughter or proper disposal under Department or USDA-APHIS supervision.

(b) Quarantine or identification tags may not be removed by unauthorized persons.

(c) The disposal or removal of breeding animals showing evidence of sickness or disease shall be at the discretion of the Department.

Authority

The provisions of this § 5.46 amended under section 40 of the act of July 22, 1913 (P.L. 928, No. 441) (3 P.S. § 430); and section 1702 of The Administrative Code of 1929 (71 P.S. § 442).

Source

The provisions of this § 5.46 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended May 2, 1980, effective May 3, 1980, 10 Pa.B. 1775; amended March 23, 1990, effective March 24, 1990, 20 Pa.B. 1702; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial pages (144214) to (144215).

§ 5.47. Slaughter animals.

(a) Cattle consigned to an animal market for slaughter may not be sold for another purpose and shall be slaughtered within 10 days.

(b) Cattle sold for slaughter through an animal market shall be identified by markings as specified under the USDA-APHIS Market Cattle Identification (Backtag) Program.

(c) Cattle back tag number and sales tag number shall be shown on the bill of sale and on the animal market records.

Authority

The provisions of this § 5.47 amended under section 40 of the act of July 22, 1913 (P.L. 928, No. 441) (3 P.S. § 430); and section 1702 of The Administrative Code of 1929 (71 P.S. § 442).

Source

The provisions of this § 5.47 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 246; amended May 2, 1980, effective May 3, 1980, 10 Pa.B. 1775; amended March 23, 1990, effective March 24, 1990, 20 Pa.B. 1702; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144215).

§ 5.48. False marking.

(a) A person may not knowingly and falsely place, attach or use on cattle, or cause to be placed, attached or used on cattle a tag, emblem or marking that misrepresents or conceals the health of the cattle with intent to interfere or deceive in the examining, testing, vaccinating or selling of the cattle.

(b) A person may not knowingly and falsely change, transfer or alter a tag, emblem or marking of cattle to be changed or removed with intent to interfere or deceive in the examining, testing, vaccinating or selling of the animal.

Authority

The provisions of this § 5.48 amended under section 40 of the act of July 22, 1913 (P.L. 928, No. 441) (3 P.S. § 430); and section 1702 of The Administrative Code of 1929 (71 P.S. § 442).

Source

The provisions of this § 5.48 amended March 23, 1990, effective March 24, 1990, 20 Pa.B. 1702. Immediately preceding text appears at serial page (50382).

§ 5.49. Feeder cattle.

Feeder cattle shall be identified by a sales tag. A record identifying the cosignor shall be maintained by the animal market management for at least 2 years for disease traceback purposes.

Authority

The provisions of this § 5.49 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.49 adopted March 15, 1974, effective March 16, 1974, 4 Pa.B. 459; amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended December 10, 1976, effective December 11, 1976, 6 Pa.B. 3048; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 246; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144216).

**Subchapter E. HORSES, MULES, ASSES AND
OTHER EQUIDAE**

Sec.

- 5.51. Entry of equidae into this Commonwealth.
- 5.52. Entry or sale of equidae with transmissible diseases.

§ 5.51. Entry of equidae into this Commonwealth.

Horses, mules, asses and other equidae brought into this Commonwealth for other than slaughter purposes shall enter in compliance with §§ 3.101—3.103 and 3.105.

Authority

The provisions of this § 5.51 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.51 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144216).

§ 5.52. Entry or sale of equidae with transmissible diseases.

Horses, mules, asses and other equidae that are afflicted with or have been exposed to a dangerous transmissible disease may not enter or be sold at an animal market.

Authority

The provisions of this § 5.52 amended under section 40 of the act of July 22, 1913 (P.L. 928, No. 441) (3 P.S. § 430); and section 1702 of The Administrative Code of 1929 (71 P.S. § 442).

Source

The provisions of this § 5.52 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended May 2, 1980, effective May 3, 1980, 10 Pa.B. 1775; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144216).

Subchapter F. SWINE

- Sec.
- 5.61. Swine consigned.
 - 5.62. Recordkeeping.
 - 5.63. Swine not in compliance.
 - 5.64. [Reserved].
 - 5.64a. Animal markets approved to sell breeding or feeder swine.
 - 5.65. Infected swine—animal market.
 - 5.66. Garbage-fed swine.
 - 5.66a. Vehicular sanitation.
 - 5.67. [Reserved].
 - 5.67a. Checking of health certificate.
 - 5.68. [Reserved].
 - 5.68a. Pseudorabies restricted animal market.
 - 5.69. Swine for slaughter.

Authority

The provisions of this Subchapter F issued under act of March 28, 1929 (P.L. 110, No. 117) (3 P.S. § 371); and act of April 17, 1929 (P.L. 533, No. 236) (3 P.S. § 342), unless otherwise noted.

§ 5.61. Swine consigned.

Swine consigned to animal markets shall comply with §§ 3.3—3.6, 3.131—3.134, 3.138a, 3.139, 3.172—3.178, 3.180, 7.61 and Chapter 10.

Authority

The provisions of this § 5.61 amended under section 40 of the act of July 22, 1913 (P.L. 928, No. 441) (3 P.S. § 430); and section 1702 of The Administrative Code of 1929 (71 P.S. § 442).

Source

The provisions of this § 5.61 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended March 19, 1982, effective May 19, 1982, 12 Pa.B. 979; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144217).

§ 5.62. Recordkeeping.

Owners and operators of animal markets and livestock dealers shall maintain for 2 years accurate records of swine transactions. The records may be examined during normal business hours by the Department. Records of sales shall include

identification, type and number of swine bought, sold or handled and the complete name and address of the buyer and seller.

Authority

The provisions of this § 5.62 amended under section 40 of the act of July 22, 1913 (P.L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.62 amended March 19, 1982, effective May 19, 1982, 12 Pa.B. 979; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144217).

§ 5.63. Swine not in compliance.

Swine brought to animal markets not in compliance with Chapter 3, Subchapters G and K (relating to importation of swine; and intrastate transportation of swine) shall be immediately returned to the consignor or quarantined until approval for further disposition has been granted by the Department. Swine not in compliance may be sold for immediate slaughter, released to an approved quarantined feedlot or held in quarantine until transportation requirements are met.

Authority

The provisions of this § 5.63 amended under section 40 of the act of July 22, 1913 (P.L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.63 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended May 2, 1980, effective May 3, 1980, 10 Pa.B. 1775; amended March 19, 1982, effective May 19, 1982, 12 Pa.B. 979; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial pages (144217) to (144218).

§ 5.64. [Reserved].

Source

The provisions of this § 5.64 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; reserved May 2, 1980, effective May 3, 1980, 10 Pa.B. 1775. Immediately preceding text appears at serial page (38115).

§ 5.64a. Animal markets approved to sell breeding or feeder swine.

Animal markets approved to sell breeding or feeder swine shall maintain a facility for the exclusive housing of breeding or feeder swine that is separate from other animal facilities, except the sale ring, used in the sale of other animals. The facility, when not in use by breeding or feeder swine shall be closed to other animals unless permission is granted by the Department for the use of these facilities for other purposes. Breeding or feeder swine shall be sold prior to swine for

slaughter if using a common sales ring. The breeding or feeder swine sale facility shall conform with the following requirements. The facility shall:

- (1) Have a floor constructed with cement or equally waterproof material and with adequate drainage.
- (2) Have the walls and partitions constructed of a material that can be readily cleaned and disinfected.
- (3) Contain one or more isolation pens.
- (4) Have a separate unloading platform used exclusively for healthy breeding or feeder swine.

Authority

The provisions of this § 5.64a issued under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.64a adopted August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688.

§ 5.65. Infected swine—animal market.

Swine that are infected or show clinical evidence of a contagious, infectious or communicable disease may not be allowed to enter or be sold at an animal market except that swine infected with or exposed to pseudorabies may be sold at pseudorabies restricted animal markets.

Authority

The provisions of this § 5.65 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.65 amended March 19, 1982, effective May 19, 1982, 12 Pa.B. 979; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144218).

§ 5.66. Garbage-fed swine.

Swine that have been fed garbage are not allowed to enter or be sold at a livestock auction unless they come directly from a farm which is licensed by the Department to engage in the business of garbage feeding. The license number shall be furnished by the consignor.

Source

The provisions of this § 5.66 amended March 19, 1982, effective May 19, 1982, 12 Pa.B. 979. Immediately preceding text appears at serial pages (50385) and (38116).

§ 5.66a. Vehicular sanitation.

Breeding or feeder swine sold at animal markets shall be transported in cleaned and disinfected conveyances and shall be so maintained in transit that the swine's health status will be retained.

Authority

The provisions of this § 5.66a issued under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.66a adopted August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688.

§ 5.67. [Reserved].**Source**

The provisions of this § 5.67 amended March 19, 1982, effective May 19, 1982, 12 Pa.B. 979; reserved August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144218).

§ 5.67a. Checking of health certificate.

(a) The animal market management is responsible for ensuring that breeding swine and feeder swine are accompanied by health certificates.

(b) Swine not accompanied by a health certificate shall only be sold for slaughter or returned to the owner.

Authority

The provisions of this § 5.67a issued under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.67a adopted August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688.

§ 5.68. [Reserved].**Source**

The provisions of this § 5.68 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; reserved August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial pages (144218) to (144219).

§ 5.68a. Pseudorabies restricted animal market.

(a) Swine entering a pseudorabies restricted animal market shall be quarantined and may only be purchased by the owner of a recognized slaughter establishment or an owner of a pseudorabies quarantined feedlot premises and shall be moved directly to a recognized slaughter establishment or premises quarantined for pseudorabies.

(b) An animal market shall meet the following requirements to be designated a pseudorabies restricted animal market:

(1) The facilities, areas and equipment exposed to pseudorabies infected animals or pseudorabies exposed animals will be quarantined until cleaned and disinfected by the owner and the pseudorabies restricted animal market released from the quarantine. Facilities having a common ventilation or heating ducts are considered one facility.

(2) Access to quarantined areas shall be limited to pseudorabies restricted animal market employees, owners or buyers for recognized slaughter establishments and premises quarantined for pseudorabies, and Department personnel.

(3) Surfaces of buildings, fencing and equipment shall be made of material that can be easily and thoroughly cleaned and disinfected. Floors of pens, alleyways and unloading areas shall be made of concrete or similar impervious material.

(4) Facilities for changing clothes and appropriate disinfectant for disinfecting footwear will be provided by the pseudorabies restricted animal market for each person upon leaving a quarantined area.

(5) Quarantined equipment and areas of a pseudorabies restricted animal market shall be cleaned and disinfected at the end of each sale. Manure, litter and feed shall be removed and the quarantined equipment and areas thoroughly cleaned and disinfected with a herpes virucidal disinfectant that is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.A. §§ 136, 136a, 136b, 136c, 136d, 136e, 136f, 136h, 136j, 136l, 136o, 136q, 136r, 136u, 136v, 136w, 136w-1—136w-4, 136x and 136y). Disinfectant shall be applied by a sprayer operated under at least 150 psi pressure and in accordance with instructions on the disinfectant label.

Authority

The provisions of this § 5.68a issued under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.68a adopted August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688.

§ 5.69. Swine for slaughter.

Swine consigned for slaughter shall be sold only as swine for slaughter.

Authority

The provisions of this § 5.69 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.69 adopted November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended December 10, 1976, effective December 11, 1976, 6 Pa.B. 3048; reserved April 14, 1978, effective April 15, 1978, 8 Pa.B. 1101; amended March 19, 1982, effective May 19, 1982, 12

Pa.B. 979; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144219).

Subchapter G. SHEEP AND GOATS

- Sec.
5.71. Entry of animals into this Commonwealth.
5.72. Dipping requirement.
5.73. Quarantine.

§ 5.71. Entry of animals into this Commonwealth.

Sheep and goats brought into this Commonwealth shall enter in compliance with Chapter 3, Subchapter F (relating to importation of sheep).

§ 5.72. Dipping requirement.

Sheep and goats brought to an animal market to be sold for purposes other than slaughter shall, when required by USDA-APHIS or the Department, be dipped in a manner approved by the USDA-APHIS before being removed from the animal market. If dipping facilities are not available, sheep and goats shall go for slaughter.

Authority

The provisions of this § 5.72 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.72 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3098; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144219).

§ 5.73. Quarantine.

Sheep and goats showing evidence of being sick or diseased shall be subject to quarantine restrictions. They shall be moved only on written permits issued by the Department for slaughter or disposal.

Authority

The provisions of this § 5.73 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.73 amended July 30, 1976, effective July 31, 1976, 6 Pa.B. 1790; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144220).

Subchapter H. POULTRY

- Sec.
5.81. Entry of poultry into this Commonwealth.
5.82. Intrastate transportation of poultry.
5.83. Quarantine.

§ 5.81. Entry of poultry into this Commonwealth.

Poultry brought into this Commonwealth for other than slaughter purposes shall enter in compliance with §§ 3.111—3.114, 3.116 and 3.117.

Source

The provisions of this § 5.81 adopted August 6, 1976, effective August 7, 1976, 6 Pa.B. 1837; amended July 15, 1977, effective July 16, 1977, 7 Pa.B. 1978. Immediately preceding text appears at serial page (28545).

§ 5.82. Intrastate transportation of poultry.

Intrastate transportation of all poultry and their hatching eggs, except those for immediate slaughter, shall be in compliance with §§ 3.191—3.194 and 3.196.

Source

The provisions of this § 5.82 adopted August 6, 1976, effective August 7, 1976, 6 Pa.B. 1837; amended July 15, 1977, effective July 16, 1977, 7 Pa.B. 1978. Immediately preceding text appears at serial page (28545).

§ 5.83. Quarantine.

Poultry showing evidence of being sick or diseased shall be subject to quarantine restrictions and shall be moved only on a written permit issued by the Department for slaughter or disposal.

Authority

The provisions of this § 5.83 amended under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442).

Source

The provisions of this § 5.83 adopted August 6, 1976, effective August 7, 1976, 6 Pa.B. 1837; amended August 16, 1991, effective August 17, 1991, 21 Pa.B. 3688. Immediately preceding text appears at serial page (144221).

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